



STATE OF CIVIL SOCIETY REPORT 2014

REIMAGINING
GLOBAL
GOVERNANCE



CIVICUS

Welcome to the CIVICUS State of Civil Society Report 2014. This year's edition brings our attention to the state of global governance. As always, the State of Civil Society Report is written by civil society, for civil society.

This report draws on contributions from more than 30 of the world's leading experts on civil society as well as on inputs from our members, partners, supporters and others in the global CIVICUS alliance. This diverse group of contributors are thought leaders in their own right and eminent voices at the forefront of reimagining global governance and citizen action. The varied contributions highlight changing global political dynamics, an emerging disillusionment with global frameworks of governance and a fundamental lack of accountability within international decision-making.

The report also contains the findings of a pilot project, based on research conducted with more than 450 civil society organisations, which assesses how well intergovernmental organisations (IGOs) engage civil society.

We believe that the report represents a body of critical thinking on the changing state of contemporary civil society and global governance. We would like to thank everyone involved for their efforts and continuing support. CIVICUS wishes to express our gratitude to the contributors, donors, editors, staff members and designers.

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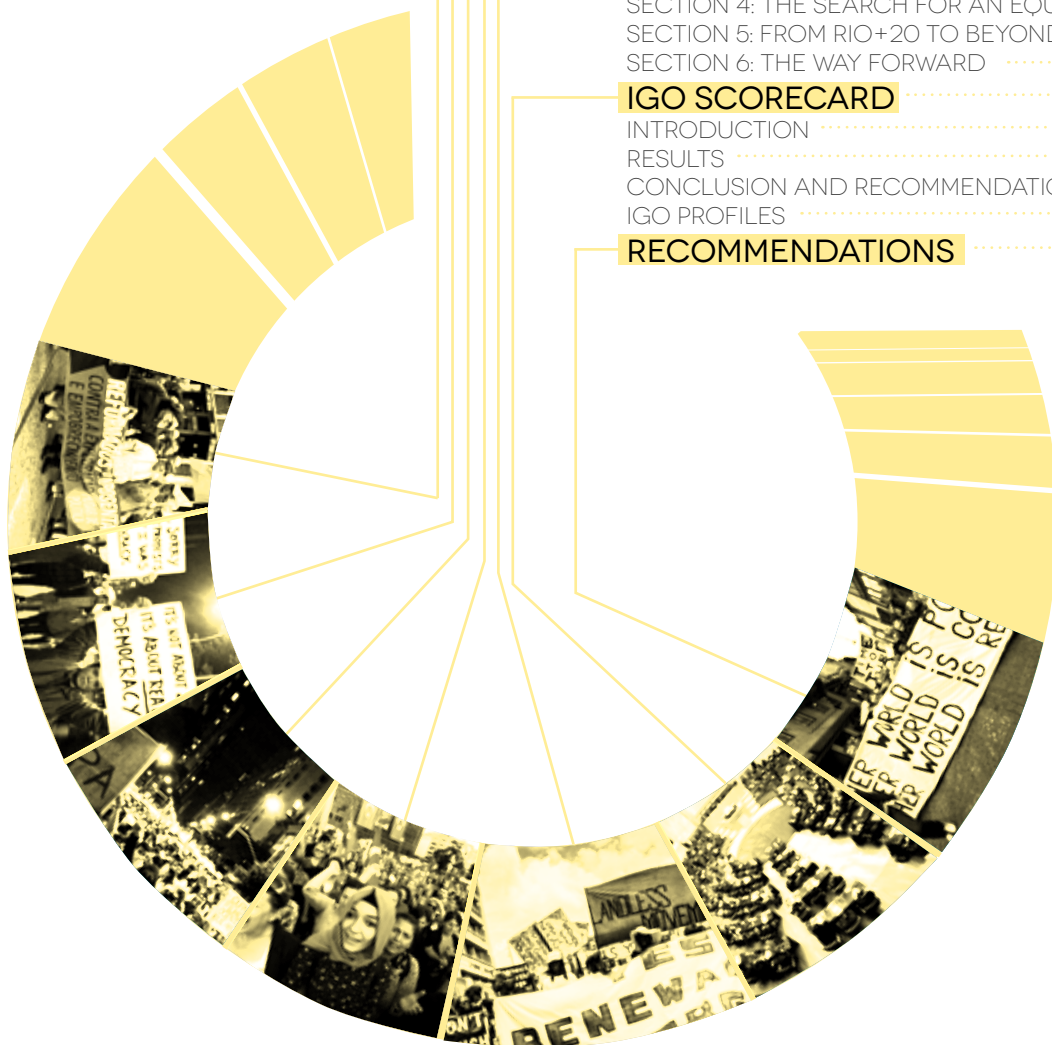
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MESSAGE FROM THE CIVICUS SECRETARY -GENERAL

In 2013, I flew tens of thousands of miles. Most of these trips were to represent CIVICUS at intergovernmental meetings in places like Geneva, New York and Washington DC. As the year went on, these “consultations” started to feel like “insultations” in which civil society was there just to tick a box.

Having read this year’s State of Civil Society Report, which documents a new wave of discontent around the world and some serious shortcomings in global governance, I fear that the world is wasting a lot of time, money and carbon without making a dent in the issues that matter most.

In this report, we argue that we need to redress a “double democratic deficit”. At the national level, growing numbers of people – including in countries that look democratic on paper and show excellent economic growth rates – are angry about a lack of voice, inequality, corruption and environmental destruction. This “second wave” of citizen uprisings – from Brazil to Turkey – is here to stay unless something is done to improve governance and accountability at the national level.

Meanwhile, in a world facing multiple crises, global governance is not working. Many of our international institutions and processes are out of date, unaccountable and unable to address present-day challenges

effectively. This report shows that global governance remains remote and often disconnected from the people whose lives it impacts. There is an urgent need to democratise global governance, to support greater participation of citizens in decision-making and to engender an environment that enables civil society to substantively engage in these processes.

In addition to surveying the year that was for civil society and our thematic contributions on global governance, this report also includes a pilot study in which we have tried to design a Scorecard to evaluate how well intergovernmental organisations engage civil society. We hope that, with refinement, this Scorecard will become a useful tool for measuring how accountable and responsive these organisations are.

I would like to express my thanks to our colleagues from within the CIVICUS alliance who contributed pieces to this report, and to the small but very talented CIVICUS team that put the report together.

I look forward to working with our members and partners to usher in a new era of accountability in the international arena.

Dr Dhananjayan Sriskandarajah



FOREWORD

SPECIAL ADVISER ON POST-2015 DEVELOPMENT PLANNING

We stand today at the threshold of significant opportunity – to realise our quest to end extreme poverty and put our planet on a sustainable path. Work to develop a post-2015 development agenda has begun through a truly open and inclusive process – involving governments, civil society, the private sector, academia, and the voices of more than 2 million people. There is a broad consensus that a business-as-usual approach is neither desirable nor feasible.

In today's increasingly integrated world, the most important transformative shift is perhaps towards a new rights-based spirit of solidarity, cooperation, and mutual accountability. The post-2015 development framework must be conceived as a mutually reinforcing agenda, supported by a renewed global partnership with collective action and commitment from all; governments, as well as civil society, businesses, philanthropic foundations, academia and other local and international organisations.

Sustainable development demands substantially increased levels of accountability – not only for results in the short-term, but also for the long-term consequences of our actions. Although not legally-binding, one of the major changes the future development framework may bring is to include a framework for mutual horizontal accountability, which goes beyond accountability for aid and serves as an overarching principle for the effectiveness of development cooperation and partnerships.

In the transition to a new development framework, participatory decision-making will be essential to ensure people's ownership of the current and future development goals. As part of a global move-

ment for transformative change, CIVICUS and other civil society stakeholders can play a vital role in giving a voice to people living in poverty and in helping craft, realise, and monitor this new agenda. By making sure that government at all levels and businesses act responsibly, civil society can help create a high standard of transparency, monitoring, accountability and representation.

In negotiating and finalising the post-2015 sustainable development agenda, diplomats and world leaders will need to appropriately respond and stay true to the aspirations of “We the Peoples” – the first words of the founding charter of the United Nations. Through open, inclusive and transparent UN-led consultations and as synthesised in *A Million Voices: The World We Want* report, we can discern that people the world over: “...are indignant at the injustice they feel because of growing inequalities and insecurities. They feel that the benefits of economic growth are distributed unequally, and so demand social protection, decent jobs and empowered livelihoods. They want their governments to do a better job in representing them – delivering key services, encouraging growth while regulating markets, and preventing insecurities associated with compromising the planet and the well-being of future generations. They want to enjoy their rights and to improve their lives and those of their families and ask that governments create opportunities for their full and equal participation in decisions that affect them. And they want to live without fear of violence or conflict. They ask that these issues be part of a new development agenda.”

Amina J. Mohammed



FOREWORD

TRANSFORMING GLOBAL GOVERNANCE

In an ideal world, citizens and civil society organisations would operate in an environment conducive to progressive action - one that would allow them the freedom to create, share and enact a vision for society that is just and fair.

In order to achieve this ideal, we must concede that citizen action also requires robust and accountable institutions, from the local to the supra national level, to support citizens in this endeavour.

However, our global governance institutions are frequently opaque in their processes and remain focused on what certain states want rather than what citizens need. Their governance structures and geographical locations reflect 20th century geopolitical power dynamics and allow inequities between nations to be played out and amplified where they could and should serve to bridge them.

There is no question that we urgently need to transform these institutions. But for the overwhelming majority of the world's populations, global governance remains steeped in mystery and the case for reform needs to be clearly made. Without broad citizen engagement and participation in this process, the self-preservation instincts of our elites will ensure the continuation of the status quo.

Therefore, civil society has a vital role to play in clearly and accessibly highlighting the inadequacies of current governance systems to the public. We need to equip citizen movements with the data, the tools, the belief and the support to tackle this task of paramount importance - creating a global governance architecture that is fair,

inclusive, accountable and responsive and reflects the present and the future rather than the past.

This timely report by CIVICUS on the state of global citizenship in 2014 is a barometer of our progress. As I watch active citizens around the world, particularly the youth, demonstrating their engagement with politics online and offline, I hope we can all work together to ensure that global governance is the next issue to fall under the spotlight. Ultimately, we can only hope to resolve the biggest challenges of this century - from climate change to poverty - once we have reformed our global institutions to be accountable, democratic, empowering and people-centred.

Without reform there is a real threat of creeping paralysis and de-legitimisation of our global institutions.

Mo Ibrahim



THE

Our round-up of what has happened since the last CIVICUS State of Civil Society Report shows a new bur-

YEAR

geoning of public protest, state pushback against civil society in a number of regions, an increasing focus on inequality and the excesses of the market, and fresh

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A YEAR IN CIVIL SOCIETY - CITIZEN ACTION TO THE FORE

Our round-up of what has happened since the last CIVICUS State of Civil Society Report shows a new burgeoning of public protest, state pushback against civil society in a number of regions, an increasing focus on inequality and the excesses of the market, and fresh hope being born out of global processes to develop new, comprehensive and inclusive development goals.

1. CITIZENS' ACTION IN 2013-2014: A SECOND WAVE OF DISSENT

The era of mass protest has not come to an end. Many rushed to write off the peoples' uprisings against authoritarianism in the Middle East and North Africa (MENA) and the protests against market fundamentalism in Western Europe and North America, between 2010 and 2012, as not sustained and lacking in impact. But the last 12 months have shown that the age of mass dissent is here to stay. In 2013 and 2014, struggles for economic justice and democratic rights spread to new locales, including Brazil, Malaysia, Turkey, Ukraine and Venezuela, in what can be characterised as a second wave of protest.

Some clear patterns emerge from major recent protests. Firstly, there are similarities in the manner in which protests develop. Many of the major protests of 2013-2014 started off with a small group of protesters raising local issues. In Brazil, protests started in opposition to public transport fare hikes, in Istanbul 50 people gathered to demonstrate against the conversion of a city park to a shopping mall and in Ukraine protests were initiated by the Yanukovych government breaking off a trade agreement with the European Union. Disproportionate

and violent responses to protest by the state led to a scale shift. Images of heavy-handed police officers attacking small numbers of protesters in Brazil, Turkey, Ukraine and Venezuela were strewn across conventional and social media, provoking greater outrage, thereby rapidly increasing the number and type of protesters and broadening the range of their demands. The scope of the protests went beyond the initial issues and unearthed deep-seated public resentments.

Diverse, multifaceted, multipronged movements sprung up, with many first-time protesters taking to the streets, caught up in excitement about national opportunity for change.¹ In terms of the tactics and process of protest, similarities with the first wave of protests of 2010 and 2011 seem clear. It can also be seen that in a few countries that saw failed attempts to organise protests in 2010 and 2011, protests exploded in 2013 and 2014. This suggests that while patterns of protest growth may be predictable, there is a need for an appropriate local flashpoint to be reached before protest can spark.

Secondly, many of the sustained and large-scale protests of 2013-2014 took place in large middle-income countries in which there is some functioning routine of formal electoral democracy. These protests were not necessarily driven by the poorest or most voiceless. But what they reveal is deep dissatisfaction with, and rejection of, practices of politics and economics that serve and entrench elites, as well as frustration with the inadequacy of formal politics in which people have few practical opportunities to influence the decisions that affect their lives. Civil society groups have highlighted rising inequality² and declining civil liberties.³ In the face of these, a growth in Gross Domestic Product (GDP) and an opportunity to elect a president every four or five years are not enough for increasingly restless populations.



PEOPLE POWER IN BRAZIL



A high point of civic action in 2013 took place in Brazil, with the ruling party forced to accede to public demand for better services. June and July 2013 saw an explosion of dissent, dubbed the Revolta do Vinagre (referencing vinegar's use as a remedy against tear gas) and the Outono Brasileiro (Brazilian Autumn).

Shortly after the start of the demonstrations, Brazilian blogger, Dennis Russo Burgierman, shared his views with CIVICUS:

“When you see it happen and you see it rising from the ground, it is a surprise because it didn't seem to be possible. It didn't seem possible because until yesterday people were saying Brazilians are satisfied with the government enjoying a record high rate of popularity. Why did it suddenly start? When people start to see a way of changing things, change comes very quickly. Collapses are just like that. Collapses are like avalanches.

Everyone knows that living in the city is awful, that working conditions are poor, that there's a universal difficulty in finding meaning in what we do. And this is happening at a moment when people are more connected than ever. And this enormous connection creates possibilities for some things which were impossible before.

The great catalyst for this story was the way the police reacted, maybe, the way the state reacted. And I think it made people want to go to the street and protest. There were a lot more people on the streets yesterday, because of the police violence, than because of the 20 cents increase in the public transportation fare. I think there is a generational issue there. Great demonstrations are initiated by young people. That's the way it happens. The older people get, the more they have to lose.

But I think that the nature of what is happening is precisely the lack of leaders. The leaders were rejected by the masses. People don't want them. They don't recognise themselves in the traditional structures. We don't want your solutions, we want something else.

Everybody that was on the streets yesterday went home sure that 'I have more power than I knew'."

While the Movimento Passe Livre (Free Fare Movement) has been active since 2005, and the Movimento Contra Corrupção (Anti-Corruption Movement) has worked to highlight mass corruption and embezzlement for many years,⁴ something new happened in 2013. A national poll indicated that 46 percent of participants had never taken part in a protest prior to the Outono Brasileiro protests.⁵

A number of factors combined to form this new protest community. Discontent had been brewing for a while due to fare hikes for public transportation in some Brazilian cities, including Natal (September 2012), Porto Alegre (March 2013), Goiânia (May 2013) and São Paulo (January 2011, February 2012 and June 2013). But while the increasing cost of public transport sparked the initial São Paulo protests, it was the indiscriminate launching of stun grenades and firing of rubber bullets against protesters and bystanders by the military police on 17 June 2013 that escalated the demonstrations. The remit of the protests expanded. Protesters took to the streets to register their discontent with an inefficient, distant political elite tarnished by corruption scandals who failed to curb the rising cost of living and reverse high levels of income inequality. While overspending on the development of stadia for the 2014 football World Cup,⁶ the government was seen to have failed on the delivery of quality public services,⁷ even though Brazilians pay the highest taxes of any developing country.⁸

Brazilian protesters were highly optimistic about their impact. According to a poll conducted in seven cities, 94 percent of protesters believed that their actions would result in positive change.⁹ Their

belief was not misplaced. The Rouseff administration acted quickly to diffuse anger. Within a few weeks the government approved a reduction in public transport costs and Congress repealed all taxes on public transport; Congress approved the classification of corruption and embezzlement as heinous crimes; the government launched a national pact to improve education; Congress allocated petroleum royalties to education (75 percent) and health (25 percent); and the government pledged to control inflation.¹⁰ The Brazilian protests forced the government to take swift, progressive action to meet public demands, representing a victory for citizen action. The Brazilian story demonstrates that the criticism that emerged in 2011 – that mass protests do not achieve impact – is not always borne out.

The Brazilian protests suggest a rejection of failed party politics. Many protesters claimed to be non-partisan (*sem partido*) and had low levels of associational affiliation, with only 4 percent belonging to a political party and 14 percent belonging to trade unions or student organisations.¹¹ This suggests a rejection of traditional political participation routes and an emerging divide between the arena of formal party politics and a dynamic, civic, change-seeking arena. People still want to make political demands, but they disassociate these from party politics and choose to find new spaces to make their claims. It is, however, also important to acknowledge that the strong democratic foundations of the Brazilian state contributed to the success of the protests; demands made in civic space brought a response from the political arena.

For established civil society organisations (CSOs), of which Brazil has a great many, this represents an opportunity to forge new alliances and reach new, large groups of like-minded people. But it also offers a challenge for CSOs – if they are unable to win the support of newly engaged and mobilised protesters – and particularly for that part of organised civil society that has traditionally prioritised formal relationships with governments, parliaments and politicians as a way of achieving influence.

UNREST IN TURKEY

Parallels can be drawn with Turkey, where 2013-2014 saw unprecedented numbers – of young people in particular – take to the streets. Although Turkey is a functioning democracy, neoliberal economic policies have seen the ruling AKP (Justice and Democratic Party) government, headed by Prime Minister Recep Tayyip Erdoğan, sell off power stations, bridges and state-owned banks to private interests.¹² The proposal to bulldoze Gezi Park, one of the last green spaces in Istanbul’s cosmopolitan Beyoğlu area,¹³ to build a shopping mall symbolises both the relentless pursuit of economic growth and a broader democratic deficit, where profits for elites may be prioritised over people’s wishes to enjoy public space. The proposed redevelopment provided the necessary spark for a broader citizens’ movement to challenge authoritarian approaches to urban development, development in general and social policy-making.

CIVICUS’ research on Turkey, published in 2011, suggested that the potential for participation through formal civil society structures was low: our research revealed that only 11.6 percent of Turkish people had engaged in political acts such as signing a petition, joining boycotts and attending peaceful demonstrations in the previous five years, and a mere five percent were members of CSOs.¹⁴ A lack of civic participation was cited as major worry for 87 percent of Turkish CSOs.¹⁵

Fast forward to 28 May 2013, when around 50 environmental protesters gathered in Gezi Park to demonstrate against its demolition. As was the case with the protests in Brazil, the Turkish police responded with disproportionate levels of force, and the image of the “woman in red”, a female protester sprayed with pepper gas directly in her face by riot police, went viral.¹⁶ The scope of the protests expanded, encompassing concerns about the authoritarian slide of the Erdoğan government, which has recently increased restrictions on freedom of expression, association and assembly, and has undermined the Republic’s

founding principle of secularism.¹⁷ A survey on the motivations of Taksim Square protesters found that the main causes for their participation were the prime minister’s authoritarian attitude (92.4 percent); the police’s disproportionate use of force (91.3 percent); the violation of civic freedoms (91.1 percent); and the media’s lack of coverage (84.2 percent).¹⁸

Pro-democracy and pro-secular demonstrations spread to 20 Turkish cities, and Turkish communities abroad. The passage of tight Internet controls in March 2014, including the blocking of Twitter and YouTube, provided another flashpoint for protests. Protest became a mass phenomenon: according to official government statistics, there were nearly 2.5 million participants in protests,¹⁹ while unofficial figures indicate that the number might be twice as high.²⁰ The protests mobilised a wide cross-section of people, previously considered to be apathetic, including young people, older people, poor and wealthy people and the conservative and liberal-minded.²¹ Most of the young protesters had never taken part in political activities.²²

Again, this can be seen as a civic mobilisation that cannot be understood in partisan terms. The fact that the AKP won the March 2014 local election should not be glossed over; it further suggests a schism between participation in the civic and partisan arenas, as well as a mismatch between conventional politics as expressed through voting and new politics as expressed through public mass dissent.

POPULAR UPRISING IN UKRAINE

In Ukraine, on the eve of the ninth anniversary of the Orange Revolution,²³ on 21 November 2013, protesters took to the streets after the government of then President Viktor Yanukovich postponed the signing of a free trade agreement with Europe in order to pursue closer relations with Russia. The protest movement was dubbed Euromaidan as protesters converged on Maidan Nezalezhnosti (Independence Square) in Kiev. While this may have seemed to be a rather remote issue, far from the everyday concerns of people's lives, it served as a catalyst for broader discontent. Again, government overreaction galvanised a critical mass of people to take to the streets. On 30 November 2013, riot police started to attack protesters and even raided a cathedral where injured marchers sought sanctuary. Protest forces increased dramatically, mushrooming to at least 400,000 persons.²⁵ In December, the Ukrainian government's decision to accept a contentious bailout package from Russia invoked further anger, with Vitaly Klitschko, one of the opposition leaders, telling protesters at Independence Square: "He [President Yanukovich] has given up Ukraine's national interests, given up independence and prospects for a better life for every Ukrainian."²⁶

The protests went far beyond the initial issue of integration with Europe. Demonstrators demanded an end to autocracy, the promotion and protection of human rights and the removal of the corrupt, political elite. Echoing the techniques of the Occupy movement and the Indignados, the Ukrainian demonstrators occupied Kiev's Independence Square and organised blockades of key government buildings, including the City Hall. Throughout December and January, civil unrest broke out, and there were frequent clashes between protesters and the police, resulting in over 75 deaths to date.²⁷

Legislation was introduced to curb protests on 19 January 2014 in a desperate bid to silence dissent. Shaken by the protests, Ukraine's Parliament hurriedly passed a series of laws imposing restrictions on traditional media and the Internet, while requiring internationally funded civil society groups that engage in 'political' advocacy to register as 'foreign agents'. These attempted constraints imitated those introduced in Russia in July 2012, following large-scale protests against the election of President Vladimir Putin amid claims of electoral fraud. These laws were quickly repealed a few days later.

The protests culminated in over 70 percent of Ukrainian Members of Parliament voting to remove Yanukovich from the post of President.²⁸ They also freed jailed former Prime Minister Yulia Tymoshenko. On 24 February 2014, an arrest warrant was issued for Yanukovich and his cohorts for their role in the death of protesters. He fled to Russia, where he remains in exile.

In March 2014, Russia annexed Crimea from the Ukraine after a rushed referendum organised a mere two weeks after Russian forces occupied the region. The vote was roundly condemned internationally, including by the United Nations General Assembly, as fraudulent and contrary to Ukrainian and international law.²⁹ Oleksandra Matviychuk, a Euromaidan activist, speaking at an event organised by the Human Rights House Foundation and co-sponsored by CIVICUS at the United Nations in Geneva on 12 March 2014³⁰ warned that the annexation has made the situation worse for civil society:

“Crimea is presently under an armed dictatorship involving Russian Federation armed forces. There is widespread obstruction (at least 62 cases) of journalists trying to carry out their work, and attacks on press and television staff. All Ukrainian television channels have been removed from air. Peaceful protests against the occupation are brutally dispersed by armed vigilante groups which were partly formed from several thousand Cossacks brought in from Russia. The law enforcement bodies are abdicating their direct duties. Civic organisations report that activists are facing beatings, harassment, damage to belongings, threats and intimidation in connection with their public activities, even enforced disappearance or being taken hostage. Over the last three days 11 activists have been abducted and the whereabouts of several are still unknown. There is a real danger of inter-ethnic conflict between the aggressors and so-called self-defence vigilantes on the one hand, and the Crimean Tatars on the other.”

Further, she cautioned that protesters in Ukraine have been demonised by the pro-Russian camp:

“There were numerous attempts throughout the entire EuroMaidan protest to give the civic resistance a ‘fascist face’ and to present the protesters as anti-Semites and xenophobes. This is particularly cynical, given the fact that Maidan was officially supported by national communities and associations. Its participants took on the task of guarding Jewish religious buildings; and there were representatives of various national minorities in the protests, including a Jewish self-defence unit.”

The stigmatisation of protesters is a common theme. Protesters in Turkey have been denounced as elitist and opposing a democratically-elected leader that has grassroots support,³¹ *sem partido* protesters in Brazil have been labelled as promoters of fascism³² and, as highlighted in the following section, in Venezuela, President Nicolás Maduro dismisses his opponents as being puppets of the West.

DISSATIS- FACTION IN VENEZUELA

In Venezuela, a crime rate spiralling out of control, record inflation and dissatisfaction with the ruling party led to protests erupting in 2014. According to the Venezuela Violence Observatory, a CSO, the murder rate in Venezuela has increased fourfold in the past 15 years, with a record homicide rate of 79 per 100,000 inhabitants.³³ The government has been accused of underreporting crime statistics and ascribing the crime situation to gang warfare, which it has failed to combat. There has been a scarcity of basic goods, which the opposition attributes to tight currency and price controls and the government blames on private sector hoarding.³⁴ The 2013 inflation rate has been estimated at 56 percent.³⁵ In an attempt to delegitimise the protesters, President Maduro has lambasted demonstrations as an attempt at a 'soft coup', focused on forcing his resignation, with the support of foreign powers.³⁶

Venezuelan human rights advocate, Feliciano Reyna, told CIVICUS on 4 March 2014:³⁷

"It should [...] be noted that in 2013 there were over 4,100 protests in Venezuela (a slight decrease on 2012 as President Chavez was ill for two months and people stopped protesting). The protests are mostly about labour rights, public services, the health crisis, and personal safety issues. Since 2008, protests doubled

year after year, and they are not just from one sector of society but many, mostly from workers and low-income communities, demanding social and economic rights. They are legitimate actors who are asking for dialogue. The national government has become increasingly difficult to talk to and this has been reported by many different civil society organisations, including environmental organisations, indigenous groups and human rights advocates. The largest protest to date took place on 12 February this year in different cities, including the capital, Caracas. During this protest, three people died, and in the unrest that followed, hundreds have been wounded and detained

There are 28 cities in which there have been protests by people, including rural farm workers, fisherfolk and labour unions. The Venezuelan people clearly have their own minds and this sort of official rhetoric [of a foreign plot] implies they do not."

By 11 February 2014, 19 protesters were detained for participating in intermittent anti-government demonstrations.³⁸ The 200th anniversary of the Bolivarian war of independence on 12 February 2014, when Youth Day was celebrated, proved to be a major flashpoint. According to unofficial reports, there were student marches in over 30 locations across Venezuela.³⁹ Following the killing of three people in the protests, an arrest warrant was issued for one of the protest organisers Leopoldo López⁴⁰ of the Popular Will Party for terrorism, murder and conspiracy.⁴¹ He was taken into custody after a public appearance on 18 February 2014.

There have been reports of violence carried out by both sides, with unlawful attacks on demonstrators orchestrated by *colectivos*, pro-government mobs. On 23 February 2014, tensions escalated when pro-government and anti-government protesters clashed in Caracas.⁴² Increasing division between anti-government and pro-government supporters is reflected in a polarised and fractured civil society. It appears that this rift will continue as long as the government remains in power, with periodic protests occurring at flashpoints.

A SPIKE IN DISSENT IN SOUTH EAST AND SOUTH ASIA

Asian countries, many of which have experienced sustained economic growth, may on the face of it have seemed an unlikely arena for protests, but they experienced a spike in dissent in 2013-2014. A deep discontent with corruption and authoritarian government drove people onto the streets in Bangladesh, Cambodia, Malaysia and Thailand.

Elections have been major triggers of protests in these countries. In Malaysia, hundreds of thousands of citizens gathered to dispute the outcome of the May 2013 election, which was marred by allegations of corruption and saw the ruling coalition, in power since 1957, gaining another five-year term by the slimmest of margins. In Malaysia, street protests were accompanied by a series of rallies known as Black 505 organised by opposition parties, highlighting alleged electoral fraud.⁴⁴ Protests met government pushback. Andrew Khoo, co-chair of the Malaysia Bar Council's Human Rights Committee, told CIVICUS in November 2013 that according to press reports, a total of 43 people had been charged under the controver-

sial Peaceful Assembly Act in response to the May 2013 protests.⁴⁵ The law gives law enforcement agencies extensive powers to police protests and criminalises public assemblies at certain locations, denying protesters access to high-profile spaces that could attract large crowds, seeking to limit the common protest tactic of highly visible occupations of iconic public spaces.

Meanwhile in Bangladesh, the 5 January 2014 parliamentary election was fraught with violence, with 21 people reportedly killed on election day.⁴⁶ More than half the seats were uncontested by disgruntled opposition parties, and voter turnout was the lowest in 35 years.⁴⁷ CIVICUS' long-term partner in Bangladesh, Odhikar, informed us:

"After the ninth Parliamentary Elections, the Awami League and its coalition won a landslide majority and commenced an extremely repressive and corrupt regime.⁴⁸ At the 10th Parliamentary elections on 5 January 2014, the main opposition,

Bangladesh Nationalist Party and its coalition and other parties, refused to contest, as it had been demanding the reinstatement of the caretaker government system.⁴⁹ As a result, in several constituencies, candidates were elected without any votes being casted, and there were also reports of vote rigging and corruption. The Awami League and its coalition returned to power with a vengeance and a long list of human rights abuses.”

The July 2013 Cambodian election – in which Hun Sen, the prime minister for 29 years, was re-elected to power – has been tarnished by allegations of systematic corruption, with a recent study condemning its lack of credibility and legitimacy.⁵⁰ Protests have steadily continued in Cambodia since the election, with a threatened Sen instituting a blanket ban on freedom of assembly, which was revoked a few weeks later.

In Thailand since November 2013, there have been protests demanding the resignation of Prime Minister Yingluck Shinawatra’s government. Protests in Thailand are not a new phenomenon, and there was a prolonged period of political unrest between 2008 and 2010, but 2013 provided several flashpoints for renewed and sustained protest movements to emerge. A rallying point was provided by an attempt to pass a political amnesty bill; Shinawatra’s government is seen by many as a front for the rule of her brother, Thaksin Shinawatra, in exile and found guilty in absentia of corruption. In late May, a junta seized power in a military coup deposing Yingluck Shinawatra’s government, signalling future unrest in Thailand for its embattled civil society.

As was the case in Ukraine, the ongoing political crisis has seen anti-government demonstrators camping out at government

buildings. Since November 2013, members of the protest movement known as the People’s Democratic Reform Committee (PDRC) have occupied government buildings, and in January and February 2014, they shut down key areas of Bangkok.⁵¹ Following violent clashes between government forces and protesters, resulting in five deaths on 1 December 2013, all 148 representatives of the opposition Democrat Party resigned. The government then called elections on 2 February 2014, but these were opposed by demonstrators, who have demanded the institution of an unelected ‘people’s council’.⁵² On election day, the PDRC used obstructive and sometimes violent tactics to prevent over 440,000 people from voting.⁵³ The election results were later invalidated by the constitutional council. Nineteen leading members of PDRC were arrested, but there are still very active protest voices.

Clearly, it is problematic if people who want to vote are prevented from doing so. But the level of opposition to the electoral process suggests that many are deeply disillusioned with the democratic system as it presently stands. The Thailand blockades can be seen to represent an extreme manifestation of a broader global trend of frustration with narrow electoral processes and partisan politics. As a contribution on global governance to the 2014 State of Civil Society Report from the United Nations Parliamentary Association explains, “...opinion polls... tend to show globally high support for the idea of democracy in principle, but high dissatisfaction with how it works in practice.”⁵⁴ Formal democracy, which prioritises representative structures – and in which insufficient attention is paid to developing civic space and providing opportunities for real participation – is inadequate.

A DREAM DEFERRED IN THE MIDDLE EAST AND NORTH AFRICA

As the above should make clear, any idea that – globally – protest has fizzled out since it came back into vogue in 2010 and 2011 is false. However, in the hotbed of the first wave of contemporary protest, MENA, the challenges of pushback and dissipation of energy are profound. If 2011 was the year of uprisings and 2012 was the year of pushback – the 2013 State of Civil Society report lamented the chaos in the region and the ensuing clampdown on civil society⁵⁵ – then 2013 and 2014 can be characterised as years of stagnation.

Entrenched patriarchal structures have reasserted themselves and combined with a surge of political opportunism, meaning that the ideals of justice and freedom that underpinned people’s revolutions, and for which many died, have not been realised. Impact has been elusive. For example, a poll suggests that women’s rights are no better in MENA countries that have experienced recent political and social upheavals than before.⁵⁶

Nowhere is this tragic irony more pronounced than in Egypt. The country’s first presidential election in mid-2012 saw Mohammed Morsi of the Muslim Brotherhood elected to power. In the lead up to the one year anniversary of Morsi’s inauguration, the Tamarod⁵⁷ movement organised large demonstrations calling for his resignation. On 3 July 2013, Morsi was ousted from office with the backing of the military, sparking counter-demonstrations demanding his reinstatement. These were brutally suppressed by Egypt’s security apparatus, resulting in the deaths of hundreds of protesters. To date, justice eludes the victims.⁵⁸ In March 2014, a court sentenced 529 Muslim Brotherhood supporters to death in a highly controversial mass trial.⁵⁹ With Egypt’s military chief, General Sisi, resigning to stand for president, prolonged internal conflict and the suppression of other voices seems set to continue.

Egyptian activist, Sharif Higazy, shared his disappointment with CIVICUS:

“Reflecting back on 2013 is tough... It is a year of blood, treason and fade of hope. I was one of the global citizens inspired by the 2011 revolution. I share its values, quests and hopes. 2011 gave me hope in the people and in our ability to actualise change. For me, it was not about toppling Mubarak; rather, it was the general concept of fighting tyranny and bringing democracy to our own people.

Unfortunately, many did not approach the matter the same way. Instead, 2011 for them was an opportunity to make it to power and tighten their grip on the nation. The means of reaching to power had no value to them. If they can win democratically, then great, if not, then treason, killing and fraud are always options on the table. Different powers capitalised on the illiteracy and political naivety of many Egyptians. Seeded rumours led to chaos and turbulence in the whole nation. Even those who are politically savvy were left wondering. Waves of political manipulation forced everyone to be on the defence trying to protect any glimpse of truth out there. The ecstasy of political triumph in 2011 soon vanished, and we ended up facing the new realities of division and polarisation.

The year 2013 marked a bloody coup. For the first time we witnessed thousands of Egyptians murdered by fellow Egyptians and tens of thousands persecuted. The police state is back, with no mercy in dealing with those who beg to differ. The hope of a free, democratic and evolving country is fading, but not lost. Egyptian youth are the majority. Many of them tasted the victory in toppling a brutal dictator, and they have what it takes to reboot till we are truly free.”

While Egypt is an increasingly polarised context, it is hard to recall the optimism of the peoples’ movements that ousted President Mubarak in 2011. However, idealism and hope are not yet dead. As another young Egyptian, Amal Albaz, told CIVICUS:

“I knew it came a little too easy. In only 18 days, we recreated the Egypt we’ve always dreamed of? My naive self wanted to believe that, but when the cruel reality hit in 2013, we were stunned beyond words – even though we subconsciously knew anything could happen. Having spent the entire summer in Rab’a square,⁶⁰ I had first-hand experience. I saw what it was like to be united, for the sake of freedom and democracy. I felt what it was like to hold a mother’s hand whose 12-year-old son was killed for no other reason than believing in a cause. I felt what it was like to have that sensation of unity demolished as soon as I stepped out of the borders of Rab’a. I understood the power of ignorance. The Egyptian media successfully brainwashed the majority of the nation, placing a spotlight on the Muslim Brotherhood, to distract from and justify the atrocities being committed. The Egyptian crisis isn’t about the Muslim Brotherhood; it never was. It’s about tasting freedom then being forced to spit it out. The year of 2013 was a year of betrayal, but it was also a year of revival. Amidst the darkness, it proved that there is light that shall one day shine through. As much as I lost hope during that year, the amount of hope I gained can’t compare. The truth will prevail. Justice will prevail, as long as there are lions roaring for freedom every passing day.”

The underlying conditions that led to the surge of recent protests in Egypt are still there: authoritarianism and a lack of adequate political representation; inequality; changing demographic trends, particularly a growing proportion of young, city dwellers; and the increased use of

social media and mobile technology.⁶¹ In Egypt, the memory of freedom and victory are not likely to fade away completely, and protests are likely to continue.

In the oil-rich Arab states, clampdowns on dissent continued through the imprisonment of activists and other forms of persecution. Large amounts have been spent to maintain paternalistic welfare states in an effort to assuage discontented populations.⁶² Improved welfare can be seen as a short-term gain achieved as a result of protests, and may subdue elements of the populace for a time, but this response does nothing to advance public demands for more voice; it also plays to divisive nationalist politics, further alienating the large swathes of migrant labourers resident in the Gulf Kingdoms, on whom the development of infrastructure depends. These inequalities can be seen starkly in Qatar, where over 500 migrant workers from India alone have died so far in building the stadia for the country's 2022 football World Cup.⁶³ A further concern is that social welfare programmes to dampen public pressure are being buoyed by Saudi lending, thereby extending the regional power of Saudi Arabia, a country with one of the least enabling civil society environments in the world.⁶⁴

Saudi Arabia remains a champion for many repressive governments in the region. In the absolute monarchy of Bahrain, the government, with the help of Saudi forces, crushed dissent and jailed the leadership of CSOs; 50 prominent activists were imprisoned on charges of terrorism in September 2013,⁶⁵ and in the run up to the 2014 April Bahrain Grand Prix, several protesters were sentenced to long prison terms for drawing attention to human rights abuses.⁶⁶ The relatively muted response of Western powers to human rights abuses in Bahrain, a country that provides a strategic regional base for the United States (US), is also troubling.⁶⁷

Maryam Al-Khawaja, from the Bahrain Center for Human Rights, told CIVICUS on 2 April 2014:

“While there are many obstacles that must be overcome on Bahrain's path to becoming a free and open society, the main issue is the deep-rooted culture of impunity that dominates all levels of government. Police officers are allowed to attack peaceful protesters with lethal force, and if they are brought to a trial, the charges are often reduced, and the sentences commuted. Impunity extends to the highest levels of government, and we have seen individuals with strong allegations of torture against them, promoted to ministerial level, rather than face an independent judiciary. Another government official, with strong torture allegations against him, was visited in his home by the Prime Minister, who clearly summarised the culture of impunity when he stated on video ‘these laws do not apply to you’.

As reinforcement to the local culture of impunity, the government of Bahrain believes that they have international impunity; the problem here is that they are correct. The authorities know that they will not face any consequences for continuing, and in some cases increasing, the human rights violations in Bahrain, and they therefore have no motivation to improve the situation.”

In Syria, amidst a political stalemate that left global powers idle, conflict continues. Syria's conflict has resulted in over 110,000 deaths and more than 6.5 million internally displaced persons and refugees.⁶⁸ A February 2014 breakthrough at the UN Security Council resulted in the first binding resolution demanding that Syrian President Bashar al-Assad allow the passage of humanitarian assistance. A number of international CSOs have worked together to keep the issue in the public attention and urge decision-makers to act, but the massacre continues unabated.⁶⁹

In Libya, the second elections since the fall of Gaddafi took place on 20 February 2014, with much less fanfare than the first. In the 2012 interim parliamentary elections, 61.58 percent of 2.7 million registered voters cast their ballots. In the 2014 elections, only 45 percent of 1.1 million registered voters turned out to elect members of the Constitutional Assembly, highlighting a rapid, deep disillusionment with the practice of democracy to date.⁷⁰

The self-immolation of Mohamed Bouazizi, a young Tunisian vendor, was the catalyst for the citizen uprisings that resulted in the ousting of Tunisia's dictatorial President Zine El Abidine Ben Ali and sparked uprisings across MENA. While the road since has not always been smooth, Tunisia is showing signs of bucking the region's regressive trend. The reasonably progressive Tunisian constitution, adopted on 26 January 2014, has been welcomed as step forward for democracy, generating cautious optimism.⁷¹



RISING INTOLERANCE THREATENING CIVIL SOCIETY IN EUROPE

Europe does not perform particularly well on the socio-cultural dimension of CIVICUS' Enabling Environment Index, which measures participation, tolerance, trust in CSOs and giving and volunteering. The 2013 report notes that:

“Low levels of giving and volunteering as well as a lack of interest in public participation are the reasons why 63.4 percent of the countries in Europe are below the global average... more needs to be done to build trust in non-profits and a culture of giving and volunteering in order to strengthen civic engagement and CSO impact.”⁷²

In May 2013, following the shooting of a Portuguese national, riots broke out in Stockholm, Sweden. Motivated by racial tension, class division, social exclusion and increasing income inequality,⁷³ first and second generation immigrant youth took to the streets of Husby in Northern Stockholm and set cars and garages on fire. A lack of integration, coupled with the rise of the far right, were identified as two underlying causes of the riots.⁷⁴ Even though Sweden scores very highly on most indicators of quality of life, these events showed there can still be frustration about lack of access and voice.

While economic crisis and the resulting politics of austerity – visited disproportionately on the poorest – spurred many of the key protest movements in Europe of 2011, contradictory protest trajectories can now be seen. It is important to acknowledge that not all protests seek positive change; some are mounted in defence of the status quo, and some seek to deepen identity divisions and scapegoat visible minorities. Europe is seeing a rise of movements that defend identity positions, and far-right political parties.⁷⁵

A low point was the killing of a Greek anti-fascism activist by members of the extremist group Golden Dawn in September 2013.⁷⁶ The President of the Hellenic League for Human Rights, Konstantinos Tsitselikis, had this to say about the situation in Greece:



“Civil society constitutes an important milieu that non-governmental and non-political party entities can form ideas about the content and the quality of democracy.

Thus, claims for a just society through the struggle for human rights has a central importance. The rise of the ultra-right and the establishment of neoliberal policies should be the target of a wide campaign, which will have an impact on the public discussion and turn the interest of the society to core problems related to economic exploitation and violation of human rights.

A common thread of thought should be that violation of human rights is a collective concern, even if it affects certain members of society in a given time. In addition, an understanding that bonds established through solidarity could secure human dignity. Fostering active citizenship is thus the final target to build barriers against the expansion of neoliberalism.”



BACKLASH AGAINST THE LGBTI MOVE- MENT

Protests for progressive change can provoke backlash by regressive forces: this was certainly the case in France, which was the site of many protests for and against the introduction of gay marriage in 2013. One of the largest protests in Western Europe in 2013 was against gay marriage, drawing more than 150,000 participants in Lyon and Paris in May 2013.⁷⁷

Laws against lesbian, gay, bisexual, transgender and intersex (LGBTI) activists have emerged as a key, new area of contestation between civil society and repressive states. In June 2013 the Russian Duma (parliament) criminalised the spreading of homosexual 'propaganda' to minors. The danger of such laws is partly that they are permissive of homophobia; reports suggest there has been a surge in homophobic violence since the law was enacted.⁷⁸ Russia is also home to the largest network of vigilante groups dedicated to exposing and abusing homosexuals, the bizarrely-named Occupy Paedophilia, which is operational in 30 cities.⁷⁹ This also shows us that the international spread of protest brands and memes can be adopted and subverted by repressive forces.

Russia is not alone. In 2013, public events organised by LGBTI groups were either banned or attacked in neighbouring Armenia, Belarus,

Georgia and Ukraine, suggesting a broader problem.⁸⁰ However, recent events also have provided opportunities to shed an international spotlight on repression: the 2014 Sochi Winter Olympics in Russia has been a trigger for protests against discriminatory laws. The Principle 6 campaign raised awareness of the anti-discrimination provision in the Olympic Charter and private sector actors, including Olympic sponsors showed their support for gay rights; the world's most popular search engine, Google, also came to the defence of LGBTI Olympians.⁸¹

State leaders who bid to stage high-profile sporting events for international legitimisation should be aware that the potential for embarrassing backlash to spread via social media is now high. As noted above, Brazil has seen World Cup construction becoming an issue in protests; the rulers of Russia and Qatar, hosts of the next two World Cups, should not expect an easy ride.

A worrying legislative trend against LGBTI rights has also been seen in Sub-Saharan Africa, with the enacting of draconian anti-homosexuality laws in Nigeria and Uganda. Nigeria's Same Sex Marriage (Prohibition) Act bans the registration of any gay club, society or organisation and threatens their supporters with imprisonment of up to 10 years. Like Nigeria's law, Uganda's Anti-Homosexuality Act is broad enough to criminalise the entire community of human rights activists and organisations. New laws exacerbate a situation in which anti-gay legislation is already widespread; the International Gay and Lesbian Association reported in May 2013 that homosexual acts are illegal in at least 78 countries around the world.⁸²

Kene Esom, a prominent LGBTI activist from Nigeria, told CIVICUS in February 2014:

“With regard to discourse on sexual orientation and gender identity (SOGI) in Africa, in the words of Charles Dickens, *‘it was the best of times, it was the worst of times.’* In the last year we have witnessed the signing into law of the worst statutes criminalising same-sex relationships and identity in Uganda and Nigeria and high levels of violence and gross violations of human rights based on SOGI. However, we have witnessed great resilience across the continent as groups come together in countries to support each other, to affirm their humanity. We have also seen unprecedented levels of support from CSOs speaking out against SOGI-based discrimination, working together to support victims of violence and other violations. In other countries, we have witnessed government agencies working together to improve access to legal and healthcare services for LGBTI individuals and limit the enforcement of criminal sanctions. In religious and cultural communities, a few strong leaders are taking a stand for equality and non-discrimination.

Although the grimmest picture is usually painted of Africa, lots of positive organising is happening within the movement asserting the voice of the African movement in regional and international spaces and moving forward the rights agenda in a context-sensitive and sustainable way.”

Promoting an agenda of intolerance and unjust discrimination goes against key provisions of the African Charter of Human and Peoples’ Rights; on that basis 25 CSOs in Africa recently combined to condemn these pieces of regressive legislation.⁸³ Kene Esom’s perspective suggests a two-way relationship between state repression and pushback; attempts to repress particular parts of civil society can provoke activism in defence across a broader sweep of civil society. If the defence of LGBTI CSOs and activists is becoming a more mainstream part of the civil society human rights agenda in African countries, then this is a welcome development, as this has not always been the case in the past, when LGBTI issues have tended to be marginalised within civil society.

BUT WHAT HAPPENED TO THE MOVEMENTS OF 2011–2012?

It is not the case that the first wave of protest movements uniformly failed to achieve visible impact. For example, Chile's student-led protests of 2011 led to changes in the composition of electoral representatives and to a sustained political focus on inequality by the New Majority coalition that came to power in the 2014 elections. Former Secretary-General of the Student's Federation of the Catholic University of Chile, Sebastian Vielmas, shared with CIVICUS his views on these developments: ⁸⁴

“In Chile, as in much of the world, there is a crisis of political representation. Distrust of the authorities, regardless of their ideology, opens questions about the future of political organisation in our country.

In this context, student leaders from the protests for the right to education in 2011 went to Parliament to propose changes. Four of them were successfully elected as deputies, while those who were defeated received a significant number of votes.

From this, we can see that it is possible for social movements and civil society to push the boundaries and influence political institutions. Progress is expected on the demands for a public, free and quality education system.

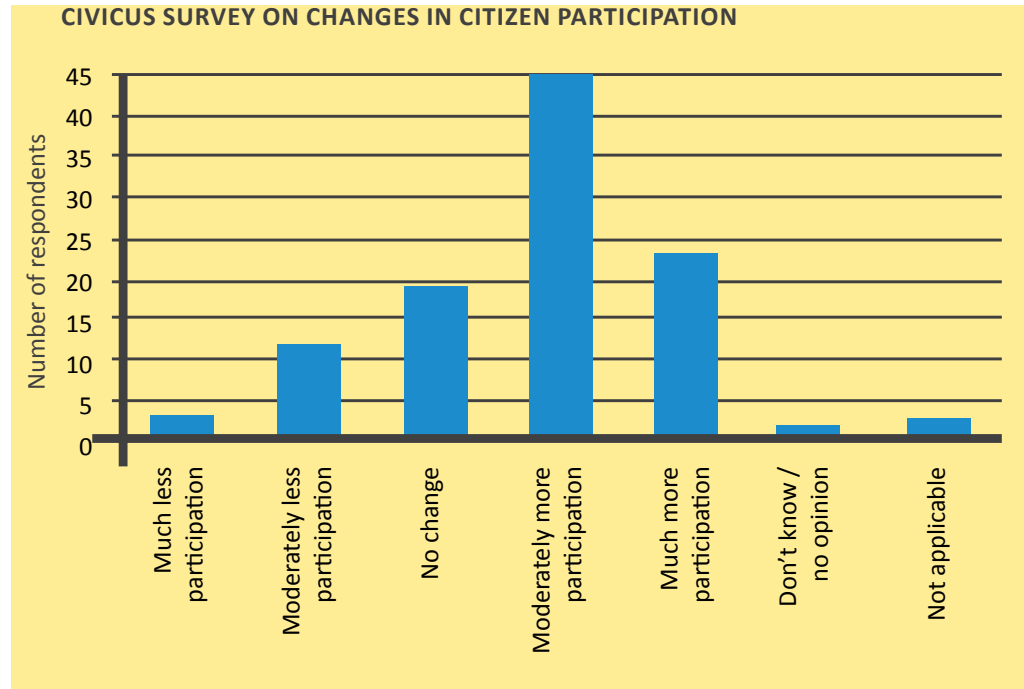
However, it remains to be seen whether these newly elected officials will be able to overcome the excessive influence of the executive influence in the drafting of laws, many of whom have close links to big business.

Regardless, young people have earned a place as political actors and no matter who governs, this is a generation that has decided to take part in public affairs.”

While it is noteworthy when civil society leaders move into political office on social justice agendas, CSOs and social movements can be weakened by the loss of their leaders, and it can also give rise to accusations that civil society is partisan. Questions may then arise about what makes these movements distinct from party politics, and what the added value of the civic arena is compared to that of the partisan political sphere? Further indicators of success are needed.

Indicators, however, prove elusive: the protest movements of the global North that dominated the headlines in 2011, such as the Indignados and Occupy, received much criticism for lacking leadership and not articulating clear agendas and specific demands; they insisted in turn that such perspectives were too narrow, and that the processes of self-organisation and public mobilisation are important in their own right. While it may be argued that these movements have lost visibility and momentum, they have impacted on national and global political narratives, with the issue of inequality remaining a hot political topic, and the term 99% remaining global shorthand for structural injustice.

Further, some of those mobilised as the Indignados and Occupy may be active under different banners; part of the impact of these movements has been to bring new participants into civil, non-partisan politics. A survey of CIVICUS constituents indicates that from 2013 to 2014, there is perceived to be an increase in citizen participation: 69 percent of respondents say that there has been either much more or moderately more citizen participation in their countries. Although the sample size was rather modest, this offers an indication that there has not been a lull in citizen participation.



Results from CIVICUS' Annual Constituency Survey conducted in January 2014. The question posed to respondents was: "Compared with a year ago, how has citizen participation changed where you work?"

21ST CENTURY PROTEST: NEW TECHNOLOGY AND NEW TACTICS IN CONNECTING AND ORGANISING

Further, the philosophy, organising strategies, memes and methods of the 2010 to 2012 protests have been reproduced by more recent movements. Many protesters in 2013 and 2014 employed similar techniques of satire, parody, popular slogans and symbols. Cross-pollination could be seen between protests. As two academics writing on events in Turkey note, “Despite their significant differences, in particular in terms of the reactions from the Turkish and Brazilian authorities, both Turkish and Brazilian protesters seemed to be coming from similar class backgrounds and ages, and they were making similar demands of democracy in similarly innovative ways.”⁸⁵ Guy Fawkes masks, previously so visible across North America and Europe, were now worn on the streets of Istanbul and São Paulo. In Turkey, protesters re-appropriated a word used by President Erdoğan to denigrate protesters as looters (*çapulcu*) and invented the term ‘chapulling’, meaning to stand up for one’s rights.⁸⁶ A parody of a popular hit song featuring protesters chapulling went viral on YouTube.⁸⁷

State of Civil Society / The Year that Was

Another shared tactic was that in Bangkok, Istanbul and Kiev, a common protest strategy was to occupy public spaces and government buildings, drawing directly on the tactics used by the 2010-2012 movements.

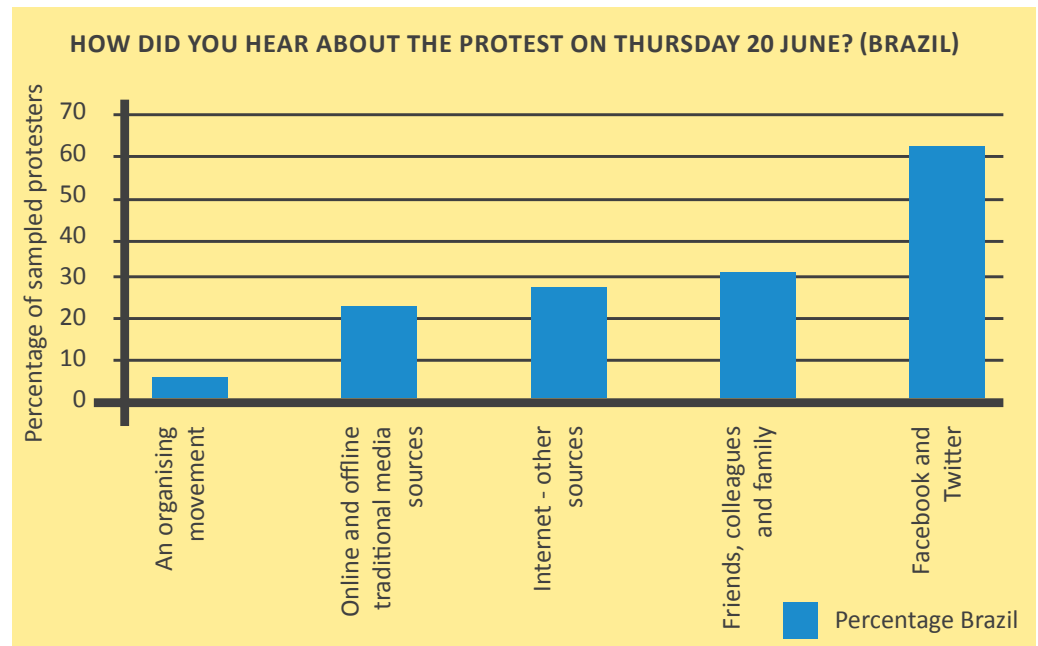
Social media and word of mouth were critical to the organisation of the Brazil and Turkey protests. National surveys in these countries illustrate that the majority of protesters were informed about protests and motivated to participate in events by social media. Twitter and Facebook played a crucial role in publicising protests.

Social media is particularly important to young people, who were a critical mass in many recent protests. According to Facebook's statistics, 48 percent of 18-34 year olds login to Facebook when they wake in the morning.⁹⁰ There is also research that suggests young people's experience of the ease of participation and having their voices heard in social media is flowing out into the offline world; expectations of being listened to have been raised, and when these expectations are thwarted, dissent results.⁹¹

Groups working on governance and democracy now have the option to engage in new ways with constituents that they cannot reach through older traditional methods of outreach. However, horizontal organising enabled by social media can also be difficult for conventionally structured, internally hierarchical organisations, including CSOs, to get to grips with.

Jesse Chen of American Civix Technologies told CIVICUS, in a survey of partners:⁹²

“CSOs do not have a choice but to adapt technology in cutting-edge ways (specifically through engagement) as it continues to spread throughout the masses.



Graph 1: Ibopes survey of participants in protests in seven cities in Brazil⁸⁸

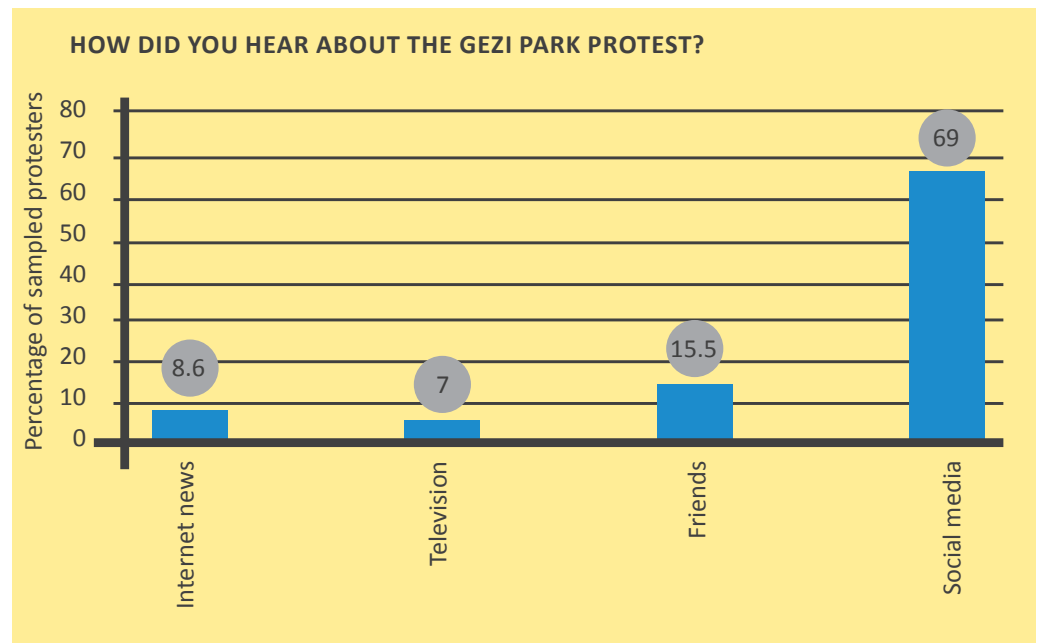


Chart 2: Results of a Konda survey of Gezi park protesters⁸⁹

Otherwise civil society will be behind the curve and individuals will be less likely to engage since they're active in a different space."

There are numerous examples of successful online campaigns,⁹³ and social media was an essential part of the protests discussed above. Social media offers tools for communicating, connecting, organising, building solidarity and expressing dissent. But established CSOs are not always strong in realising the multiple applications of these tools to develop and service constituencies. In his evaluation of civil society's relationship with new media, Chen adds:

"Civil society organisations need to be mindful of how they use technology to build support. The current trend to utilise petitions as list-builders is a perfect example. In the zeal to build email lists, some organisations have started creating numerous types of petitions on as frequent as a weekly basis. While seasoned 'campaigners' know this helps build email lists, it does not necessarily equate to building faith in movements. It is concerning for a simple reason. Petition fatigue can lead to reduced trust between supporters and the petition-authoring organisation. CSOs need to be mindful of how frequently they are posting, and the follow-up they are doing with their supporters, to ensure that real people understand there's an impact to signing a petition besides getting onto an email list. Although petitions run the risk of becoming civil society's 'advertisement' equivalent if they are over-published, they remain a great way to recruit additional supporters to one's organisation."

In some contexts, social media is used as an alternative platform for expression. Venezuela is the lowest ranked country in the Americas on CIVICUS' 2013 Enabling Environment Index, scoring particularly poorly on media freedom⁹⁴ as the government maintains a tight grip over the broadcast media. Given the fact that traditional media avenues are all but closed, it is little wonder that Twitter penetration in Venezuela is the fourth highest in the world.⁹⁵

Similarly, in Saudi Arabia a heightened crackdown on civil society has led to the imposition of travel bans on activists and the intimidation of human rights defenders through politically-motivated legal proceedings, and yet the country has the highest rate of Twitter penetration in world.⁹⁶ Despite severe intimidation from the Interior Ministry, there were several acts of defiance of the ban on women driving on 26 October 2013, coordinated through the Internet, and particularly through social media.⁹⁷

What these examples tell us is that social media can offer ways around government control; this implies in turn that repressive governments will seek to limit social media usage.

For example, at the height of the Gezi Park protests, President Erdoğan fumed, "There is now a menace which is

called Twitter. The best examples of lies can be found there. To me, social media is the worst menace to society.”⁹⁸

After heated parliamentary debate in February 2014, a law was passed which allows for the blocking of websites prior to obtaining a court order and compels Internet service providers to store data on users’ activities for up to two years and make this data available to the authorities.⁹⁹ On 21 March 2014, access to Twitter was blocked, although millions found ways around this. A few weeks later the Constitutional Court overturned this ban as it violated freedom of expression.¹⁰⁰

At the same time, social media should not be seen as a panacea. For example, online participation may be superficial. As Jesse Chen told CIVICUS:

“In the United States, the widespread adoption of mobile technology and social networking technology is changing society before our very eyes. In some ways, it has helped simplify certain civic engagement processes. In too many others, it has led to citizens thinking that a ‘tweet’ or a ‘like’ is enough - what we call ‘the technology-enabled illusion of democracy’. With the revelation of the National Security Agency (NSA) privacy scandal in the US, it is not yet known how individual citizens will change their online activist behaviour.”

This further suggests that sustained follow-up and mutual gains can be achieved by the building of closer connections between movements that are largely online and established CSOs.

Prior to the existence and popularisation of the Internet, much of the organisation of protests took place in campuses, bars, cafes and community centres. With the advent of the Internet, it was tempting to believe that we had moved into a new era of online civic space, in which the Internet would be the primary arena for organising and coordinating protests. But while the Internet and social media play a critical role, because of the increasing surveillance of activists, many of the organisers of social movements now have to plan and coordinate the organising of protests offline. Activists at a March 2014 consultation organised by CIVICUS in Istanbul noted that they have had to go back to traditional forms of organising dissent; they have returned to campuses, bars, cafes and community centres to plan protest action.

PERSECUTION OF WHISTLE-BLOWERS

The United States government in particular has pursued a policy of aggressively prosecuting whistle-blowers, partly with the aim of deterring future potential activists. On 30 July 2013, Chelsea Manning was sentenced to 35 years imprisonment for espionage and theft for leaking diplomatic cables and videos documenting war crimes to WikiLeaks, a non-profit website that publishes classified information. Manning felt compelled by a moral obligation to expose the now infamous 'Collateral Murder' video, in which US Apache helicopters indiscriminately shot civilians, after her superiors refused to act. Jeremy Hammond, a hacker-activist, met with a similar fate. He revealed that private security firms were hired to conduct surveillance on Occupy protesters, the Anonymous movement and environmental activists in Bhopal, India.¹⁰¹ He was sentenced to the maximum sentence of 10 years in November 2013.

One of the most serious cases relating to persecution of whistle-blowers is that of American system administrator and former contractor for the US National Security Agency, Edward Snowden. The July 2013 revelation by Snowden of widespread Internet and telephone surveillance in gross violation of privacy rights by the US government resulted in federal prosecutors in the US charging him with theft of government property and two counts of espionage. Snowden also revealed that the Australian government had been gathering intelligence on their neighbours through their embassies and high commissions, including those in China, Indonesia, Malaysia and Vietnam.¹⁰² Snowden is presently stuck in limbo at an undisclosed location in Russia. Similarly, WikiLeaks founder Julian Assange is confined to the Ecuadorean Embassy in London for the foreseeable future, while freedom of information advocate Aaron Schwartz was driven to suicide due to malicious prosecution and pre-trial surveillance by the US government in early 2013.¹⁰³

Governments and the private sector are partnering on Internet surveillance; it is rarely good news for transparency and democratic oversight when governments and large corporations work together. Companies are creating, marketing and peddling surveillance technologies to repressive states. Privacy International's 2014 report estimates the value of this unregulated industry to be US\$5 billion per year.¹⁰⁴ The report affirms that across the globe, "These sophisticated and customised technologies are often used to target human rights defenders, activists, political dissidents and journalists."¹⁰⁵

Finally, as a contribution by the Internet Governance Forum to the State of Civil Society Report makes clear, Internet governance remains a contested area, including within civil society.¹⁰⁶ A pluralistic governance structure that has grown organically suits some states, such as the US, which as the market leader enjoys privileged surveillance access; many repressive states would prefer a narrow multilateral management of the Internet that legitimises their desire to interfere. Civil society needs to fight for more inclusive and participatory Internet governance.

2. LEGAL RESTRICTIONS: THE ONSLAUGHT ON CIVIL SOCIETY CONTINUES

If the protests aren't dissipating, neither are the efforts of governments and elites to push back against them. Over the past year, in contradiction of international human rights standards, a raft of draconian laws have been drawn up in diverse locations around the globe to impede civil society activists and their organisations from speaking out and mobilising. Justifications offered range from the perceived need to protect national security to safeguarding religious and cultural values.¹⁰⁷ In October 2013, CIVICUS reported on rising restrictions for CSOs and persecution of civil society activists, despite states having committed to guarantee an 'enabling environment' for CSOs at the Fourth High Level Forum on Aid and Development Effectiveness, in Busan, South Korea in November 2011.¹⁰⁸

If protesters in different countries are borrowing tactics from each other, then governments too are replicating bad practices. Repressive legislation is being cloned from one country to another. In May 2013, in his second thematic report, UN Special Rapporteur Maina Kiai drew particular attention to a surge in copycat legislation preventing foreign funding, underscoring that a key component of the right to associate was also the right to seek, receive and use resources from domestic, foreign and international sources.¹⁰⁹

The International Center for Not-for-Profit Law notes, "With foreign funding entirely cut off to them, many organizations with advocacy missions will likely face dissolution."¹¹⁰

As the Map 1 illustrates, there are two particular geographical clusters of concern, with a majority of recent adverse legislative developments for civil society taking place in former Soviet states and Sub-Saharan Africa. Constraints imposed on civil society include those that narrowly circumscribe their permissible activities (Indonesia,¹¹¹ Israel,¹¹² South Sudan,¹¹³ Sudan¹¹⁴); restrict the receipt of funding from foreign sources (Kenya,¹¹⁵ Israel,¹¹⁶ Pakistan,¹¹⁷ South Sudan¹¹⁸); limit media freedom (the Gambia,¹¹⁹ Kenya,¹²⁰ Turkey,¹²¹ Ukraine¹²²); introduce complex registration requirements (Azerbai-



Map 1: Legal restrictions on CSOs introduced or proposed since April 2013 (Azerbaijan,¹²³ Cambodia,¹²⁴ Ecuador,¹²⁵ Zambia¹²⁶); spread homophobia with a view to silencing civil society, in particular LGBTI activists (Nigeria, Russia, Uganda);¹²⁷ and impede freedom of assembly and the right to protest peacefully (Azerbaijan,¹²⁸ Cambodia¹²⁹ and Uganda¹³⁰). Such restrictions impose limitations on the ability of civil society groups and activists to undertake the full range of legitimate civil society activity. The spate of repressive laws have further closed space in several countries classed by in CIVICUS' Enabling Environment Index as having some of the least enabling environments for civil society.¹³¹

Government perceptions of civil society are an important factor here. Officials may consider some roles of civil society to be legitimate, but not others. Charitable organisations and CSOs that deliver vital services, which governments are unable to provide, are rarely challenged. However, when CSOs question policy implications or undertake advocacy to influence government actions, they tend to face challenges to their legitimacy. When CSOs are vocal in opposing government policies, accusations of being partisan or being tools of vested interests and foreign governments tend to fly thick and fast.

3. MARKET FUNDAMEN- TALISM AND ENCROACH- MENTS BY THE PRIVATE SECTOR



Much of the focus in the previous section has been on the often fraught relationship between CSOs and governments. Increasingly, civil society is also facing threats from big businesses as market fundamentalism takes root. Part of the anger behind some protest movements, and related to the issue of inequality, is due to the encroachment of the private sector into many aspects of public life and the privileging of big business in governance. The issue of privatisation of the post-2015 development agenda continues to cause concern for many in civil society.¹³²

One of the key concerns motivating protests in Turkey was the ruling AKP undertaking a relentless economic expansion and privatisation drive, with many basic functions of the state being taken over by the private sector. Public-private partnerships, which are increasingly gaining traction, not only impose increased costs on individual citizens for basic services, but also have the effect of hiving off parts of the public sphere from scrutiny by citizens.¹³³

Market reforms, pushed hard by international agencies and donor governments, have in many contexts not led to greater political freedoms, but rather to the entrenchment of wealthy elites opposed to participatory democracy. In the Gulf Kingdoms and in many post-Soviet states in particular, elites have been able to benefit from privatisation sprees, capturing assets and creating oligarchies while personalising the political sphere to protect their economic interests.

A further challenge comes with the size of transnational corporations. With their turnover dwarfing the Gross Domestic Product (GDP) of many developing countries, corporations can in effect shop around for the most

lenient jurisdictions where they are least bound by regulatory regimes. Countries also compete to attract foreign investment. In such circumstances, governments often succumb to big business and fail to discharge their duty to protect civil society from illegitimate encroachments.

Land and environmental rights activists engaged in exposing collusion between political and economic elites are increasingly under fire. Front Line Defenders notes a substantial need to increase assistance to human rights defenders (HRDs) fighting for the preservation of their ways of lives and livelihoods in the face of extractive industries, which seek to takeover, and also pollute, land and water.¹³⁴ A report by multiple international human rights and environmental groups, documenting cases of persecution of land and environmental activists' points out that government response to their activities is often stigmatisation, repression and criminalisation.¹³⁵

Among other cases, CIVICUS has recorded the following:

“In Cambodia, land rights activists opposing official plans to forcibly acquire land for big companies have been subjected to brutal attacks by security forces and lengthy prison terms. In Honduras, peasant farmers' groups involved in land disputes with companies have been subjected to murderous attacks. In India, peaceful activists ideologically opposed to the government's economic policy have been charged under draconian laws of being members of outlawed terrorist organisations. In Canada, non-profit groups opposed to the conservative government's policy of loosening environmental restrictions to enable extraction of oil and gas from ecologically sensitive zones have been subjected

to surveillance and funding cuts, while being accused of being obstructive of the country's economic development.”¹³⁶

A 2014 report commissioned by CIVICUS highlights that space for civil society has been steadily opening in Myanmar, but challenges remain:

“In line with recent political trends, the enabling environment for civil society in Myanmar continued to improve in 2013. Civil society has been able to benefit from expanding space, thanks mostly to political changes at the highest levels of government... Nonetheless, some significant restrictions remain that hinder civic space. The post-2010 reforms are based on a top-down centralised democratisation process, leaving many remote and marginalised groups – mainly ethnic minorities – behind. In spite of some noticeable improvement in local governance, state representatives at the lowest levels often continue to operate as they did under the former junta. Some issues are still taboo, especially those related to government and private sector control of resources.”¹³⁷

Several land rights and environment activists have recently been imprisoned and detained in connection with their advocacy work in diverse locations across the globe. The arrest of the crew of the Greenpeace ship Arctic Sunrise by Russian security forces captured the imagination of concerned citizens around the world, triggering a massive campaign for their release. Arctic 30 carried out a peaceful protest at the Russian state controlled oil company Gazprom's oil rig, to call attention to the threat posed by oil drilling in the ecologically fragile arctic zone. Initially they were charged with the offence of piracy, which was changed to hooliganism.¹³⁹ They were granted amnesty

in December 2013 by the Duma, Russia's Parliament. James Turner, the Communications Director for Greenpeace International's Save The Arctic Campaign, told CIVICUS on 17 April 2014:

"The story of the Arctic 30 was defined by unity. From the strength of the activists themselves to the environmental movement as a whole, this was a moment that brought people together in the face of extraordinary oppression. Those of us who were working for their release were enormously humbled by the level of support that the campaign received, from Nobel Prize winners to coalition allies, from Sir Paul McCartney to Russian human rights activists. The disproportionate charge of piracy levelled against 30 people from many different countries acted as a lightning rod for civil society. Millions of us stood up for those who believe that peaceful civil disobedience is an honourable practice, when all other options have been exhausted. Thousands took to the streets in solidarity and, crucially, the madness of drilling for oil in the melting Arctic was brought to a massive global audience. This is their legacy, and it is one that we are trying hard both to protect and build upon.

The story also showed the willingness of many countries to trample over civil rights to appease the wishes of the fossil fuel industry. While the links between Russia's state-owned companies and the persecution of our activists was obvious, less clear was the involvement of international oil companies like Shell, BP and ExxonMobil in the affair. All remained notably silent, denying any involvement in the matter despite close business ties with both Gazprom and Rosneft, Russia's largest firms. The imprisonment of the Arctic 30 is just the latest in a string of excessive measures meted out by governments on behalf of the oil industry, from punitive injunctions in the US to frivolous and expensive lawsuits in Bolivia. We believe that the sacrifice of Sini, Marco, Dima and the rest of the brave Arctic 30 has helped to bring this dangerous

collusion to light, and that alongside a wide movement we can continue to fight the pollution of our democracies by an industry which belongs in the last century."

On a further positive note, recent years have seen some important steps in redressing imbalances in the face of big business, including in the extractive industries.¹⁴⁰ Global Witness in its contribution to this report highlights that in 2013:

"A landmark European law with global reach was passed, the G8 and multinational mining companies voiced their support for legally binding rules, and great strides were taken to improve a key voluntary initiative implemented in 41 countries. Indeed, 2013 will be remembered as the year that a global standard for the extractive industries emerged. That said, the movement also suffered a number of setbacks, and the fight is by no means won."¹⁴¹

Further, the Maastricht Principles on Extraterritorial Obligations of States, a set of normative principles adopted in September 2011, aim to clarify the extraterritorial human rights obligations of states, and in doing so challenge the impunity of large corporations over human rights violations.¹⁴² CSOs, academics and UN officials are currently calling for legally binding treaties to support these emerging norms of international law in order to improve corporate responsibility.¹⁴³

These developments, while they are not a panacea, offer important steps in regulating the exploitation of natural resources to the detriment of communities and the environment. It is important for transnational networks of concerned actors, particularly the Publish What You Pay coalition, to continue to shine light on extractive deals.

4. GLOBAL POTENTIAL, GLOBAL CHALLENGES

This section of the 2014 CIVICUS State of Civil Society Report has concerned itself largely with some of the main locations and occasions of protest at the national level over the past year. It has looked at how people have come together to demand change and forged new forms of civic action in some of the major cities of the world; while the initial issues raised and flashpoints are often local, the issues raised by protest often have wider, indeed global, resonance. This section of the report has also set out how national level governments have acted in response to protest, sometimes to make concessions, but most often to try to find new ways to stop the expression of people's voices. It has also raised the question of privileged access and the influence large corporations have over governments, development agendas and arenas of politics.

CIVICUS believes that in today's interconnected world, some of the national level challenges can only be addressed by working at the international level. Working across borders, the sharing of good practice and peer learning are ways in which civil society can become stronger to overcome common challenges and for protest movements to sustain themselves. Civil society activists who have found themselves targeted, harassed and detained by their governments often attest to the power of international solidarity in sustaining them. Civil society that seeks to achieve political change therefore necessarily needs to adopt an internationalist mindset. The international arena can offer a source of progressive norms that can shape national level practices, and international institutions can offer tools for monitoring and raising awareness of the failures of governments and the abuses of large corporations.

But the international arena can also be a source of problems. Large companies that transcend borders defy national controls. The inordinate influence enjoyed by powerful states in international relations can be inimical to people's sovereignty. Bad laws, policies and practices towards civil society spread from one government to the next. International institutions should provide safeguards for democracy and human rights, but they are often compromised by the interests of member states. Further, citizens lack access to international institutions, and do not easily understand them. It is the job of civil society to demystify these institutions and prise open access for people's voices and indeed to make these institutions more responsive to people's needs.

Nevertheless, international institutions often tend to be inaccessible and far removed from the daily realities of the people they are expected to serve. How, then, can they help to solve national level democratic challenges, without themselves being subject to reform? It is this question that the next sections of the 2014 State of Civil Society report will consider.

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PERSPECTIVES

This section comprises an analytical essay by CIVICUS that synthesises a range of contributions from leading

ON GLOBAL

civil society experts, assessing the state of global governance, international institutions and processes. The essay is followed by 21 guest contributions that offer a

GOVERNANCE

comprehensive, broadly owned civil society critique of global governance.

TOWARDS A DEMOCRATIC MULTILATERAL- ISM: CIVIL SOCIETY PERSPECTIVES ON THE STATE OF GLOBAL GOVERNANCE

This overview draws from the 21 guest contributions to the 2014 CIVICUS State of Civil Society Report. When taken together, the contributions – from a broad range of civil society voices – offer what can be seen as a comprehensive, broadly owned civil society critique of global governance. Reflecting the contributions received, this

section of the State of Civil Society Report focuses primarily on the challenges of international governance institutions and processes, and how these relate to civil society.

SUMMARY

Global governance isn't working. Many of the institutions and processes by which international decisions are made, and by which norms are set and diffused, are out of date and unable to meet present-day, entrenched challenges. In a rapidly changing world, they are not fit for purpose.

While international governance institutions were set up to tackle large problems, they have largely failed to offer people-centred responses to contemporary international economic, social, political and environmental crises. Global problems still lack global people-oriented solutions.

But the crisis is more than one of efficiency. It is also one of democracy. The institutions of international governance are not open enough: they do not organise themselves to be exposed systematically to people's voices. It is hard for people to relate to them or indeed to understand them. They are less democratic even than the states that make up their membership, and it is naive to expect citizens' voices to be filtered through their states to be heard at the global level. As such, international level institutions reproduce and amplify national democratic deficits.

The global governance picture is one in which there are huge disparities between who gets to have a say and who does not: the wealthiest states and corporations disproportionately influence international agendas and norms. Too often, powerful states skew international governance institutions towards their interests. Transnational corporations enjoy privileged access to many international institutions.

They exert considerable influence over many of the states that have formal ownership of international institutions. Imbalances of power are reinforced by a lack of transparency and accountability, which make it harder to shed light on these realities.

When international institutions consult with civil society, they consult selectively and superficially; they privilege larger, wealthier or less critical civil society organisations (CSOs), which enjoy disproportionate access, and may be reluctant to share and dilute the few opportunities they have. CSOs do not work together adequately to take full advantage of what opportunities do exist. In any case, access does not usually translate into influence. There is an absence of truly global, mass citizens' organisations that can organise to act as alternatives and counterbalances to global institutions owned by governments. The following adage is often repeated in the corridors of power: "The United Nations was never intended to be a utopian exercise. It was meant to be a collective security system that worked." ¹

Because they are skewed towards elite interests and offer little scope for direct accountability, international governance institutions cannot be considered to be representative of, or to be serving adequately, the world's citizens.

This is not to suggest that multilateralism could be dispensed with. Indeed, there is a danger at present that reform proposals could increase the power of large states and corporations, making current democratic deficits worse rather than better. Rather the need is for fairer, systematic, more transparent and demonstrably influential access by a broader range of voices.

As is explored below, critiques of global governance arrangements and proposals for reform can be grouped into two camps: those that concern themselves with efficiency and those that focus on democracy. While greater efficiency is important, CIVICUS asserts that the test of any reform should be that it makes global governance more open to, and visibly influenced by, a wider diversity of people's voices.

BUT WHY SHOULD WE CARE ABOUT GLOBAL GOVERNANCE?

Global governance proceeds mostly through institutions that have formalised the relationships between states, including the United Nations (UN) and its various agencies, the World Bank, the International Monetary Fund (IMF) and the World Trade Organisation (WTO). There are also regional institutions, such as the European Union (EU) and the Caribbean Community (Caricom); blocs created around historical ties, such as the Commonwealth and La Francophonie; more exclusive groupings of smaller numbers of states, such as the G8 and G20; and less formal groupings, such as the World Economic Forum (WEF). Many regional and more exclusive institutions appear to be growing to prominence, with implications discussed further below.

It is significant that the first – ultimately failed – attempt to create a global governance institution, the League of Nations, came in response to the unprecedented carnage, one hundred years ago, of the First World War, and that many of our present-day institutions date back to the aftermath of the horror of the Second World War. This serves as a reminder that these institutions are set up in acknowledgment that otherwise an international anarchy in which states are free to pursue self-interests will produce dire consequences for the world's people. International institutions are also formed in recognition that there are large-scale problems that do not restrict themselves to borders and that cannot be solved by states alone – such as the present-day

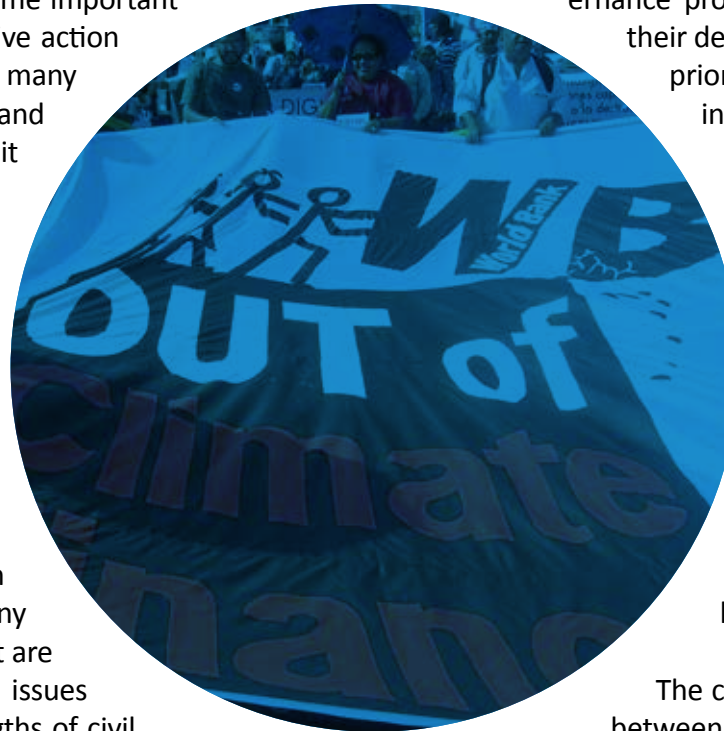
challenges of climate change, economic dysfunction and ongoing conflicts – and that there are collective action problems that need to be overcome, in that individual states may lack incentives to take action unless they can be assured that others will, or may ride for free on the actions of other states without contributing their share.

Some international institutions have become important arenas for decision-making. While collective action problems often endure in practice, and many international institutions are inefficient and stymied by state and business interests, it is also the case that many important decisions that affect our lives and our planet are being taken at the international level.

At the same time, it needs to be acknowledged that there are large portions of civil society for which international level working is not seen as relevant. CIVICUS' 2011 analysis of the Civil Society Index, a series of civil society self-assessment projects carried out in 35 countries,² revealed that there are many types of civil society around the world that are locally driven; this ability to address local issues should be seen as one of the great strengths of civil society. Civil society groups and activists may be concerned with local issues, and not necessarily seek change on a larger scale. Accordingly, they may not see any need to engage with international institutions, many of which were formed over a half a century ago and reflect the global dynamics of that time. For example, many African and Asian activists point out that these institutions were formed to serve the interests of powerful colonial powers at a time when much of the global South was un-free. Even among even large-scale CSOs in the US, there is some scepticism or lack of interest in engaging with institutions such as the UN. New protest movements that have come to promi-

nence in this decade may well think likewise, opting to seek change and develop alternatives outside the international system. At the Rio+20 sustainable development summit, held in Brazil in 2012, many CSOs chose to stay outside formal processes and organise their own events.

It is possible to mount a critique that because international governance processes are often deadlocked and many of their decisions fail to have impact, it should not be a priority for civil society to engage with them. And indeed there are challenges when civil society is seen to lend legitimacy to broken processes, as discussed further below. But if civil society does not engage at the international level and try to influence the major issues of the day being addressed by global governance processes, then it risks being seen to admit that it cannot hope to achieve impact; the end result would one of apparent irrelevance. If civil society is to offer a source of hope to people, there is a need for at least some parts of it to take on the big, international battles.



The contribution from Change.org makes the link between global governance and local level working:

"...this does not mean that these [local] campaigns are irrelevant to global governance. As many of us who have worked at the global level know all too well, sustainable global change has to be rooted in shifts at the national level, and in people's attitudes and daily lives. This imperative is only increased in an era of turbulence, multipolarity and distributed governance."

Further, as Stakeholder Forum's contribution suggests, even CSOs that work at local levels may be affected by what goes on internationally. This is partly because of the role international institutions, particularly the UN, and regionally the EU, have played in setting norms at the international level that establish good practice, which can diffuse down to and influence the possibilities available at local levels. Global Witness also calls attention to the role of international institutions in setting progressive norms, in their case in the contested area of the transparency of extractive industries, an industry that affects many poor communities; Global Witness indicates that, through engagement, norm-generating institutions can be gradually grown and enhanced. Conectas Human Rights, in the context of the Inter-American Commission on Human Rights (IACHR), similarly notes that the Commission has been able to develop its mandate and spread norms out into national level applications.

International spaces and processes can also offer CSOs levers to seek change, or to defend and enhance the space for civil society, at their national level. For example, while there is substantial scope for improvements in processes available, CSOs can use opportunities to make inputs to the UN Human Rights Council (UNHRC), and regional processes in Africa and the Americas, as discussed by Pan-African Human Rights Defenders Network (PAHRDN) and Conectas, to raise awareness of attempts to restrict civil society space.

Global governance also matters more negatively, because it is a space where political contestation takes place that can limit the possibilities for civil society and where deadlock can be forced and maintained, as in the case of Syria. Global governance is an arena where decisions that reflect powerful interests can be enacted in

conditions that lack transparency and where leaders can build profile, appear statesmanlike and strengthen alliances that may provide assets to enable repression at home.

In addition, repression itself is being globalised. CIVICUS has observed a clear culture of imitation, where repressive laws and surveillance strategies from one state are picked up on, borrowed and applied in another context. This trend has the effect of making the erosion of rights appear more commonplace and somehow more legitimate. Further, conditionalities and prescriptions imposed by international financial institutions in exchange for finance packages and loans, which have often imposed privatisations of public services and the reduction of social spending, can be seen as acts of global governance that impact on people's sovereignty and rights.

However, the present time may be one of opportunity to push for significant change. Negotiations around the next generation of sustainable development goals to succeed the Millennium Development Goals (MDGs) beyond 2015 are well advanced, giving civil society opportunities to make sustained critiques about the need to connect development goals with broader questions

of human rights, participation in governance and institutional reform to tackle democratic deficits, including at the global level. CSOs that work on international governance issues are demanding that they be included in the design, implementation, localisation and monitoring of goals, as well as more broadly in the international architecture that shapes itself to deliver them.

For all these reasons, positive and negative, global governance matters.

“The global governance picture is one in which there are huge disparities between who gets to have a say and who does not.”

SO WHAT'S GOING WRONG?

From the contributions received for the 2014 State of Civil Society report, a number of connected critiques can be discerned of current global governance arrangements: that they fail on the big tests; are out of date; are dominated by states; are insufficiently accountable to and inclusive of citizens and civil society; and susceptible to vested private sector interests. These are each explored below.

A. FAILURE ON THE BIG ISSUES

A key criticism of the global governance system is that it often ducks or fails to make significant progress on the big issues, such as climate change. The international system can frequently be seen to fail when it comes to responding to large, complex emergencies. Syria offers the current most dismal example of manoeuvring between powerful states creating deadlock, with the result that international agencies are failing to deliver Syria's people from bloody, internecine conflict. A repressive and brutal regime largely continues to enjoy impunity. As the Arab NGO Network for Development (ANND) starkly puts it:

"Words, it seems, are almost all that the international community can offer the people of Syria."

Failures such as Syria reflect the difficulties of an international system in which competing state interests make it difficult to reach consensus. While transnational actors, particularly in the private sphere, have become more important – and the world's people are increasingly mobile, globally connected and identifying with more than one nation

– the international system, at least formally, still remains organised around and privileges the state as the primary unit of governance, rather than the citizen.

Furthermore, the historical progression of the present international system is rooted in the notion of national sovereignty – a state's right to hold the monopoly of authority over what goes on within its borders, free from external interference – has held powerful rhetorical sway. States such as Syria have been able to use appeals to sovereignty and the inviolability of borders to claim a right to repress within those borders. Further, as Global Witness points out in relation to extractive industries, businesses can attempt to uphold the primacy of national laws to resist the introduction of greater global transparency standards:

"Business lobbyists claimed that national laws in countries such as Angola and China criminalise the publication of revenue payments. They argued for a clause... to exempt companies from reporting in such countries, despite not being able to provide any credible evidence that these national laws exist."

In practice, sovereignty is frequently violated; the most powerful states have frequently transgressed into the affairs of those less powerful, both directly and indirectly, while states have compromised on sovereignty, both willingly and as a result of coercion or inducement, in making international agreements. The notion of sovereignty thus remains contested, but it still offers a useful fiction for states to assert their pre-eminence in international institutions, resist external scrutiny, and mutually reinforce other states' desires to do likewise.

The fiction of sovereignty has gradually been eroded from its low point in the 1970s and 1980s, when, for example, the African Union's predecessor, the Organisation of African Unity, denied any platform to

criticise baroque dictatorships within its member states. In this respect the instigation of the Responsibility to Protect (R2P) doctrine, which sets out that, when states fail to protect their citizens from the worst mass crimes – crimes against humanity, ethnic cleansing, genocide and war crimes – the outside world has a responsibility to intervene, was seen by many in civil society as a major step forward. However, when the R2P doctrine was invoked to justify intervention by the North Atlantic Treaty Organization (NATO) allies in Libya in 2011, some states took the view that intervention exceeded the mandate and was skewed towards achieving outcomes that served the interests of states that intervened. This led to support for R2P being undermined – including within civil society – and weakened and ultimately caused to fail attempts to build a similar case for intervention in Syria.

In such circumstances, the hope might be that regional organisations, which a number of contributions assess as growing in importance, could step in to fill the gap. However, here ANND judges that the League of Arab States also failed, falling into the same traps of division and deference to the head of a member state.

The Global Centre for the Responsibility to Protect asserts that – even though the R2P doctrine has faced challenges in implementation when it comes to the question of intervention, both in terms of mobilising political will and avoiding the accusation of regime change – a precedent has been set:

“Since Resolution 1970 on Libya, the UN Security Council has passed 13 Resolutions and issued four Presidential Statements invoking the Responsibility to Protect.”

This suggests that a constructive global norm is being established and diffused, as well as influencing the behaviour of states, indicating that there are still ways of developing progressive norms within a dysfunctional global architecture. But the Global Centre for the Responsibility to Protect also suggests that the international system

remains weak at prevention, rather than intervention after the fact. A further implication is that the biggest obstacle to further progress is the fact that the UN Security Council (UNSC) remains unreformed. Its five permanent members continue to wield arbitrary veto power to obstruct action often to the detriment of the primary objective for which the institution was established (i.e., to maintain international peace and security).

In the light of this, the R2P doctrine could be seen as a noble attempt to graft a progressive goal onto a fragmented international order: the principle is a good one, but the challenge is that a narrow UNSC – closed to exposure to a diversity of voices and tied to the self-interests of five powerful states – is going to make flawed and failed decisions in applying it.

If the purpose of the global governance system is to deal with the big challenges of the day, then from endemic problems such as climate change to large-scale emergencies such as Syria, it seems clear that the system is failing. If, however, its role is more to perpetuate the status quo and uphold the pre-eminence of states as international actors, it could be judged as remarkably successful.

B. AN OUT OF DATE SYSTEM

The era since the establishment of the UN has seen profound changes. The UN had 51 founding states; now it has 193 members. The 25 years since the fall of the Berlin Wall alone have brought the end of the Cold War, economic globalisation, the rise of a unipolar world now shifting into a multipolar or apolar world, and the increased prominence of middle power Northern states (such as Canada, Germany and Sweden) and emerging economic powerhouses in the global South such as Brazil, India, Indonesia, Mexico, South Africa, South Korea and, more recently, Nigeria which has laid claim to having become Africa’s largest economy). Across many parts of the world, recent decades have seen a wave of democratisation, followed by a mixture of consolida-

tion and digression. There has also been renewed interest in – arguably followed by a retreat from – civil society as a source of solutions; the entrenchment of neoliberalism as an international political and economic orthodoxy; the concentration of corporate economic power into larger, transnational companies that are not bound by state borders but can heavily influence state behaviour; the burgeoning of new technologies that offer novel ways of making international connections; and two recent waves of mass protests. As Shack/Slum Dwellers International (SDI) puts it, in their case in the context of urbanisation, policy has simply not kept up with this rate of change.

Harris Gleckman from the University of Massachusetts summarises the challenge:

“Today’s core institutions of global governance were put in place after the Second World War. However, in the intervening 60 years, the global economy has completely changed; international CSOs have played key roles in intergovernmental conferences; multinational corporations (MNCs) have multiplied in size and scope; and environmental problems have evolved into challenges to the stability of global ecosystem. Yet the formal institutions of global governance have remained state-centric. And they are demonstrably unable to manage contemporary globalisation, contain global climate change, or address systemic social failures.”

In this fast-changing landscape, it is not surprising that some global governance institutions have failed to keep up. But some have been blocked from trying to do so by powerful states. In the most egregious example, the Bretton Woods institutions (the World Bank and the IMF) continue a cosy government arrangement whereby the head of the former is always from the United States and the head of the latter

always a European, reflecting a view of the world order that is now half a century out of date. As One World Trust (OWT) attests:

“...attempts to reform the governance of the IMF to provide more balanced voting and membership from developing countries continue to stall, and voting reforms at the World Bank still mean that high-income countries hold vastly more power than middle-income or low-income countries.”

Power relations have changed since then, but some government blocs have been able to freeze an expired status quo to their advantage.

C. INSTITUTIONS DEADLOCKED BY STATES

The notion that international institutions will solve problems that individual states cannot themselves address is a fine one, but it only works if states are able to put some aspects of their national interests aside. Otherwise, there is a clear paradox: if international institutions emerge from failures of states, how can those same states be assumed to be able to solve problems by taking their failure to a different level?

Contributions to the 2014 State of Civil Society Report offer numerous examples of where international institutions' best intentions have been stymied by national interest politics, something also confirmed as one of the major findings by respondents in the CIVICUS scorecard of civil society engagement with intergovernmental organisations which is part of this report. “Member states overriding CSO voices” was highlighted as one of the biggest obstacles to engaging with global governance systems.

The UNSC provides perhaps the most extreme example, remaining skewed towards the interests of its permanent five members – and frequently stalemated as a result of their veto power – tending to divide between the US, UK and France on the one hand, and Russia and China on the other. On the basis of vetoes by China and Russia, intervention in Syria has been blocked. Russia's March 2014 annexation of Crimea has seen the UNSC becoming once again a forum for grandstanding and theatrical rhetoric, reminiscent of the Cold War excesses of the 1970s. The UN General Assembly and the UN Human Rights Council (UNHRC) also sometimes act as forums for international rhetorical performance, lacking substance.

Double standards and selective posturing on human rights by states to advance their strategic interests continues to undermine the legitimacy of these institutions. The case of Israel – which continues to grossly violate the rights of the Palestinian people, while enjoying continued support from the three permanent Western members of the UNSC that claim to predicate their foreign policies on human rights standards – is a sorry reminder of the hypocrisy that prevails in international relations.

There have been calls for UNSC reform since the 1970s, but thus far these have made no headway. It is increasingly difficult to mount an ethical or even logical justification for the permanent privileging of five states, particularly given the deadlock that so often results, but it is equally hard to imagine the permanent five agreeing to reform when this would dilute their powers. It is in arguably the UN's most important institution that the assertion of narrow state interests most strongly prevails.

Meanwhile a structure that was set up partly in the hope of getting around UNSC deadlock, the International Criminal Court (ICC), established as a body outside the UN to tackle impunity enjoyed by powerful figures for crimes against humanity, has also run into problems with the assertion of national and regional interests. In the ICC's case, Kenya's and Sudan's Presidents, facing proceedings, have successfully mobilised an African bloc that previously supported the setting up of the ICC to now condemn it, as biased against Africans and unacceptably intrusive of sovereignty. Even though the formation of the ICC largely came about through middle and smaller powers working in combination with civil society to overcome staunch US opposition, it has taken little in practice for the project to falter once state leaders came under scrutiny. Conectas suggests that national interests

have also been in play recently at the Inter-American Commission on Human Rights (IACHR), in which states used a recent review process to try to restrict its autonomy.

In the light of this, the notion that increasing the number of states involved in making the big decisions may seem an appealing, if small, step. But when states such as Brazil, India and South Africa seek reform, it appears they have less interest in changing the UNSC to make it more democratic, accountable and active,

than in merely expanding it to include themselves. Their claims are made not on the basis of improving governance, but on their right to achieve special recognition and enhanced power as a result of their increased geopolitical influence, thereby reproducing notions of international legitimacy based on power rather than on accountability to citizens. Expanding the UNSC may not make it any more progressive or less vulnerable to deadlock, unless opportunities for input from, and accountability towards, civil society form part of a reform package.

“Double standards and selective posturing on human rights by states to advance their strategic interests continues to undermine the legitimacy of these institutions.”

Stakeholder Forum similarly sets out how the move to make all UN member states members of the UN Environmental Programme (UNEP) could result in lessened civil society access:

“UNEP was given a mandate to redirect its entire system, as it has been given universal membership. Having once been the first body within the UN system to allow civil society/NGOs the right to participate, UN member states belonging to the G77 group of countries that are engaged in writing the rules of procedure for the revised UNEP are now questioning these rights.”

Global Partners Digital, in the context of the current debate on the governance of the Internet, makes clear the complexity of the discussion: in this new area, a distributed, semi-formal governance system has evolved, in which civil society has some scope for input. While there is much that could be improved with current arrangements, including bringing greater transparency and addressing the US’ particular power over this domain, a range of repressive states seek to impose a narrow form of multilateralism which would hand power to state elites:

“...a number of authoritarian governments, reacting to growing evidence that the Internet is a remarkably effective tool for citizen mobilisation, are calling for new mechanisms for greater governmental control.”

Again, what on the face of it might look like a broadening of governance, by involving more states, could reduce the potential for civil society voice. The Center for Concern, in the context of the G20, suggests that debates about balancing membership by adding the odd extra state from the global South misses the broader point: the challenge

is less about which states are involved in institutions, than about how accountability can be exercised.

International institutions should not of course be assumed to be mere servants of their member states: there are often complex processes of interplay at work by which international institutions form their own cultures, expertise and inertias, and have some ability to resist the promptings of their member states. CIVICUS knows from its experience that many of the officials of international organisations are motivated to seek change, and have a more progressive outlook than that of their member states. But they are also often acutely sensitive to, and seek to anticipate the demands of, member states, particularly the most powerful members; many international institutions are bound to member states by virtue of the funding they provide to keep the organisation going. Again, this can produce a skewing effect; in many institutions, the largest, wealthiest, most powerful states provide most of the funding, and so inevitably have voices that seem loudest.

D. NEW POWERS, OLD PROBLEMS?

The above examples suggest that inequality between states in the international system is a problem, but making improvements to redress this inequality may do little to address broader democratic deficits. It may only widen a little the circle of most privileged states; depending on the democratic make up and attitudes towards civil society of states that obtain enhanced power, the rise of new powers might result in a worse deal for civil society.

For that reason, the upsurge of alternate global and regional powers to challenge the recent US hegemony offers mixed news. The Bank Information Center (BIC) offers one indicator that the international role of countries from the global South is changing: states such as Angola, Georgia and India are becoming donors to the World Bank, rather than only being recipients, diluting the claim to pre-eminence of the US.

The countries that have captured most attention here are those in the Brazil, Russia, India, China and South Africa (BRICS) group. This group combines large states that subscribe to democratic values, as well as those that profoundly do not, and contains two states (China and Russia) that are emphatically intolerant of activism and the expression of alternate views. China in particular holds hard on the notion of sovereignty and the inviolate nature of national borders, making clear the connection between domestic elite interests and states' behaviour in the international arena: brooking no interference in its own affairs, China uses international forums to promote non-interference in all circumstances as a reasonable notion, in doing so blocking the UNSC.

It's also widely noted that changing power relations are giving smaller or less powerful states the ability to offset external pressures from Western powers. Clearly, this can be a positive, in that such states may feel less constrained by Western states and more assertive internationally, but it is also a negative, in giving the leaders of repressive states alternative resources to resist external democratisation pressures usually pushed by the West, as has been observed as a consequence of China's growing role in African states with poor human rights records.

BIC notes the growing influence of Chinese lending:

"...developing countries face a growing number of options for development financing... [T]his is linked to many global trends, including the rise of other regional development banks and the growing influence of

national banks such as the Brazilian Development Bank (BNDES) and Chinese Banks (China Development Bank and China Export Import Bank). In a recent estimate, the Chinese banks offered loans of at least US\$110 billion to governments and firms in developing countries in 2009 and 2010, eclipsing World Bank lending of US\$100.3 billion from its equivalent arms."



In March 2013, the BRICS group announced that they would establish a BRICS Development Bank. Given China's economic dominance, there is concern from civil society groups that the proposed bank could have weak human rights and social accountability standards, being more permissive of repressive states than current lenders.

Other BRICS states tend to have contradictory foreign policies: for example, India adheres closely to its national interest in some international arenas, such as those for the control of nuclear arms, but in others, such as the WTO, positions itself as offering a more progressive voice, aligned more generally with the interests of the global South. During the March 2014 session of the UNHRC, Indian diplomats delivered a statement on behalf of a group of 'like-minded' countries comprising some of the world's worst violators of democratic freedoms, including Bahrain, China, Egypt, Malaysia, Russia, Saudi Arabia, Uganda and Zimbabwe, urging the international community to exercise caution in supporting "causes of civil society." This statement was also endorsed by South Africa.

Later that month, South African diplomats, supported by Indian representatives and some authoritarian governments, attempted to impede the passage of a UNHRC resolution on the “promotion and protection of human rights in the context of peaceful protests.” They proposed that the right to peaceful protest should be qualified by the need to ensure stability of the state and friendly relations with foreign states.

If one’s primary unit of analysis is the state, one may see global power imbalances as being redressed in these recent trends; but if one starts from the point of view that the citizen should be the most important actor, benefits become harder to discern.

E. COMPLEXITY AND GAPS

Global governance architecture is also criticised for being complex and unwieldy, which makes it hard to understand and engage with. As PAHRDN observes, relating to the African Commission for Human and Peoples’ Rights:

“Even for those who have been participating at the... Commission for some time, its structure and rules can be confusing to navigate.”

Greenpeace International and SDI indicate that one problem is the lack of coordination between different institutions and the siloed nature of many institutions. Fragmentation, including within the UN and between its various agencies, is identified as a problem by ANND.

“Those who know how the system works and how to speak its jargon are privileged with insider knowledge.”

When we talk about the global governance system, the word 'system' is a misnomer; rather, there is a patchwork that has evolved over time, with a mushrooming of institutions since the UN, IMF and World Bank came into being, both within the UN and outside it, along with a proliferation of sub-global institutions and regional bodies. It is not surprising that this is confusing.

A plurality of institutions could be seen to be consistent with democracy, in enabling a range of institutions, spaces and opportunities. However, democracy also implies turf wars, jealousies and competition for resources and visibility. It entails heavy coordination costs and provides space for states to pursue multiple and some contradictory

agendas at the same time to assuage various interests. There are challenges of efficiency. But there are also challenges of democracy. Complexity places a premium on those who understand the system. Those who know how the system works and how to speak its jargon – and where the entry points and levers of influence lie – are privileged with insider knowledge. They may be reluctant to share this knowledge, even though doing so would broaden participation, as that may cause them

to lose a gatekeeper status that they enjoy. This includes those within civil society who have invested years in becoming insiders.

Further, because the international system is a patchwork, some fields have more coverage and are given more weight than others: the governance of trade seems strong, but the governance of environmental issues seems weak. Greenpeace International observes that the WTO enjoys special status as an institution that can enforce its rulings rather than relying on the consent of states. It is not a level playing field: some institutions are more equal than others.

F. LACK OF ACCOUNTABILITY, LIMITED DIALOGUE

It is important to go beyond the critique that global institutions are out of date and inefficient, as reforms to address this could plausibly make institutions more efficient but less open, as is discussed further below.

As well as the issue of the dominance of states, international governance institutions are also accused of being insufficiently open and lacking accountability. This manifests in a variety of ways: for One World Trust (OWT) and the Institute for Justice and Democracy in Haiti (IJDH), the fact that UN staff are above the law – and insulated when on mission from the scrutiny of local actors – is troubling. A further concern is the lack of accountability on internal issues, which reaches to the very top. Often it is hard to pin down key officials, as BIC points out is the case with the World Bank:

“Executive Directors – who represent all member countries and their citizens – are all based in Washington, DC, and engaging with them is problematic, given that their travel schedules are not published and their websites are often out-dated.”

One way to enhance accountability, short of enabling direct accountability to citizens, is to improve civil society participation. A challenge here is that civil society participation was rarely designed into

the structures of institutions. While consultation with civil society has grown over time, sometimes it still appears as an afterthought or add-on, as affirmed by CIVICUS’ scorecard of civil society engagement with intergovernmental organisations. CSOs are not involved in designing structures for their own inclusion. Action from civil society can be effective in challenging agendas, but the essential relationship is still one of response: the international system may react to civil society, but it rarely anticipates.

International governance institutions, being designed for a world of nation-states, have had to try to adapt to the evolving nature of people’s participation over the past 70 years, some better than others. The quality of engagement and its influence are unclear.

Since the end of the Cold War, there has been a growth in international, multilateral summits, and a gradually growing norm that, at least in international meetings that occur under the imprimatur of the UN, there ought to be a substantial component of CSO participation, even if the practice of that CSO involvement is often superficial. As the Stakeholder

Forum notes:

“The contribution UN bodies make to establishing global norms may not always be well understood, but the diffusion of norms is often a prerequisite to the successful implementation of agreements. Among these normative contributions is the involvement of non-state actors in global processes.”



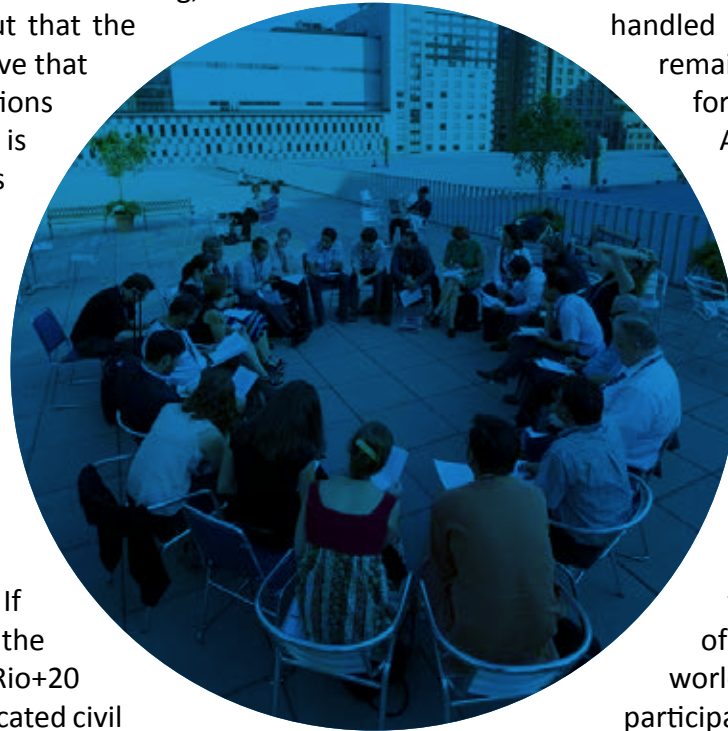
Accordingly, there has been an explosion in the number of CSOs participating in international meetings. According to the UN accreditation body for CSOs, 3,900 CSOs are in consultative status with the UN Economic and Social Council (ECOSOC), and over 31,000 other CSOs work with the UN.³ Despite this mushrooming, results from CIVICUS' scorecard point out that the majority of CSO respondents do not believe that access to intergovernmental organisations has substantially improved. Then there is the unfortunate situation of some CSOs acting as gatekeepers to international institutions and unhealthy competition within civil society itself to gain access and influence.

An irony in the expansion of the number of CSOs participating is that it is harder for individual civil society voices to be heard. The challenges that can arise with volume were seen in the participation arrangements at Rio+20. If sometimes CSOs feel that they are in the room largely for ornamental purposes, at Rio+20 many were not even in the room: the dedicated civil society area was 30 kilometres from the main meeting. Other constraints on CSO participation and influence include resources, accreditation issues, familiarity with institutions, language barriers and access to information.

Confronted with this complexity, officials will understandably seek to apply simplifying filters, by giving weight to the voices they are most familiar with – or deferring to the big, international brands of the best funded, most visible CSOs – and privileging what they see as peak institutions and coalitions.

Many of the contributions to the 2014 State of Civil Society Report offer strong critiques of current processes for consultation with and

participation by civil society. United Nations Volunteers (UNV), one of the UN agencies with the closest connections to civil society, asks the question of how a larger range of actors can be involved in the exercise of accountability. OWT suggests that, while acknowledgement of the need for consultation has grown, it largely remains handled in a superficial way. Key questions that remain include: how serious are opportunities for input? What is the quality of the processes? And how well are institutions able to process and apply the input received?



BIC and OWT identify some progress on opening up to greater scrutiny on the part of the World Bank, IMF and WTO, but also many continuing gaps. Some regional and sub-global organisations are seen to have worse consultation standards than the UN. The Commonwealth Human Rights Initiative (CHRI), for example, identifies that the Commonwealth, an association of states that cover almost a third of the world's population, has gone backwards in its participation and consultation approaches. What happens with civil society input in its official processes is mysterious, and even the dates of some key meetings are hard to obtain; the best civil society access is granted to the least important meetings. These lead them to conclude that:

“There is a continuing sense that the Commonwealth is an association of governments rather than people.”

International governance institutions, when they place emphasis on formal accreditation procedures, also struggle to engage with informal structures, even though these can be platforms for the most vulnerable and marginalised. As SDI puts it:

“Informal populations are excluded by formal rules and regulatory frameworks that produce legal norms and standards... Informal social movements are still not well understood. Very few formal institutions have instruments, strategies or mechanisms to identify them, engage them in dialogue and attempt to channel their energy, ideas and resources into solutions that bring about sustainable inclusion of the informal into mainstream processes.”

For SDI, as economic globalisation has accelerated the pace of urbanisation, with global corporations often involved in the rapid development of urban spaces and global financial companies recasting urban spaces as financial centres with accompanying private infrastructure, what can be observed is a gap between the globalisation of capital and a globalisation of political response for those most affected.

Institutions may also fail to make special efforts to reach out to young people, women and other typically marginalised and excluded groups, such as people with disabilities and indigenous peoples; the formal representation many such groups were given at Rio+20 and preceding processes is the exception, rather than the rule, and even here, as Ivana Savić from the Centre for Human Rights and Development Studies discusses, there is a lack of resources to sustain inclusion.

Some contributors emphasise that consultation processes can be important in their own right. As Harris Gleckman puts it, there is a fresh need to reassert the value of negotiation as a process. ANND further suggests that, in the case of Syria, starting a meeting and discussion process that gets different people around the same table is in itself a positive step.

An emphasis on process offers a challenge to critiques that focus on making the international system more efficient, by affirming that

process itself is valuable. Institutions could be reformed to become more nimble, flexible and efficient, but one way to realise efficiency gains could be by reducing expensive and time-consuming consultation processes. For many of the contributors, it is not just the outcome that matters, but how it is arrived at, who was involved and whether the process of reaching the outcome has helped to develop inclusive, democratic processes with future utility.

The difficulty with emphasising process is that if consultative processes take place inside flawed institutions, they may fail to challenge those flaws; indeed, they may reproduce them, or be used to confer a layer of legitimisation. Consultations can become box-ticking exercises, styled by CIVICUS as ‘insultations’. CSOs may be seen as having been co-opted. As OWT points out:

“CSOs engaging with the most powerful intergovernmental organisations have found that efforts at greater accountability can be superficial. Large consultations with civil society can be lavish, but their recommendations may go no further than the conference room. In individual meetings CSO representatives often only get access to junior members of staff without decision-making power.”

Further, SDI claims:

“Global governance institutions pay lip service to hearing the voices of civil society... and encouraging broad-based participation. Real decision-making continues to be concentrated in the hands of national governments and international bureaucrats.”

OWT additionally points out the gap between the critiques made by civil society and the lack of structural reforms that would imply these are being taken seriously:

“...although civil society seems to have had an important role to play in highlighting problems of accountability deficits in global governance, there is less evidence that this results in these problems being addressed through structural reforms, which would be necessary to entrench accountability in the everyday workings of an international organisation.”

From the CIVICUS scorecard exercise, a sense emerges from civil society that intergovernmental organisations are more interested in CSOs for their ability to help deliver projects and programmes, than for their potential to influence policies: 63 percent of CSOs consulted assessed impact on policy at the international level as poor or very poor. Further, the pattern seems to show a clear bias towards Northern-based CSOs in being able to achieve impact. Dialogues are criticised for lacking demonstrable outcomes, which may drive apathy. Access to key decision-making bodies is weak.

The argument for CSOs to engage in consultations – even when they are superficial – is that routines of collaboration can be built up that can be established over time as a minimal base to build out from, or at least a line in the sand that it is hard to retreat from. Conectas suggests that there is a need to make systematic and then expand existing consultation opportunities, and PAHRDN further suggests that spaces can be grown out from. At the same time, a sense is expressed by several contributors, such as those from BIC, Conectas and Stakeholder Forum, that democratic gains are never permanent, always capable of being reversed, and so there is a need for vigilance and to defend existing space, however limited. For example, regarding the IACHR, Conectas states that:

“...there is a continuous need to assert the Commission’s independence and to consolidate a strong IACHR that is capable of resisting attempts to limit its freedom of action in the face of tough challenges by some states.”

Further, in the context of the UN Convention on the Rights of Persons with Disabilities (CRPD), Disability Rights International (DRI) notes:

“Implementation requires constant engagement to ensure the original intent of the CRPD is not undermined by weak legislation.”

This fear is one driver of regular participation. Often CSOs take the view that spaces in global processes need to be used or they will be lost, and the credibility of civil society will be called into question by states if participation opportunities are not taken up, even if consultation processes are fundamentally flawed.

At the same time, more self-interested motivations from civil society need to be aired. Competition for visibility and prestige can be motivations; those CSOs that accept invitations and sit at the table will appear more important than those who do not. A danger this can entail is over-respectful behaviour that conservatively values being at the table and seeks to build civil society respectability, and so does not want to risk being seen as disruptive or unconstructive.

It is important not to see improved consultation processes as a panacea: civil society’s demands need to be more ambitious than that. For Greenpeace International, tinkering with consultative processes can only realise marginal gains, and to some extent is a distraction, unless the way in which power imbalances are expressed and reproduced through institutions are addressed:

“A shift of power is more important than a change in the frequency, style or depth of consultations... Achieving effective environmental governance is... above all about changing existing power relations. It is about building a movement powerful enough to force governments to act in the public interest. It is about building alliances between grassroots initiatives and global organisations. It is about making the argument for change as much on the street as in the corridors of power... It is imperative not to settle for a little more transparency here or a little more consultation there.”

This lack of clear routes for quality input – and to enable efficient scrutiny—is troubling from the point of view of efficiency: if international governance institutions are not informed by the widest range of well-informed inputs, the design and reach of their programmes will not be optimal, while without feedback processes, institutions will not learn how to do things better. But more fundamentally, there is a problem with democracy.

G. THE DEMOCRATIC DEFICIT

The pre-eminence of states as international actors causes a democratic deficit at the global level. When states with internal democratic challenges work internationally, they bring their lack of democracy with them into the international arena. A lack of domestic democracy and limited accountability to citizens allows for narrow notions of national interest to be constructed around elite interests, which are then advanced and defended internationally. Undemocratic states use their presence in the international arena to reinforce each other and try to legitimise their behaviour. States that are uncomfortable with democracy, alternate voices and activism at home are unlikely to encourage them abroad. Even mature democracies are not immune

from the malaise of advancing vested minority interests in international affairs, and states that promote themselves as progressive voices fail to live up to high expectations when international horse trading and deal-making come into play.

There is a democratic deficit because international institutions are less democratic than the highest standards of their most democratic member states. Citizens are able to have much less influence on international institutions than on their own governments. As OWT notes:

“...such institutions stand outside the rule of democratic elections and they rarely answer to the people whose lives they most affect.”

The challenge is that citizens do not have direct relationships with international governance institutions; their involvement is filtered through representatives of their states, whether that be politicians democratically elected to some greater or lesser extent, or appointed, career officials over whom citizens cannot exert direct accountability. As the contribution from the Committee for a Democratic UN, which is running a campaign for a UN parliamentary assembly, states:

“Agenda-setting and decision-making on important policies are shifting to the UN and its specialised institutions, as well as to international fora such as the G8 and the G20. The decisions of these bodies are prepared by highly inaccessible officials appointed by the executive branches of national governments. While the point could be made that at least democratic governments that appoint these officials have a political mandate to do so, the reality remains that diplomats and negotiators are unelected and that the constituents of the political

opposition are not represented. Intergovernmental bodies thus are largely disconnected from democratic oversight, participation and deliberation.”

OWT adds:

“All too often the people most affected do not have the power or weight to individually influence the world’s largest organisations.”

Even in states with long established and sophisticated democratic practices, such as the states of Northern Europe, this is problematic, given the remoteness of international institutions from citizens. As this report’s section on citizens’ activism in 2013 and 2014 suggests, many of these states are now experiencing a rejection of traditional, formal, electoral politics, as expressed through behaviour such as the organising of direct, alternative structures and the withdrawal of participation in elections. People are demanding different relationships with decision-makers. What is on offer at the international level is less than what they are not happy with domestically.

For the large number of states where civic participation is more limited and there is some degree of antipathy towards civil society by the state, as evidenced by CIVICUS’ Enabling Environment Index, the prospects for citizens to engage with global governance institutions through their states seem slim. There is a double democratic deficit here: citizens who lack voice at the national level cannot look to international forums as an alternative; given the privileged role of states and large corporations and, as is discussed further below, national voicelessness is amplified at the international level.⁴ A citizen of a repressive state will struggle to find global level redress.

It may even be the case that undemocratic regimes prefer to situate some difficult questions within the international arena precisely

because there is less transparency, as the Committee for a Democratic UN indicates:

“It has been argued that shifting policy-making to the international level is not always driven by pure necessity, but also by the intention of governments to limit domestic public interference and discussion.”

Certainly, such governments will have little interest in democratic reform.

H. CIVIL SOCIETY DIVISIONS

The blame for the present state of affairs does not lie solely at the feet of states and international governance institutions. There is a need to be honest and open about challenges in the civil society arena as well.

One should not assume that there exists a unified, well-organised civil society. CIVICUS sees civil society as a diverse, heterogeneous arena. Different civil society actors have different perspectives, interests and agendas, which may not coincide. There may be competition within civil society, and to some extent that competition is healthy, as it fosters innovation. The diversity of civil society should be upheld as one of its great assets, as it enables multiple ideas, alternatives and solutions to be advanced. As the UNV puts it:

“...civil society is now more diverse than ever, ranging from organised groups to huge movements and various forms of non-formal mass action. This brings with it unparalleled power and possibilities, but also complexities. It makes it harder to work with a representative cross-

section of civil society, but brings with it opportunities for innovative solutions that can potentially transform citizen-state relations.”

Attempts to oversimplify this diversity or filter voices in reductive ways should be resisted. This is one danger that comes with consultation processes, which may seek to condense a range of perspectives into simplistic and sometimes pre-decided messages. At the same time, SDI points out that different CSOs may be working on different parts of the same problem without adequately connecting. Global Partners Digital suggests that in discussions of Internet governance, a divided specialist civil society and a failure to mobilise broader civil society have contributed to a lack of proposals for reform. Stakeholder Forum indicates that civil society collaboration is essential to achieve international impact:

“For civil society to be successful in its endeavours, it needed to be organised and the organisations needed to be recognised as legitimate entities.”

PAHRDN, in the context of civil society’s engagement with African Commission on Human and People’s Rights, notes the benefits of closer working between different CSOs:

“Unsurprisingly, the... Commission’s agenda is packed and there are limited opportunities to engage with the 11 commissioners on a one-to-one basis. To increase chances of making an impact, it is a good idea for like-minded CSOs to work together and seek joint meetings with the relevant commissioners or to organise joint side events. Not only is this a more efficient use of time, but joint efforts are likely to attract a larger audience, and to generate

stronger recommendations through drawing on the expertise of a larger group.”

Because civil society is an arena of competition, even if they have the noblest of intentions, CSOs are competing for resources, visibility, prestige and the claiming of success. A recent CIVICUS assessment of the health of civil society at the national level in six West African countries seems translatable to the international level here. That analysis found that CSO coalitions are bedevilled by competition for resources with their member organisations, caused in large part by coalitions’ attempts to sustain themselves by taking on funded project work that might otherwise be carried out by their members, and that some coalitions were effectively captured by their founding or host organisations, with little opportunities for members to influence them. At the international level, large, international CSOs and coalitions can act as gatekeepers. They are not neutral; they apply their own agendas and frames. There is a lack of neutral sherpas that can give guidance to the smaller and less well connected CSOs.

As any selection inevitably entails choices about who gets to be in the room, consultation processes face the challenge of stirring division through selection. Processes can bring divisions between those CSOs that are asked to participate and those that are not. Stakeholder Forum raises the possibility of insider-outsider splits based on technical expertise, linked to agency specialisation:

“It is easier for expert groups and the NGO community to interact with the substantive and thematic areas of single-issue organisations. And since specialised expert groups, to which many single-issue NGOs relate, can provide government negotiators with cutting-edge research results and incisive analysis, delegates are more prone to integrate expert groups into the inner, formal sanctum of the

intergovernmental system... The danger raised whether this could split the civil society community between those that have insider status and those that do not."

For the Transnational Institute (TNI), multi-stakeholder processes choose the less critical, better funded civil society groups:

"They... tend to exclude conflictual civil society groups in favour of more consensual ones, which are often better funded, willing to make deals and accept ameliorative change."

CSOs that participate can be seen by others as privileged or co-opted. Those that participate regularly may be seen as part of a global elite, disconnected from the rest of civil society. Sometimes who gets to be in the room can have a literal meaning: processes will privilege those who are able to have a physical presence and repeat attendance in New York or Geneva, building up knowledge, routines and habits of participation. CSO representatives who are able to attend consultations repeatedly will develop personal relationships. They will be recognised by officials and may be more likely to be called upon to contribute; at the same time, they may be reluctant to risk damaging the relationship by asking difficult questions. The effect of this is can be to limit the scope of discussion and marginalise those CSOs that cannot afford to have regular representation, which are likely to be smaller CSOs and CSOs from the global South. A CIVICUS analysis of CSO participation at World Bank annual and spring meetings reveals that almost 70 percent of the CSO attendees were from the global North. A report on the role of civil society in global governance published by Bertelsmann Stiftung estimates that one-third of over three thousand ECOSOC registered NGOs with specific headquarters were based in Europe and a further quarter in North America⁵

Two-thirds of CSOs that took part in the CIVICUS Scorecard of civil society engagement feel that intergovernmental organisations'

consultation arrangements are too selective and insufficiently broad in their reach. In response, it is suggested there is a need for more focus on regional, local, decentralised outreach by intergovernmental organisations.

The notion of cultural capital may be helpful in understanding the gatekeeping challenge in global governance. The situation can be characterised as one in which knowledge, opportunities and access are limited to a handful of well-resourced CSOs, most of which are located in developed countries. Citizens from different geographic locations or cultures may be inadvertently discriminated against; in global institutions there well may be an unconscious bias in favour of citizens who have been socialised in similar structures to those of controlling elites. A complex system also leaves accountability holes in which the powerful are likely to enjoy shortcuts and be able to exploit personal connections.

This implies that outsiders may waste time and resources through not understanding how the system works. They may not know how to get what they seek, what is feasible, or even how to articulate their demands. As a result, they may disengage. Further, a lack of engagement may also reflect a limited outreach to the local level by international governance structures.

Alongside this, CSOs compete to raise their particular, individual issues. While diversity is a great value, there is also a lack of coordination to make and re-emphasise key points to achieve concerted impact. Too many appear happy enough to travel to a meeting, make their particular point and publish a story on their website about their presence at an important meeting.

Another challenge CIVICUS has identified is that in many countries of the global South, including those rising in prominence such as BRICS countries, there is a lack of organised internal civil society advocacy on foreign policy processes, compared to civil society pressure on domestic issues. Closer connection needs to be made between

domestic and foreign policy. An absence of domestic civil society scrutiny and pressure gives leaders a foreign policy free ride. At the same time, in many developing countries, foreign policy tends to be highly personalised and at the disposal of presidents, career diplomats and surrounding elites; foreign policy decisions may not reflect the views of citizens, particularly in states with limited democracy.

Alternatively, some international CSOs based in mature democracies have developed cosy relationships with their governments, including financial and project delivery relationships, limiting their advocacy power and running the risk of being co-opted in foreign policy agendas.

CIVICUS' enduring critique that CSOs that are active on national and global stages need to be able to demonstrate their legitimacy by proving their connection to citizens and the vital issues of the day still stands true; otherwise civil society itself will be accused of being part of the global democratic deficit problem rather than its solution: if there are insufficient official channels for citizens to influence the foreign policy decisions of their governments or the deliberations of international processes, then civil society has to prove that these connections are capable of being made in its own sphere. Civil society needs to model within itself the best possible way of working across diversity, rather than reproduce the flawed practices of others.

The Stakeholder Forum suggests that those inside processes need to find better ways of opening the system up to others. For Greenpeace International, there is a need to connect the street to the conference table: those inside the room need actively to reach out towards and try

to grow connections with those who may be boycotting, protesting or simply not involved, to the benefit of both sides of the equation. TNI also asks the question of can evident public anger about issues rising in salience, such as inequality, be channelled into structured demand for policy change.



New technologies offer potential to cut through gatekeeper challenges by enabling outreach to more people, but at present these processes often seem superficial, and the mechanisms by which they may feed into final outputs are mysterious. What international governance institutions also need to understand is that participation may raise expectations. Over 1.5 million people are said to have taken part in the UN's My World survey to identify their development priorities;⁶ that is a large number of active and perhaps technologically savvy people who will be disappointed if other voices are allowed to outrank them.

If international institutions believed they needed to derive democratic legitimacy from demonstrating close connections to citizens, they would have to do more to address this challenge, but consistently they are demonstrating that states matter more to them. Similarly, CSOs that are internationally engaged are not doing enough to connect with local CSOs and expand the footprint of involvement. Better global to local, two-way links are needed.

I. PRIVATE SECTOR PRIVILEGE

There is, however, not a level lobbying field. Public concern about economic elites has been fuelled by the widespread, recent economic

crisis – and states' emergency responses to it, which have largely entailed slashing public spending – hitting the poorest hardest, while tolerating economic elites whose lack of responsibility caused the crisis. This has focused attention on how many economic assets are controlled by a small number of people. As TNI identifies:

“...the world's wealth is concentrated even more than is popularly understood, not in the 1% but the 0.001%: 111,000 people control US\$16.3 trillion, equivalent to a fifth of the world's GDP. Even in the wake of the economic crisis, the world's millionaires have thrived. In 2012, the wealth of the world's millionaires grew by 11%, while household income in EU and US either stagnated or, in some cases, fell.”

This economic wealth is matched by growing dominance of transnational corporations in the global economy. Today, 37 of the world's largest economies are corporations. Walmart, Shell, Volkswagen and others have become modern-day empires, bigger economically than Denmark, Israel or Singapore. A historic study by mathematicians in the Zurich Polytechnic Institute revealed an even greater concentration of economic power when they focused on ownership of these companies. In a study of 43,000 corporations, they found just 147 companies control 40 percent of the economic value of the entire sample. Most of these are banks, hedge funds or other financial services corporations.”

This consolidation and concentration of economic power into a small number of massive, interlinked, transnational corporations has almost imperceptibly led to them encroaching into the international

governance sphere and quietly rewriting its rules. As Harris Gleckman warns:

“Today's powerful actors, multinational corporations, are recommending ways to use their power to establish themselves in crucial governance roles. At the same time, this process will not be effective unless a new universal set of sustainable development rules is in place to constrain their adverse behaviour in the global marketplace, and as it affects individual communities and people.”

At the same time, the rise of new powers, such as China, is fuelling an increased demand for raw resources, creating new governance challenges, as Global Witness indicates:

“As new global actors emerge and demand for natural resources increases, competition for the world's remaining deposits of oil, gas and minerals will continue to intensify. The drive to find new sources of supply is taking extractive companies into ever more challenging operating environments, which brings with it an increased risk of complicity in fuelling violent conflict, looting of state assets and propping up autocratic regimes.”

International financial institutions have propagated a neoliberal economic orthodoxy that improves the conditions for big business. Increasing encroachment by the private sector into the public sphere and indeed in the development discourse remains a matter of grave concern for civil society. Public-private partnerships have become a more common mode for delivery and have become normalised as something that is held to be efficient and desirable. In truth, they are misnamed; they are not partnerships with the public, but with states

and international institutions over which the public exercises little influence.

Effective and efficient delivery may well result, but there are three challenges: first, such partnerships, by moving public services into the private sphere, reduce the potential for accountability to be exercised by citizens. Second, the ingrained assumption that the private sector brings greater efficiency needs to be scrutinised and tested more. The private sector enters into partnerships not out of charity but in order to turn a profit, thereby passing on an additional cost to the public. The profit motive also introduces the potential for corruption in deal-making. Third, partnership over delivery leaks out into influence over policy; in any engagement, partners are liable to start suggesting how rules and regulations could be amended. Even if partnership improves delivery, the potential for insider access that allows private partners to influence policies, including for their greater gain remains a worrying phenomenon.

Greenpeace International's concern is that the private sector has penetrated – indeed, to some extent, captured – international institutions and states. On the question of climate change, solutions are available, but blocked by corporations that benefit from an unsustainable economy, while the finance industry blocks effective regulation of its practices. Large corporations are effective in evading accountability, as OWT suggests:

“Transnational corporations... can have clear accountabilities to their shareholders and consumers. However, this accountability rarely extends to the citizens who may be affected by their polluting or degrading manufacturing processes, their use of scarce land, water and other resources or their competition against smaller national brands.”

Many states are penetrated by, and to some extent beholden to, transnational corporations that belie the rhetoric of sovereignty by working beyond borders and jurisdictions. Growing public concern about inequality has often been matched by increased indignation about how little taxes global corporations pay in the territories where they make their fortunes. Oligarchs – from states where neoliberal privatisation agendas, pushed by international financial institutions, enabled national assets to fall into a small number of private hands – are part of a highly connected, cosmopolitan wealthy class, where crossovers between the interests of private wealth and the aims of politics seem almost natural. As TNI characterises it:

“Corporations are also staffing government, whether by providing contractors and running previously public services or by seconding staff to ministries. The revolving door has become a well-oiled one, with politicians and businessmen changing places regularly.”

The annual WEF held in Davos, Switzerland, is one place where this elite convenes.⁷ TNI notes a striking disparity in participation at the WEF:

“In 2014, while some 1,500 business delegates attended, they were joined by only 37 CSO leaders (mainly from large CSOs) and 10 labour leaders.”

The privileging of powerful private sector voices in governance processes can also be seen in the realm of Internet governance, Global Partners Digital notes:

“At the International Telecommunications Union (ITU)... businesses are able to gain sectoral membership, but the price is set at a level that is prohibitive to civil society

groups, and as a result civil society is not able to access most of the documents under discussion, as they are not made public.”

The Committee for a Democratic UN suggests this is indicative of a broader trend:

“Even if intergovernmental processes might be open to participation, the resources required to do so effectively are often prohibitive. Multinational corporations, by contrast, do have the financial capabilities to pursue their interests... multinational corporations and their industry associations are often granted access and consulted in international negotiations.”

It is no surprise, TNI suggests, that civil society attempts to propose regulation to rein in the influence of global corporations have met with firm rebuke by powerful governments sympathetic to corporate interests. Even when corporations make global commitments, it is harder to scrutinise them and exercise accountability compared to intergovernmental institutions, partly because these lack the formality of state commitments, and partly because of resource disparities between corporations and those in civil society that seek to hold them to account. When it comes to the extractive interests, Global Witness is seeing corporate pushback against already agreed rules:

“...the American Petroleum Institute (API) – an oil business association that includes ExxonMobil, Shell, Chevron and BP – continued making strenuous efforts to undermine the global transparency standard.”

Global governance reform needs to correct this power imbalance that gives large corporations privileged access, preventing progress on major issues such as climate change.

Taken together, the above criticisms amount to a powerful critique of global business as usual. The case for reform is compelling.

BUT WHO GETS A SAY IN REFORM?

One issue that confronts reform attempts is why would those who benefit ever agree to give up their privileged position? This points to a larger question: if international institutions reflect skewed power imbalances and unequal access, how can the likelihood of those imbalances distorting any process of reform be mitigated? As BIC suggests, the challenge is not just whether global governance reform can be advanced, but who has a say in that process, who sets the parameters of debate and how reform is managed.

Harris Gleckman sets out the current danger: currently reform proposals from the WEF’s Global Redesign Initiative seem to have some traction, and to be driving a narrative of reform that prioritises efficiency over democracy.

These ideas suggest, essentially, that global governance should be reworked to be less about formal, intergovernmental institutions, where member states are officially equal, and to be based more around flexible institutions that combine different stakeholders, including from governments, business and civil society, in different ways. Global governance is to be restructured on corporate lines. This conforms to the contemporary paradigm in which companies are assumed to be lean, flexible and efficient, and governments are considered slow,

hidebound and bureaucratic. However, as Harris Gleckman observes, this borrowing from the private sector is problematic:

“The three crucial elements of what WEF means by multi-stakeholder are... First, that multi-stakeholder structures do not mean equal roles for all stakeholders; second, that the corporation is at the centre of the process; and third, that the list of WEF's multi-stakeholders is principally those with commercial ties to the company: customers, creditors, suppliers, collaborators, owners and national economies.”

This is why the critique that international institutions are out-dated and inflexible is dangerous, if it is not accompanied by one that they are also insufficiently open and democratic. Given the critique this analysis makes of international governance institutions as stymied by powerful national interests, a proposal to move away from formal intergovernmental working and a proposal to expand less formal, multi-stakeholder methods, may initially seem appealing, not least to some of the larger, more visible parts of civil society that would hope to benefit from increased opportunities for access.

However, reform proposals such as the Global Redesign Initiative fail on any democracy test, because they would shrink the circle of decision-making, rather than expand it. As Harris Gleckman notes:

“What is left unsaid is that leaving governance to self-selected and potentially self-interested elite bodies risks undermining public acceptance and democracy.”

Multi-stakeholder processes, as they define them, would be elite ones, with elites essentially self-selecting. The most powerful states, corporations and perhaps some elite CSOs would be able to determine

global responses and indeed, define what is identified as a global problem. Commitments might be voluntary rather than mandatory, and funding processes and reporting lines unclear, making it harder to exercise scrutiny and accountability. As TNI suggests, the proposal:

“...rejects intergovernmental agreements, international frameworks and enforceable hard law that would constrain corporations, favouring instead volunteerism, codes of conduct and soft law.”

Further, if the challenge with the current system is the assertion of state interests, then elite reform in the name of efficiency would not fundamentally address the problem. The autonomy of international institutions would not be enhanced. The most powerful are unlikely to countenance problems or solutions that go against their own interests. Global corporations may well expect lucrative spin-offs from active involvement in such arrangements. Harris Gleckman offers that:

“What the WEF proposes is that when important global issues appear on the international political horizon, a multi-stakeholder group can be quickly created to take the lead in defining the issue, taking that role away from the multilateral process. They could, if the leading multinational corporations wish, scope the issue very narrowly, or they may, from the outset, frame an issue in a way such that a market-based solution is likely to be presented as the best outcome.”

TNI makes the point that the rubric of flexibility can be applied to dodge demands for greater regulation. In these arrangements, smaller states and non-elite civil society are likely to have less say. Divisions between elite civil society and the rest would be broadened.

Center for Concern suggests that a creeping shrinking of the circle is already taking place with the rise to prominence of the G20, a smaller, self-selected group of the most powerful states that has indulged in mandate creep, with the gloss being that it is a more nimble and flexible institution than the UN, in which 193 states are formally equal. Center for Concern sets out the rationale, as it has been made on the part of the G20:

“The world needed a small group of countries to lead a swift and tailored response to the global economic challenges of our time. There was always going to be a trade-off between representativeness and capacity to act. The smaller the group, the argument goes, the less representative it is, but the faster it can react. On the other hand, the larger the group – the UN’s universal membership being the archetypical example – the greater the representativeness, but the longer it can take to act.”

However, Center for Concern exposes as a myth the notion that a smaller group is more effective, noting that the G20 faces the same challenges of reconciling competing state interests as the UN:

“Even officials attending G20 meetings agree that as time goes by and the echoes of the emergency fade away, the G20 is less able to muster consensus to take joint and decisive action on global economic issues that require attention.”

In the context of the Commonwealth, CHRI suggests that the trade-off between flexibility and accountability is unacceptably high. For example, much of the Commonwealth's work is said to consist of

'quiet diplomacy' in trying to shift the positions of errant state leaders, something that requires flexibility and privacy. However, as they note:

“The problem with this is that their vigour and worth can only be guessed at because they remain cloaked in secrecy.”

A similar tension between flexibility and accountability is in play at the World Bank, and surfaces more generally in debates on post-2015 development goals, where the question is one of global standardisation versus national variation. As BIC states:

“A key question... is how the Bank will navigate which responsibilities should lie with borrowing countries and which should be mandatory loan requirements. Borrower country systems can and should be used when those systems can be demonstrated to offer robust, transparent and inclusive processes that are equivalent to international standards, and when countries not only have good policies on paper but the institutional capacity to implement them on the ground... What is unacceptable is a transfer of responsibility and accountability for safeguard outcomes to borrowers with a concomitant loosening of safeguard compliance at appraisal, and open-ended compliance during implementation.”

There is much to be said in favour of national adaptation, rather than global, top-down approaches that do not take adequate account of national specifics. The challenge comes when that variation allows global best practice standards to be slackened. Safeguards, hard

fought for by civil society, can be lessened in importance by trade-offs with flexibility. The issue here once again is that in national contexts where there is little potential for local civic pressure on governments to uphold the same high standards, governments will tailor to their advantage.

What is clear is that new structures such as the G20 place more emphasis on interaction between heads of states and less on consultation with civil society. They have less well-developed processes and are less open and less accountable. They operate less like parliaments and more like clubs. And they have little interest in expanding the circle, even of states involved. But as Center for Concern suggests, they are effective at determining the scope of debates and limiting what it is possible to do in broader forums:

“An alternative that non-G20 countries raise may not be seen as worthy of debate, thereby curtailing the scope of rights to raise, frame and debate issues that non-G20 members would have in global institutions.”

Similarly, while the ability of the WEF to drive its reform agenda forward in the longer term may be open to debate, and the question of the financing of the suggested reforms is a difficult one, they have the power to shape the narrative at present and frame debate around the details of elite multi-stakeholder governance, rather than more broadly about its principles. It could be argued that the WEF’s ideas have enjoyed predominance partly because there is an absence of well-argued, worked out solutions from other sources;

but while an argument that some parts of civil society are better at making criticisms than suggesting constructive solutions may hold some weight, numerous civil society proposals have failed to gain traction. It is more the case that the most powerful voices are prevailing in defining what the problem is and advancing solutions that place themselves at the centre.

“Any new framework for sustainable development must be holistic and underpinned by the full range of human rights.”

Current processes to define new, post-2015 development goals reveal some of these issues. Much of civil society is expressing concerns about the private sector’s access to and influence over these processes. Some powerful government voices, and corporate interests, are pushing in negotiations for a heavy emphasis on public-private partnerships. The danger this raises is of a new

development framework that has less accountability than the MDGs, where states make fewer commitments to their citizens that can be monitored and which cannot address the negative impacts large corporations have on development, which include limited development financing as a result of corporate tax avoidance and human rights abuses perpetrated by extractive industries.⁸

CIVICUS affirms that any new framework for sustainable development must be holistic and underpinned by the full range of human rights: civil, political, economic, social and cultural.⁹ Additionally, there must be a central and institutionalised role for civil society, with indicators set on the enabling environment for civil society, and recognition of civil society participation and rights as a cross-cutting theme and essential element of any global partnership for sustainable development.¹⁰ Further, there is a need to revisit the values outlined by world leaders in the Millennium Declaration as central to contemporary international relations: freedom, equality, solidarity, tolerance, respect for nature and shared responsibility.

SO WHAT'S THE VISION?

Global governance needs a rules-based series of international governance institutions that have coherent mandates and work cohesively together. There should be clarity to outsiders on what each institution is trying to achieve, how it tries to achieve its aims and what the entry points are – with open, transparent procedures. There should be as wide an inclusion of a diversity of civil society and citizens as possible. Civil society should be involved in defining processes for their inclusion, rather than simply being invitees to spaces that are not of their making. The other side of this should be that different parts of civil society become better at organising to use opportunities with more focus and with broader inclusion. Technology-based solutions that are not superficial add-ons should be developed to address the problem of selection and who gets to be in the room.

While a degree of flexibility needs to be built into the system, so that institutions can change to reflect shifting landscapes rather than become frozen, what helps them do this is to rework themselves as open, listening, learning institutions. Neither states nor elite groups where powerful state and business interests coincide should be assumed to have the monopoly on learning and innovation. Similarly, while a flexible response is sometimes needed in the face of crisis, and the current structure certainly often fails on that score, the need is surely to build up the ability to anticipate and prevent crisis, rather than react too late to events. The true test of any reform should be that it advances openness, access and accountability – that it serves democracy.

Multilateralism is not finished yet, and reform proposals such as the WEF's may open the risk of putting civil society into the invidious position of appearing to defend a status quo that they do not agree with.

States remain important, and an international system without them is unimaginable. But inclusive, democratic multilateralism is needed, rather than elite and secretive multi-stakeholderism. In order to tackle enduring challenges, there remains a need to engage with and try to reform the current system, rather than indulging in purist debates, as Global Partners Digital suggests has been the case with the Internet governance question:

"...civil society has been caught up in an important, but staid and resource-draining, debate about whether an ideal Internet governance regime is multilateral or multi-stakeholder. Thankfully, in the last year and a half, there has been growing consensus among newer civil society voices on the need for a 'third way' – a more inclusive and effective regime than we have at present, but one that does not resort to centralisation and government control..."

Without some kind of formal multilateralism, as in the arena of Internet governance, the danger is that powerful states will unilaterally make policy through national processes, but which has international impact. The Stakeholder Forum also points out why civil society needs multilateralism:

"Civil society is often viewed as an antidote to administrative systems and bureaucracies, but lasting change can only be achieved when civil society has access to an organised system where outcomes and agreements are respected and rule bound behaviour and transparent processes are developed."

The current multilateral system has, however, effectively been penetrated by powerful private sector interests, as captured by Global Partners Digital:

“It is also often argued that even multilateral processes are already effectively multi-stakeholder, but the influence of the private sector and others is secret and unofficial; as such, the goal of pushing for multi-stakeholder participation is to bring those relationships out into the open and to ensure that civil society also has a place at the table.”

There is a need to shed light on that involvement and to give other actors, from a wide range of civil society, the same access. There is a need for new and equitable rules of engagement between states, businesses, civil society and international institutions in the global arena. In the words of Greenpeace International:

“We need the United Nations in particular to be an open space of free deliberations to set global standards to improve the lives of all.”

UNV highlights the vision for a new form of multilateralism with multiple accountability identified by many involved in post-2015 processes:

“Many people surveyed on post-2015 accountability mechanisms proposed a system of multiple accountability involving all stakeholders, and to include governments, civil society, donors and the private sector, along with all beneficiaries, particularly those from marginalised groups.”

Once multilateral institutions are more open, they need to be supported to grow teeth and strengthen their autonomy from powerful interests. The world’s problems need international institutions to act as an effective counterbalance to the interests of the powerful. As Greenpeace International goes on to remind us, the example of the WTO proves this is possible, given sufficient political will:

“It’s important to remember that global regulations with teeth are not impossible. If governments want to create powerful institutions, they can. The World Trade Organization, for example, can impose punitive fines on countries that break its rules.”

Other institutions, subject to improved accountability and access, need to be given the same powers, including over the regulation of the global private sector, to counterbalance the WTO's power.

While international governance institutions may be out of date, no corresponding, broadly owned, citizen-led global movement has emerged to act as a counterpoint. Bigger, broader civic forces are needed, rather than elite civil society. Technology offers new possibilities here. Alongside this, social accountability tools, already popularly used in many countries and communities, need to be adapted and applied to enable large-scale, citizens’ accountability over international institutions.

AND HOW DO WE GET THERE?

This report’s overview of the defining events of the previous year highlights inequality and poor governance as two critical drivers of protest, whether in Brazil, Cambodia, Turkey or Ukraine. Each uprising addressed local issues and had specific tipping points, but they tend to share some characteristics: a sense of frustration about the insulation of elites who have captured governance institutions; a growing out of protest from initially relatively small, specific issues to broader issues of lack of voice and shocking inequality; the holding of mass, highly visible protests in public spaces that brings many people into protest

who were not previously engaged, but reject conventional notions of formal, party political participation; and the use of new technology and social media to enable the horizontal organisation of protest. These characteristics suggest the possibility of making new connections from the local to global.

UNV highlights that:

“A 2013 World Economic Forum report noted how ‘networked citizens have started to change the interface and expectations of civil society empowerment’. It highlighted different forms of citizen expression and participation over recent years, including uprisings in the Middle East and North Africa to the Occupy Movement and citizen protests, from those against austerity to those demanding fair elections. A late 2013 analysis (covering 87 countries and 90 percent of the world’s population) of 843 protests between 2006 and 2013 notes the main grievances were economic justice and opposition to austerity, failure of political representation and political systems, global justice and human rights. It noted that the increase in the number and diversity of protests are ‘a result of people’s growing awareness that policy-making has not prioritized them.’”

Social media has been critical to the success of these protest movements and, as CIVICUS highlights elsewhere in this report, has enabled people to become more connected globally and more demanding of their leaders. Change.org makes explicit the link between technology and raised expectations:

“Technology is connecting us like never before, accelerating and diversifying the opportunities for communication and social action. Just as importantly, social attitudes, relationships and modes of organisation are in flux. Citizens’ expectations of decision-makers and institutions are growing. Top-down power and business as usual are losing legitimacy, and the narrative of individual empowerment is growing.”

New movements present challenges to different parties. To other civil society forms, as SDI observes, and as CIVICUS has emphasised in recent years, new protest movements offer challenges of adjustment: existing CSOs need to recognise these as new and dynamic civil society forms, find ways to connect to them and be of relevance to them, and analyse and internalise learning from their successes. They also need to help find ways of sustaining participation momentum once protest fades from the spotlight or meets with state backlash.

For many governments and corporations, the emphasis on inequality, power imbalances and the privileging of corporations is an unwelcome one. Different governments may seek to repress, ridicule or ignore new protest movements. Few have found ways of engaging constructively. For international institutions, with their emphasis on formal procedures of accreditation and rules of engagement, it is hard to see how they can make existing procedures encompass new forms of citizen engagement. New movements may suggest fresh ways of making local to global connections, but global institutions struggle to deal with them.

What new protest movements indicate is that there is no apathy about politics or lack of desire to change, but rather that some of the formal methods by which change has once been pursued, including at the international level, have fallen into discredit. There are other assets that suggest a citizen-led campaign for global governance

change can be built. For example, public opinion suggests that the UN as an institution still enjoys high levels of support amongst the public, with a sizeable majority of people surveyed in the bulk of countries, particularly younger people, having a positive view of its role and impact.¹¹ Further, as the Committee for a Democratic UN notes, people are prepared to support in principle international rules that constrain the power of their states:

“International opinion research carried out over the last decade shows that the world's citizenry as a whole is more receptive to global solutions than those offered by their own national governments. Majorities in most countries, for example, support a strong regulation of the arms trade; an international responsibility to protect people from severe human rights abuses by their own government; the elimination of all nuclear weapons (something supported by citizens of the nuclear powers); more government spending to fight hunger and severe poverty in the world; and higher prioritisation of climate change.”

Public opinion in the US consistently supports action on climate change.¹² And as the Committee for a Democratic UN points out, there remains widespread support for the idea of democracy, albeit unhappiness with how it works in practice, not least because of globalisation and the lack of democracy at that level:

“With average approval rates of up to around 90 percent, support for the abstract idea of democratic governance proves overwhelming throughout the world. It is no contradiction that at the same time there can be deep scepticism with regard to how democracy actually works.”

Further, at the UN, some states have called for an international legal instrument to hold transnational corporations to human rights obligations.¹³ Put together, these suggest there is some potential for a progressive, people-led, global reform movement.

Alliances will be important here, particularly alliances that bring in more than the usual suspects. Some contributors – such as Conectas, Global Centre for the Responsibility to Protect and PAHRDN – draw attention to the value of alliances that realise a multiplicity of participation and influence routes, as well as alliances between CSOs, academics and representatives of supportive and reform-minded states. Some, such as Disability Rights International, IJDH and PAHRDN, note that successful local-to-global partnerships have been forged on specific issues. In the case of IJDH, connections were made between people and politicians in the US and Haiti, diaspora populations, the academic community and the media to bring pressure on the UN for accountability over its peacekeepers' introduction of cholera to Haiti. These partnerships are difficult, but not impossible. Now there is a need to translate that experience on specific issues to the general question of global governance reform.

Alliances need to be smart and multi-stakeholder in nature, including to help leverage the power of states sympathetic to civil society – but crucially, these need to be open, transparent, mass partnerships, rather than elite, closed multi-stakeholder ways of working. If the current system still requires some civil society forms to act as gatekeepers, then there is a need for more honest brokers who can demonstrate that they do not bring their own interests into that role. Alliances need to demonstrate that citizens, in large numbers, are unhappy with the current state of global governance.

That unhappiness still needs to be fully articulated. The complex and mysterious world of international governance institutions may be a source of strength to them – if people don't understand them, it is harder to engage critically and articulate alternatives. If international institutions won't demystify themselves, then civil society needs to

do it. Ways need to be found of making connections between the things people are expressing anger about – inequality, lack of voice, low wages, lack of employment and poor quality of employment – and the international institutions that in part shape the policies that help create these conditions – or do little to improve them – and continue to set the parameters of the debate in favour of global capital. The wit, imagination and anger of the new, mass protest movements needs to be joined by an informed civil society, including by those CSOs that currently work inside the system, if changes are to come and a convincing alliance of the many is to be built.

We in civil society have our work cut out for us. We need to both drive and be the change that we want to see.

¹United Nations, A more secure world: Our shared responsibility, Report of the Secretary-General's High Level Panel on Threats, Challenges and Change, 2004, available at: <http://www.unmillenniumproject.org/documents/secureworld.pdf>.

²CIVICUS, Bridging the gaps: Citizens, organisations and disassociation, 2011, available at: <http://www.civicus.org/downloads/Bridging%20the%20Gaps%20-%20Citizens%20%20Organisations%20and%20Dissociation.pdf>.

³UN Department of Economic and Social Affairs (DESA), NGO Branch, <http://csonet.org/>.

⁴The term double democratic deficit is used in a similar fashion by Hans Born and Heiner Hanggi in their 2004 book. For more information see H Born and H Hanggi, The Double Democratic Deficit Parliamentary Accountability of the Use of Force under International Auspices, Aldershot: Ashgate 2004.

⁵Bertelsmann Stiftung, Sharing Global Governance: The Role of Civil Society Organizations, 2011, available at: https://www.bertelsmann-stiftung.de/bst/en/media/xcms_bst_dms_33090_33091_2.pdf.

⁶United Nations My World Survey website, <http://data.myworld2015.org/>.

⁷CIVICUS press statement Davos is the epitome of a world run by elites, 22 January 2014, available at: <http://www.civicus.org/news-and-resources->

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⁸Centre for Economic and Social Rights blog, Civil Society Rallies to Prevent Privatization of the Post 2015 Process, available at: <http://www.cesr.org/article.php?id=1576>.

⁹CIVICUS press statement, Civil Society: Put Human Rights at the Centre of the Post 2015 Agenda, 18 March 2013, available at: <http://www.civicus.org/media-centre-129/press-releases/1500-civil-society-put-human-rights-at-the-centre-of-the-post-2015-agenda>.

¹⁰Civic Space Initiative Consortium submission on CSO Enabling Environment to the UN High Level Panel on the Post 2015 Development Agenda, 2 May 2013, available at: http://www.civicus.org/images/Joint_Civil_Society_Submission_to_HLP_on_CSO_Enabling_Environment.pdf.

¹¹Pew Research Global Attitudes Project, September 2013, available at: <http://www.pewglobal.org/2013/09/17/united-nations-retains-strong-global-image/>.

¹²US Climate Action Network website, <http://www.usclimatenetwork.org/hot-topics/climate-polling>.

¹³Statement by Ecuador and others, Business and Human Rights Resource Center, available at: <http://www.business-humanrights.org/Links/Repository/1022442>.

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THE GREAT CHALLENGES OF THE 21ST CENTURY

**OLD PROBLEMS, INVISIBLE PROBLEMS, NEW ACTORS:
CONCEIVING AND MIS-CONCEIVING OUR URBAN CENTURY**

– SHEELA PATEL

**REVERSING THE CURSE: THE GLOBAL CAMPAIGN TO
FOLLOW THE MONEY PAID BY OIL AND MINING INDUSTRIES**

– GAVIN HAYMAN

**RESPONSIBILITY TO PROTECT: CAN WE PREVENT MASS
ATROCITIES WITHOUT MAKING THE SAME OLD MISTAKES?**

– JACLYN STREITFELD-HALL

THE STATE OF THE INTERNET GOVERNANCE REGIME

– DIXIE HAWTIN

**TRANSFORM GLOBAL GOVERNANCE TO DELIVER
SUSTAINABILITY AND CLIMATE JUSTICE**

– KUMI NAIDOO AND DANIEL MITTLER

OLD PROBLEMS, INVISIBLE PROBLEMS, NEW ACTORS: CONCEIVING AND MISCONCEIVING OUR URBAN CENTURY

SHEELA PATEL

THE SOCIETY FOR THE PROMOTION OF
AREA RESOURCE CENTRES
SHACK/SLUM DWELLERS INTERNATIONAL

The 21st century is clearly an urban century. Local, national and global governance systems need to take account of the fact that more people are living and working in urban settings than ever before.¹ However, the global development apparatus, bilateral and multilateral agencies, foundations and philanthropists, academics and CSOs have yet to accommodate this reality. For example, the legal frameworks that guide our courts — and justice systems in general — have not yet woken up to the challenges that urbanisation poses in terms of rights to property, voice and dignity. Urbanisation is in the process of transforming basic aspects of social organisation. The question is whether these changes will produce peaceful and dignified co-existence, or a chronic war of attrition between what can be termed the formal and informal parts of cities.

In most cities in the global South, a significant proportion of the population live in informal settlements, which have grown and expanded outside any formal system — for example, land-use regulations and building codes. Many such settlements also occupy the land illegally. The proportion of city populations living in such settlements is often over 20% and can reach 70-80% in some cities.² Most settlements lack basic infrastructure (paved roads and footpaths, piped water supplies, provision for sanitation and drainage and often schools and health care). In addition, in most cities, a high proportion of the economically active population earn incomes in the informal economy, which operates outside of government rules and regulations — for instance small unlicensed manufacturing units, vendors, informal markets and service providers (many of whom spring up because of the inadequacies in formal provision).³ But the formal city also depends on these informal service providers. Those who live in legal homes and undertake legal jobs rely on this informal economy that provides them with maids, drivers, cooks and a range of services. City economies depend on the informal economy for labour and for many goods and services. Much of the construction in cities draws on informally employed construction workers. Yet most of those earning a living in the informal economy receive incomes that are inadequate in relation to the cost of food and other basic needs. In many cities such divisions have co-existed for a long time.

Indeed, perhaps almost all cities have relied on informal workers. But as cities grow and the formal parts of cities need more spaces for business, homes and infrastructure, clashes and conflicts have increased.⁴

This contribution is informed by the experience of the past two decades of federations of ‘slum’ or shack dwellers or homeless people that are now active in 33 countries in Africa, Asia and Latin America.⁵ These city and national federations came together to form the Shack/Slum Dwellers International (SDI) network. Similar social movements on habitat and livelihoods have also sprung up in the global South — in Africa, Asia and Latin America.⁶ The formation of such networks reflects at least in part the inability of development agencies to incorporate the needs and aspirations of urban poor people into the development agenda.

URBANISATION, INEQUALITY AND INFORMALITY

There is a need to face the realisation that not only is urbanisation here to stay, but for low-income and most middle-income countries, the proportion of national populations living in urban areas is growing. It is also likely continue to do so for several decades before it stabilises. The UN Population Division anticipates that almost all the growth in the world’s population in the next few decades will be in urban areas in what are currently low- and middle-income countries.⁷

Development agencies, both international and national, face investment choices that will determine the costs to be incurred by current and future generations in their struggle to climb out of poverty and secure greater social mobility and equity in cities. The current position shows that at present our governance choices have put us on the wrong path. Capitalism has created great wealth, but not produced equitable distribution.

Some learning between regions is possible. Latin America, which is now almost 80% urban⁸, can be a source of insights in interventions in urban governance, offering learning that could inform investments in Africa and Asia, which are still undergoing rapid urbanisation processes. Urban inequalities in access to infrastructure, services and safety nets have fallen in most countries in Latin America.⁹ When cities in Latin America were rapidly expanding those who lived in informal settlements were constantly facing evictions but could not move as they had no options they could afford in the formal housing market. With the wave of democratic transitions in the 1980s in Latin America and pressure from urban social movements, city mayors and elected governments came to accept informal settlements and to accept that it is a local government responsibility to upgrade them.¹⁰ This is evident in Brazil where large-scale slum or squatter camp upgrading became common, along with

other measures to reduce urban poverty including cash transfers and improved public services.

Such changes in attitude by city governments in Latin America towards informal settlements (and to a lesser extent to the informal economy) have relevance for Africa and Asia as these led to much improved health care and more integration into the respective cities. These shifts become all the more urgent as urbanisation (and especially informal settlements) is increasingly impacted by climate change and as some cities will need to accommodate those displaced from rural areas. The current political stances and financial flows that determine urbanisation processes today need to be taken into account.

Informality is the invisible elephant in the city. If the challenges presented by informality are not acknowledged, poverty cannot be addressed. Strategies that attempt to formalise the informal may fail. Production of goods and services in the global South often occurs in informal settlements, where work and home spaces coincide and where garments, embroidery and the assembly of products is outsourced on a piecework basis. For example in Karachi, Pakistan over 40,000 small businesses operate in the greater Orangi informal area, providing jobs to approximately 150,000 people, many of whom work from within their homes.¹¹

Informal populations are excluded by formal rules and regulatory frameworks that produce legal norms and standards. Over time, in cities, some people become excluded from institutions. Development interventions then struggle to address the challenges faced by those in poverty whose vulnerability cannot always be addressed within formal structures. Informal populations are excluded in formal approaches to basic amenities, services and security systems, while responses to informality deny the urban poor a safety net and sometimes destroy the meagre dwellings and work spaces that they have developed in response to their exclusion.

CONTEMPORARY URBAN CHALLENGES

The nature of the construction industry in many Southern cities has been changed by shifts in global capital and by local investment flows that finance construction. Capital transfers occur more easily within a market-friendly state, and economic liberalisation has seen the pace and scale of residential construction escalate in many of the larger urban centres. The profitability of larger houses increases with every 100 square feet of construction. As a result, the construction industry tends to build ever-larger houses and apartments, despite the need for smaller cheaper units to accommodate growing populations. This pattern exacerbates a housing crisis that sees growing numbers of

households stuck in dense slums/informal settlements that lack security and services. These developments in the residential sector are accompanied by an increasing emphasis on cities as financial centres and policies that serve this end.¹² Public and private infrastructure priorities such as roads, bridges and flyovers can be seen as visible attempts to ease motorised traffic, although in most cases they are associated with increased traffic congestion and worsening air pollution. Policies for public and non-motorised transport and for pedestrians come as afterthoughts, even though in most cities, they remain the mode of transport used by 60% to 80%¹³ of the population. Traditional livelihoods that depend on cycle rickshaws, paths for walking, multi-purpose mixed-use habitats and historic city neighbourhoods now tend to be characterised as problems of crowded inner cities.

The dominant policy response is to 'clean' and 'empty' these to facilitate investment, favouring the corporate sector and displacing existing small enterprises and low-income populations.¹⁴

As cities grow, the need for water increases. Additional water supplies are generally drawn from rural areas, which may then suffer from shortages. As cities grow, inequalities in access to basic services often increase. Formal populations may enjoy access to subsidised water piped to their homes, while informal

populations pay several times more per litre for their water from vendors or kiosks.¹⁵ Sanitation remains a major crisis. Most urban centres in sub-Saharan Africa and Asia have no sewers or sewer systems that only serve a small percentage of their population.¹⁶ Lack of access to toilets means that some of the urban poor defecate in the open, which affects ground water, while untreated sewage pollutes all nearby water bodies and seas. Sanitation in both urban and rural settings remains a major crisis, with the problems particularly acute in the larger and denser informal settlements.

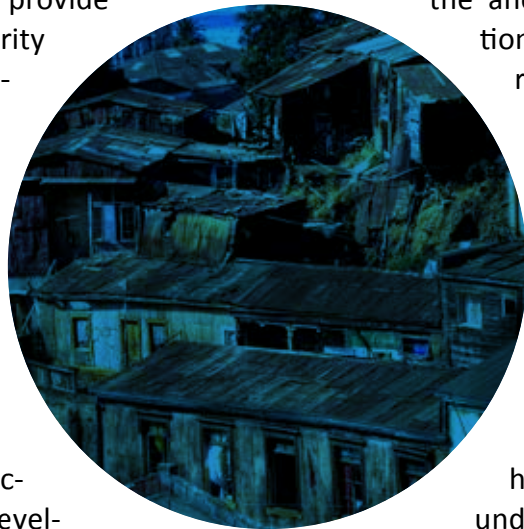
The nature of health challenges in the global South has begun to shift. While the impact of poor hygiene and infectious and parasitic diseases are well-known and some global strategies have been developed for HIV/AIDS, tuberculosis, malaria and diarrhoea, we now face the significant onset of chronic diseases such as

diabetes, heart attacks, hypertension and strokes. These continue to be perceived as diseases of older age and elite lifestyles, but given changing food habits, 80% of persons who die from these non-communicable diseases live in low- and middle-income countries.¹⁷ There is a divide between formal and informal access to food diversity and security. Yet the major preferred response to these health problems tends to be to set up specialised hospitals; preventive and public health approaches are given less attention, and links are not made to issues of access to land, shelter and food security.

Climate change and urbanisation are intimately connected as macro-forces of change, but potentially valuable connections are missed. Instead of linking climate change adaptation to an agenda to make cities work for all and ensure social justice, climate change often becomes part of a discourse that enables evictions to

In the global South, and particularly in urban areas, young people form a large part of the population, and this has not received adequate attention in public policy debates.

take place. This is especially so for informal settlements on valuable land sites on the coast or close to rivers and these are cleared in the name of safety (e.g., Old Fadama in Accra, Ghana; Kroo Bay in Freetown, Sierra Leone; and Badia East in Lagos, Nigeria). Possibilities of developing a response to climate change to create opportunities to develop 'green' economies that include new technologies, such as solar and other alternative energies, which can provide sources of jobs and security are overlooked. Technologies for tapping alternative energy sources mostly remain out of the reach of the poor while access through conventional energy providers is blocked (a recent estimate suggested that 279 million urban dwellers lack electricity)¹⁸. Research and development investments do not focus on what works for all.



In the global South, and particularly in urban areas, young people form a large part of the population, and this has not received adequate attention in public policy debates. Governments now have a very small window in which to invest in education, livelihoods and participation — routes that can enable a productive and engaged youth force.

Urban space and urban transport so often neglect women's needs and priorities. It sometimes seems that the main streets are for men and the side streets for women. Public transport often serves men's mobility needs better than women. For women, urbanisation is a double-edged sword, with both potential positives and negatives. What is positive is women can better explore options to work. In addition, the anonymity of large populations erodes class and caste restrictions and public transport can allow wider access to labour markets and locations. Health and education options also expand. However, cities can become sites of sexual violence in both formal and informal neighbourhoods. There is a need to understand whether these incidents are increasing, or

whether there is greater media focus and women are becoming more prepared to report crimes. Women's representation in political and administrative posts remains meagre. Similarly, women continue to be disadvantaged in livelihood opportunities and continue to play the major role in household support, work that is not properly appreciated (in part because it is not assigned a monetary value). Childcare, which would

help more women to work, is often lacking. When women work, they tend to have more informal, low paying jobs than men, and even in informal livelihoods, women's social mobility is lower than men's. Women's health and educational status also still need to be improved in most urban centres.

Investments in infrastructure are displacing populations, and most governments have no development frameworks to address displacement processes. While there have been many debates leading to the development of global frameworks for rural displacements due to dams and other infrastructure projects, the scale and impact of displacement in cities remains opaque in most countries. The World Bank has safeguard regulations for projects that it funds, but these tend to be diluted by some states, which see them as impediments to the swift roll-out of infrastructure. It is clearly not enough to have rules in place without associated institutional mechanisms that hold governments accountable to these rules.

Some human rights activists try to fight cases in courts, but face laws that support policies that drive inequality and uphold elitist, formal visions of city development.¹⁹ Others, including grassroots federations of slum/shack dwellers in the Slum Dwellers International network, collect data and produce documentation to spark dialogue with city, state and national governments

THE ROLES OF DIFFERENT ACTORS IN BUILDING CITIES FOR ALL

Social movements

In the absence of inclusive regulatory frameworks that encompass and help the informal sections of cities and towns, urban social movements can be significant groups that create a critical mass of people seeking change. Some of these movements are gradually becoming recognised, and more are surfacing, in the absence of more formal mechanisms to serve informal populations. Peaceful resolutions are possible, when

the demands of social movements are validated and channelled into meaningful institutional mechanisms for deliberation. Sometimes this means that government officials have to accept a level of institutional uncertainty with which they may be unfamiliar.

Alternatively, recent struggles in the Middle East and many cities in Africa and Asia indicate that peaceful demonstrations of discontent, if badly handled, can often lead to violent reprisals and the prolonging of conflict.

Informal social movements are still not well understood. Very few formal institutions

in attempts to change legal frameworks, while also continuing to help social movements to challenge evictions.²⁰ While both are essential, there is often conflict between different types of CSOs that pursue these particular strategies, with little understanding of how they could be complementary. Much of this is exacerbated by an external environment of donor agencies and foundations, and divergences between the value frameworks of such agencies and those of local movements.

City development plans are usually framed without reference to demographic projections. Even

when there are published projections that show that city populations will rise as a result of internal growth and migration, development planning processes of most cities do not address the implications of this data, which would imply a need for

policies that enable access to homes and services for all. Development plans then form the basis on which legal systems make their judgements. Poor people who are living informally rarely obtain justice.

“The poor who are living informally rarely get any justice in the legal justice system.”

have instruments, strategies or mechanisms to identify them, engage them in dialogue and attempt to channel their energy, ideas and resources into solutions that bring about sustainable inclusion of the informal into mainstream processes. This is particularly the case with movements initiated by the most disadvantaged citizens.

Local and national CSOs

Formal CSOs are often based in cities, even though many of them have a mission to work in rural areas. Those that focus on cities often work with particular slums to undertake projects which may provide public services such as health or education, but almost never address basic issues of land, security and access to water, sanitation and amenities. CSO professionals work hard to try to achieve impact on people’s lives, but there are few CSOs that work on the fundamental issues of accommodating informality and ensuring that the poor have access in cities. Discussions within CSOs indicate that addressing these issues would require long funding timeframes beyond those of any existing funding cycle of major donor agencies. Funding policies rarely support long-term exploratory work with no guarantee of success, while the structural conditions of exclusionary governance in urban locales makes uncertainty about outcomes likely.

CSOs in cities often operate in difficult contexts. The state may set governance

structures that are dismissive of the rights and welfare of poor people, and the political space for CSOs can be restricted. Both these make it difficult to bring out the voices of the poor to address issues of inclusion and equity.

National governments

Governments need to participate in addressing the challenges the urban poor face because secure habitats, basic amenities and access to livelihood opportunities are essentially the foundational elements of surviving in a city; it is hard to see these being tackled sustainably without the commitment of government. Often, national government leaders in Asia and Africa are elected on the basis of support from rural constituencies, and national and provincial administrations are therefore attuned to rural development in their constituencies of support.

SDI's experience of working in countries where urbanisation is still low suggests that impact on making cities work for all can be achieved when the informal population stands at 10% to 15% of the urban population. If the urban population is any higher, this becomes hard to achieve. Yet it is usually only when the numbers of the informal population are overwhelming that interventions are attempted.

Foundations and philanthropists

Grant-making institutions walk a fine line

between being activists and supporting activists. The social and economic processes of urbanisation have underlined the extent to which local actors need to be enabled to take the lead in seeking meaningful institutional change. However, grant-making institutions have a tendency to focus on short-term projects, and are less inclined to support long-term processes through which local actors — particularly those in poor communities — can determine their own agendas for change. A second risk of having a project focus is that it encourages a mindset of selecting countries, communities and cities, based on unaccountable criteria.

Criteria for funding should become more closely linked to principles of enabling processes that support and encourage low-income groups and their organisations, and much less oriented to demonstrable, outcomes. This is not to say that an outcomes-driven approach to funding is always irrelevant. But traditional paradigms of CSO-based service delivery are unable to deliver systemic change.

Global and multinational governance

Global governance institutions pay lip service to hearing the voices of civil society (especially representative organisations of the urban poor) and encouraging broad-based participation. Real decision-making continues to be concentrated in the hands of national governments and international

bureaucrats. The challenge should not only be to enable the development of alternative channels where the voices of the urban poor can be expressed, but also to demonstrate that those channels are able to exert meaningful influence in changing international institutions.

Conclusion

In most cities in the global South, those who live in informal settlements and work in the informal economy are at the core of what makes these cities work. Yet government policies and practices fail to recognise this. So too do external funding agencies. New channels and mechanisms of support need to be devised for urban poor groups and for local governments prepared to work with them. Without these, the Millennium Development Goals — and the new sustainable developmental goals and targets being developed to replace them in 2015 — will not work for urban populations.

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⁶ See O Fergutz, S Dias and D Mitlin, "Developing urban waste management in Brazil with waste picker organizations," *Environment and Urbanization* 23, no. 2 (2011), 597.

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¹⁵ UN-Habitat, "Water and Sanitation in the World's Cities: Local Action for Global Goals," (London: Earthscan Publications, 2003).

¹⁶ Above fn 3.

¹⁷ World Health Organisation, "Non-communicable diseases," (WHO Factsheet, April 2013), available at: <http://www.who.int/mediacentre/factsheets/fs355/en>.

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¹⁹ Above fn 4.

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REVERSING THE CURSE: THE GLOBAL CAMPAIGN TO FOLLOW THE MONEY PAID BY OIL AND MINING INDUSTRIES

GAVIN HAYMAN
GLOBAL WITNESS

For advocates of international transparency rules to help end the 'resource curse', 2013 was a significant year. A landmark European law with global reach was passed, the G8¹ and multinational mining companies voiced their support for legally binding rules, and great strides were taken to improve a key voluntary initiative implemented in 41 countries. Indeed, 2013 will be remembered as the year that a global standard for the extractive industries emerged. That said, the movement for accountability over the governance of natural resources also suffered a number of setbacks, and the fight is by no means won.

Most of us are now familiar with the concept of the resource curse – the paradox that countries rich in natural resources tend, with surprisingly few exceptions, to be poor, badly governed and prone to violent conflict.² While its causes are many and

complex, efforts to tackle the resource curse are unlikely to succeed without there being far greater transparency in the global oil and mining industries.

Despite the fact that every year governments sell natural resources worth hundreds of billions of dollars on behalf of their citizens, people often have no way of knowing how much they are getting for their resources or who benefits from commercial deals. This opacity leaves these vast revenues acutely vulnerable to corruption and mismanagement, resulting in huge losses to public finances in resource-rich but economically poor countries.

If that money can be moved into the public domain so that citizens can track it and make sure that it is saved and spent properly, the impacts on tackling poverty in many of the world's poorest countries could be enormous. To give an idea of the potential benefit, oil, gas and mineral exports from Africa were worth US\$382 billion in 2011 – more than eight times the value of official development aid received by African countries that year.³

CASE STUDY: SECRET SALES IN THE DRC

Between 2010 and 2012 in the Democratic Republic of the Congo (DRC), several mines were sold in secret by the state to companies registered in offshore jurisdictions, at prices

steeply below market value. The offshore companies, whose ultimate (or 'beneficial') owners strive to remain anonymous, paid as little as 5 percent of the market rate for the mining rights, then sold them on to major international companies shortly afterwards for a hugely profitable mark up.

According to the Africa Progress Panel, which highlighted the Congolese deals in its flagship 2013 report, Equity In Extractives, the DRC may have lost at least US\$1.36 billion from these deals. This is equivalent to twice the DRC's health and education budgets combined, in a country with some of the world's worst malnutrition and where 7 million children are currently out of school.⁴

A GLOBAL CAMPAIGN IS BORN

Co-founded by Global Witness, Open Society Foundation and others in 2002, the civil society coalition Publish What You Pay (PWYP) was created to bring extractive deals out of the shadows. The message was simple: a more open and accountable industry will help to ensure that revenues from non-renewable resources, which provide a one-off opportunity to fund development, are used to benefit all citizens rather than swell the private bank accounts of political and business elites. Beginning with a handful of mostly UK-based CSOs, the PWYP coalition now includes 790 civil society groups

from 58 countries, including human rights, development, faith-based and community-level organisations.⁵

A NEW TRANSPARENCY LAW IN EUROPE

After more than a decade of campaigning, PWYP achieved a landmark victory in June 2013 when the European Union Accounting and Transparency Directives were signed into law. The Directives require extractive companies that are based or listed in the European Union (EU) to publish detailed reports of the billions they pay governments in the form of taxes, royalties, licence fees and other payments. Together with Section 1504 of the Dodd-Frank Act, a similar law passed in the US in 2010, the EU Directives cover around two-thirds of the world's publicly listed extractive companies by value.

Crucially, PWYP's campaigning played a pivotal role in ensuring that the Directives oblige companies to report payments not only for every country they operate in, but also for each individual resource project in which they invest. This means that for the first time, communities living near to resource extraction sites will be able track revenues from local projects, and hold companies and governments to account for them.

CASE STUDY: SHELL AND ENI'S BILLION DOLLAR PAYMENT IN NIGERIA

The need for project-level reporting is starkly illustrated by a payment of US\$1.092 billion made by the oil giants Royal Dutch Shell and Eni, a case that was highlighted by *The Economist* in June 2013.⁶ The companies' Nigerian subsidiaries made the payment to the Nigerian government to acquire an oil block in 2011. The government had a separate agreement to pay the same amount to Malabu Oil and Gas Ltd, a company widely believed at the time of the payments to be controlled by the convicted money-launderer and former Nigerian oil minister Chief Dan Etete.

While both Shell and Eni have denied paying any money to Malabu Oil and Gas, UK High Court proceedings and other evidence show that Dan Etete was indeed an owner of the company, and that in making the \$1.092 billion payment, Shell and Eni did so in the knowledge and agreement that these funds would subsequently be transferred to Malabu Oil and Gas.⁷ This payment only came to light by chance through a court case. If companies were required to report these kinds of payments, they would be far less likely to end up in private accounts.

During the EU legislative process, PWYP countered efforts by some oil firms to turn the Directives into a 'tyrant's charter'. Business lobbyists claimed that national laws in countries such as Angola and China criminalise the publication of revenue payments. They argued for a clause in the Directives to exempt companies from reporting in such countries, despite not being able to provide any credible evidence that these national laws exist. The EU's eventual rejection of any exemption clause was a hard-fought and important victory, as its adoption would have encouraged transparency-resistant regimes to create new laws that criminalise the disclosure of revenue payments and thereby undermine the purpose of the EU Directives.

BREAKING THE LINK BETWEEN CONFLICT AND NATURAL RESOURCES

2013 also saw continuing efforts to tackle the trade in conflict minerals. Many of the world's most civil brutal wars – from Afghanistan to Cambodia to the DRC – have been fuelled and funded by the trade in natural resources.

Civil society groups have long pressed for binding rules that companies that source minerals in conflict-affected areas should conduct 'due diligence' checks in their supply chains, ensuring that their sourcing practices do not contribute to conflict financing or human rights abuses.

There were two major developments. First, a US District Court upheld the Securities and Exchange Commission's rule that implements Section 1502 of the Dodd-Frank Act. Signed into law in 2010, Section 1502 requires US-listed companies to carry out due diligence checks on minerals sourced from DRC and neighbouring countries, but was subject to a legal challenge filed by the US Chamber of Commerce and others. The decision has now been appealed, and a final decision is expected in mid-2014.

Second, the passing of Section 1502 has helped support DRC's own efforts to reform and demilitarise the mineral sector, leading to the creation of a domestic law in DRC requiring all trading and mining companies operating in the country to carry out due diligence to avoid sourcing 'conflict minerals'. A combination of the DRC law and growing international scrutiny of eastern DRC's mineral supply chains has resulted in local traders now having a much greater understanding of what due diligence is, how to do it, and why it matters, and the implementation, albeit patchy, of the first 'conflict free' supply chains from artisanal mines in the war-torn east of the country.

THE EITI OPENS A NEW CHAPTER

Transparency advocates celebrated another success in 2013 when the Extractive Industries Transparency Initiative (EITI) made far-reaching

improvements to its implementing rules. An alliance of governments, extractive firms and civil society groups that aims to improve governance in the natural resource industries, the EITI was established in 2002 as a response to PWYP's call for greater transparency in the sector. Twenty-five countries currently adhere to EITI rules, and another 16 countries are on track to becoming compliant.

The EITI had focused mainly on revenue transparency since its inception, requiring companies to disclose their payments to governments, and governments to disclose the corresponding receipts. While the EITI has achieved some notable successes, it became clear that the risk of corruption and mismanagement lies not only in the flow of revenues from company to government, but also in other areas such as the process used to award resource licences and contracts, the design of the contracts themselves and the lack of transparency around the ownership of extractive firms.

These concerns were reflected in a revised EITI standard that was adopted in May 2013. All participating countries are now required to disclose information related to the allocation of extractive licences, such as the criteria used for awarding licences, and to publish more detailed project-level reports of revenue payments in line with the EU Accounting and Transparency Directives.⁸

The new standard also encourages governments to disclose contracts signed with companies to extract resources, and to maintain a publicly available register of the beneficial owners – the individuals who ultimately own or control a firm – of companies that bid for or invest in extractive licences.

These changes greatly extend the breadth and depth of the EITI standard, and represent a major advance. Had these measures been in place in the DRC in 2010, for example, it would have been far more difficult to divert the missing US\$1.36 billion from the Congolese public purse. As always however, the devil is in the detail. Countries have a significant degree of

"...efforts to tackle the resource curse are unlikely to succeed without there being far greater transparency in the global oil and mining industries."

flexibility over how to apply the EITI's requirements and can ignore provisions that are only encouraged. The immediate challenges are to ensure countries implement the new standard effectively and that the EITI makes its encouraged elements compulsory.

THE G8 TAKES UP THE FIGHT FOR TRANSPARENCY

The UK's decision to use its Presidency of the 2013 G8 to put transparency on the global agenda provided a welcome boost to these issues. One of the key developments was the first coordinated global effort to roll back corporate secrecy and the role of anonymous shell companies – companies which exist on paper only, with no real employees or offices and whose ownership remains hidden - in large-scale corruption, tax evasion and state looting. Three days before the July G8 summit, the UK announced that it will create a national registry of companies' beneficial owners. At the Open Government Partnership summit that he hosted at the end of October, the UK Prime Minister announced that the register would be made public. This was a major victory for campaigners fighting financial crime and predation everywhere, not least because the UK had previously been a staunch defender of secrecy of corporate ownership. Other G8 members and the UK's offshore havens, such as the British Virgin Islands, have produced action plans, although there is much to do to make these into credible commitments to change.

The EU is also considering how to deal with anonymous companies, and there is strong support in the European Parliament for the creation of public beneficial ownership registries across Europe. The US is probably home to more shell companies than anywhere else in the world. Data from the World Bank shows that the US forms around 10 times more legal entities (i.e., companies) than all 41 offshore tax haven jurisdictions combined.⁹

Securing change in the US will be a key sign of global momentum in 2014, especially as key secrecy jurisdictions such as the US states Delaware and Nevada are actively fighting US federal legislation to enact the G8 commitments.

A breakthrough was also made by the G8 in the field of revenue transparency. In the run-up to the Lough Erne G8 summit, the Canadian government announced it would introduce a mandatory revenue reporting rule for oil, gas and mining companies listed on Canadian stock exchanges. As Canada is host to almost 60 per cent of the world's mining companies, with

more than 1,000 firms operating in over 100 countries, the commitment represents a major contribution to achieving global transparency standards for extractive industry revenues.¹⁰

At the summit itself, G8 leaders committed to establishing a mandatory global standard and called on other major markets to follow suit. Encouragingly, the G8's position was endorsed by the International Council on Mining and Metals, an industry forum of 21 of the world's leading mining companies, including Rio Tinto, BHP Billiton, Anglo American, Vale and Xstrata.¹¹

“If these huge transfers of wealth are to be used to benefit communities, the first step will be to shine the light of public scrutiny on the natural resource business.”

BIG OIL'S ASSAULT ON TRANSPARENCY

In marked contrast to the mining companies' supportive statement, the American Petroleum Institute (API) – an oil business association that includes ExxonMobil, Shell, Chevron and BP – continued making strenuous efforts to undermine the global transparency standard.

The API filed a lawsuit aimed at striking out Section 1504 of the Dodd-Frank Act in 2012, and while it failed to overturn the legislation, in July 2013 a US District Court judge ordered the Securities and Exchange Commission (SEC) to re-write the rules that implement Section 1504. Although the court's decision means that the implementation of Section 1504 will be delayed, the underlying statute requiring disclosure still stands, and the ruling does not preclude the SEC from re-issuing the implementing rules in their original form, as long as sufficient justification is given.¹²

THE WAY FORWARD: CURSE OR BLESSING?

As new global actors emerge and demand for natural resources increases, competition for the world's remaining deposits of oil, gas and minerals will continue to intensify. The drive to find new sources of supply is taking extractive companies into ever more challenging operating environments, which brings with it an increased risk of complicity in fuelling violent conflict, looting of state assets and propping up autocratic regimes.

Money from minerals will be the main income for many of the world's poorest countries for the foreseeable future, dwarfing aid, debt relief and other forms of trade. If these huge transfers of wealth are to be used to benefit communities, the first step will be to shine the light of public scrutiny on the natural resource

business. Some great gains were made in 2013 towards this end, and in 2014 it will be critical to keep this positive momentum for change moving forward.

¹ The G8 or Group of Eight is a forum for the governments of a group of eight leading industrialised countries. These countries are: Canada, France, Germany, Italy, Japan, Russia, the United Kingdom and the United States.

² M Humphreys, J Sachs, and J Stiglitz, *Escaping The Resource Curse*, (New York: Columbia University Press, 2007).

³ ONE Policy Brief, *Transparency: increasing resources for development*, 6 June 2013, available at: www.one.org/c/international/policybrief/4696/.

⁴ Africa Progress Report, *Equity in extractives: stewarding Africa's natural resources for all*, (Geneva: Africa Progress Panel, 2013), available at: www.africaprogresspanel.org/publications/policy-papers/africa-progress-report-2013/.

⁵ www.publishwhatyoupay.org.

⁶ The Economist, *Safe sex in Nigeria*, 15 June 2013, available at: www.economist.com/news/business/21579469-court-documents-shed-light-manoeuvrings-shell-and-eni-win-huge-nigerian-oil-block.

⁷ Global Witness, *The scandal of Nigerian oil block OPL 245*, November 2013, available at: www.globalwitness.org/sites/default/files/library/OPL245%20brief%20Nov%202013%20EN.pdf.

⁸ The EITI Standard includes seven provisions that all participating countries are required to comply with. The ultimate penalty for failing to comply is exclusion from the initiative. The EITI Standard also includes a number of provisions that go beyond the seven requirements that countries are encouraged, but not required, to adopt.

⁹ World Bank Stolen Asset Recovery Initiative. *The Puppet Masters. How the Corrupt Use Legal Structures to Hide Stolen Assets and What to Do About It*. (Washington, D.C.: World Bank, 2011) pg 92.

¹⁰ The EITI Standard includes seven provisions that all participating

countries are required to comply with. The ultimate penalty for failing to comply is exclusion from the initiative. The EITI Standard also includes a number of provisions that go beyond the seven requirements that countries are encouraged, but not required, to adopt.

¹¹ International Council on Mining and Metals, *ICM supports G8 position on transparency*, 18 June 2013, available at: <https://www.icmm.com/page/95730/icmm-supports-g8-position-on-transparency>.

¹² Oxfam America, *Oxfam disagrees with District Court decision that sides with oil industry in attempt to keep payments secret*, 2 July 2013, available at: www.oxfamamerica.org/press/oxfam-disagrees-with-district-court-decision-that-sides-with-oil-industry-in-attempt-to-keep-payments-secret/.

THE RESPONSIBILITY TO PROTECT: CAN WE PREVENT MASS ATROCITIES WITHOUT MAKING THE SAME MISTAKES?

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During the 2005 United Nations (UN) World Summit, member states agreed that they have a Responsibility to Protect (R2P) populations from four mass atrocity crimes: genocide, war crimes, ethnic cleansing and crimes against humanity. In his first annual report on R2P in 2009, entitled “Implementing the Responsibility to Protect,” the UN Secretary-General, Ban Ki-Moon outlined a three-pillar approach for the operationalisation of R2P¹. Pillar I notes that every state has the primary Responsibility to Protect its populations from the four crimes. Pillar II asserts that the wider international community should assist states in meeting this responsibility. Pillar III holds that if a state is manifestly failing to protect its population, the international community must be prepared to take appropriate collective action in a timely and decisive manner, in accordance with the UN Charter. Recent and ongoing crises have caused policy

makers and analysts to question whether R2P has failed to achieve the promise of “Never Again.”² While the response to the 2011 crisis in Libya, which resulted in an intervention and subsequent change of government, was swift and decisive, it resurrected criticism of humanitarian intervention as a violation of state sovereignty and a tool for influencing regime change. In contrast, subsequent diplomatic stalemates, particularly those within the UN Security Council regarding a response to Syria, have left many wondering if R2P fails to solve the problems of political will that allowed the international community to ignore the genocides in Rwanda and Srebrenica. Nevertheless, developments at the international, regional and domestic level over the past five years have shown that political actors are making critical steps towards engaging in mass atrocity prevention and assuring that the mistakes of previous devastating crises are not repeated.

R2P POST-LIBYA

In February 2011, Libyan leader Muammar al-Qaddafi started a violent crackdown against anti-government demonstrations, resulting in the death of hundreds of protestors. In response, on 26 February the UN Security Council adopted Resolution 1970, explicitly invoking the “Libyan authorities’ responsibility to protect its population.” After the threats to the population increased, the Council authorised a response using

“all necessary measures” to protect the civilian population while repeating its call for the Libyan authorities to uphold their responsibility.

Many viewed the aftermath of Libya — and the resulting increased sensitivities around intervention and Pillar III response, R2P’s “most controversial” pillar — as a barrier to its normative progression. However, Libya was not the death sentence for R2P that some suspected it would be. In fact, in many ways it broadened momentum within the Security Council. By setting a precedent in using R2P language in the Libya resolution, the Council paved the way for the label to be applied to more situations with mass atrocity concerns. Even as new crises have evolved, the Council has made swift decisions, some of which referred directly to R2P, on situations in South Sudan, Mali, Yemen and Central African Republic³. In South Sudan, for example, when evidence of mass atrocities emerged following a conflict that started on 15 December 2013, by 24 December the Council adopted a resolution expanding the number of peacekeepers deployed to the UN Mission in South Sudan (UNMISS), which operates under a mandate informed by R2P.

Since Resolution 1970 on Libya, the Council has passed 13 Resolutions and issued four Presidential Statements invoking the Responsibility to Protect. In 2013, two important developments facilitated this

momentum. First, the membership of the Council has included a record number of states, 10 in both 2013 and 2014, who participate in the Group of Friends of R2P, an informal cross-regional group of states committed to advancing R2P at the UN that currently has 44 members. Efforts at developing a code of conduct for the Security Council that would potentially include a restraint on the use of the veto in mass atrocity situations also gained momentum when the French Foreign Minister, Laurent Fabius, published an op-ed in The New York Times indicating France's support for such a measure.⁴

A FOCUS ON PREVENTION

Perhaps the most critical development in ensuring that R2P changes the way we eradicate atrocities has been a heightened emphasis on prevention. In contrast with previous methods of confronting atrocities, including humanitarian intervention, R2P was not envisioned merely as an international response to ongoing crises or a new means of generating political will to respond to early warning signs of mass atrocities. What Pillars I and II bring to the approach to mass atrocities is the perspective that states and other actors can and should be developing mechanisms that prevent atrocities before signs of crisis emerge.

Not only did R2P endure through the controversy surrounding Libya, but the resulting momentum to shift the dialogue away from Pillar III also had the effect of bolstering actions to implement atrocity prevention at home. As proponents of R2P began highlighting the more widespread acceptance of Pillars I and II, states started to critically look inward at their own domestic capacity to uphold their responsibility.⁵ In addition, conversations about international interactions shifted from focusing only on intervention to addressing the mechanisms through which states can assist each other prior to the outbreak of a conflict.

Some states have also started taking a whole-of-government approach to atrocity prevention. Rather than looking at conflict prevention mechanisms in isolation, states are asking themselves how everything from the development agenda to education can address mass atrocities. One of many examples of this is the United States' Atrocities Prevention Board, which was designed to assess the government's capacity to prevent mass atrocities at home and abroad and includes representatives from more than a dozen governmental agencies.⁶

Governments have also started working more closely on joint efforts at mass atrocity prevention — thinking about how they can translate the tools that others states have used to their own national contexts. As

a result, several networks of states have emerged at both the regional and global level to normalise conversations regarding the tools of prevention. These networks include the Global Network of R2P Focal Points, the Latin American Network for Genocide and Mass Atrocity Prevention and the joint platform for Global Action Against Mass Atrocity Crimes. The Global Network of R2P Focal Points, for which the Global Centre for the Responsibility to Protect serves as the secretariat, includes a group of high-level officials appointed by their governments to facilitate national action on mass atrocity prevention. R2P Focal Points help in mainstreaming atrocity prevention throughout institutions within their home governments. By meeting globally within the network, R2P Focal Points help ensure that strong inter-governmental partnerships are formed that can not only facilitate the sharing of best practices at the national level, but may also aid in developing relationships for bilateral assistance in building state capacity for prevention. Both the Global Network of R2P Focal Points and the Latin American Network for Genocide and Mass Atrocity Prevention have invited civil society participation at their meetings and encourage member states to consult civil society on building domestic mechanisms for prevention.

In 2013, the growing emphasis on prevention came to the forefront in a variety of ways.

The UN Secretary-General's annual report on R2P focused on the responsibility of the state to its population. The report, and subsequent UN General Assembly interactive dialogue on the subject, highlighted measures that states have already taken in order to prevent mass atrocities within their borders. Prior to the publication of the report, the Joint Office of the Special Adviser on the Prevention of Genocide and the Responsibility to Protect conducted consultations with member states and civil society members to construct an inventory and assessment of domestic measures for atrocity prevention. More than 120 states participated in consultations and over 65 participated in the annual dialogue, 10 more than in 2012 and 25 more than 2011, showing that more states than ever are engaged in ensuring that mass atrocity prevention remains a priority on their national agenda.⁷

A critical test for upholding R2P through preventive efforts came in March 2013 during Kenya's national elections. Violence that followed the December 2007 presidential elections in Kenya resulted in more than 1,133 Kenyans being killed and over 600,000 persons driven from their homes. The conflict was largely propelled by incitement to violence, the use of hate speech and the manipulation of the ethnic affiliation to elicit hatred against key political parties. International actors swiftly responded to the inter-communal violence in what is widely

cited as the first successful example of "R2P in practice."⁸ Since 2008, the government of Kenya and its international partners have implemented measures to address the underlying causes of the conflict in order to prevent future atrocities.⁹ This included structural measures, such as reforming the judiciary and security sector, as well as proximate prevention through pre-election peace messaging, often with the help of civil society, and deploying troops to potential flashpoints. Though the 2013 elections were not without conflict, the preventive measures ensured that the violence did not spread and the government was prepared to respond to early warning of potential atrocities.

R2P, MASS ATROCITY PREVENTION AND GLOBAL GOVERNANCE

Alongside the increased emphasis on prevention, the approach to developing Pillar II mechanisms for R2P is linked to emerging trends within global governance. One such trend is the rising importance of regional organisations. As regional organisations have improved upon their capacity to respond in a timely and decisive manner, states have grown to rely upon their local knowledge of a crisis to act as first responder.

Evidence of this trend is particularly strong in West Africa, where the African Union (AU) and Economic Community of West African

States (ECOWAS) have both played a large role in conflict prevention and crisis response in their member states. For example, in response to the 2012 coup in Mali, both organisations actively pressed the UN Security Council to support the creation of a peacekeeping mission, while ECOWAS also imposed economic sanctions and negotiated a transfer of power away from the military junta. They have each devoted resources to developing preventive mechanisms, including the creation of regional and sub-regional early warning networks that share information on emerging crises. Additionally, both have preventively responded to emerging conflicts in order to avert an escalation to mass atrocities, utilising such tools as early mediation and suspending states from membership of their organisations. ECOWAS' early warning system also includes a role for civil society: the West African Network for Peacebuilding (WANEP) assists in monitoring dynamics between populations within West African countries.

Another critical shift in global governance that R2P benefits from is that, like states, international institutions are starting to take a whole-of-government approach to addressing issues within member states. For example, the UN Special Adviser on the Responsibility to Protect, Dr Jennifer Welsh, set as two of her key priorities mainstreaming mass atrocity prevention throughout the UN system and improving tools for assisting

states in building atrocity prevention. In addition, as part of the global discussion on the progress towards and future beyond the Millennium Development Goals, states and institutions alike have started to think about where mass atrocity prevention fits within the international development agenda. Within international development institutions, states have started to ask critical questions about how best to address building capacity for mass atrocity prevention through programmes that connect to a variety of societal concerns. Programmes in Kenya funded by the UN Development Programme, UN Women and individual states to address youth unemployment, media capacity and local peace councils are demonstrative of this trend.¹⁰

WHAT ROLE CAN CIVIL SOCIETY PLAY IN PREVENTING MASS ATROCITIES?

Civil society organisations (CSOs) have already participated widely in advocacy surrounding the promotion of mass atrocity prevention, helping to pressure governments to respond to atrocities, facilitating dialogue between governments and encouraging more international dialogue on prevention. The Global Centre for the Responsibility to Protect, in its role as Secretariat of the Global Network of R2P Focal Points, has directly participated in fostering such inter-governmental relationships. Other actors, including

the 70-plus CSOs that are members of the International Coalition for the Responsibility to Protect, promote mass atrocity prevention by directly assisting populations and putting pressure on governments to improve their preventive and response capacity. Civil society has also worked to encourage capacity building within regional organisations such as ECOWAS and the International Conference on the Great Lakes Region.

Learning from the experiences of civil society actors in countries that are considered R2P “success” cases, governments and civil society can do more to work together. In Kenya and Ghana, for example, peaceful inter-communal relationships have been supported by governmental District Peace Councils. In both countries the District Peace Councils include representation from religious and ethnic leaders within civil society, who convey messages of peace to their respective groups. However, this is difficult to accomplish if the state does not establish transparent lines of communication with civil society.

Allowing the population to participate more widely in national mechanisms for atrocity

prevention becomes ever more critical in post-conflict situations, where community leaders can serve a vital role in post-conflict reconciliation processes. Governments and intergovernmental organisations need to engage better with civil society in order to benefit from their perspectives on the reconciliation process.

CONCLUSION

Many actions taken by the international community provide positive developments towards ensuring the prevention of mass atrocities and the avoidance of past mistakes. Notwithstanding the stalemate on Syria, the UN Security Council has shown its willingness to take more robust action in order to prevent further atrocities. Nowhere is this more apparent than in the newly-created Intervention Brigade, which the Security Council authorised as a part of the stabilisation mission in the Democratic Republic of the Congo (DRC). The brigade is mandated to protect civilians through taking offensive measures against armed groups operating in the eastern DRC. Many of these



groups, including the Democratic Forces for the Liberation of Rwanda, the Lord's Resistance Army and various Mayi-Mayi militias, have been operating within the DRC for more than a decade, routinely perpetrating mass atrocities.

Nevertheless, the conflict in Syria demonstrates that more needs to be done to ensure that the willingness to halt mass atrocities is present even in the most difficult cases. As Gareth Evans, co-chair of the International Commission on Intervention and State Sovereignty, which originated the concept of R2P, notes, "it is important to emphasise that the disagreement now evident in the UN Security Council is really only about how the R2P norm is to be applied in the hardest, sharp-end cases, those where prevention has manifestly failed, and the harm to civilians being experienced or feared is so great that the issue of military force has to be given at least some prima facie consideration."¹¹ While R2P has aided in highlighting how existing tools for atrocity prevention and response can be used to prevent further attacks upon a population, it has not yet ignited the will to respond in more challenging situations in a systematic way.

Actions taken by states and international institutions in keeping with the preventive element of R2P are today ensuring that fewer conflicts will escalate to mass atrocity situations. As states work towards

addressing the root causes of violence, establishing good governance and the rule of law and heeding early warning signs, more conflicts can be prevented before they start. In doing so, states should use civil society as a resource, consulting them on political reforms and encouraging them to spread messages of peace, reconciliation and human rights understanding to the population. So long as states continue to implement reforms and share best practices through formal dialogues and informal information sharing, the international community will continue to develop better mechanisms for prevention. Through early effective prevention we can ensure that we will not make the same mistakes in answering the call of "Never Again."

¹ Implementing the Responsibility to Protect, United Nations Secretary-General, UN report A/63/677, 12 January 2009, available at: <http://responsibilitytoprotect.org/implementing%20the%20r2p.pdf>.

² Since the creation of the 1948 Genocide Convention after the Holocaust, the term "Never Again" has emerged as a symbol of the international commitment to never allow genocide to occur again. It is often used in reference to not only the Holocaust during World War II, but also to other situations in which mass atrocities have occurred, including Rwanda, Srebrenica, Cambodia and Argentina.

³ A list of R2P references in United Nations Security Council Resolutions and Presidential Statements has been compiled by the Global Centre for the Responsibility to Protect, available at: <http://www.globalr2p.org/media/files/uns-resolutions-and-statements-with-r2p-table-as-of-december-1.pdf>.

⁴ L Fabius, "A Call for Self-Restraint at the UN," The New York Times, 4 October 2013, available at: <http://www.nytimes>.

[com/2013/10/04/opinion/a-call-for-self-restraint-at-the-un.html?_r=0](http://www.globalr2p.org/2013/10/04/opinion/a-call-for-self-restraint-at-the-un.html?_r=0).

⁵ For a discussion of domestic measures that states have taken, see, "Responsibility to protect: state responsibility and prevention," Report of the Secretary-General, UN report A/67/929-S/2013/399, 9 July 2013, available at: [http://responsibilitytoprotect.org/UNSG%20Report%20on%20RtoP%20and%20State%20Responsibility%20and%20Prevention\(1\).pdf](http://responsibilitytoprotect.org/UNSG%20Report%20on%20RtoP%20and%20State%20Responsibility%20and%20Prevention(1).pdf).

⁶ "Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities," Office of the Press Secretary of the White House, 23 April 2012, <http://www.whitehouse.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro>.

⁷ 'State Responsibility and Prevention': Summary of the Informal Interactive Dialogue of the UN General Assembly on the Responsibility to Protect held on 11 September 2013, Global Centre for the Responsibility to Protect, 22 October 2013, <http://www.globalr2p.org/media/files/summary-of-the-2013-r2p-dialogue.pdf>.

⁸ See for example, Kofi Annan's opening remarks at "The Kenya National Dialogue and Reconciliation Conference: One Year Later," March 2009, available at: <http://kofiannanfoundation.org/newsroom/photos/2009/03/kenya-national-dialogue-and-reconciliation-conference-one-year-later> and also A Bellamy, "The Responsibility to Protect – Five Years On," *Ethics & International Affairs* 24, no. 2 (2010), 143.

⁹ A Halakhe, "'R2P in Practice': Ethnic Violence, Elections and Atrocity Prevention in Kenya," Global Centre for the Responsibility to Protect Occasional Paper Series, no. 4, (December

¹⁰ Ibid.

¹¹ G Evans, "The Consequences of Non-Intervention in Syria: Does the Responsibility to Protect have a Future?" e-International Relations, 27 January 2014, available at: <http://www.e-ir.info/2014/01/27/the-consequences-of-non-intervention-in-syria-does-the-responsibility-to-protect-have-a-future>.

A PEOPLE'S INTERNET: DEMOCRATISING INTERNET GOVERNANCE

DIXIE HAWTIN

GLOBAL PARTNERS DIGITAL

The question of Internet governance is coming to a head. Over the last decade debates about how the Internet is governed have become increasingly heated and are now expected to play out in a range of international fora taking place over the next two years.

Two main, overlapping groups lead the calls for change. On the one hand, a number of authoritarian governments – reacting to growing evidence that the Internet is a remarkably effective tool for citizen mobilisation – are calling for new mechanisms for greater governmental control. On the other hand, there is a range of governments, as well as other stakeholders, who are dissatisfied with a regime where it is not clear where and how international Internet policy is made, where businesses can often act without restrictions and where more powerful countries set rules that are forced on everyone else. The perceived

lack of fora for addressing a whole array of issues – ranging from cybersecurity to Internet access and surveillance, which has become a driving concern since the Snowden revelations – means that some governments wish to return to a traditional multilateral governance framework.

Against these calls for change, the United States and some of its allies have been vigorously defending the status quo: an Internet with no centralised governmental oversight.¹ They argue that the current regime, lacking centralised governmental oversight, has contributed to the rapid spread of the Internet across the world and the strong Internet culture of freedom of expression and innovation. This is to some extent true, but the US has also benefitted disproportionately from the rapid spread of the Internet. As early adopters, most of the 'Internet winners' are US based and owned, so they pay their taxes there. And they are subject to US laws, which mean that the US government is able to exercise additional control over them, as became apparent with Edward Snowden's revelations of the arbitrary mass-surveillance conducted by the National Security Agency (NSA).² In light of these revelations, the status quo position has become untenable, and change seems inevitable.

What change will look like is far from clear, with few signs of willingness to compromise

on either side of the debate. This presents an enormous opportunity for civil society to step into the gap and make positive recommendations on the way forward – a role it played very effectively during the World Summit on the Information Society (WSIS) in 2003 and 2005.³ Since then, however, civil society has been caught up in an important, but staid and resource-draining, debate about whether an ideal Internet governance regime is multilateral or multi-stakeholder.⁴ Thankfully, in the last year and a half, there has been growing consensus among newer civil society voices on the need for a 'third way' – a more inclusive and effective regime than we have at present, but one that does not resort to centralisation and government control, with all the risks that would entail.

A SHORT HISTORY OF INTERNET GOVERNANCE

As the Internet developed, specialised bodies emerged organically to manage and maintain its technical resources, such as domain names, engineering protocols and root servers. These bodies, such as the Internet Engineering Task Force, the World Wide Web Consortium and the Internet Corporation for Assigned Names and Numbers (ICANN) were non-profit, membership bodies where network engineers, companies and other interested parties came together voluntarily to develop technical solutions to problems. Decisions were made by rough consensus

and solutions were voluntary. To a large extent this remains the case, and there is substantial agreement that this dimension of Internet governance works well and is not in need of major reform.

However, the governing of public policy issues, such as harmful speech, cybercrime and taxation, has been, and continues to be, much more controversial. At WSIS, which took place in Geneva in 2003 and Tunis in 2005, governments, businesses, civil society and academics from across the world gathered for the first time to discuss these issues, among others. One of the most critical debates was whether a pre-existing, or even new, intergovernmental body should be given oversight of international Internet

policy. Governments such as Iran, Russia and Saudi Arabia argued that this was necessary. But other governments and the main civil society coalition at the time argued that the dispersed and multi-stakeholder model of governance that has proved so effective in governing the technical aspects of the Internet should be applied to the policy

challenges. They argued that traditional governance models did not suit the Internet's nature as a global and fast-changing network of information that is to a large extent in the hands of the private sector. In the end, multi-stakeholder approaches were hard-baked into the oft-quoted definition of Internet governance that was eventually agreed upon:

“Internet governance is the development and application by governments, the private sector and civil society, in their respective roles, of shared principles, norms, rules, decision-making procedures, and programmes that shape the evolution of the Internet.”⁵

But while WSIS provided institutional support to a multi-stakeholder model of governance, it gave very little direction as

to the system, or combination of systems, needed to make Internet governance effective and sustainable. The WSIS process did however call for two mechanisms. The first was the establishment of an Internet Governance Forum (IGF), a global multi-stakeholder forum for dialogue on Internet policy matters. Secondly, the UN Secretary-General

was tasked with starting a process towards ‘enhanced cooperation’.

By most accounts this was a deliberately oblique demand that allowed some to believe it called for new governmental processes for Internet policy and others to believe it called for a process of continually improving the way that actors from all stakeholder groups work together to govern the online space, including at the IGF.

IMPERFECT IMPLEMENTATION

The IGF has now met eight times (in Athens, Rio de Janeiro, Hyderabad, Sharm el-Sheikh, Vilnius, Nairobi, Baku and Bali) and has been further developed through national and regional IGFs in many parts of the world.⁶ It has an open and inclusive process: anyone can attend; different stakeholders participate in workshops and plenaries as equals; live captioning and remote participation facilities ensure that those who aren't able to attend physically can follow and contribute to the discussions; and, importantly, even the agenda-setting process is collaborative and bottom-up. This open format has been conducive to the airing of those issues of most concern to civil society. In just eight years, for example, human rights online have gone from being largely absent from the agenda to one of the most dominant issues under discussion. The IGF has proved effective at bringing together diverse actors to focus

“Attempts to make the IGF more effective and outcome-orientated have been continually hampered by a lack of political agreement or will.”

attention on a wide range of issues on the Internet policy agenda and proved valuable for convening actors on different sides of a debate together for constructive public discussion. In Bali 2013, for example, there were numerous open and public discussions about surveillance where the US and other governments, business people and activists would sit around a table and debate the issue and the way forward.

However, the IGF is not a decision-making body, and dialogue at the forum is not structured, captured or communicated in a way that promotes accountability or facilitates the integration of the outcomes of the Forum in Internet policymaking processes. So, while it is possible that discussion at the IGF has some impact on the decisions participants make in other spaces – in national governments, in other international decision-making spaces, in the policy departments of major Internet businesses – there is no guarantee that this is the case. Attempts to make the IGF more effective and outcome-orientated have been continually hampered by a lack of political agreement or will.

While the existence of the IGF is held up by those defending the status quo as evidence for the existence of effective multi-stakeholder governance of the Internet, this is far from the case. The lack of clear influence of the IGF means that it is frequently side-lined. Indeed

in 2013, it was very nearly cancelled because of a lack of funding and was only saved at the eleventh hour, including through soliciting donations from civil society. But that's not to say that governance and policy decisions aren't being made. A growing matrix of institutions, particularly at the national level, has begun to deal with Internet issues, as the online and offline world become inseparable. This raises concerns about the consistency and effectiveness of the approaches adopted in different institutions and across different national legislations, as the Internet can best be understood as an ecosystem where changes in one jurisdiction can have consequences across the entire global space. It also raises concerns about the costs of understanding, following and engaging in policy developed across so many spaces, particularly given that no one has yet developed a comprehensive picture of what discussions are being had where.

Furthermore, none of these processes live up to the goals of multi-stakeholder and transparent governance. While some have taken steps to enable non-governmental participation, civil society is almost always marginalised. At the International Telecommunications Union (ITU), for example, businesses are able to gain sectoral membership, but the price is set at a level that is prohibitive to civil society groups, and as a result civil society is not able to access most of the documents under discussion, as they are not made

public. At the Organisation for Economic Cooperation and Development (OECD), a civil society advisory committee was created, but ultimately found its objections to the OECD's Internet Policy-Making Principles ignored. Even at ICANN, which has complex rules of procedure designed to enable all stakeholders to feed in to the policymaking process, civil society is very much a minority player.

At the same time, some of the most vocal government supporters of multi-stakeholder governance have also developed new ad hoc policy processes, outside existing forums, where they set the rules of engagement, including who gets to engage and on what basis. The Trans-Pacific Partnership (TPP), a secretive trade agreement being negotiated by 12 governments including the United States, is thought to call for significant changes to how copyright is protected online, but the only civil society engagement in this process has been from outside the room and in response to leaks. Another example is the London Process, a series of meetings initiated by the United Kingdom with the aim of developing international norms on cybersecurity. Again the process is by invitation only and largely restricted to governments and businesses.

A TURNING POINT?

Widespread dissatisfaction in the Internet governance regime never really went

away, and in December 2012 it hit the headlines again, at the World Conference on International Telecommunications, when a number of countries fought hard for the ITU to be given more power over Internet issues. The media was full of stories about the UN trying to ‘take over the Internet’ and the start of a ‘digital cold war’.⁷ In any event, the attempts were unsuccessful, but it became clear that a divide had developed between governments that wanted to maintain the status quo and those that wanted significant change. Something had to give. These intensely political frustrations are revealing themselves in a range of processes that have been recently instituted and that might result in significant change:

- **NETmundial:** in April 2014 the Brazilian government hosted a multi-stakeholder meeting on the future of Internet governance. The meeting was announced as a direct response to the Snowden revelations, with the aim of developing principles for Internet governance and a roadmap for evolving the Internet governance regime.
- **The WSIS+10 review:** an ongoing process instituted by the UN, which aims to revisit the original WSIS outcomes, assess to what extent they have been implemented and make plans for the future.
- **Working Group on Enhanced Cooperation:** a working group at the UN Commission on Science and Technology for Development,

which is tasked with revisiting the WSIS call for a process towards “enhanced cooperation” to determine to what extent, if any, it has been implemented and make recommendations for moving forward on this agenda.

WHEREFORE ART THOU CIVIL SOCIETY?

Over ten years a relatively small group of civil society actors has followed debates about the Internet governance regime, and this group remains largely unchanged since the original WSIS process. In that time civil society has proved very effective at reacting to threats, for example, by advocating against a greater Internet policymaking role for the ITU or the (now failed) Anti-Counterfeiting Trade Agreement, a precursor to the TPP referred to above. Civil society has also succeeded in raising the profile of Internet issues on the agenda at the UN Human Rights Council, which has begun to pass an increasing number of resolutions on this topic, including a major resolution in 2012 stating that human rights online were the same as human rights offline⁸, and which has also begun to incorporate Internet issues into the Universal Periodic Review process.

But in the overarching debate about the future shape of Internet governance, civil society has been hindered because of infighting. Fierce rivalry has grown between factions

with different visions of the ideal Internet governance regime. On one side, a small group of cyber-libertarians argue that governments have no legitimate role in governing any part of the Internet and should keep their hands off. On the other side, a group calls for a new multilateral forum for Internet-related policy and argues that anything else would be inherently anti-democratic. Over the years, this debate has become increasingly heated and unconstructive, driven by concerns about ideological purity and egos, rather than with ways of working together to achieve common goals. For many years this has undermined the effectiveness of civil society and used up limited resources, and this continues to be a problem.

Thankfully, in the last couple of years a small group of newcomers has become active in the field and is beginning to find a way past the impasse. An emerging consensus is being formed, somewhere between the two extremes. While recognising that governments have a critical role to play – for example, in the protection of human rights – this group seeks to avoid empowering governments at the expense of other stakeholders. Many governments are already promoting laws and practices at the national and international levels that undermine human rights. There is therefore a danger that enabling national governments to control the Internet more effectively at the global level would help them to pursue a restrictive agenda glob-

ally. This new group, however, believes that involving a wider range of actors will result in better decisions being made and more success in policies being implemented. It is also often argued that even multilateral processes are already effectively multi-stakeholder, but the influence of the private sector and others is secret and unofficial; as such, the goal of pushing for multi-stakeholder participation is to bring those relationships out into the open and to ensure that civil society also has a place at the table.

This emerging consensus is also characterised by an attempt to avoid a single body being granted responsibility for all Internet-related policy issues. It is argued that such a role would be unfeasible, given the wide variety of governance institutions and bodies that have some mandate over the Internet as it becomes increasingly interlinked with a huge variety of issues; and partly because of fears that a single body would give rise to unchecked and concentrated political power.

Instead, these activists argue that governance should remain distributed among a variety of actors both nationally and internationally, providing much-needed checks and balances. But they believe that changes should be made to ensure that the distributed governance regime is more coordinated, understandable and transparent, and that no single actor is able to exercise undue power.

NEXT STEPS

Multi-stakeholder governance is a young and still-developing system, and there are still many issues that need to be explored and addressed, including the questions of

what are the limits of multi-stakeholder participation, and when is it appropriate for governments to have authority over processes or issues? Further, how should the modalities of participation recognise the different political realities that justify the engagement of different stakeholder groups? What forms of accountability are applicable to different

stakeholders? Much work remains to be done, but many now argue that the starting point for negotiation should be support for multi-stakeholder processes, as this will give civil society the best position to call for open, inclusive and transparent processes. The newer advocates are also characterised by their focus on developing practical demands for making incremental improvements to the current regime, such as:

- **A new coordinating mechanism:** to improve the coherence and effectiveness of existing Internet-related policymaking mechanisms within a distributed model and facilitate a better understanding of how and where policies are made. The mechanism should include all stakeholders; construct and maintain a comprehensive and accessible map of the distributed discussions and venues; and recommend appropriate bodies to develop further policy as needed.
- **Open up all processes to civil society engagement:** beyond the IGF, all processes should be opened up to civil society engagement, with the model of participation depending on the issue and level of discussion. This also requires resources to enable civil society to participate effectively.
- **Ad hoc multi-stakeholder working groups:** where Internet-related issues are not covered, or not covered adequately, by an existing mechanism, new ad hoc processes

“The next two years represent a narrow, fraught, window of opportunity for civil society to influence vital decisions about how the internet is governed.”

should be developed within the framework of existing institutions. These working groups should be developed on a case-by-case basis, bringing together relevant actors from across stakeholder groups.

- **Strengthening the IGF:** the IGF is a hugely important platform, where ongoing policy processes and their outcomes are presented and can receive feedback from a wider audience. Its ability to perform this role should be facilitated through, among other measures, strengthening the IGF Secretariat, securing sustainable funding streams and increasing the links between dialogue at the IGF and policymaking in other spaces.

THE WAY FORWARD

It is encouraging to see new faces and ideas for Internet governance among civil society, and this has come not a moment too soon. The next two years represent a narrow, fraught window of opportunity for civil society to influence vital decisions about how the Internet is governed. Civil society is caught between governments who would quite happily see civil society relegated to the sidelines and other governments that see little or nothing wrong with the regime as it currently functions. To ensure that change happens and that it supports the further development of the Internet in ways that are in the best public interest, it is essential to strengthen the informed and active layer

of civil society as fast as possible. For this to happen a much broader range of civil society actors need to be involved, including human rights and justice groups, those campaigning for the rights of women and groups that stand for minority rights and a better environment. The Internet serves us all, and we are all stakeholders in its future.

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TRANSFORM GLOBAL GOVERNANCE TO DELIVER SUSTAINABILITY AND CLIMATE JUSTICE

KUMI NAIDOO AND DANIEL MITTLER

GREENPEACE INTERNATIONAL

If we are to achieve a fundamental shift away from the exploitation of people and planet – and deliver climate justice, global governance will need to change fundamentally. And if that is to happen, civil society needs to focus more on shifting power than on attending consultations – which are often little more than ‘insultations’, as Danny Srisikandarajah, Secretary General of CIVICUS puts it.

Across the world citizens are raising their voices for a fair and sustainable future. Rather than listening, governments all too often cover their ears and close their doors. Given this state of affairs, multilateral institutions need to be a positive counterexample. We need the United Nations in particular to be an open space of free deliberations to set global standards to improve the lives of all. We need all UN bodies to strive to live up to the good practices identified by CIVICUS in its mechanism for assessing

the quality of engagement between civil society organisations and intergovernmental institutions.

A shift of power is more important than a change in the frequency, style or depth of consultations that global institutions engage in with civil society. Global economic players have captured global politics. Reining in their current power is the most urgent task for all who want to deliver sustainability and climate justice – by which we mean achieving a decent life for all without causing dangerous climate change – while addressing the injustice that currently most climate change is caused by the rich’s overconsumption but most of its impacts are being borne by the poor.

CAPTURE BY CORPORATE POWER

We face a paradox: while climate damaging carbon emissions and the use of resources continue to rise globally, solutions are available and proven. Unlike 20 years ago, we know today that sustainable renewable energies, for example, are not a pipe dream but a fast-growing global industry. We know that we could deliver energy for all and cut climate damaging emissions enough to prevent dangerous climate change.¹ We can deliver more justice and a better planet, but we fail to do so despite this opportunity. Indeed, solutions for most, if not all, environmental ills are available and affordable. At the same

time, development in both North and South remains deeply unsustainable.

One key reason for this paradox is that globally, environmental governance systems are not as strong as they need to be. Even where governments do promote sustainable practices, such as the use of sustainable renewables, they fail to put a decisive end to unsustainable practices. An economy based on nuclear energy, oil and coal, genetic engineering, toxic chemicals or the overexploitation of our forests and seas will never be sustainable and will be incapable of providing prosperity for all within planetary boundaries. No bridge to climate justice can be built on these technologies.

Too many governments in the North and South have effectively been captured by corporate players that benefit from the destructive status quo. They are putting the interests of a few above the interests of the many. The finance industry, for example, has succeeded in making the taxpayer pay for its bad decisions and is stopping governments from properly regulating global financial markets.

Who are those powerful companies that are standing in the way of climate progress? One can get an idea by looking at the list of the 90 companies that alone have generated nearly two-thirds of all climate pollution since the dawning of the industrial age.² All but seven of them deal in oil, gas and coal. It

is these companies that should be regulated and made responsible for the damage they are causing and have caused. But instead, they are receiving special treatment and are buying influence with governments.

The fossil fuel industry has spent billions persuading governments and the public that climate change is not happening or not caused by humans, or that technological and economic fantasies such as ‘clean coal’ are viable solutions.

Their strategies of buying are creating dividends: between 2001 and 2011 governments handed out US\$2 billion a year in subsidies to the five biggest US oil firms. And this despite them raking in profits of US\$1 trillion over the same period. In Europe, energy companies spent heavily and had direct and privileged access to highest level decision-makers when the European Union set its 2020 climate and energy targets. This has resulted in fossil fuel interests being protected at the expense of people and the planet. The European emission trading scheme in particular is failing to shift Europe to green and clean energies as fast as required as too many emission permits were issued, resulting in an ineffective carbon price.³



We see the same patterns repeated around the world. In South Africa, for example, the state-owned power utility Eskom is getting the government to support their coal and nuclear expansion while charging consumers increasing amounts for their energy. If they were serving the public interest, let alone aiming to deliver climate justice, they would be moving to renewable energy rapidly. Instead, South Africans will pay the costs of their outdated business model, through polluted air, water shortages and an increasingly erratic and dangerous climate.⁴

For climate justice to be more than a dream, governments must put regulations in place that secure the public good and give the institutions tasked to implement these regulations the tools to do so. It sounds simple, but it does mean changing some fundamentals in the way we govern our planet, including how our global institutions and regulations work.

INEFFECTUAL ENVIRONMENTAL GOVERNANCE

It's important to remember that global regulations with teeth are not impossible.

They exist. If governments want to create powerful institutions, they can. The World Trade Organization (WTO), for example, can impose punitive fines on countries that break its rules. While the WTO has failed to make any major advances in trade liberalisation over the last 15 years, these powers persist, and the WTO remains the most powerful global governance instrument available. Many disputes are being taken to the WTO, and the WTO serving as an arena where support schemes for renewable energy, for example, are being attacked.⁵ Worse, the idea that regulations may be questioned at the WTO is having a chilling effect on progressive politics, making governments less likely to take decisive action, such as making polluters pay for climate pollution.⁶

In contrast, environmental and sustainable development governance is not effective. Experts agree that while there are many institutions dealing with social agendas or the environment, they are not coordinated, lack adequate powers and are much weaker than economic and trade bodies. Bodies such as the UN Environment Programme (UNEP) can only plead, coach and build capacity, compared to the WTO's ability to impose punitive measures.

UNEP was created as a compromise between North and South at the Stockholm Conference on Human Environment in 1972. Its mandate was limited, and its resources even more so. Many attempts have been made since then

to strengthen it. But while there is even a UN agency for tourism, UNEP remains a mere programme, which limits its authority, makes its funding base less set in stone and means UNEP has very few offices around the world.⁷

Similarly, the main international forum established in 1992 to deal with sustainable development was the Commission on Sustainable Development (CSD). The CSD was tasked with monitoring the implementation of Agenda 21, the main outcome document of the Rio Earth Summit in 1992. Sadly the CSD, which convened for two weeks each year since Rio, was never more than a talk shop. It could do nothing to actually force governments and businesses to deliver sustainable development.

At the Rio+20 UN Summit in June 2012, governments buried the CSD and pledged to replace it with a new 'high level' body on sustainable development, the High Level Political Forum. Time will tell whether this is a

step forward. So far the Forum has only held a mostly symbolic first meeting. But already today we sadly know that the Forum will have nothing like the clout of the WTO.

Similarly, the UN Framework Convention on Climate Change (UNFCCC), which does not have a remit to seek climate justice, but which is at least tasked with the necessary pre-condition of keeping our global atmosphere stable, is unable to penalise countries that fail on their commitments. For example, when Canada decided to rip up their commitments to reduce their emissions and left the UNFCCC's Kyoto Proto-

col, the UNFCCC could not impose fines or other sanctions.

CHANGING THE GLOBAL RULES

For planetary survival and climate justice, much more is needed than a strengthening and upgrading of existing institutions such as

UNEP or stronger enforcement mechanisms for institutions such as the UNFCCC. Global rules that change power dynamics and investment incentives are urgently required.

Global rules on corporate accountability and liability are a must in order to ensure that when corporations do damage to people and the environment, they incur real costs. A binding global instrument that ensures full liability for any social or environmental damage global corporations cause must be high priority in governance reform. Whether governments are willing to set such global rules or abandon responsibility by continuing to promote a free market system designed to only deliver short-term gain is a key test for global democracy.

Climate justice and sustainability cannot become a reality in a world in which short-term bets by financial markets prevail. Strong controls of financial markets therefore should also form an integral part of global governance reform. New fiscal instruments, such as a financial transaction tax, need to be adopted to slow harmful speculation and deliver much needed finance for development and environmental protection. In addition, a complete social and environmental review of the global trade system is long overdue.

THE CHALLENGE AHEAD

So why are these steps not being taken? That's where we have to return to the ques-

“Global rules on corporate accountability and liability are a must in order to ensure that when corporations do damage to people and the environment, they incur real costs.”

tion of power. After Hurricane Sandy, even the vast majority of Americans are supportive of effective climate action.⁸ The fossil fuel industry, however, has captured too many governments, in both North and South. On Capitol Hill, and in Caracas, Brasilia, Ankara and New Delhi, the oil, coal and gas industries rule. Even measures such as cutting fossil fuel subsidies are therefore unable to find majorities, even in countries that face real constraints on their public finances. When push comes to shove, governments, for now, fear Shell and Exxon more than their citizens.

Achieving effective environmental governance is therefore above all about changing existing power relations. It is about building a movement powerful enough to force governments to act in the public interest. It is about building alliances between grassroots initiatives and global organisations. It is about making the argument for change as much on the street as in the corridors of power.

Only if we change power relations will we be able to transform global governance systems and get environmental governance bodies with real teeth, comparable to those of the WTO. The current weakness of environmental bodies is a symptom of environmental interests not being strongly represented enough – yet – within the global political system. No expert commission or think-tank proposal will be able to change

much until these power fundamentals are addressed. People power will be essential to tilt the balance.

Climate justice will need much more than global governance reforms. But without the shift of global power outlined here, it is difficult to see how sustainability and climate justice can have any hope of being achieved. It is therefore imperative not to settle for a little more transparency here or a little more consultation there. Civil society must, instead, act as a people-powered network across the globe to urgently challenge the current powers that be.

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**CITIZENS
DEMANDING
ACCOUNTABILITY
IN THE
INTERNATIONAL
ARENA**

**THE FIGHT AGAINST UN IMPUNITY AND IMMUNITY IN HAITI:
THE CHOLERA SCANDAL**

– INSTITUTE FOR JUSTICE AND DEMOCRACY IN HAITI

**ASSESSING THE ACCOUNTABILITY OF THE WORLD'S
LEADING INSTITUTIONS**

– CHRISTINA LAYBOURN

**THE MOVEMENT TO INCLUDE PEOPLE WITH DISABILITIES IN
A HUMAN RIGHTS FRAMEWORK**

– JULIA WOLHANDLER

THE FIGHT AGAINST UN IMPUNITY AND IMMUNITY IN HAITI: THE CHOLERA SCANDAL

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INTRODUCTION

In October 2010, an epidemic of cholera broke out in Meille, Haiti for the first time in the country's recorded history. It soon became the worst single-country cholera epidemic in modern times. By the end of 2013, the disease had killed 8,500 people and sickened another 700,000.¹ Almost immediately after the first victims fell ill, residents of Meille identified a UN peacekeeping base as the source of the outbreak.² The base, located on the banks of a tributary to Haiti's principal river system, provided housing for peacekeepers serving in the UN Stabilisation Mission in Haiti (MINUSTAH). The Meille residents had long endured noxious odours emanating from the base and waste overflowing from its disposal pits toward their homes when it rained.³ International journalists who conducted follow-up investigations at the base documented sewage pipes emptying into the Meille tributary.⁴ Shortly thereafter, epidemiologists con-

firmed that the contaminated tributary was the source of the outbreak.

Despite ample, unrefuted evidence pointing to the UN, the organisation has not responded justly to demands that it accept responsibility, compensate victims and take action to strengthen Haiti's water and sanitation system in order to eliminate cholera. The cholera outbreak received renewed attention last October when the Bureau des Avocats Internationaux (BAI), a Haitian public interest law firm, and its sister organisation in the United States (US), the Institute for Justice & Democracy in Haiti (IJDH), filed an unprecedented class action suit against the UN. Although the lawsuit marks a crucial step, the fight for justice is largely being waged outside the courtroom. While the UN continues to deny responsibility, an informal network of victims, victims' advocates, journalists, lawyers, doctors, scientists and other concerned citizens is successfully mobilising to challenge the global accountability framework and secure justice for the cholera victims.

EXPOSING THE INJUSTICE

Organising in Haiti

MINUSTAH's introduction of cholera to Haiti occurred at a time of mounting popular discontent with the Mission for its perceived lack of accountability to the population and

immunity from legal prosecution for acts of sexual violence, excessive use of force and other misconduct. Groups that had been active in organising against MINUSTAH impunity understood that making noise (*fè bri* in Haitian Creole) would be critical to persuading the UN to respond justly to the cholera epidemic. These groups initially took the lead in organising peaceful demonstrations on cholera and also mobilised community education campaigns on cholera prevention.

The early demonstrations quickly grew into an informal and decentralised movement of victims' groups and community organisations across Haiti, staging demonstrations from Cap Haïtien in the north to St. Marc in the west and Les Cayes in the south. In the capital of Port-au-Prince, fourteen grassroots groups established the *Kolektif pou dedomaje viktim kolera an Ayiti*, a collective that organised demonstrations, held press conferences and engaged with local and international media to raise the profile of the issue and shed light on the injustice. Groups such as Association Haïtienne de Droit de l'Environnement (AHDEN), a non-profit environmental law group, sought to engage the UN directly by writing to the UN Secretary-General and demanding a more just response. Demonstrations on cholera continue to date and have on several occasions attracted thousands of people demanding that MINUSTAH accept responsibility and provide compensation for the victims.

Building international awareness

In the weeks and months immediately following the outbreak, Haitian and international news agencies reported heavily on cholera. The Associated Press and Al Jazeera English played a remarkable role in investigating the source and exposing UN responsibility for cholera before any official investigations were underway. Haitian news outlets persistently pressed the UN for answers at press conferences and spread public awareness through extensive radio coverage and newspaper articles. Many international news agencies were at first reluctant to report on the UN's culpability, however, serving instead as an echo chamber for the UN to object to the allegations. Activists worked hard to educate the international press about the evidence and latest developments in the early investigations and genetic testing, which over time allowed for continuous coverage of the story and put pressure on the UN to conduct a formal investigation.

Pushing for investigations into the source

Despite these efforts, the UN rebuffed the growing circumstantial evidence, denying the very possibility of a causal link and refusing a formal investigation. Civil society calls for



transparency and accountability were publicly dismissed as “attempts at stigmatization,”⁵ a counter-productive “blame game” and a “political” diversion from the humanitarian response⁶ despite strong consensus among public health professionals that understanding the origins of an epidemic is critical to an effective response.⁷ Over time, however, the persistent organising – combined with investigations and follow-up from journalists and the release of scientific reports establishing a genetic link – pushed the UN to conduct a thorough investigation into the source of the epidemic. In January 2011, the UN Secretary-General relented to pressure and announced the appointment of a panel of independent experts to study the origins of cholera in Haiti.

The international research team commissioned by the UN released its findings in May 2011. The panel's report included genetic and epidemiological evidence tying the source of the outbreak to the MINUSTAH base, finding that “[t]he evidence overwhelmingly supports the conclusion that the source of the Haiti cholera outbreak was due to contamination of the Meye Tributary of the Artibonite River with a pathogenic strain of current South

Asian type *Vibrio cholerae* as a result of human activity.”⁸ The findings came as no surprise to the Haitian public or to others who had been monitoring the crisis, but added significant credence to the movement and spurred an additional wave of media coverage pressuring the UN to acknowledge responsibility, including hard-hitting reports by the BBC and *The New York Times*, among others.

LEGAL EFFORTS TO SEEK JUSTICE

Seeking to brush aside the mounting evidence, the UN continued to skirt responsibility by citing the panel's findings as inconclusive. Faced with the UN's unrelenting position, victims and grassroots groups in Haiti began to seek legal avenues for securing a just response. In the late summer of 2011 – as the one-year anniversary of the outbreak approached without an appropriate response from the UN – BAI began to organise victims in the Central Plateau, the region hit hardest by the outbreak. BAI worked with community leaders, who in turn mobilised victims to come forward and helped prepare over 5,000 legal claims on their behalf.

In accordance with the UN's international law obligations to hear claims from individuals harmed by its negligence and provide redress, BAI and IJDH submitted the claims to MINUSTAH in Port-au-Prince and UN head-

quarters in New York in November 2011.⁹ The victims petitioned for remedies in the form of a) clean water and sanitation infrastructure to control the epidemic, b) fair compensation for their losses, and c) a public acceptance of responsibility. Additionally, they requested that the UN establish a standing claims commission to hear the claims, as required by the Status of Forces Agreement (SOFA) that governs MINUSTAH's operations in Haiti. These efforts were accompanied by a strong media campaign that drew the attention of prominent international media outlets, including daily newspapers in the global south.

After more than a year of silence, the UN rejected the victims' claims as "not receivable," without providing valid legal justification. BAI and IJDH then requested mediation or an in-person meeting. Those requests were also denied. The dismissal of the claims was widely scrutinised by international law experts who found that it violated the UN's legal obligations. In August 2013, Yale Law School and the Yale School of Public Health, in partnership with AHDEN, released a definitive report on the UN's role in the cholera outbreak.¹⁰ In "Peacekeeping without

Accountability," the authors explain how the UN has a legal obligation to hear claims from Haitian cholera victims. Media outlets around the world condemned the UN's dismissal in front-page stories and editorials. The editorial board of *The Washington Post* newspaper stressed that "by refusing to acknowledge responsibility, the United Nations jeopardises its standing and moral authority in Haiti and in other countries where its personnel are deployed,"¹¹ and *The New York Times* newspaper's editorial board urged the organisation to "acknowledge responsibility, apologise to Haitians and give the victims the means to file claims against it for the harm they say has been done them."¹²

In October 2013, BAI and IJDH, working in collaboration with public interest lawyers in the United States, filed a ground-breaking class action lawsuit against the UN in a US federal court. The lawsuit challenges the UN's immunity on the basis that the organisation has violated its international law obligations to provide remedies to victims of its harms. The lawsuit has spurred influential discussions on the deficiencies in the current framework for accountability of international organisations. The UN's legal

responsibility for cholera has since become the topic of numerous academic conferences, panels and legal scholarship. The involvement of influential legal scholars is an invaluable component in the movement for justice, as their efforts lay the groundwork for systemic improvements to the international accountability framework.

PUBLIC ADVOCACY FOR A JUST RESPONSE

Continued organising in Haiti

Throughout the crisis, the government of Haiti has been notably silent in calling for UN accountability, in part due to the heavily interdependent relationship between the government and the UN. The absence of government leadership has demanded greater activism on the part of civil society. In Haiti, advocates have continued to pressure both the Haitian government and the UN by lobbying officials and continuing targeted demonstrations. For example, in 2012, advocates mobilised to make cholera a central issue of a UN Security Council visit to Haiti. A few days before the visit, cholera was not even on the Council's agenda. BAI and IJDH provided briefing packets to Council members and issued a press release urging them to address cholera. Major news outlets carried the press release, which helped raise awareness of the issue as the delegates travelled to Haiti. Upon their arrival, the delegates were confronted by two

"The absence of government leadership has demanded greater activism on the part of civil society."

demonstrations that the BAI and its grassroots collaborators had organised. In meetings with members of the Haitian parliament, the delegates faced tough questions from legislators who had been briefed on the cholera crisis by BAI. Haitian journalists followed up with probing questions of their own during the delegates' press conference. In formal remarks to the Council after they returned to New York, three of the delegates publicly urged a more just response to the epidemic. BAI and IJDH issued a press release about their statements, which a journalist in Haiti used as a basis for questioning former US President Bill Clinton, UN Special Envoy for Haiti, about UN responsibility. In response to the journalist's question, Clinton admitted that UN peacekeepers were the "proximate cause" of the epidemic, resulting in the first public admission of responsibility by a UN official.¹³



Other advocates in Haiti have taken legal action to force the government into action, including lawyers Newton Saint Juste and Andre Michel, and the *Defenseurs des Opprimés* (DOP), a grassroots legal organisation. DOP has also organised a series of public events and demonstrations in partner-

ship with the *Kolektif*. Moreover, cholera victims and grassroots activists have continued to connect with journalists and filmmakers to make their voices heard. Their participation in numerous interviews and documentaries has created compelling narratives about the impacts of cholera and has humanised the fight for justice.

The cholera victims and their supporters are advancing the movement amid growing hostility toward human rights advocates. The lawyers leading the cholera accountability efforts in Haiti are increasingly coming under pressure for their work. Threats and harassment against Mario Joseph, Managing Attorney at the BAI, escalated in 2012. Joseph has been the subject of illegal searches,

unjustified court summons and numerous death threats. In September 2012, the chief prosecutor in Port-au-Prince resigned from his post after being pressured to issue an unlawful arrest warrant for Joseph and other attorneys doing politically sensitive work. The situation has only deteriorated over time. In 2013, DOP Executive Director Patrice Florvilus was the target of death threats and unjustified criminal charges. Later in the year,

Andre Michel was illegally arrested and held by authorities. The targeting of human rights defenders has outraged Haitian civil society as well as the international community. In response, the Inter-American Commission on Human Rights (IACHR) granted two precautionary measures directing the government of Haiti to ensure human rights workers' physical safety and their ability to work free from intimidation. The strong showing of solidarity in Haiti and abroad has resulted in a temporary reprieve for particular individuals. Nevertheless, the overall political climate in Haiti remains precarious for civil society leaders.

Haitian diaspora

Early efforts to organise on cholera were centralised in Haiti, but the Haitian diaspora has also mobilised on the issue in influential ways. Several diaspora groups have joined forces in *Le Collectif Solidarité avec les victimes du choléra* that staged a demonstration outside UN headquarters in New York to coincide with the Haitian prime minister's address to the UN General Assembly in September 2013. The demonstration brought activists into the streets, where they sang songs and held up signs demanding action. Diaspora leaders have formed new initiatives around cholera, such as the Cholera Justice Project, which is organising community meetings across the United States to educate and mobilise the diaspora on the issue. In an important effort to make English-language

information more accessible to Haitians, diaspora leaders in Canada have published a website that compiles key reports on UN responsibility in French.¹⁴ Others are raising awareness by speaking out on television and talk radio shows. The diaspora is also playing an important role in advocacy with the Haitian and US governments. In Haiti, members of the diaspora are lobbying district officials and cabinet ministers to ensure that victims have access to health care. Most recently in the United States, the National Haitian American Elected Officials Network (NHAEON) sent a letter to the State Department urging the US to take a position in the lawsuit that does not prevent the cholera victims from having their day in court. While the US government did not heed this recommendation, choosing instead to support UN immunity, the organising continues on this issue.

International solidarity

Haitian civil society has partnered with solidarity groups abroad to build an international movement for justice. Members of the US-based Haiti Advocacy Working Group (HAWG), a coalition of civil society organisations working in Haiti, have played a leading role in advocating for a more just UN response. HAWG members are engaging influential decision-makers such as key UN member states and members of the US Congress. Using creative social media strategies, advocacy groups have led a number of campaigns on the issue. In November 2012,

48 human rights groups signed a letter asking the UN Secretary-General to respond to victims' claims and 30,000 people have signed an Avaaz.org petition that calls on the UN to eliminate cholera in Haiti. Three hundred thousand people have viewed and shared *Baseball in the Time of Cholera*, a documentary short about the human impacts of cholera on one family in Haiti.

Impact

In Haiti, grassroots advocacy has turned cholera into a key political issue and has created dissent within the Haitian government regarding how to address UN responsibility. While the president – who wields the most foreign relations powers to put pressure on the UN – remains woefully silent on the issue, the opposition-controlled Senate has passed numerous resolutions calling on MINUSTAH to provide reparations to victims of cholera. Notably, the day of the diaspora protest in New York, Haitian Prime Minister Laurent Lamothe told the General Assembly that he believes “that the United Nations has a moral responsibility in this epidemic,”¹⁵ marking the first time the Haitian government has publicly acknowledged the UN’s responsibility in such stark terms. Still, the Haitian government is

far from taking adequate action to protect the rights of its people and push the UN to provide a just response.

Advocates have also targeted the US government, because of the United States’ status as a permanent member of the UN Security Council and the largest donor to the UN and MINUSTAH, and because it is home to UN headquarters as well as a large Haitian-American diaspora. The

groundswell of public outrage has reached the halls of the US Congress, where over 100 representatives have signed letters highlighting the UN’s responsibility and its obligation to respond more justly. In January 2014, Congressman John Conyers, Jr. and 64 other members of the House of Representatives sent a letter calling on US Ambassador to the

UN Samantha Power to assure that the US Mission to the UN “intensif[ies] efforts to find a just solution” to the outbreak. By using its voice to promote a just resolution to the cholera crisis, the US government can strengthen accountability within the UN system and contribute to a constructive resolution.

The movement for justice is slowly but steadily pushing the UN toward a more just response.



In December 2012, the UN recognised its obligation to eliminate cholera in Haiti by announcing its support for the official cholera elimination plan drafted by the governments of Haiti and the Dominican Republic, known as the Initiative for the Elimination of Cholera in the Island of Hispaniola. Funding for the initiative has been slow, however, with the UN pledging only \$23.5 million – a mere one percent of the total needed – and other donors have so far failed to mobilise the remaining funds.¹⁶ In October 2013, the UN announced the establishment of a joint commission to address the problem more holistically, though the commission's mandate and potential impact remain unclear. Still, these are signs that momentum for a just outcome is building. A growing number of current and former UN officials have publicly declared their support for the movement. Speaking at the Martin Ennals Award for Human Rights Defenders ceremony in October 2013, where lead attorney Mario Joseph of the BAI was being honoured, Navi Pillay, the UN High Commissioner for Human Rights, said she “stand[s] by the call that...those who suffered as a result of that cholera be

provided with compensation.”¹⁷ Former UN Special Envoy for HIV/AIDS in Africa Stephen Lewis echoed the Commissioner's words one month later, saying in a radio interview, “I don't think [liability] would compromise the UN. In fact, I think it would do the UN a lot of good to be seen as principled in the face of having caused so much devastation.”¹⁸ Their voices are spurring important conversations inside the UN and tipping the scales in favour of a just response.

CONCLUSION

Reverend Martin Luther King, Jr. once wrote, “Like a boil that can never be cured so long as it is covered up but must be opened with all

“...it would do the UN a lot of good to be seen as principled in the face of having caused so much devastation.”

its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.”¹⁹ Through their grassroots organising, cholera activists have exposed a tragic injustice. They have been met with fierce resistance every step of the way by one of the most powerful actors in the world. The

leaders of the movement – including Mario Joseph of the BAI and Patrice Florvilus of DOP – have received threats and face continuous harassment. Yet despite knowledge that their lives could be in danger, the activists press on. It is the resilience and courage of the Haitian people that inspire others around the globe to join the movement. Laboratory scientists, university professors and political leaders outside of Haiti – many of whom are separated by a time zone or language barrier – are using the tools of their professions to send a message to the UN that it cannot hide behind immunity. They do this in the hope that one day soon, the light of human conscience and the air of international opinion will give rise to justice for the cholera victims.

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²J Katz, UN worries its troops caused cholera in Haiti, Associated Press, 20 November 2010, <http://www.nbcnews.com/id/40280944/ns/health/t/un-worries-its-troops-caused-cholera-haiti/#.UupkP7SPOSo>.

³Ibid.

⁴J Katz, UN probes base as source of Haiti cholera, Associated Press, 28 October 2010, <http://www.thejakartapost.com/news/2010/10/28/un-probes-base-source-haiti-cholera-outbreak.html>.

⁵M Terrien, Transcript of 28 October 2010 press conference, Pan-American Health Organization.

⁶Above fn 2.

⁷P Farmer, Haiti after the Earthquake, New York: Public Affairs, 2011.

⁸D Lantagne et al., Final Report of the Independent Panel of Experts on the Cholera Outbreak in Haiti, May 2011, <http://www.un.org/News/dh/infocus/haiti/UN-cholera-report-final.pdf>.

⁹The UN shall provide for appropriate modes of settlement of private law claims. Section 29 Convention on Privileges and Immunities of the United Nations, Adopted by the General Assembly of the United Nations on 13 February 1946, <https://www.un.org/en/ethics/pdf/convention.pdf>; The UN shall establish a standing claims commission to hear claims from third parties suffering injury, illness, or death attributable to the UN. Section 54-55, Status of Forces Agreement (SOFA), Agreement Between the United Nations and the Government of Haiti Concerning the Status of the United Nations Operation in Haiti, <http://www.ijdh.org/2004/07/archive/agreement-between-the-united-nations-and-the-government-of-haiti-concerning-the-status-of-the-united-nations-operation-in-haiti/#.U1OILfmSyuk>.

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¹⁹M King, Letter from a Birmingham Jail, 16 April 1963, http://mlk-kpp01.stanford.edu/index.php/encyclopedia/documentsentry/annotated_letter_from_birmingham/.

ASSESSING THE ACCOUNTABILITY OF THE WORLD'S LEADING INSTITUTIONS: THE ONE WORLD TRUST'S GLOBAL ACCOUNTABILITY FRAMEWORK

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Now, more than ever, our lives are affected by the actions of global institutions. We work and socialise through a global internet; our investments and savings flow through the international finance system; and we eat, drink and wear global brands. Through the taxes we pay to our national governments, we fund intergovernmental organisations to preserve peace and security, bail out bankrupt countries, provide humanitarian aid to the most vulnerable and negotiate settlements to bloody conflicts.

Yet such institutions stand outside the rule of democratic elections and they rarely answer to the people whose lives they most affect. Recent years have therefore seen an increasing concern with how such institutions are

governed and how they can be held accountable for their actions.¹The One World Trust's Global Accountability Framework and assessments played an important role in bringing the need for greater accountability to the attention of the world's leading institutions. However, as this article argues, there is still a considerable way to go before the international organisations that dominate our lives can truly be said to answer to the people.

ACCOUNTABILITY DEFICITS IN THE INTERNATIONAL ARENA

The most influential international organisations can be broadly split into three camps: intergovernmental organisations (IGOs), such as the various UN bodies, International Monetary Fund and constituent organisations of the World Bank Group; international non-governmental organisations (INGOs), which provide charitable support and emergency relief and undertake advocacy campaigns around the world; and commercial transnational corporations (TNCs). All three groups can be seen to have fundamental challenges with their lines of accountability.

In their initial conception, the IGOs established after the Second World War were principally accountable to the national governments that formed their membership. These national governments were supposed

to ensure that IGOs acted in the best interests of their citizens and hold them accountable in case of any malfunction. Increasingly this line of accountability has been undermined – as some IGOs grow more powerful than their constituents, their actions increasingly affect people who are not citizens of member states, and as national governments have less interest in influencing the actions of IGOs they support.²TNCs, in comparison, can have clear accountabilities to their shareholders and consumers. However, this accountability rarely extends to the citizens who may be affected by their polluting or degrading manufacturing processes, their use of scarce land, water and other resources or their competition against smaller national brands. There is also the relative newcomer to the international arena – INGOs. Financially accountable principally to the Northern donors that mostly fund their work, INGOs often provide essential humanitarian and development support in place of national governments, but are never held to account in national elections by the people in whose country they work. Following some spectacular failures in the provision of humanitarian support at the end of the 20th century, INGOs are increasingly aware of the need to be accountable to the people they aim to help, although they still struggle with how to realise this in practice.

The extensive role of such international organisations in global affairs has led to

increasing concerns about who should take responsibility for ensuring that the decisions of powerful organisations are beneficial rather than harmful to the people they affect.³ All too often the people most affected do not have the power or weight to individually influence the world's largest organisations. This is particularly the case for IGOs that are not held within the jurisdiction of their member or host states, so that neither their staff nor those externally affected by their work have recourse to third party dispute resolution mechanisms.⁴ This accountability deficit is of fundamental concern, not only from a moral perspective, but also from a practical one: wider participation of stakeholders in any decision-making process is recognised as key in achieving effectiveness and legitimacy.⁵ For international organisations to successfully address the world's biggest problems they must take account of those lives they affect.

THE ROLE OF CIVIL SOCIETY: THE GLOBAL ACCOUNTABILITY FRAMEWORK

People from civil society have been key in demanding greater accountability from global organisations in recent years. Activities aimed at achieving greater accountability have taken different forms: investigating, monitoring, publicising and advocating for greater consultation and access.

The One World Trust, an independent think-tank concerned with global governance, broke new ground in assessing the accountability of global actors. Our Global Accountability Framework⁶ was the first – and currently only – initiative to measure and compare the accountability of IGOs, INGOs and TNCs against the same criteria. Between 2006 and 2012, almost 100 international organisations were assessed against a framework of indicators under the four principles of Transparency, Participation, Evaluation and Complaints & Response. The methodology involved extensive document reviews and interviews for each organisation. Assessed organisations were encouraged to participate in the assessment process and to provide feedback, but if a selected organisation decided not to engage, the assessment went ahead regardless, using publicly available sources. For each year of the project the results of the assessments against the framework were published in a Global Accountability Report, ranking the scores of the assessed organisations against each other and identifying instances of good practice or notable low achievers.

The organisations assessed ranged from key intergovernmental actors, such as the International Monetary Fund, various branches of the World Bank Group, regional development banks and United Nations institutions, to high profile INGOs, such as World Vision, Save the Children and Greenpeace, and to the largest TNCs such as BP, Coca-Cola and Google. In 2011, the Framework was revised and used to assess the World Health Organisation, the UK Department for International Development, the International Bank for Reconstruction and Development (part of the World Bank Group) and the World Trade Organisation, as part of a broader project looking at power, equity and accountability in global climate change governance.⁷

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vidually influence
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The Global Accountability Framework and accompanying reports were positively received: many assessed organisations fed back that it gave them a clear and fair overview of what their strengths and challenges were. The detailed indicators of the Framework also provided global organisations with a definition of what accountability to stake-

holders could actually mean and provided guidance as to the policies and processes that should be implemented. The scoring and ranking that resulted from the assessment process created incentives for organisations in the public eye to improve their accountability performance. Further, by taking a cross-sectoral approach, the Framework demonstrated that state, non-state and commercial actors from very different sectors could all be held to the same accountability standards.⁸

There were recognised challenges with the Global Accountability Framework. These included striking a balance between being a high-level comparative framework and the need to recognise sectoral and organisational specificities; accommodating different organisational structures and types; and addressing gaps between policy and practice in accountability. Feedback from assessed organisations also identified that there was a real need to facilitate organisational follow-up to the assessments by creating a “safe learning space” for organisations to compare notes, share experiences and discuss internal reforms.⁹

Overall, however, the Global Accountability Framework was regarded as a ground-break-

ing and influential approach to improving global governance. Many organisations implemented reforms as a direct result of their accountability assessments. The Framework and its approach to stakeholder accountability have been adopted in the accountability policies of a number of INGOs, and the indicators continue to be used for individual organisational assessments. With its scorecard for intergovernmental organisations, discussed elsewhere in this report, CIVICUS continues in the footsteps of the Global Accountability Framework, by focusing specifically on IGOs’ engagement with civil society.



THE ACCOUNTABILITY LEGACY

The Global Accountability Framework assessments were part of a wider movement amongst civil society in the 1990s and 2000s to demand greater accountability from international actors, which resulted in a wave of new codes of conduct and certification schemes. Efforts such as the Humanitarian Accountability Project International Standard in Accountability and Quality Management and the Sphere Humanitarian Charter have established the need for

the humanitarian sector to ensure a basic standard of service when providing aid to victims of war and disaster. Websites such as Charity Navigator, Guidestar and Givewell¹⁰ allow individual donors to consider the quality and performance of different charities before deciding where to put their money. And the demand from the public for greater accountability has been recognised by many institutional and national donors, who have made accountability to beneficiaries a key component of their grant giving conditions.

There is some evidence that this pressure from civil society has resulted in tangible improvements in the accountability of global governance. Some international institutions have made notable reforms: accountability frameworks are now key components of most INGOs’ strategic policies, intergovernmental juggernauts such as the IMF, World Bank Group, European Bank for Reconstruction and Development and the World Trade Organisation host regular consultations with CSO representatives.¹¹ But there is still a long way to go. In a collection of essays reviewing civil society’s engagement with global organisations, Jan Aarte Scholte notes that most of the institutions considered “...have given little, if any, systematic attention to thinking through their own accountability challenges and constructing procedures that adequately respond to them.”¹² Suzuki and Nanwani suggest that many international banks still consider accountability mechanisms as merely

“...internal governance tools for enhancing their operational effectiveness and discipline of the organisation.”¹³

There remains the issue that some governance challenges in global institutions are deeply entrenched, particularly for regional and international financial institutions, where representation has typically reflected financial contributions, excluding less wealthy nations from influence. For example, attempts to reform the governance of the IMF to provide more balanced voting and membership from developing countries continue to stall, and voting reforms at the World Bank still mean that high-income countries hold vastly more power than middle-income or low-income countries.¹⁴ Scholte notes that some quarters of some IGOs, such as the World Trade Organisation, still “...cling to an obsolete Westphalian notion that they are only accountable to member states.”¹⁵ Therefore, although civil society seems to have had an important role to play in highlighting problems of accountability deficits in global

governance, there is less evidence that this results in these problems being addressed through structural reforms, which would be necessary to entrench accountability in the everyday workings of an international organisation.

There is also a related concern about the depth of some international organisations’ commitment to accountability reform. Most IGOs, INGOs and TNCs now make efforts to hold consultations with CSOs or beneficiaries and have systems to consider information requests and mechanisms to receive and record complaints. But doubts have been raised about how successful such procedures actually are in achieving true accountability. CSOs engaging with the most powerful IGOs have found that efforts at greater accountability can be superficial. Large consultations with civil society can be lavish, but their recommendations may go no further than the conference room. In individual meetings CSO representatives often only get access to junior members of staff without decision-making

power.¹⁶ TNCs are essentially driven by the interest of their shareholders and their customers: whilst these two groups may condemn extreme violations of environmental standards or human rights, the economic dynamics are set against a commercial company paying too much attention to the people affected by their operations, which could dent profit margins and raise prices. For INGOs, the people they aim to help can struggle to engage with Northern accountability mechanisms such as complaints boxes or information boards, especially if these are not in their own languages. And it is arguable how much victims of humanitarian crises can ever truly exercise an informed choice of service provider.

Has the increased drive for greater accountability from the world’s most powerful organisations therefore really led to a genuine shift in attitude towards the people whose lives they affect, or has it rather led to international actors getting better at playing ‘the accountability game,’ accompanied by their ‘props’ of information policies, consultation events and complaint hotlines?

To ensure the accountability commitments of international organisations are genuinely enacted – and to cement the achievements of the past – there needs to be new scrutiny of how commitments to accountability are realised in practice and of how international

“For international organisations to successfully address the world’s biggest problems they must take account of those lives they affect.”

organisations' strategic priorities are shaped by genuine consideration of the people affected by their work. In order to achieve this, both citizens and CSOs need to be empowered: to appreciate how these organisations affect our lives, to understand the mechanisms by which they can gain access and have their voices heard, and to have the confidence to demand greater accountability.

A FINAL NOTE

Whilst IGOs, INGOs and TNCs are under continuing pressure to be accountable to the people they affect, we are seeing the rise of a new kind of international organisation, one with apparently no clear entry points to demand accountability. With the world changing with the advent of social media, widespread internet access and 24-hour communication, a new wave of global players are coming to the fore, who can have an unprecedented impact on global politics and finances. We have seen that actors such as Anonymous are capable of sparking a political uprising; Bitcoin can circumvent international financial regulations; WikiLeaks can spill the secrets of the world's most powerful countries. To a greater or lesser extent such informal global organisations often claim to be acting in the public good: WikiLeaks by publishing information about state transgressions, Bitcoin by providing a tradable currency usable for electronic transfers around the

world, and Anonymous by bringing together 'hactivists,' who often, but not always, have a libertarian political agenda.

However, their activities have not always been seen as positive.¹⁷ Who leads these groupings and by what systems they are internally governed is murky at best, let alone the question of how the individuals, organisations or states that are affected by their work can appeal against their actions. There appear to be no board of directors or shareholders and a poorly identified leadership. There are certainly no freedom of information policies, no consultation workshops, no independent evaluations and no complaint-handling mechanisms, which we have come to expect from the conventional global players. That these informal bodies answer to no one but themselves – and certainly not any national government or international body – is part of their attraction: they can operate free from crusty, restrictive and politically motivated regulation. But the negative impact of that on the individual should not be disregarded. If Anonymous hacks your website, if you lose a fortune should the Bitcoin bubble burst or if information published on WikiLeaks endangers your life, you may struggle to pursue justice through established legal procedures. Which country holds jurisdiction over them? What sanctions can truly be enacted against them? Whilst some individuals have been investigated and prosecuted, the actual 'organisations' cannot

be truly held to account. And yet, informal organisations such as these, with a global reach and opaque governance, may have an increasing role to play in the international arena. If so, conventional approaches to demanding the accountability of global organisations will struggle to keep up.

¹Accountability is a nebulous term, with different meanings for different people. For the purposes of this article, the One World Trust's stakeholder-oriented definition of accountability is used: "Accountability is the process through which an organisation actively creates, and formally structures, balanced relationships with its diverse stakeholders, empowering these to hold it to account over its decisions, activities and impacts, with a view to continuously improving the organisation's delivery against its mission." M Hammer and R Lloyd, Pathways to Accountability II: the 2011 revised Global Accountability Framework, The One World Trust, 2012, pg 30.

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⁴E Suzuki and S Nanwani, Responsibility of International Organisations: the Accountability Mechanisms of Multilateral Development Banks, (2005) 27 Michigan Journal of International Law 177, pg 182-3.

⁵Above fn 3, pg 6.

⁶For more information about the methodology, framework and assessment reports, please see: <http://www.oneworldtrust.org/globalaccountability/gar>.

⁷For more information, please see: <http://www.globalclimate-governance.org/>.

⁸Above fn 1, pg 18.

⁹Ibid, pg 20.

¹⁰For more information about these websites please see: <http://www.charitynavigator.org/>; <http://www.guidestar.org.uk/>; and <http://www.givewell.org/>.

¹¹Above fn 2, pg 316.

¹²Ibid, pg 308.

¹³Above fn 4, pg 181.

¹⁴Above fn 1, pg 10-11.

¹⁵Above fn 2, pg 309.

¹⁶Ibid, pg 329-330.

¹⁷E O'Toole, The Anonymous Problem with Feminism, The Guardian, 7 December 2013, <http://www.theguardian.com/commentisfree/2013/dec/07/anonymous-problem-with-feminism>; V Barford, Bitcoin: Price V Hype, BBC News, 13 December 2013, <http://www.bbc.co.uk/news/magazine-25332746>; J Pearlman, WikiLeaks made 'extraordinary error of judgment' in meeting Assad, says Tony Abbott, The Telegraph, 2 January 2014, <http://www.telegraph.co.uk/news/worldnews/wikileaks/10546595/WikiLeaks-made-extraordinary-error-of-judgment-in-meeting-Assad-says-Tony-Abbott.html>.

THE MOVEMENT TO INCLUDE PEOPLE WITH DISABILITIES IN A HUMAN RIGHTS FRAMEWORK

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INTRODUCTION

On 16 November 1999, investigators from Disability Rights International (DRI)¹ and human rights activists from Mexico infiltrated a state-run mental hospital in Hidalgo, Mexico. There, hundreds of patients were crammed into small rooms, with no heating (temperatures were around seven degrees Celsius) and no clothes, surrounded by their own urine and faeces, living in atrocious conditions. As shocking as it might seem, this was not the first time DRI investigators had witnessed such abuses. It was however, the first time they were able to bring their findings to international attention, as their report, Human Rights & Mental Health: Mexico, brought world media attention for the human rights of people with disabilities segregated in psychiatric institutions. Since

then, DRI has investigated and exposed human rights abuses of children and adults detained in institutions² and orphanages in three dozen countries around the world.³

Building on its international media campaign, DRI has worked for 20 years to add a new criterion – the treatment of citizens with disabilities – to the list of human rights litmus tests used when judging whether a country should be considered a member in good standing of the world community.⁴ DRI began its work well before there was a specialised convention to protect people with disabilities – making the case that existing international treaties should be used to protect people with disabilities and hold governments accountable.

THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

In the year following the extensive media coverage of DRI's Mexico report,⁵ Vicente Fox, then President of Mexico, advanced a proposal for a new convention that would focus on the rights of persons with disabilities during the opening session of the 56th United Nations (UN) General Assembly in 2001. The General Assembly adopted Resolution 56/162, establishing an Ad Hoc Committee on a Comprehensive and Integral International Convention.⁶

With increasing worldwide attention on the lack of a specialised international human rights treaty to protect people with disabilities, support for the drafting process at the UN began to grow. A report by Girard Quinn and Theresia Degener, under the auspices of the UN High Commissioner on Human Rights, evaluated the ways in which people with disabilities were left out of international human rights oversight by the UN. The report made a powerful case that a special UN treaty was necessary to attain the goal of the inclusion of people with disabilities in the UN's activities.⁷

The Convention on the Rights of Persons with Disabilities (CRPD) was drafted by governments in collaboration with CSOs, including international disability rights CSOs and other human rights CSOs. The drafting process saw unparalleled involvement by people with disabilities. The outcome was a detailed legal instrument to ensure the full human rights of people with disabilities under international law. Adopted on 13 December 2006, the CRPD proved to be the first UN Treaty to have the highest number of signatories on its opening day for signature by state parties; 82 countries signed the Convention, 44 also signed the Optional Protocol⁸ and one country ratified.⁹

The CRPD is the first comprehensive human rights treaty of the 21st century, the first

human rights treaty open for signature by regional integration organisations and the first UN treaty to have included people with disabilities in the negotiation process.¹⁰ The inclusive drafting process of the Convention sensitised governments to the importance of leadership by people with disabilities, and the process helped galvanise the creation of a truly international disability rights movement. The Convention is widely regarded as being a success in bringing attention to the rights of people with disabilities – some of the world’s most marginalised people – and promoting their full and equal human rights.¹¹

The CRPD supports a human rights-based approach toward disability (which acknowledges people with disabilities as active members of society who have the legal right to participate in society as equals to their non-disabled peers), rather than the historically common medically-based and charity-based approach, in which disability is deemed a medical problem that needs to be fixed, pitied and cared for. In keeping with the UN’s commitment to promoting human rights for all, the CRPD maintains that disability is “an evolving concept ... that results from the interaction between persons with impairments and atti-



tudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”¹²

Ratification by state parties is a crucial step in maintaining the essential freedoms of all persons with disabilities. The Convention states:

“State Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.”¹³

In many countries where laws are outdated and discriminatory, the CRPD provides for all “appropriate measures be taken into account in order to eliminate discrimination on the basis of disability by any person, organization or private enterprise.”¹⁴ Appropriate measures include adopting legislation and modifying and abolishing existing laws, regulations, customs and practices that create discrimination against people with disabilities.¹⁵ The CRPD requires governments to report every four years to the UN Committee on the Rights of Persons with Disabilities on steps taken to implement the Convention. This allows the UN and CSOs to hold countries accountable

for their abuses against people with disabilities and influence governments to create appropriate policies and laws that protect the human rights of their disability communities. Disability rights organisations can now use the CRPD as a tool to assess compliance with international law and publicise abuses through the media, as DRI has done for many years.

The CRPD can help focus direct advocacy by and for people with disabilities to bring about change in outdated government policies and international development programmes. In today’s interconnected world, any effort to build a more inclusive society needs to develop relationships. People with disabilities are aware of this, and many recent accomplishments are a result of the building of coalitions and strategic partnerships.

Ratification of the CRPD also contributes to realising the Millennium Development Goals (MDGs). Although the priority focus of the MDGs is to eradicate extreme poverty, the MDGs unfortunately do not explicitly mention people with disabilities, even though they are some of the world’s most vulnerable, marginalised and poverty-stricken people. The emerging post-2015 development agenda brings hope that people with disabilities can be explicitly included in global processes to eradicate poverty.¹⁶ People with disabilities have been vocal and are collaboratively working with the UN to make sure that they are included in the new development agenda.

THE MOVEMENT TOWARD RATIFICATION OF THE CRPD

For the CRPD to be effective, the disability movement has had to encourage its widespread ratification. The global attention to and publicity about the CRPD has been a crucial driver in its ratification and implementation. As of early 2014, 141 countries have ratified the CRPD, and 12 having done so in 2013 alone.¹⁷ The growing number of ratifications indicates that the disability movement is effective in advocating for their rights as equal citizens throughout the world.

Internationally, strategies by the disability movement that have been recognised in the efforts toward ratification of the CRPD include: educational campaigns targeted at the public; coalitions of disabled people's organisations (DPOs) and other CSOs working together to create one voice; pressure on local and national governments that are in violation of human rights; and youth and student outreach.

A particular focus is on encouraging the United States, which has signed but not ratified the Convention, to ratify. Within the US, in 2013 and 2014, a coalition of disability organisations, community activists and self-advocates have applied pressure on appropriate officials to ratify, including through publicity, the use of social media, creating petitions, phone calls and direct emails toward officials, as

well as setting up direct meetings with officials. The United States International Council on Disability (USICD),¹⁸ in collaboration with hundreds of other organisations, including DRI, has gathered together 800 organisations and thousands of individuals globally through consistent outreach and publicity to support ratification. In September 2013, over 100 advocates from around the US attended an educational forum convened by USICD and the National Council on Disability (NCD) on the ratification of the CRPD. This education forum, targeted at the public, included influential speakers from the government, CSOs and grassroots individuals. In the words of speaker Catalina Devandas from the Disability Rights Fund:

“Educating the public is key in creating awareness of disability and changing cultural beliefs and stigma against disability.”¹⁹

Educational campaigns and outreach towards the general public have had a crucial role in engaging a larger audience towards ratification of the CRPD. One of the most crucial aspects in driving ratification is publicity. As disability is a cross-cutting issue among diverse communities, all members of the community must be reached, from grassroots to corporate levels and within all sectors, including non-profit, for profit and public, to ensure that there is a large pool of activists collaborating towards one goal. Specific outreach has been seen through articles describ-

ing the CRPD and the importance of its ratification, published in major newspapers such as *The New York Times*, and appearances on international, national and local TV and radio news channels.

Social media and the use of technology allows for broader reach and easy access to the most up-to-date news on national movements. Media such as Facebook, Twitter, news articles and magazines help enable informed community discussions. The use of social media to spread information internationally has been of significant use in the past year to promote the ratification of the CRPD by countries such as the US.

As with DRI's continued publicity on the atrocious abuses of people with disabilities restricted to institutions, continued publicity on the abuses of people with disabilities worldwide is crucial in attaining the attention of more people and pushing for the ratification of the CRPD.

IMPLEMENTATION

The Convention states:

“In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities,

States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”²⁰

Once ratification of the CRPD has been achieved, implementation is crucial in attaining the full rights and dignity of people with disabilities. Implementation requires constant engagement to ensure the original intent of the CRPD is not undermined by weak legislation.

Since the ratification of the CRPD by Mexico in 2007, and with continued support by DRI, the disability movement there has grown remarkably and has proved that positive implementation of the Convention is possible. DRI helped establish the Colectivo Chuhcan, the country’s first organisation run by people with psychosocial disabilities.

In 2010, Mexico submitted its first comprehensive report to the UNCRPD Committee, in compliance with Article 35 of the Convention.²¹ Mexico unfortunately failed to acknowledge grave human rights violations against children and adults with disabilities imprisoned in its institutions and orphanages, as reported by DRI in 2010.²² In response to DRI’s report, Mexico adopted a general law on the “social inclusion of persons with disabilities” and launched a national tool to implement and monitor policies and action plans

for the rights of people with disabilities.²³ Unfortunately, no regulations to implement Mexico’s new law have been established, and people with disabilities remain segregated in Mexico’s institutions. DRI will present its reports directly to the UN’s CRPD Committee in September 2014 to ensure that the government is held accountable for these human rights violations.

Since its ratification, the disability movement has been actively working to seek full implementation of the CRPD. In 2013 alone the disability movement in Mexico implemented the CRPD in the following ways:

- DRI has worked with the Colectivo Chuhcan and its Women’s Committee to build the capacity of women from the Colectivo to become human rights investigators and monitors, in accordance with Article 33(3).²⁴
- Based on its 2010 report, *Abandoned and Disappeared*, human rights activists in Mexico have created a legal reform that allows for the transformation from people with disabilities being segregated in a mental health system to community integration, in compliance with Article 19, *Living Independently and Being Included in the Community*.
- In accordance with Article 16, *Freedom from Exploitation, Violence and Abuse*, DRI held a workshop to sensitise staff from Mexico City’s Human Rights Commission

and Mental Health Authorities on Mexico’s obligation to monitor institutions.

- In accordance with Article 24, *Education*, the Congressional Committee on Education recognised the proposal from the Confederación Mexicana de Organizaciones en favor de la Persona con Discapacidad Intelectual and the Asociación Pro Personas con Parálisis Cerebral to reform the General Education Law to enable equal access to public schools for children with disabilities.²⁵

Full implementation of the CRPD includes the creation of appropriate laws by governments and the eradication of inappropriate and discriminatory policies and laws. Appropriate laws and legislation allow for the legal protection of people with disabilities and allow them and other members of civil society to advocate for themselves.

Governments must work in collaboration with people with disabilities to create new laws pertaining to human rights and development. Without including those whom policies and laws directly affect, implementation of the CRPD will prove difficult. Laws and policies must be made accessible to the community to further their capacity and knowledge of their rights.²⁶

Countries that have ratified the CRPD must be open to accepting internal and external suggestions on the best practices of

implementation, in accordance with Article 32, International Cooperation.

International human rights lawyers play a crucial part in helping countries implement the CRPD. Their expertise allows for open discussion, in a legal capacity, on the needs of people with disabilities. DRI has helped government officials to reform laws to be inclusive of the rights of people with disabilities and trained local advocates to work with policy makers in addressing the needs of their community.

DRI has pursued new approaches to CRPD implementation that leveraged the funding of international donors. One of the most innovative and important provisions of the CRPD is Article 32, which requires that international cooperation advances the “purpose and objectives” of the Convention.²⁷ This provision can be used to hold donors as well as recipient nations accountable. DRI launched an International Campaign to End the Institutionalization of Children with Disabilities to promote full implementation of the CRPD’s right to community integration. DRI has found that well-meaning international donors often perpetuate segregation by making donations to orphanages or other institutions for people with disabilities.²⁸ In response, DRI is using the CRPD to hold international donors accountable and to shift support toward community integration. DRI’s World Campaign, featured in UNICEF’s 2013 State of the

World’s Children Report, is an innovative use of the CRPD that provides another powerful reason for countries to ratify.²⁹

CONCLUSION: THE FIGHT FOR JUSTICE CONTINUES

Global governance can only be achieved when all people are included. The adoption of the CRPD has brought about growing attention to the disability community, the violation of human rights and the need for reform in governments around the world. The CRPD is a crucial part of the legal recognition of the rights of people with disabilities. Though the CRPD has brought about a necessary change in governments to begin reforming laws and policies, much still needs to be accomplished to reap the full implications of the CRPD. Gaining attention through publicity – and collaboration amongst civil society – are key factors in the ratification and implementation of the CRPD.

¹Disability Rights International, established in 1993, documents human rights abuses, publishes reports on human rights enforcement and promotes international oversight of the rights of people with disabilities. For more information, please see: <http://www.disabilityrightsintl.org/about/>.

²E Rosenthal, et al., Human Rights & Mental Health: Mexico, Disability Rights International, September 2000, available at: <http://www.disabilityrightsintl.org/work/our-reports-publications/>.

³For more information, please see: <http://www.disabilityrightsintl.org/work/>.

⁴M Winerip, The Global Willowbrook, NY Times Magazine, 16 January 2000, available at: <http://www.nytimes.com/2000/01/16/magazine/the-global-willowbrook.html>.

⁵Above fn 2.

⁶M Schulze, Understanding the UN Convention on the Rights of Persons with Disabilities: Handbook on the Rights of Persons with Disabilities, Handicap International, 18 July 2010, available at: http://www.equalityhumanrights.com/uploaded_files/human-rights/unconventionhradisabilities.pdf.

⁷The Making of the Convention on the Rights of Persons with Disabilities, Centre for Human Rights, YouTube, 5 April 2013, available at: http://www.youtube.com/watch?v=GWIf_NzpyYo.

⁸The Optional Protocol allows individual complaints to be submitted to the CRPD Committee by individuals and groups of individuals, or by a third party on behalf of individuals and groups of individuals, alleging that their rights have been violated under the CRPD.

⁹Convention on the Rights of Persons with Disabilities, GA Res. 60/106, UN GAOR 61st Sess., UN Doc. A/Res/61/106, entered into force 3 May 2008 (13 December 2006) [hereinafter CRPD]. The CRPD text, related UN resolutions, and an updated list of signatories and States Parties is posted on the United Nations Enable website at: <http://www.un.org/disabilities/>.

¹⁰Article 44: “1. “Regional integration organization” shall mean an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention. Such organizations shall declare, in their instruments of formal confirmation or accession, the extent of their competence with respect to matters governed by this Convention. Subsequently, they shall inform the depositary of any substantial modification in the extent of their competence. 2. References to “States Parties” in the present Convention shall apply to such organizations within the limits of their competence.”3. For the purposes of Article 45, paragraph 1, and Article

47, paragraphs 2 and 3, any instrument deposited by a regional integration organization shall not be counted.⁴ Regional integration organizations, in matters within their competence, may exercise their right to vote in the Conference of States Parties, with a number of votes equal to the number of their member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.” Ibid.

¹¹World Report on Disability, World Health Organisation and the World Bank, 2011, available at: http://whqlibdoc.who.int/publications/2011/9789240685215_eng.pdf?ua=1.

¹²CRPD, fn 7, Preamble, section e.

¹³Ibid, Article 5(1).

¹⁴Ibid, Article 4(e). C.

¹⁵Ibid, Article 4, General Obligations, 1(b). 5.

¹⁶Outcome document of the high-level meeting of the General Assembly on the Realization of the Millennium Development Goals and other internationally agreed development goals for persons with disabilities: the way forward, a disability-inclusive development agenda towards 2015 and beyond, Draft Resolution submitted by the President of the General Assembly, September 2013, UN Doc A/68/L.1 17, available at: http://www.un.org/disabilities/documents/hlmdd/a_68_l1.doc.

¹⁷Above fn 7.

¹⁸The United States International Council on Disabilities is a federation of US-based non-government organisations, federal agencies and individuals committed to advocacy and action on behalf of the global disability rights agenda. For more information, please see: www.USICD.org

¹⁹C Devandas, Supporting the Empowerment or Organizations of Persons with Disabilities: A strategy to promote poverty eradication, using the Convention on the Rights of Persons with Disabilities, UNDESA, September 2013, available at: http://www.un.org/esa/socdev/egms/docs/2013/EmpowermentPolicies/Expert-paper_Catalina-Devandas.pdf.

²⁰Above fn 7, Article 6(3).

²¹Ibid, Article 26(1), “Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of

the present Convention for the State Party concerned”.

²²Abandoned and Disappeared: Mexico’s Segregation and Abuse of Children and Adults with Disabilities, Disability Rights International, 2010, available at: <http://www.disabilityrightsintl.org/work/country-projects/mexico/>.

²³L Blanchfield, et al., The United Nations Convention on the Rights of Persons with Disabilities: Issues in the US Ratification Debate 4, Congressional Research Services Report for Congress, 4 March 2013, <https://www.fas.org/sgp/crs/misc/R42749.pdf>.

²⁴Above fn 7, Article 25(3).

²⁵Above fn 17.

²⁶Above fn 7 at 14’00”.

²⁷Above fn 7, Article 32.

²⁸Left Behind: The Exclusion of Children and Adults with Disabilities from Reform and Rights Protection in the Republic of Georgia, Disability Rights International, 2013, available at: <http://www.disabilityrightsintl.org/wordpress/wp-content/uploads/Left-Behind-final-report1.pdf>.

²⁹E Rosenthal and L Ahern, Segregation and abuse in institutions, The State of the World’s Children 2013, UNICEF, 2013, available at: http://www.unicef.org/sowc2013/files/SWCR2013_ENG_Lo_res_24_Apr_2013.pdf.



STRENGTHENING
**REGIONAL
MECHANISMS**

WE CAME, WE SAW AND WE KEPT WATCHING: HOW THE UN AND THE LEAGUE OF ARAB STATES FAILED THE PEOPLE OF SYRIA

– ZIAD ABDEL SAMAD AND JOEL GHAZI

GOOD PRACTICES ON CSO PARTICIPATION AT THE AFRICAN COMMISSION ON HUMAN AND PEOPLE'S RIGHTS

– PAN-AFRICAN HUMAN RIGHTS DEFENDERS

GOOD PRACTICES ON THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

– JEFFERSON NASCIMENTO

WORKING TO REENERGISE THE COMMONWEALTH

– KIRSTY WELCH

WE CAME, WE SAW AND WE KEPT WATCHING: HOW THE UN AND THE LEAGUE OF ARAB STATES FAILED THE PEOPLE OF SYRIA

ZIAD ABDEL SAMAD
AND JOEL GHAZI
ARAB NGO NETWORK FOR
DEVELOPMENT (ANND)

INTRODUCTION

Given the amount of media attention the conflict has attracted, writing and talking about Syria might seem redundant. However, when daily atrocities are still being committed, the need to stop them cannot be emphasised enough. And words, it seems, are almost all that the international community can offer the people of Syria. Many analysts have pointed out how events in Syria demonstrate the failure of the international community, but these failings were seen before Syria – in Afghanistan, the Democratic Republic of Congo, Iraq, Kosovo, Rwanda, and Somalia, among others – and will probably remain after it. It seems as if the world has taken Khalil Gibran’s words to heart when he said “forgetfulness is a form of

freedom”; in our case, freedom from guilt. At the time of writing, the Syrian conflict has claimed the life of more than 110,000 people and has driven “6.5 million others from their home [...] since March 2011.”¹ The conflict is also having tremendous economic and material costs. Estimates that date back to 2012 indicate that US\$60 billion would be needed to rebuild Syria.² Others estimate that the damage done to the health sector will take up to 10 years to be remedied. Experts estimate that it will cost US\$300,000 per month just to cover the treatment of casualties and injuries.³ This is not to mention that as long as the war goes on, a generation of Syrians is not attending school, and they will have to rebuild Syria, with no education, no means to rebuild state structures and only knowledge of destruction and massacres.

Dubbed as a proxy war by some, a people’s struggle by others, or even a war on terrorism, the conflict now has regional and global dimensions that surpass the early Homs and Daraa uprisings of 2011. It could even be said that the initial objective of the Syrian people’s revolution – toppling the Assad regime – is now sidelined in the mainstream media, as well as in the general discourse and political arrangements concerning Syria. Therefore, any solution to the Syrian crisis has to take on a global dimension. Given the complexity of the Syrian conflict, many believe that stopping the carnage will ultimately have to involve a concerted push for a politically negotiated settlement.

EVENTS AND ACTORS TO DATE

The League of Arab States (LAS) has exerted some political pressure on Syria. Its response came at the early stages of the crisis, before the conflict became internationalised and more complex. Nine months after the start of the crisis, LAS introduced a peace plan that called on the Assad government to halt violence, release prisoners, allow for media access and remove military presence from civilian areas. When the regime failed to do so, LAS suspended Syria’s membership and, in November 2011, imposed economic sanctions. Syria then signed a peace deal, mandating an Arab observer mission⁴ to observe and report on the crisis, but LAS suspended the mission on 29 January 2012⁵ due to “critical” conditions in Syria.

If the purpose of the mission was to halt the violence, it failed to do so. Media outlets recorded 400 deaths two weeks after the LAS observers entered Syria.⁶ The mission ended when its chief, Sudanese General Mohammed al-Dabi (who incidentally has been criticised for his actions in Darfur, where the government is accused of genocide), resigned after spending one month in Syria.⁷ From a political standpoint, the failure of the mediation effort reflects the overall ineffectiveness of Arab regional integration in general and the LAS in particular. This regional body was unable to protect

civilians and pave the way for a political solution, while Assad's regime was keen on surviving and protecting itself no matter what the cost and has been able to do so.

UN Undersecretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, insisted upon her visit to Damascus that the international community needed "to do more" to assist the 9.3 million Syrians affected by "the dire humanitarian situation."⁸ In a series of public statements, the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to Protect (R2P) voiced their concern over the Syrian government's systematic and widespread attacks on civilians and reminded the government of its responsibility to protect its population.⁹



According to the Special Adviser on the Prevention of Genocide, "Sovereignty no longer exclusively protects States from foreign interference; it is a charge of responsibility where States are accountable for the welfare of their people. This principle enshrined in Article 1 of the Genocide Convention and is embodied in the principle of 'sovereignty as responsibil-

ity' and in the concept of the Responsibility to Protect."¹⁰ Further, one of the three main pillars of the Secretary General's 2009 report on implementing R2P is that, "The international community has a responsibility to use appropriate diplomatic, humanitarian and other means to protect populations from these crimes. If a State is manifestly failing to protect its populations, the international community must be prepared to take collective action to protect populations, in accordance with the Charter of the United Nations."

The UN Human Rights Council and Office of the High Commissioner for Human Rights (OHCHR) mandated in August 2011¹¹ an independent Commission of Inquiry¹² to investigate human rights violations in Syria.

For its part, the **UN Security Council** made several attempts at resolutions to intervene in the conflict, but they were met with vetoes from China and Russia. Later on, it appointed a special envoy and established a supervision mission in Syria (UNSMIS). With these moves, the Council sought to take preventive action. Unfortunately, the situation had already escalated to a point of extreme

violence, leaving very limited room for political negotiations between the disputing parties. As such, UNSMIS immediately faced many technical difficulties on and off the ground, including limited freedom of movement due to restrictions by the government, blocked access to sites of mass violence and the rejection of some observers' visas. These factors, alongside the ongoing violence, led to the Mission's suspension on 15 June 2012.

Just recently, the **United Nations** stopped updating the death toll from Syria. It says it can no longer verify the sources of information that led to its last count of at least 100,000 people dead, in late July 2013. A spokesman for the UN Office of the High Commissioner for Human Rights, Rupert Colville, said that the organisation lacked feet on the ground in the country and that it was unable to verify "source material" from those with access. "It was always very close to the edge in terms of how much we could guarantee the source material was accurate," he said. Colville continued, "It reached a point where we felt we could no longer cross that line. So for the time being, we're not updating those figures."¹³ Colville also said the UN could not endorse counts put forward by other bodies, including the widely quoted figures from the Syrian Observatory for Human Rights, whose latest tally at the time of writing is more than 130,000.

They say that truth is the first victim of any conflict. For political reasons, the UN is bury-

ing its head in the sand. Choosing to discredit activists that are gathering information and counting deaths, including the Observatory and local Coordination Committees in Syria, in the run up to the Geneva II conference, has political significance. One can only guess that there is intention to undermine documentation efforts to reduce the amount of blame the regime is receiving.

The turning point came in August 2013, when

some states became convinced that the Assad regime had used weapons of mass destruction (WMD) on its population in Ghouta, on the outskirts of Damascus. Several governments asserted that they had credible reports of Sarin gas being used in Ghouta, with most placing blame on the Syrian government. The UN Mission investigating the possible use of chemical weaponry returned from Syria two weeks later and stated in its report that there was “clear and convincing evidence” that Sarin gas had been used in Ghouta, though it stopped short of declaring which side had deployed it. Speculation about Assad’s role continued, and some states announced that a “red line” had been crossed. Dynamics of political outbidding were now initiated.

“...a fragile and unsettling consensus has emerged between western powers and Russia.”

Led by the United States (US), United Kingdom and France, several countries seriously considered a military operation in order to respond to the chemical weapons attack. However, several other states and many CSOs, regional and global, questioned whether a military action solely in response to the August chemical weapons attack would have the purpose of protecting civilians or if it would mostly be intended to punish the Assad

regime – or even give these states a facade of potency. Ultimately, diplomacy led for the first time to a consensus in the UN Security Council by passing

Resolution 2118¹⁴ (2013), which requires Syria to destroy its current stockpile of chemical weapons. It further prohibits Syria from using, developing, stockpiling and transferring chemical weapons. Should Syria not fulfil the terms of the resolution, with compliance overseen by the Organisation for the Prohibition of Chemical Weapons (OPCW), the Security Council may consider penalties under Chapter VII of the UN Charter.¹⁵

Many observers noted that large numbers of Syrians were killed by conventional weapons

before and after the WMD episode, without it prompting similar reactions. It seemed that Assad agreeing to dismantle his chemical arsenal was enough to calm the West’s urge to fulfil its responsibility to protect civilians. One could conclude that interventionist talk had achieved its aim of stripping the regime of a particular ‘means of persuasion,’ irrespective of continuing atrocities being committed against the Syrian people. Overall this episode’s outcome was rather favourable to the regime, as it continues to enjoy impunity, with conventional massacres and bombings flaring up after it. The relative flexibility showed by the regime in the discussions bolstered its image on the international scene. Russia and China’s roles as interlocutors with the regime were also reinforced. However, seeing as the regime is reluctant to dismiss its arsenal of chemical weaponry, this might play out to its disadvantage and that of Russia and China.

GENEVA II

The recap of events above shows that the people of Syria have been let down by both the UN and the League of Arab States. The political deadlock in the Security Council is not likely to break, and without it, any effective action seems highly improbable. However, recent rapprochement between the US and its long-term nemesis, **Iran**, suggests that there might be a shift in the attitude towards Syria. The deal that was concluded in November 2013 amongst the permanent

members of the Security Council (China, France, Russia, the United Kingdom and the United States), Germany and Iran hasn't yet been implemented, but it certainly includes chapters on Lebanon, Iraq, Syria, the Gulf and Turkey, and it undoubtedly did not please Gulf petro-monarchies.

The Geneva I peace conference, held in June 2012, paved the road for political solutions. These consist of the formation of a government of national unity representing the different actors, including the regime and the opposition, and a need by the ruling regime to agree on a new constitution that entails political and administrative reforms and that will lead to the election of a new president.¹⁶ These conclusions were summarised in a final communiqué made public on 30 June 2012. The recognition of these conclusions was a precondition to the Geneva II conference. Failure to implement this agreement was followed by Geneva II, with Iran absent due to its public rejection of a transitional government in Syria and other measures of the Geneva I communiqué.

Ideally Geneva II should have enabled the participants to come up with an implementation strategy, find solid ground to end the violence and launch the political process. This was not achieved. However, regardless of the results, the meeting and discussion process can be seen as successes in themselves. Talking and sitting around the

same table might not directly result in ending the violence, but as Freud once said, "the first human to hurl an insult instead of a stone was the founder of civilisation." Even if exchanges were tense between the two parties, this process represented a good step.

On 25 November 2013, UN Secretary-General Ban Ki-moon announced that peace talks would be convened on 22 January 2014 in Geneva;¹⁷ the conference came to be known as **Geneva II**. This conference was preceded by important developments on the ground. With the help of Hezbollah, Abu Fadl al-Abbas fighters from Iraq, the Iranian Revolutionary Guard and the flow of arms from Russia, the regime was able to seize several key cities and regions. Most notably, the regime regained control of the Homs highway by seizing Nabak, Yabrud and the Qalamoun mountains. These advances were made easier due to the disarray amid rebel forces. Clashes erupted between Jihadist fronts – notably between the Islamic State in Iraq and the Levant (ISIL) and the Islamic Front (IF) – and with Free Syrian Army factions.

Both the first and second rounds of Geneva II peace conferences failed to produce any significant results on a political resolution to the conflict or on the improvement of the humanitarian situation, but rather chose to focus on 'fighting terrorism.' The government refused to discuss the transition plan and the demission of Bashar al-Assad. After Geneva

II, the exiled SNC tried to replace General Salim Idris but was met with opposition from unit commanders inside Syria. After the conference, the US and Saudi Arabia decided to increase their supply of weapon to rebels who reorganised themselves into a southern front. On the other hand, regime forces are preparing air raids and field strikes to strengthen regions they re-occupied (namely, the capital's vicinities, the coastal area and the road between the two).

In short, Geneva II only was characterised by strategic manoeuvring on the ground at the expense of political solutions and deteriorating humanitarian conditions. The London-based Syrian Observatory for Human Rights (SOHR) said that the number of civilians killed daily since the beginning of the talks was higher than the onset of the civil war.

CONCLUSION

In the aftermath of the chemicals weapons deal, a fragile and unsettling consensus has emerged between Western powers and Russia. It is based on three shared objectives: ending the violence in Syria; preserving the unity and structures of the Syrian state (including the army); and eliminating radical Islamist groups. However, the probability that any of these objectives will be realised is small, mainly because Russia and the West still disagree on many points.

These challenges and others are significant; however, if no peaceful solution is found, Syrians will continue to suffer. Putting aside political and strategic analyses, actions on the ground still need to be taken to improve coordination among relief organisations, mitigate corruption in the field and build the capacities of Syrian civil society in such a way that it is able to respond to present and future needs. Widespread violence is smothering the voices, visibility and actions of non-violent movements and CSOs that have tried to preserve the revolution's peacefulness and non-sectarian aspects. Emerging Syrian civil society needs Arab and international support. This support also has to be channelled via UN agencies.

CSOs need help in developing their capacities to be able to play an active role during and after the end of the conflict, particularly in such areas as mediation, peacebuilding and conflict resolution. The current situation requires CSOs capable of responding to the growing needs of Syrian citizens on the ground, and CSOs must be free from all the complexities, red tape and failures of the global and regional governance systems outlined above. Syrian CSOs need to be empowered and freed of the international community's political bargains over the people of Syria.

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⁴Arab League Observers arrive in Syria, The Independent, 27 December 2011, <http://www.independent.co.uk/news/world/middle-east/arab-league-observers-arrive-in-syria-6281910.html>.

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⁸V Amos, The world must do more, United Nations Office for the Coordination of Humanitarian Affairs, 12 January 2014, http://reliefweb.int/sites/reliefweb.int/files/resources/12Jan2014_USG-ERCAmos_Syriamission_pr_FINAL%20%28en%29.pdf.

⁹Special Advisers of the United Nations Secretary-General on the Prevention of Genocide, Francis Deng, and on the Responsibility to Protect, Edward Luck, on the situation in Syria, UN Press release, 2 June 2011, <http://www.un.org/en/preventgenocide/adviser/pdf/OSAPG%20statement%20Syria%20%20June%202011%20FINAL%20ENGLISH.pdf>.

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the "unrelenting spiral of violence," Office of the High Commissioner of Human Rights, 18 September 2012, <http://www.ohchr.org/EN/NewsEvents/Pages/ClonSyriaciviliansunrelentingspiralofviolence.aspx>.

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GOOD PRACTICES FOR CSO PARTICIPATION AT THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

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PAN-AFRICAN HUMAN RIGHTS DEFENDERS NETWORK

INTRODUCTION

Established by the African Charter on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights (referred to here for brevity as the African Commission) recently celebrated its 25th anniversary. Since its creation in 1987, opportunities for civil society engagement with the African Commission have changed beyond all recognition. As the body mandated to promote and protect human and peoples' rights in Africa, as well as to interpret the provisions of the Charter, it is highly relevant for human rights defenders working in Africa to participate in the African Commission. Civil society organisations (CSOs) with observer status at the African Commission have a wide range of ways to engage.

In fulfilling its mandate, the African Commission carries out a variety of activities. As well as its activities to promote respect of the rights contained in the Charter, such as promotional and fact-finding missions to member states, the African Commission also has a protective mandate and acts as a quasi-judicial mechanism to hear and decide on complaints submitted to it. Since the African Court on Human and Peoples' Rights was established in 2004, the two organs have harmonised their rules of procedure¹ for better consultation and referral of cases to each other. The key role the African Commission plays in the protection of human and peoples' rights in Africa also makes it central for any consultation on human rights issues in Africa by the African Union (AU) and other subsidiary bodies. A recent example would be consultations around the establishment of the AU Commission of Inquiry on South Sudan.²

SPACE FOR CIVIL SOCIETY

One major factor in the opening of space for civil society at the African Commission has been the growth of the Forum on the Participation of NGOs (more commonly known as the NGO Forum), first held in 1990. As one of the main avenues to facilitate civil society actors' access the African Commission, the NGO Forum has been organised by the African Centre for Democracy and Human Rights Studies since 2000, with input from a Steering Committee of NGO representatives

from the five different subregions of Africa as well as from the African diaspora. The Forum's influence has steadily grown, with hundreds of activists attending each session.

The NGO Forum exists to foster closer collaboration and cooperation among CSOs – and with the African Commission – for the promotion and protection of human rights in Africa; to provide a discussion platform for organisations working on democracy and human rights issues in the continent; and to promote networking between organisations and across regions.

The Pan-African Human Rights Defenders Network (PAHRDN) brings together the five subregional human rights defenders networks in Africa.³ All of the networks are active at the Commission and most are also members of the Steering Committee of the NGO Forum. Over the years, its members have built up a wealth of experience of how to participate effectively at the African Commission and collaborate with it. Some of the good practices developed are explored in more detail below.

FIVE GOOD PRACTICES FOR CIVIL SOCIETY

1. Invest time and effort in networking

Formally and informally, networking is essential to effective participation by civil society at the African Commission. The NGO Forum provides a great opportunity to meet with

other human rights defenders working on a whole range of issues across the continent and to develop synergies between different areas of work.

At the more formal level, CSOs can organise panel discussions for the Forum on human rights issues that are relevant to CSOs across the whole of Africa. This is an opportunity for sharing ideas and experiences from across the continent. During the Forum, CSOs can also discuss and agree upon the burning issues that they want to take to the African Commission as a collective voice and ask them to address. Usually this is done in the form of resolutions or recommendations adopted by the NGO Forum. In many cases, their concerns are taken up by the African Commission in their own resolutions, which may also use language suggested by CSOs.

PAHRDN formally engaged with the African Commission to launch the first African Human Rights Defenders Award in 2013. Technical support from the African Commission came in the selection process and the organisational process.

More informally, networking on the sidelines of the African Commission sessions and at the NGO Forum itself is where some of the most successful civil society advocacy ideas have been born. Hundreds of civil society participants attend the NGO Forum, so it is a good place to make new connections and

to reinforce existing partnerships, particularly on thematic issues. Working groups of CSOs focusing on specific areas have formed somewhat organically at the African Commission, such as the group of litigants for strengthening the protective mandate of the African Commission. These groups have a very open and welcoming approach to new participants. Ad hoc groups of CSOs working at the African Commission are frequently formed around pressing issues.

Where states parties fail to respond to an African Commission inquiry to visit a country, CSOs often find a way to invite commissioners to attend conferences and other activities in their country to address some issues in a more informal way. This approach was successful in Burundi⁴ and Angola.

Resource-Complainants' Manual for Filing a Communication before the ACHPR (2013)

The litigants group compiled a manual for newcomers to the Commission to explain and clarify the basic procedural steps to follow when submitting complaints ("communications") to the African Commission: <http://www.icj-kenya.org/index.php/media-centre/news/552-complainants-manual-for-filing-a-communication-before-the-african-commission-on-human-and-peoples-rights>

There is also a need for CSOs to network and build relationships with individual

commissioners. Making connections with individual commissioners and their staff that are relevant to their specific country and thematic areas is one of the best ways to make a meaningful impact on the work of the Commission.

For example, members of PAHRDN have taken part in a number of joint initiatives with the African Commission's Special Rapporteur on Human Rights Defenders (HRDs) in Africa, including the Study Group on Freedom of Association and Assembly in Africa and the Advisory Group on Women Human Rights Defenders. Other CSOs partner closely with the relevant mandate-holders on their different areas of expertise, developing, for example, the Model Law on Access to Information, which was adopted by the Commission in 2013,⁵ and the African Commission Principles and Guidelines on Economic, Social and Cultural Rights.⁶

2. Work together

Unsurprisingly, the African Commission's agenda is packed and there are limited opportunities to engage with the 11 Commissioners on a one-to-one basis. To increase chances of making an impact, it is a good idea for like-minded CSOs to work together and seek joint meetings with the relevant commissioners or to organise joint side events. Not only is this a more efficient use of time, but joint efforts are likely to attract a larger audience and to generate stronger recommendations through

drawing on the expertise of a larger group. Civil society groups from Cameroon shared their experiences of working collaboratively at the 54th ordinary session of the African Commission in October 2013, when Cameroon's State Report was examined. Two joint alternative reports were presented on rights issues related to sexual orientation and gender identity and on the human rights situation in general in Cameroon. Representatives from groups of CSOs responsible for the two initiatives met for strategy meetings during the Commission session and for joint advocacy meetings with the commissioners. However, as one of the participants noted, the collaboration was somewhat limited, and for future sessions all interested CSOs should meet together to strategise in-country well before the African Commission session.



Cases referred by CSOs to the Special Mechanisms of the African Commission highlighting human rights violations are included in the activity report of the African Commission, with an explanation of steps taken by the African Commission to address these issues with states parties named, including investigation and measures taken to protect the rights as enshrined in the Charter.

As the Cameroonian civil society groups found in 2013, strategising in advance of the session with other CSOs with similar advocacy objectives is important in order to be as effective as possible. Practically, this sort of planning also allows CSOs to make meeting requests and communicate key messages with commissioners in advance of the sessions.

3. Do your research

Even for those who have been participating in the African Commission for some time, its structure and rules can be confusing to navigate. A good practice is therefore for CSOs to ensure that they are informed as thoroughly as possible before and while engaging the Commission.

The resources shared in this article are a good place to start.

In addition to understanding the role and mechanisms of the African Commission, it is also a good idea to map out who does what (i.e., the country and thematic responsibilities of the different commissioners, as well as the CSOs active in different areas), what advocacy campaigns are already under way and what actions have been taken successfully and unsuccessfully in the past. This of course links

in to the point above about networking as extensively as possible: different CSOs bring different expertise, and the vast majority are happy to share their knowledge, know-how and contacts.

Resource - Roadmap for Civil Society Engagement: State Reporting Procedure of the ACHPR

In 2011, the Association for Justice, Peace and Democracy (Angola), Conectas Human Rights (Brazil) and the International Service for Human Rights (Switzerland) published a Roadmap for Civil Society Engagement in the State Reporting Procedure of the African Commission on Human and Peoples' Rights. This useful resource can be accessed in English and French here: <http://www.ishr.ch/news/road-map-african-commission-human-and-peoples-rights>

There are many different ways to engage with the African Commission, including submitting alternative country reports, drafting NGO Forum resolutions, presenting oral statements, writing public and private letters, holding briefing meetings with commissioners, organising side events, submitting complaints ("communications") to the African Commission (e.g., on cases of strategic interest), informing the African Commission of situations requiring their urgent action and carrying out media work offline and online. Background research will help CSOs

identify which combination of activities is likely to be most effective for participation at the Commission.

4. Make connections

Another good practice is to locate engagement with the African Commission within a broader campaign strategy. For example, the East and Horn of Africa Human Rights Defenders Project with its network member Human Rights Concern - Eritrea has been advocating for many years for greater attention to the dire situation in Eritrea. While the main focus of this advocacy work has recently been the successful campaign for the establishment of a UN Special Rapporteur on Eritrea, engagement with the African Commission has also been valuable in a number of ways. Most notably perhaps, the fact that Eritrea had ignored two decisions made by the African Commission on the cases of journalists and former government officials detained incommunicado was a key factor in convincing states to take up the issue at the UN level. Through networking at the African Commission and NGO Forum, a number of joint advocacy initiatives by African CSOs took place in solidarity with Eritrean HRDs. New ideas for campaign initiatives were also sparked by discussions at the African Commission – for example, the suggestion to raise the issue of Eritrea with the African Union around its 50th anniversary in 2013.

The NGO Forum encourages these connections between CSO participants at different advocacy forums, with a discussion on relevant developments at the UN Human Rights Council as one of its standing agenda items. This civil society initiative also links in well with the ongoing process of strengthening cooperation between the African Commission and the UN Special Procedures.

5. Innovate!

This article has presented some good practices for participation at the African Commission, but it is still a relatively young institution, and its practices continue to develop over time. It is important therefore that civil society continues to encourage the Commission to interpret its mandate as broadly and effectively as possible and to innovate in its own approaches to participation at the Commission.

Further resources:

Rules of Procedure of the African Commission on Human and Peoples' Rights (2010): <http://www.achpr.org/instruments/rules-of-procedure-2010/>

A Human Rights Defender's Guide to the African Commission on Human and Peoples' Rights (2012): <http://www.ishr.ch/news/new-guide-human-rights-defenders-launched-african-commission>

¹The Rules of Procedure were adopted by the African Commission on Human and Peoples' Rights during its 2nd ordinary session held in Dakar, Senegal, from 2 to 13 February 1988, revised during its 18th ordinary session held in Praia, Cape Verde, from 2 to 11 October 1995, and approved by the African Commission on Human and Peoples' Rights during its 47th ordinary session held in Banjul, The Gambia from 12 to 26 May 2010.

²A Commission of Inquiry was appointed by the African Union Commission on 7 March 2014 to investigate human rights violations and other abuses committed during the armed conflict that broke out in South Sudan in mid-December 2013. The Commission of Inquiry will be headed by former Federal Republic of Nigeria President Olusegun Obasanjo.

³The Pan-African Human Rights Defenders Network (PAHRDN) was established as a result of the Johannesburg +10 All Africa Human Rights Defenders Conference in 2009, bringing together five subregional human rights defenders networks in order to share good practices and improve the protection of HRDs in Africa. The member networks are the Central Africa HRD Network (REDHAC), West African Human Rights Defenders Network (WAHRDN/ROADDH), East and Horn of Africa Human Rights Defenders Network, Cairo Institute for Human Rights Studies (for North Africa) and the Southern Africa Human Rights Defenders Network, chaired by International Commission of Jurists (ICJ)-Africa. The East and Horn of Africa Human Rights Defenders Project, based in Kampala, Uganda, acts as PAHRDN's secretariat.

⁴Ms Lucy Asuagbor, the Special Rapporteur on human rights defenders of the African Commission participated in a panel discussion on the protection of human rights defenders in Burundi on 19 July 2011 during an informal visit to the country, facilitated by CSOs that include International Service for Human Rights HR, EHAHRDP and Forum pour le Renforcement des Organisations de la Société Civile (FORSC).

⁵A model law for AU member states on access to information was prepared under the auspices of the Special Rapporteur on Freedom of Expression and Access to Information in Africa in partnership with The Centre for Human Rights, University of Pretoria.

⁶In November 2010, the African Commission, at its 48th ordinary session, adopted the Principles and Guidelines on the Interpretation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights. This was drafted and presented by a group of CSOs under the auspices of the Chairperson of the Working Group of the ACHPR on of Economic, Social and Cultural Rights.

HOW TO MAINTAIN THE INDEPENDENCE OF A HUMAN RIGHTS BODY WITHIN AN INTERGOVERNMENTAL STRUCTURE: THE CASE OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS IN THE ORGANIZATION OF AMERICAN STATES

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FOREIGN POLICY AND HUMAN RIGHTS
PROGRAMME, CONECTAS HUMAN RIGHTS

INTRODUCTION

The Inter-American Commission on Human Rights (IACHR) – a political and quasi-judicial body of the Inter-American Human Rights Protection System (IAHRS)¹ – has faced serious threats to its independence over the past two years. What became known as the Process for Strengthening the IAHRS, which began in mid-2011, and which was

not the first such process, demonstrated the challenges faced by a body that is intended to protect and promote human rights, but that is also a part of an intergovernmental structure. This makes it subject to the shifting circumstances of the member states of the organisation – in this case, of the Organization of American States (OAS).

A principal and autonomous organ of the OAS, the Commission is the only institution with a mandate to promote and protect human rights all around the American hemisphere. Such mandate is rooted in the OAS Charter and complemented by dispositions contained in the American Convention on Human Rights, the latter applicable only to state parties. Since its inception, the Commission has evolved from an imminently promotional body to an organ with a wide scope of action, including thematic reports, on-site visits and an individual petition system. The IACHR had an important role as a last judicial remedy in many Latin American states ruled by military dictatorships during the 1970s and 1980s and has also been a protagonist during ongoing processes of transitional justice in countries such as Argentina, Peru and Uruguay.

Notwithstanding, even this role has been changing. Victor Abramovich claims that the change in the Commission's form of action – from a last recourse to justice for victims, to effectively influencing the quality of dem-

ocratic processes² – in recent decades has impacted on the public human rights policies of OAS countries, not least because civil society in those countries have access to transnational legal activism as an instrument of transformation.³ The establishment of standards on the right of freedom of expression,⁴ the compilation of a legal framework regarding the right to access to information⁵ and reports on the human rights of persons deprived of liberty in the Americas⁶ are illustrative of how the IAHR has had an impact on improving the quality of democratic processes.

RESULTS OF THE RECENT PROCESS

Despite initially being linked to the emergence of the OAS – having been created in 1959 at an ad hoc meeting of Ministers of Foreign Affairs⁷ – the IACHR has, since the approval of its first statute in 1960, been recognised as an autonomous body of the OAS, with the primary function of promoting the observance and defence of human rights in the 35 member states of OAS.⁸

Although the debate on the need to strengthen and reform the IACHR is not new,⁹ the recent attempt by member states to reform it and restrict its autonomy was particularly striking, particularly in its attempt to eliminate Chapter IV of the IACHR's annual report, which covers the human rights situ-

ation in member states identified as needing the IACHR's special attention. There were also challenges to the legitimacy and independence of its Special Rapporteurship for Freedom of Expression and on the alleged lack of authority of the IACHR to issue precautionary measures.¹⁰ Such measures are remedies aimed to tackle serious and urgent situations that present risks of irreparable harm to persons or to the subject matter of pending cases before organs of the Inter-American System.¹¹

A discussion on the independence and autonomy of the IACHR was launched with the creation of the Special Working Group to Reflect on the Workings of the Inter-American Commission on Human Rights, by the OAS Permanent Council on 29 June 2011, with a view to Strengthening the Inter-American System of Human Rights. This process came to an end in March 2013,¹² but can easily be updated.¹³ The process enabled some member states to voice their strong discontent with the IACHR's work.

During the process, it was no easy task to assert the independence and autonomy of the Commission. Intense debate between CSOs, academics, member states that opposed reform ideas and the IACHR itself was extremely important in order to prevent the worst case scenario. Nevertheless, there is a continuous need to assert the Commission's independence and to consolidate a strong IACHR that is

capable of resisting attempts to limit its freedom of action in the face of tough challenges by some states.

While not offering an exhaustive list, this article identifies some aspects, structural and political, that are key to preserving the autonomy of the IACHR. Some of these were revealed during the recent process and others have been recognised for some time by concerned CSOs and academics.

Key structural aspects, those related to the organisation and workings of the IACHR, include the choice of its members and the sustainability of its funding, while political factors include its autonomy to choose where and how it will act and its capacity to inform political processes and policies.



MEASURES TO MAINTAIN THE INDEPENDENCE AND AUTONOMY OF THE IACHR

Transparency in the choice of Commission members

The Commission is composed of seven members, elected in a personal capacity by the General Assembly of the OAS from a list of candidates proposed by member states.¹⁴The

only criteria are that they must be "...persons of high moral character and recognized competence in the field of human rights."¹⁵ Until recently, this selection process offered no scope for accountability and meant that the members selected might not always be independent members who are genuinely committed and capable of carrying out the purposes of the IACHR.

In May 2013, after the conclusion of the strengthening process, an important step was taken to improve the accountability and transparency of elections of members,¹⁶ which took place in July 2013: for the first time, a forum¹⁷ was organised in which the candidates gave presentations about their backgrounds and primary concerns for the Commission and answered questions prepared by states and CSO representatives.¹⁸ According to Lilia

Varela, attorney at *Instituto de Defensa Legal* a Peruvian NGO, "both the presentations and the proceeding dialogue were quite formal and diplomatic, but they allowed civil society and the public in general who watched the event on the OAS webcast to get to know the candidates a little better."¹⁹ The forum, not yet formally enshrined in either the IACHR's Rule of Procedure or American Convention,

has the potential to increase independence of candidates by minimising the possibility of “clean slate” elections (i.e., uncontested and/or previously-arranged disputes) and to give CSOs an additional basis for their advocacy, considering the commitments made by candidates during the interactive dialogue.

Improving the transparency of the election process can be seen as one way in which the IACHR can be supported to assert its autonomy, in a crucial process for its functioning. This mechanism needs to be institutionalised, extended and properly regulated to guarantee its effectiveness as an instrument of civic oversight, rather than remain an isolated initiative that is dependent on the political will of member states.



FINANCIAL SUSTAINABILITY AND AUTONOMY IN THE MANAGEMENT OF RESOURCES AND PRIORITIES

Another crucial challenge is the shortage of financial resources for the IACHR, a recurring sticking point in debates over its strengthening. Its funding is split between

regular funding, provided by the OAS²⁰ and specific funding²¹ – made up of voluntary donations from member states, permanent observers and other institutions. However, funding is not substantial, given the IACHR’s many functions and concerns.²² The restrictive budget means that significant resource allocation decisions have to be made and some activities take precedence over others, for instance, preventive measures (general reports) over protective ones (individual cases). As stated by Felipe González, president of the IACHR, the lack of adequate funding “has particularly [sic] detrimental effect on the case system, which cannot possibly process the enormous volume of complaints it receives every year in a timely manner.”²³ The long time

to assess cases in the system of individual petitions waning its utmost importance as tool to challenge violations of human rights protected by American Convention, mainly when national judicial systems are incapable of a properly response.

This issue came to light during the strengthening process,²⁴ and some states criticised the increased priority the IACHR arguably gives to protection activities

(the system of individual petitions and precautionary measures) to the detriment of promotion activities (through thematic reports, in loco visits and training activities, among others).²⁵ In order for such criticisms to be avoided, and for the autonomy of the IACHR to set its agenda, it is necessary to increase the size and diversity of its funding, both by increasing the voluntary contributions of member states²⁶ and by finding new sources of funding. Here, CSOs could play an important role by pressuring states to step up the amount and frequency of their voluntary contributions and by campaigning for new donators.

Ensuring that the IACHR manages its own financial resources is essential if it is to have effective decision-making autonomy and the ability to prioritise actions based on its own analysis. Autonomy implies that the Commission can make decisions based on human rights criteria, rather than on the political disposition of states.

CONCLUSION: CHALLENGES PERSIST TO IACHR AUTONOMY

The IACHR must remain effectively independent if it is to maintain and expand its role as a relevant body that can influence political processes and the shaping of public policies in OAS countries.

The transition from being a Commission with an open mandate to promote human rights

to offering a locus of protection through the use of individual petitions – a powerful tool to challenge violations of human rights committed by state parties and protected by American Convention – has made the IACHR a privileged agent in the process of globalising human rights standards, from which national courts and decision-makers in the countries of the region are not immune.

The Commission has been criticised for awareness of its importance in shaping public policies; however, this is part of the Commission's unique role within the IAHRs. Criticisms made by some voices²⁷ during the strengthening process about the IACHR's political character – often in contrast to the judicial nature of the Inter-American Court of Human Rights, implying the superiority of that body – underestimate the fundamental distinct purposes of the Commission and the Court and therefore should be taken on, and the IACHR's functional independence celebrated as enabling a systemic vision of the protection of human rights in the region that is not made by any other OAS body.

It is worth pointing out that, on the institutional level, after the debates on the strengthening process were over, the independence and autonomy of the Commission had not been altered from what is stated in the Charter of the OAS.²⁸ Nevertheless, a systematic analysis of the alterations made to the IACHR's Rules of Procedure reveals that

measures that seem necessary at first glance – such as greater clarity in the handling of petitions (Articles 26 and 29), more thorough justification in decisions on admissibility (Article 36) and refinement of the analysis criteria for issuing precautionary measures (Article 25) – may have an adverse effect on the decision-making autonomy of the Commission, since the resulting increase in its workload was not adequately addressed by the provision of additional resources.

This means that the lack of attention paid to ongoing structural deficiencies of the Commission during the strengthening process could, in practice, undermine what actions the IACHR is able to perform; it may make decisions based more on what actions are possible, given multiple administrative limitations, rather than on what is most necessary to address human rights violations in the region, an aspect unfortunately seen in other intergovernmental institutions, although the IACHR has a very specific context and functions.

Even after the completion of process – although the outcome was not particularly negative for the Commission, and it maintained its autonomy by taking the lead in the reform of its rules of procedure – challenges remain. Challenges such as the unaddressed issue of financial sustainability, potential ambiguity over the implementation of its new rules of procedure and reform of pro-

cedures that are still not institutionalised demonstrate the need for continuing dialogue with OAS member states.

In the current climate, the Commission must not lose sight of its important role as a relevant body that can influence political processes on human rights in the Americas and can continue to make progress in key areas in the realisation and protection of human rights, regardless of ongoing criticisms and limitations.

¹For more information on the process of strengthening the IACHR, please see: <http://www.oas.org/en/iachr/mandate/strengthening.asp>.

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³C Santos, Transnational legal activism and the State: reflections on cases against Brazil in the Inter-American Commission on Human Rights, (2007) Sur - International Journal on Human Rights 4(7), 29.

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⁸Chapter I, Origins and Legal Bases of the IACHR, IACHR, Organization of American States, <http://www.cidh.org/annualrep/98eng/Chapter%20I.htm>.

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¹⁰D Ventura, F Piovesan and J Kweitel, Sistema Interamericano sob forte ataque [Inter-American System under strong attack], Folha de São Paulo newspaper, 7 August 2012, <http://www.conectas.org/en/actions/foreign-policy/news/in-the-media-tendencies-debates-folha-de-s-paulo-newspaper>.

¹¹In accordance with Articles 106 of the Charter of the Organization of American States, 41(b) of the American Convention on Human Rights, 18(b) of the Statute of the Commission, Article 25 of the Rules of Procedure of the Commission and Article XIII of the American Convention on Forced Disappearance of Persons.

¹²Process to reform the Inter-American System draws to a close, Conectas Human Rights, 26 March 2013, <http://www.conectas.org/en/actions/foreign-policy/news/process-to-reform-the-inter-american-system-draws-to-a-close>.

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¹⁴Article 36 American Convention on Human Rights, Organization of the Inter-American Commission on Human Rights, 1969, http://www.oas.org/dil/treaties_B-32_American_Convention_on_Human_Rights.htm.

¹⁵Article 1, Item 3, Rules of Procedure of the IACHR, <http://www.oas.org/en/iachr/mandate/Basics/rulesiachr2013.pdf>.

¹⁶According to Articles 36 and 37 of the American Convention on Human Rights, the members of the Commission shall be persons of high moral character and recognized competence in the field of human rights, elected in a personal capacity by the OAS General Assembly from a list of candidates proposed by the governments of the Member States. Each of those governments may propose up to three candidates, who may be nationals of the State proposing them or of any other OAS Member State. When a slate of three is proposed, at least one of the candidates shall be a national of a State other than the one proposing the slate. The members of the Commission are elected for a four-year term and may be reelected only once.

¹⁷Forum with candidates for the IACHR, Due Process of Law Foundation, 25 April 2013, <http://dplfblog.com/2013/04/25/foro-de-candidatos-para-la-cidh/>.

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¹⁹Ibid.

²⁰In 2012, the allocation was equivalent to 6% of the OAS Budget, which represented 55% of all IACHR funding. For further information see: Sources of Financing and Execution of Resources 2012, IACHR, http://www.oas.org/en/iachr/mandate/finances/Informe%20CIDH%202012_web_Eng_final.pdf

²¹In 2012, the allocation of Specific Funding was equivalent to 45% of IACHR funding. Ibid.

²²Above fn 14, Article 41.

²³F González, Three key aspects of strengthening the Inter-American Human Rights System, (2012) Aportes DPLf 5(16), 15, <http://www.dplf.org/uploads/1338572412.pdf>

²⁴Report of the Special Working Group to reflect on the workings of the Inter-American Commission on Human Rights with a view to strengthening the Inter-American Human Rights System for consideration by the Permanent Council, Special Working Group to Reflect on the workings of the IACHR with a view to strengthening the IAHRs, 13 December 2011, http://www.oas.org/consejo/workgroups/Reflect%20on%20Ways%20to%20Strengthen.asp_pg_16.

²⁵Ibid, pg 9, A.c.

²⁶Excluding donations by the United States, which represented 45 percent of the specific funding in 2012, only four member states donated the small amount of 10 percent of these funds. Above fn 20.

²⁷Some criticism of the criteria of admissibility of precautionary measures by IACHR and the lack of a conventional mandate to issue such kind of remedy (arguably an exclusive function of Inter-American Court of Human Rights) could be seen in P Vannuchi and C Timponi El Sistema Interamericano de Derechos Humanos, Foreign Affairs Latinoamérica 13(3), 40.

²⁸OAS Resolution 1/2013 – Reform of the Rules of Procedure, Policies and Practices, IACHR, OAS, <https://www.oas.org/en/iachr/decisions/pdf/Resolution1-2013eng.pdf>.

WORKING TO REENERGISE THE COMMONWEALTH

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COMMONWEALTH HUMAN RIGHTS INITIATIVE

INTRODUCTION

A forum full of potential: the Commonwealth provides an opportunity to all members, regardless of traditional dominance in international affairs, to sit as equals during discussions and decision-making. Thus the Commonwealth, as a unique grouping of 53 member states, which together comprise approximately a third of the world's population, has the potential for innovative positive advances. The organisation is large enough to have an important influence on international affairs, if it so chooses. Furthermore, its workings and composition mean that it is both big enough and discrete enough to function as an 'ideas lab' that would allow it to implement and disseminate good practice and innovation of a wider relevance to the rest of the world. However, much of the Commonwealth's potential remains underutilised as a result of internal wrangling regarding the organisation's purpose, enforcement of values and conservative functioning regarding the role of non-state actors.

The year 2013 should be remembered for the adoption of a Commonwealth Charter that emphasised the important role of civil society and affirmed the importance of core values such as human rights, democracy, peace, the rule of law and tolerance.¹ However, it was the 2013 Commonwealth Heads of Government Meeting (CHOGM) that drew more attention. The 2013 CHOGM was held in a country with a government that has undermined the independence of the judiciary,² failed to respond adequately to allegations of gross violations of international humanitarian and human rights law and which stands accused of harassing, intimidating and conducting smear campaigns against dissenting voices.³

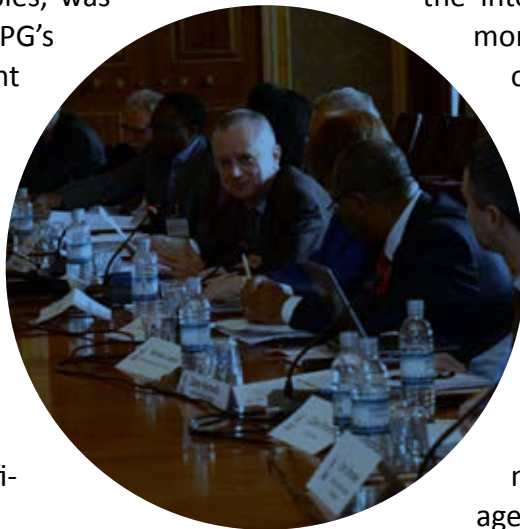
Sri Lanka hosted a historic CHOGM in 2013. Historic, because it was attended by only half of the Commonwealth's Heads of Government,⁴ demonstrating both an increasing irrelevance of the organisation to its members and a potential split in membership regarding the direction the organisation is perceived to be travelling in. Moreover, the 2013 CHOGM was historic because multiple civil society organisations (CSOs) were absent⁵ and the Commonwealth People's Forum (CPF) – the civil society component of the meeting – was controlled entirely by Sri Lanka's Ministry of Defence.⁶ Unfortunately, a summit that should have celebrated the values of the Commonwealth turned into a clear demonstration of its inability to protect core values.

2013 saw the Commonwealth weather one more year, but it did not emerge stronger. When one compares the Commonwealth to other intergovernmental organisations, its response to violations of human rights demonstrates the increasing irrelevance of the body. The Commonwealth needs an investment in its future, one that is capable of demonstrating its commitment to its values. For this reason, 2013 was the year that the Commonwealth Human Rights Initiative (CHRI) renewed its call for reform of the Commonwealth's governance system through the creation of a Commonwealth Commissioner for Human Rights, an independent specialist who could monitor, investigate and advise on human rights situations, and be a bridge between the official Commonwealth institutions and the people of the Commonwealth.⁷

THE NEED TO REFORM THE COMMONWEALTH

During the first decade of the new millennium there were various calls to increase the relevance of the Commonwealth; one mooted idea was to increase the protection offered to its organisational values.⁸ In response, an Eminent Persons Group (EPG) was created to build a stronger and more progressive Commonwealth, relevant to its people and to the current time.⁹ Several of the EPG's recommendations have now been adopted. A Commonwealth Charter, consolidating Heads

of Governments' commitment to human rights was adopted;¹⁰ the Secretary-General's Good Offices role, initiatives using behind-the-scenes diplomacy and capacity-building assistance in an effort to improve a country's compliance with Commonwealth values,¹¹ was strengthened;¹² and the mandate of the Commonwealth Ministerial Action Group (CMAG), a group of foreign ministers that discusses member states in serious violation of Commonwealth principles, was enhanced. However, the EPG's recommendation to appoint a Commissioner for Democracy, the Rule of Law and Human Rights was abandoned,¹⁴ and since the release of the EPGs findings there has been no tangible improvement in the spirit of partnership between CSOs and the official Commonwealth.¹⁵



Looking around the Commonwealth today, despite these reform efforts, there is little evidence that the Commonwealth's protection mechanisms – principally CMAG, the Secretary-General and the Commonwealth Secretariat's Human Rights Unit (HRU) – are sufficient to deliver interventions capable of protecting the human rights of the people in its jurisdiction. CHRI is of the view that the absence of a Commonwealth Commissioner

for Human Rights is the missing link in the chain of renewal and that as a minimum, to improve the Commonwealth's response to human rights violations, there is a need to increase the nature and scope of CSO participation.

The renewed Commonwealth mechanisms remain insufficient and underutilised for protecting human rights effectively. CMAG, the intended custodian of Commonwealth values and the only body capable of enforcement action,¹⁶ continues to interpret its mandate narrowly, with the effect that only challenges to democracy will draw its attention.¹⁷ Examples of human rights violations that have not made it onto CMAG's agenda include continued impunity for credible allegations

of war crimes committed by both sides in Sri Lanka's civil war;¹⁸ widespread reports of limitations on fundamental freedoms and the commission of torture by state security officials in Uganda;¹⁹ and the continuing constriction of constitutional guarantees in Swaziland.²⁰ Unfortunately, CSOs have no role to play in influencing CMAG's agenda, in order to ensure that these situations are discussed by the organisations custodian.²¹

CSOs are, however, able to input into CMAG deliberations by way of written submissions, but the impact of these is unclear, as meetings are usually held in private and deliberations are never disclosed. Furthermore, CSOs are tacitly discouraged from even this minimal level of participation, as dates of meetings and information regarding submission processes are difficult to obtain. CMAG lacks independent advice and would therefore greatly benefit from an increased level of civil society participation. Two recently reported controversies, the withholding of relevant legal opinions²² and the denial of access to the United Nations High Commissioner for Human Rights,²³ demonstrated this by showing that currently the Secretary-General controls CMAG's access to information.

The Secretary-General's role as gatekeeper to CMAG is especially worrying, as the interests of CMAG may differ markedly from the Secretary-General's interest in his Good Offices function. During discussions of the Secretary-General's Good Offices role, he has repeatedly reaffirmed his preference for quiet diplomacy over public engagement. As a result the Commonwealth frequently appears paralysed and disengaged when faced with gross violations of human rights. Yet the good offices are often cited as tangible examples of Commonwealth efforts to uphold human rights. The problem with this is that their vigour and worth can only be guessed at because they remain cloaked in secrecy.²⁴

Moreover, the test of quiet diplomacy should be the ability to achieve results. There is no reason why success should not be publicly revealed. If concrete results cannot be attested, or observed, the quiet diplomacy must therefore be assumed to have failed. Both the EPG and the Commonwealth Advisory Bureau, the official independent think-tank of the Commonwealth which focuses on issues of democracy, globalisation, civil society and human rights, have noted a fear that “the Commonwealth’s bias towards behind-the-scenes diplomacy has allowed abusers “to continue to violate Commonwealth values.”²⁵ It is concerning that the reform process did not address the conflict between quiet diplomacy and public denunciation or the conflict of interest between the Secretary-General’s Good Offices role and his role with CMAG.

Moreover, HRU, the only Commonwealth body dedicated to addressing human rights on a full-time basis, remains under resourced and overstretched. The HRU has been widely commended for its efforts towards capacity building²⁶ and has demonstrated openness to civil society engagement;²⁷ however, its small team lacks the resources and expertise to monitor and investigate human rights situations around the Commonwealth effectively. It further lacks the independence that would be required for it to lobby effectively for country-specific action against the wishes of the Secretary-General.

THE ROLE OF CIVIL SOCIETY IN THE COMMONWEALTH

CSOs currently have a limited role to play in Commonwealth decision-making, despite the role of the Commonwealth Foundation, a separate organisation from the Commonwealth Secretariat, to facilitate CSO engagement,²⁸ and despite the existence of the Commonwealth Foundation’s Civil Society Engagement strategy,²⁹ Civil Society Advisory Committee, and a Civil Society Liaison Officer in the Commonwealth Secretariat. CHRI has observed that it is actually becoming increasingly difficult for human rights-oriented CSOs to engage effectively in the relevant Commonwealth fora.

While written submissions can be made to CMAG, Ministerial Meetings and CHOGM, input is generally not solicited, and information regarding submission deadlines is not released with sufficient notice to allow meaningful CSO input.

The ability of CSOs to participate physically in ministerial meetings, including permission to attend meetings is ad hoc and inconsistent.³⁰ Despite ad hoc arrangements in the past, currently, there are few opportunities for any type of CSO to physically participate in official Commonwealth meetings. Where CSO participation has been regular this has tended to be limited to meetings that do not have a direct role in protecting core Commonwealth

values. Further, sporadic examples of previous good practices, such as inviting CSOs to provide oral testimony to CMAG on a particular country’s situation, thereby facilitating discussions regarding a state’s potential suspension from Commonwealth membership, demonstrates the present underutilisation of CSOs, as a result of the closing space for civil society within the official Commonwealth.³¹

At one time CHOGM offered an effective lobbying opportunity for CSOs, despite limitations on permission to attend official discussions. However, new organisational practices, restrictions on access to facilities and censorship are limiting the space for CSO engagement at CHOGM. Immediately prior to CHOGM, the CPF is held so that CSOs can engage with the official Commonwealth.³² However, in 2013 the CPF and CHOGM were deliberately held in separate cities,³³ and the management of the event by the Sri Lankan Ministry of Defence led to an “intimidating atmosphere”,³⁴ thereby reducing CSOs’ opportunities to raise human rights concerns with Commonwealth leaders.

However, even when the CPF is not held under such repressive circumstances, it rarely promotes in-depth discussion of human rights. The CHOGM theme, which dictates CPF discussions, is selected without official space for CSO input and usually has a generalised development focus, thereby reducing scope for discussion of topical human rights concerns. In

response, in 2003 and 2005, CHRI³⁵ instigated a parallel Human Rights Forum (HRF).³⁶ What ensued were productive discussions covering a wide range of human rights concerns. However, instead of encouraging this forum, the Commonwealth Foundation, which convenes the CPF, did everything in its power to subsume the HRF within the CPF.

Since the merging of the fora the resulting civil society statement to Commonwealth Foreign Ministers must incorporate the concerns of all CSOs present, further reducing the space for human rights concerns. Moreover, the value of the engagement with Foreign Ministers during the presentation of the statement is questionable. More often than not the lack of interactive dialogue reveals the real value the Commonwealth places on CSO input, demonstrated when Ministers fail to comment or restrict themselves to hostile comments regarding what they see as the role and credibility of the civil society representatives.³⁷

Moreover, as with all official CHOGM submissions, the CSO statement is vetted by Commonwealth officials, and only if it is approved is it put into the information packs

presented to Heads of Government. In the early 2000s it appeared that the message from the CPF was being manipulated before reaching the Heads, and in 2003 CHRI's written submissions to CHOGM were the subject of an intense battle. This censorship function does not sit easily with the importance the Charter gives to civil society and further illustrates the intolerance of the Commonwealth to CSO input.³⁸



There is a continuing sense that the Commonwealth is an association of governments rather than people. This extends to the manner in which CSO engagement is facilitated. Key factors here include how much time is available for meaningful discussions; the nature of discussions and decisions on which CSO input is permitted; who and how many CSOs are invited to participate; how much time is given to CSOs to prepare their submissions; and what information is shared prior to the event.

Comparisons, in terms of CSO engagement, between the Commonwealth's practice and that of the United Nations Human Rights Council (UNHRC), the UN's premier human rights body, highlight the archaic approach of

the Commonwealth. The Office of the High Commissioner for Human Rights (OHCHR) actively promotes and facilitates civil society involvement, noting that "cooperation with civil society remains a strategic priority because it bolsters our shared objectives, helps to address our mutual concerns, and supports the Office's human rights mission."³⁹ When the UNHRC is in session, accredited CSOs have access to the building and delegations; are able to make written and oral submissions; can attend meetings; and can hold their own side events on issues of concern. To ensure that CSOs can engage in the most effective manner during these opportunities, OHCHR developed an extranet, electronic mailing list, a twitter feed and system of text message alerts to share documents, drafts and agendas with civil society. To engage CSOs beyond Geneva, all proceedings of the UNHRC are webcast. Furthermore, the OHCHR actively requests input in relation to the Universal Periodic Review, a periodical review of a country's human rights performance; the work of Special Procedures, the UN's independent experts tasked with reporting on specific human rights issues or country situations; treaty bodies, committees of independent experts that monitor implementation and compliance with specific human rights treaties; and for specific thematic human rights reports.

Despite commitments to the role of civil society in the Charter, adequate promotion,

encouragement, facilitation and support for civil society remains largely absent in the Commonwealth. The Commonwealth must reflect on the changing nature and dynamics of civil society participation, including levels of civil society access and impact in other multilateral arenas. Additionally, CSOs of the Commonwealth must themselves push for a greater role, as the current extent of CSO involvement not only inhibits the volume of first-hand reliable information available to decision-makers, but also creates an atmosphere of distance from the people of the Commonwealth.

CONCLUSION: THE NEED FOR REFORM

To date, the Commonwealth has not been able to hold its member states to its professed core values because its current mechanisms are not adequate for protecting human rights and it does not use the mechanisms it has to optimum effect. A further problem is the limited role that the Commonwealth is prepared to allow civil society in its processes. There is therefore a need for a renewal of the governance systems of the Commonwealth to enable it to effectively protect the human rights of its citizens.

It is the view of CHRI that a full-time, independent expert, resourced with appropriate infrastructure and mandated to provide politically neutral country information and advice,

would enable effective monitoring and investigation of human rights abuses, promote better informed decision-making and facilitate the adoption of transparent procedures that would make obvious the Commonwealth's commitment to human rights. Moreover, a Commonwealth Commissioner for Human Rights, who could be easily accessed by the citizens of the Commonwealth, would go some way to addressing the isolation of the Commonwealth from its people, enhancing and protecting the role of CSOs at the official Commonwealth and engaging citizens with the organisation.

This was the argument that CHRI took forward in its 2013 report to CHOGM, *The Missing Link: A Commonwealth Commissioner for Human Rights*.⁴⁰ No formal response to this proposal was received from CHOGM, but CHRI is not concerned by this. Advocating for a change in international governance is a slow process that requires a long-term strategy. It

is positive that CHRI's call has already fed into the concerns of the international community, provoking the question of the desirability of membership of an organisation that does not protect the values for which it claims to stand.⁴¹ Since CHOGM 2013, there has been an increased willingness by stakeholders to

discuss the effectiveness of Commonwealth mechanisms. Conferences, roundtables and panels are taking place in 2014 with the sole focus on protecting and advancing the Charter. The debate is progressing, and the call for reform of the system through the creation of a Commissioner is a logical progression to the current debate.

It is hoped that as attention surrounding the debate grows, the CSOs of the Commonwealth will recognise that their rightful place is being denied to them and they will start to demand change. This in turn should lead the

Commonwealth to look inward in order to make the necessary investments in its future

The Commonwealth can only be revitalised if its people feel invested in it and as a result, countries feel the need to continue to financially and physically participate.

to increase civil society involvement, and thereby its effectiveness at protecting human rights.

All citizens of the Commonwealth have a role to play in making the Commonwealth fit for purpose. We hope that other voices from the Commonwealth will join us to insist that our Commonwealth fulfil the purpose we need. Governments have a limited need to engage with the Commonwealth as it does not offer economic, business or geopolitical advantages that cannot be gained elsewhere. Yet the Commonwealth grouping poses a particular advantage for CSO engagement, due to the size and influence of the organisation. If the Commonwealth can be changed into a force for good in the world the advantage to individuals is clear. This ambition is not unattainable. At the 2013 CHOGM, approximately half of the Heads of Government did not attend the event. This is indicative of the real split in the organisation between states that are reform-minded and concerned about the increasing irrelevance of the organisation and those that seek to restrict the Commonwealth for their own individual self-interests. The fact that such a large proportion of the membership has indicated a dissatisfaction with the organisation demonstrates a unique opportunity for civil society to build alliances with reform-minded states in order to push for a more principled and relevant organisation.

The Commonwealth can only be revitalised

if its people feel invested in it and as a result, countries feel the need to continue to financially and physically participate. The first step towards this is increasing CSO participation and the organisational response to CSO concerns. The alternative is an increasingly dissatisfied civil society that may eventually cease engaging with the organisation, either in a trickle fashion or as part of an organised boycott. Such a step would significantly impact the organisation's legitimacy. There is hope for the Commonwealth only as long as the people of the Commonwealth continue to care about it.

¹Articles II-VII, Commonwealth Charter, The Commonwealth, available at: <http://thecommonwealth.org/our-charter>.

²R Sirilal and S Aneez, Sri Lankan chief justice impeachment illegal: Supreme Court, Reuters, 3 January 2013, available at: <http://www.reuters.com/article/2013/01/03/us-srilanka-impeachment-idUSBRE90209D20130103>.

³Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General, UN Doc. A/HRC/21/18, 13 July 2012, available at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session21/A-HRC-21-18_en.pdf.

⁴27 of the 53 member states were represented by their Heads of Government. See N Wijedasa, CHOGM-SHOWGM: Highs and lows of the Govt.'s magnum opus, Sunday Times, 17 November 2013, available at: <http://www.sundaytimes.lk/131117/news/chogm-showgm-highs-and-lows-of-govt-s-magnum-opus-73694.html>.

⁵Joint Civil Society Statement Memorandum to CHOGM, Centre for Policy Alternatives, 8 November 2013, available at: <http://www.cpalanka.org/joint-civil-society-memorandum-to-commonwealth-heads-of-state/>.

⁶J Perera, Gatekeeping at the Commonwealth People's Forum, The Sunday Leader, 10 November 2013, available at: <http://www.thesundayleader.lk/2013/11/10/gatekeeping-at-the-commonwealth-peoples-forum/>.

⁷The Missing Link: A Commonwealth Commissioner for Human Rights, Commonwealth Human Rights Initiative, 2013, available at: http://www.humanrightsinitiative.org/programs/CHOGM/The_Missing_Link_Report.pdf.

⁸Common What? Emerging Findings of the Commonwealth Conversation, Royal Commonwealth Society, 26 November 2009, available at: http://www.cpu.org.uk/userfiles/Common%20what_.pdf; K Afar-Gyan, A Jahangir and T Sheey, Democracy in the Commonwealth. A report on democracy in the Commonwealth eighteen years after the adoption of the Harare Declaration, Commonwealth Policy Studies Unit, 2009, pg 2, available at: <http://eris.org.uk/images/userfiles/File/Democracy%20TEXT%20ONLY.pdf>.

⁹A Commonwealth for the people. Time for urgent action, The Report of the Eminent Persons Group to Commonwealth Heads of Government, Eminent Persons Group, October 2011, available at: <http://www.sirronaldsanders.com/Docs/EPG%20Report%20FINALprintedVersion.pdf>.

¹⁰Above fn 1.

¹¹Mechanisms of the Commonwealth to address violations of Commonwealth Values – Three part series, Paper one: The Good Offices of the Commonwealth Secretary-General, Commonwealth Human Rights Initiative, 2014, available at: http://www.humanrightsinitiative.org/publications/nl/paper_series_2014/CHRI-Series%20on%20CW%20Mechanisms-Good-Offices%20of%20the%20SG.pdf.

¹²Report by the Commonwealth High Level Review Group to Commonwealth Heads of Government, Commonwealth High Level Review Group, 3 March 2002, available at: <http://www.chogm2002.org/pub/statements/hlrg.html>; and Strengthening the Role of the Commonwealth Ministerial Action Group (CMAG), Report of CMAG as adopted by Heads of Government at their meeting in Perth, 2011, available at: http://secretariat.thecommonwealth.org/files/245418/FileName/Strengthening-the-Role-CMAG_2011.pdf.

¹³Strengthening the Role of the Commonwealth Ministerial Action Group (CMAG), Report of CMAG as adopted by Heads of Government at their meeting in Perth, 2011, available at: http://secretariat.thecommonwealth.org/files/245418/FileName/Strengthening-the-Role-CMAG_2011.pdf.

¹⁴CFNHRI Communiqué to Commonwealth Heads of Government CHOGM 2013, Colombo, Sri Lanka, Commonwealth Forum for National Human Rights Institutions, 2013, available at: <http://cfnhri.org/wp-content/uploads/2013/12/CFNHRI-Communique-to-CHOGM-20133.pdf>; and P Jebaraj, Commonwealth defers decision on Human Rights Commissioner, The Hindu, 30 October 2011, available at: <http://www.thehindu.com/news/national/commonwealth-defers-decision-on-human-rights-commissioner/article2580121.ece>.

¹⁵Above fn 10, pg 125-6.

¹⁶Our Governance: Commonwealth Ministerial Action Group, The Commonwealth, 2014, available at: <http://thecommonwealth.org/our-governance>.

¹⁷A Duxbury, Reviewing the Commonwealth's Rights Record: From Recognition to Realisation, (2003) South African Journal on Human Rights 19, pg 656.

¹⁸Sri Lanka not on CMAG agenda, Business Standard, 26 March 2013, available at: http://www.business-standard.com/article/pti-stories/sri-lanka-not-on-cmag-agenda-113032600444_1.html.

¹⁹Appalling Crackdown on Freedoms in Uganda continues, CIVICUS, 29 August 2013, available at: <https://civicus.org/media-centre-129/press-releases/1844-appalling-crackdown-on-freedoms-in-uganda-continues>.

²⁰R Lee, African Union Criticises Swazi Elections, All Africa, 23 September 2013, available at: <http://allafrica.com/stories/201309231019.html>.

²¹Above fn 16.

²²Expose: Full Text of Sharma's Buried Report: Impeachment Violated C'wealth Principles, Sowed Seeds of Anarchy, Colombo Telegraph, 9 September 2013, available at: <https://www.colombotelegraph.com/index.php/expose-full-text-of-sharmas-buried-report-impeachment-violated-cwealth-principles-sowed-seeds-of-anarchy/>.

²³Sharma Preventing Navi from Addressing CMAG, Colombo Telegraph, 26 September 2013, available at: <https://www.colombotelegraph.com/index.php/sharma-preventing-navi-from-addressing-cmag/>.

²⁴There is no public website presenting a list of current projects, criteria for triggering their operation, activities undertaken or progress made.

²⁵R Bourne, Forging Commonwealth consensus: the buck stops with the Secretary-General, Commonwealth Advisory Bureau, September 2012, available at: http://sas-space.sas.ac.uk/4840/1/Opinion_piece_09_12.pdf.

²⁶Above fn 13.

²⁷For example, CHRI resourced a Commonwealth regional training on the Universal Periodic Review in Africa and the Caribbean at the request of the HRU.

²⁸Memorandum of Understanding, Revised by Commonwealth governments 21 September 2012, Commonwealth Foundation, available at: <http://www.commonwealthfoundation.com/sites/cwf/files/downloads/Commonwealth%20Foundation%20Memorandum%20of%20Understanding.pdf>.

²⁹Civil Society Engagement Strategy, Commonwealth Foundation, September 2013, available at: http://www.commonwealthfoundation.com/sites/cwf/files/downloads/Commonwealth%20Foundation%20Civil%20Society%20Engagement%20Strategy_0.pdf.

³⁰For more information, please see: http://www.humanrightsinitiative.org/cwhra/cs_cw_minister_meetings.htm.

³¹Human Rights Advocacy in the Commonwealth: A User's Handbook, Commonwealth Human Rights Initiative, 2005, available at: http://www.humanrightsinitiative.org/publications/hradvocacy/hr_advocacy_in_the_cw.pdf.

³²For more information, please see: <http://www.commonwealth-foundation.com/project/cpf#sthash.oZ0H7bkT.dpuf>.

³³CHOGM was held in Colombo and the People's Forum was held in Hikkaduwa.

³⁴Above fn 7.

³⁵CHRI facilitated the Human Rights Forums in collaboration with local partners: in 2003, Legal Resource Consortium, Nigeria and National Human Rights Commission, Nigeria; and in 2005, Amnesty International Malta Group.

³⁶In 2003, in Abuja, Nigeria and in 2005, in Valletta, Malta.

³⁷Observations of CHRI staff who have attended the CPF and the roundtable with Foreign Ministers.

³⁸Above fn 1.

³⁹Civil Society, Office of the High Commissioner for Human Rights, 2012, available at: <http://www.ohchr.org/EN/ABOUTUS/Pages/CivilSociety.aspx>.

⁴⁰Above fn 8.

⁴¹Canada to Send Low-level Rep to CHOGM in Colombo, Will Review Funding for C'wealth, Colombo Telegraph, 7 October 2013, available at: <https://www.colombotelegraph.com/index.php/canada-to-send-low-level-rep-to-chogm-in-colombo-will-review-funding-for-cwealth/comment-page-1/>.

⁴²On Sri Lanka's continuous lack of progress on holding people to account for violations of international humanitarian law please see: Promoting reconciliation and accountability in Sri Lanka, Report of the Office of the United Nations High Commissioner for Human Rights, UN doc A/HRC/25/23, 24 February 2014, available at: http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-23_AEV.doc.



THE SEARCH FOR AN EQUITABLE ECONOMIC ORDER

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DESIGNING EQUITABLE ECONOMIC POLICIES: THE CASE FOR A G193 RATHER THAN A G20

ALDO CALIARI
CENTER FOR CONCERN

THE BIRTH OF THE G20

The Group of 20 (G20) was created as part of the policy response to the 1997 East Asian financial crisis. It was established in 1998 to “broaden the dialogue on key economic and financial policy issues among systemically significant economies and promote cooperation to achieve stable and sustainable world economic growth.”¹ The group met at the level of finance ministers and included all the members of the Group of 7/8 (Canada, France, Germany, Italy, Japan, Russia, UK and USA)² plus a number of governments of so-called “systemically important countries”³ and the European Union.

In spite of its creation as a forum for broadening dialogue, the G20 did not have much bearing on the role played by the G7/8 as the main focal point for the developed countries to coordinate their policies. However, in the wake of the Wall Street crisis of 2008 and the threat of a new global depression, it became clear that responses to the emergency could not be

devised without some forum to involve emerging economies. Speculation ensued about the proper size of a group that could involve more than the G7/8 without becoming too large. In November 2008, the US government decided to host a meeting of the Group of 20, but at Heads of State level, which was a way to settle expediently the matter of size while avoiding the potentially perilous politics of having to make determinations about who would be ‘in’ – as opposed to the large majority of countries that were to remain ‘out’.

The G20 meeting that was held at Heads of State level indicated that there was a clearly defined need for an emergency response. The G20 soon adopted an agenda that went further, addressing also a reshaping of the international financial system and the coordination of financial and monetary policies in the long term. At its third summit, held in Pittsburgh, USA in September 2009, the Heads of States’ statement declared they “designated the G20 to be the premier forum for [their] international economic cooperation.”⁴ At the

fifth summit, held in Seoul, Korea, in November 2010, they further enlarged their agenda by agreeing to include issues of development.

IS THE G20 A STEP TOWARDS GREATER INCLUSION AND DEMOCRATIC GOVERNANCE?

The upgrading of the G20 to a summit-level meeting which, essentially, brought the G20 configuration in from the cold, in which it had been since its creation as a finance ministers forum, was interpreted by many in the mainstream media as a positive trend towards more democratic global governance. The ‘new’ G20 was seen as taking the mantle of the old G7/8, which was much criticised for its limited membership. It seemed that the G7/8 had finally let go of its commanding role and

decided to include voices of developing countries. What could be wrong about that?

In this view, the UN – the multilateral organisation that most perfectly embodies

“The main challenge to the G20, however, is not as much its limited membership as the issue of who those members represent.”

universalism and inclusion by having a membership of 193 countries – was seen as too slow and cumbersome.

The world needed a small group of countries to lead a swift and tailored response to the global economic challenges of our time. There was always going to be a trade-off between representativeness and capacity to act. The smaller the group, the argument goes, the less representative it is, but the faster it can react. On the other hand, the larger the group – the UN's universal membership being the archetypical example – the greater the representativeness, but the longer it can take to act.

Indeed, the G20 seemed to assert its claim to be precisely this sort of effective, rapid action body when, in its first intervention and still amidst the global financial crisis of 2008-9, it mobilised a coordinated stimulus that is credited with saving the global economy from the brink of disaster.

However, even officials attending G20 meetings agree that as time goes by and the echoes of the emergency fade away, the G20 is less able to muster consensus to take joint and decisive action on global economic issues that require attention. What they would probably not recognise is that this shows the G20, as a body, is afflicted by the same difficulties and contradictions that make consensus difficult in larger membership bodies. In light of this, it follows that the case for holding gatherings restricted to a club-type structure that excludes most countries from economic decisions loses much of its merit. In fact, even the much-touted stimulus of 2008-9 might have resulted from actions that the largest economies had domestically agreed to take and decided to announce in a coordinated fashion, rather than one that can be credited to the

G20 as a forum to bridge positions where they were initially divergent.

THE ACCOUNTABILITY CRITIQUE OF THE G20

The main challenge to the G20, however, is not as much its limited membership as the issue of who those members represent. Indeed, much ink has been spent debating whether the G20 needs more African representation, or representation from Least Developed Countries or Low Income Countries, or whether population and democratic governance should be the criteria to decide on who is a member. This debate misses the point.

In all fairness, even the universal-membership UN is not a place where 193 members meet every time to make every decision. In fact, the members that gather together to negotiate resolutions and other documents, especially at the most critical moments, tend not to exceed 12: representatives of major blocs plus a few countries not affiliated to any bloc. This is why drawing a contrast between the 'swift' action by a 20-member body and the 'slow' action of a 193-member body does not amount to more than a caricature.

But it is also why the main critique of the G20 is that it lacks accountable mechanisms for representation of a broader membership. In the UN, the countries finally negotiating – however limited their number may be – have a mandate from, and are accountable to, broader groups or blocs, unless they are

“It seemed that the G7/8 had finally let go of its commanding role and decided to include voices of developing countries. What could be wrong about that?”

clearly dealing with issues for themselves. country other than themselves.

THE G20 VERSUS THE G193

Former President of the General Assembly Father Miguel d'Escoto coined the expression G192 (at the time when the UN had 192 member countries) to refer to the UN and contrast it, as a more desirable option, with the G20. Nevertheless, the truth remains that the UN is much more than a G193. The G20, as an informal grouping is, in that sense, impossible to compare with a fully-fledged institution such as the UN. Ultimately, what the G20 outcomes represent are political commitments to do certain things that need to be implemented through the appropriate multilateral institutions, including the UN. So what, some might ask, is the point of expressing concern about the democratic deficit of the G20? There will always be a 'universal' test for anything that this group of countries wants to push through, in the form of a decision endorsed by an institutional actor.



The reality of global decision-making does not however support such clear-cut assurances. First, informal agreements reached at the G20 level may pre-empt a wider debate within universal membership institutions. G20 countries command the real political power to promote their will in global institutions. An alternative that non-G20 countries raise may not be seen as worthy of debate, thereby curtailing the scope of rights to raise, frame and debate issues that non-G20 members would have in global institutions.

These dynamics were clearly in evidence in 2009, when, in the wake of the global financial crisis, the UN convened a global summit to decide on a coordinated approach.

The exercise was informed by a report from a commission of experts convened by the President of the General Assembly that included

economics Nobel Prize winner Joseph Stiglitz. On the most critical issues of financial regulation and reform of the monetary system, G20 countries, which had met in advance both in Washington and in London for the first two G20 Summits, had a collective position that left limited space in the political process for any meaningful discussion beyond their points. As put by former South Centre Exec-

utive Director Yash Tandon, one can expect multilaterally-negotiated agreements to represent some sort of 'negotiated truth'. Except that, in this case, the 'negotiated truth' of the G20 trampled the 'negotiated truth' of the 193. In more than one place, the UN agreement ended up mirroring word by word the G20 statements.

Second, the G20, in practice, resorts to the staff of the same global institutions for servicing its deliberations. Background papers and studies are routinely commissioned by the G20 from a number of multilateral organisations, including universal membership organisations and agencies that are part of the UN. Without the G20 requests, the staff in these agencies would have been bound to implement their work plans, as agreed by the full membership. Since the staff complement remains the same, and, given the ongoing financial crisis, in some cases is shrinking, prioritising the service of G20 needs will come at the expense of assignments approved by the legitimate governing bodies, comprising full membership, of such institutions.

The expansion of the subject matters the G20 tackles only heightens such concerns. In the time they have been meeting, the G20 Summits have ventured far beyond the issues of global financial regulation and macroeconomic policy that initially triggered its creation. Deliberations have covered issues such as infrastructure, trade, social security, investment, corruption, food

security and climate finance. In all of these issues, the risk of serious encroachment on the mandates of formally established institutions and of bypassing universally agreed commitments is very high.

One example of these risks can be found in 2013's St Petersburg Summit, where one of the key priorities the G20 focused on was tax evasion and avoidance. There is no question that international cooperation to tackle tax evasion is very much needed. However, the way the G20 addressed it was to endorse a Plan of Action on 'Base Erosion and Profit Shifting' put together by the OECD, a club of the world's richest nations. The OECD-authored exercise, if ultimately adopted as the blueprint for international tax cooperation, may reinforce biased tax principles that would harm the ability of the poorest countries to raise revenue through taxation in their jurisdiction.

CONCLUSION

It is correct to say that any group of countries can decide to meet amongst themselves to coordinate positions they will take in

fora to which they belong, without being deemed illegitimate or accused of lacking accountability to the rest of the world.

"G20 countries command the real political power to promote their will in global institutions."

However, when the countries in question can muster the strength through in institutions that comprise 173 more, the wholly different character the situation acquires cannot be ignored. In this context, justifying the non-transparent and ad hoc practices of a body under the cloak of a group of friends trying to better work together is disingenuous at best. An old adage that never loses its currency applies: 'with great power comes great responsibility'.

¹What is the G8? G8 Information Centre, 2011, http://www.g8.utoronto.ca/what_is_g8.html.

²These countries have been meeting as the Group of 7 at Heads of State level since 1977 and were gradually joined by Russia to become the Group of 8.

³These were Argentina, Australia, Brazil, China, India, Indonesia, Mexico, Russia, Saudi Arabia, South Africa, South Korea and Turkey.

⁴The Leaders Statement: The Pittsburgh Summit, G20, 24-5 September 2009, available at: <http://www.g20.utoronto.ca/2009/2009communique0925.html>.

THE GREAT DIVIDE: EXPOSING THE DAVOS CLASS BEHIND GLOBAL ECONOMIC INEQUALITY

NICK BUXTON

Two years after Occupy gave voice to popular anger at growing inequality worldwide, the issue of the 1% versus the 99% continues to top the political agenda. At times, though, this takes a very incongruous form, and no more so than in January 2014 when multi-millionaires gathered at the luxurious ski resort of Davos, Switzerland declared inequality their chief concern. The World Economic Forum (WEF) even seemed to welcome admonishment from the Pope and Oxfam, with Klaus Schwab, the executive chairman, agreeing that, “we have too large a disparity in the world.”¹

But there was one *mea culpa* that those at the WEF were not willing to make: admit that the existence of exclusive meetings and the agenda they coordinate – of the economically rich and politically powerful – is one of the key reasons for this gross division of wealth. Economic inequality is fundamentally a reflection of political inequality: the poor and rich have very different stakes and control of

our political systems and the exercise of this power is seen most visibly in who benefits from the global economy.

THE DAVOS CLASS

Davos, perhaps more than any other gathering, epitomises the way political power and global governance have in recent decades been entrenched into a small corporate elite. This elite has succeeded not only in capturing our economy, but also our politics – and increasingly our culture and society, too. Davos is the networking conference par excellence, where economic, political and cultural powerhouses are encouraged to mingle on equal terms. Over cocktails and asparagus mousse, corporate executives can hobnob with prime ministers, renowned academics and the occasional rock star celebrity, and stitch the deals that will keep profits flowing. The most likely Davos twitter status update, as Daniel Gross of the *Daily Beast* accurately satirised, is: “About to go into top-secret meeting with powerful person. Will tell u all about it when I’m back in ny/dc #wef.”²

Political scientist Susan George has labelled this elite the Davos Class, noting that they are “nomadic, powerful and interchangeable. Some have economic power and usually a considerable personal fortune. Others have administrative and political power, mostly exercised on behalf of those with economic

power, who reward them in their own way.” She goes on to argue that they are united by a programme “usually called ‘neoliberalism’, based on freedom for financial innovation, no matter where it may lead, on privatization, deregulation, and unlimited growth; on the supposedly free, self-regulating market and free trade that gave birth to the casino economy.”³

A 2014 report by Transnational Institute (TNI), entitled *State of Power – Exposing the Davos Class*, examined how successful neoliberalism has been in enriching economically as well as amplifying the power of this small corporate elite.⁴ It revealed how the world’s wealth is concentrated even more than is popularly understood, not in the 1% but the 0.001%: 111,000 people control US\$16.3 trillion, equivalent to a fifth of the world’s GDP. Even in the wake of the economic crisis, the world’s millionaires have thrived. In 2012, the wealth of the world’s millionaires grew by 11% while household income in the EU and US either stagnated or, in some cases, fell.

This economic wealth is matched by growing dominance of transnational corporations in the global economy. Today, 37 of the world’s largest economies are corporations. Walmart, Shell, Volkswagen and others have become modern-day empires, bigger economically than Denmark, Israel or Singapore. A historic study by mathematicians in the Zurich Polytechnic Institute revealed an even greater concentration of economic power when they

focused on ownership of these companies. In a study of 43,000 corporations, they found just 147 companies control 40 per cent of the economic value of the entire sample. Most of these are banks, hedge funds or other financial services corporations. Even an advisor to the Deutsche Bank, George Sugihara of the Scripps Institution of Oceanography in La Jolla, California, admitted that, “It’s disconcerting to see how connected things really are.”⁵

CORPORATE CAPTURE

Corporations have been able to achieve this unprecedented power through a systematic takeover of the state, rather like a virus infects a body. Driven by a profit-making motive embedded in their genetic make-up, corporations have sought at every stage to remove any disadvantageous regulatory barriers and facilitate their cancerous growth. A book published in 2014, *A Quiet Word: Lobbying, Crony Capitalism and Broken Politics* in Britain, chronicles how corporations have become adept at using an array of tactics, from well-resourced media relations work to funding think-tanks and fake grassroots groups, in order to push through government policies beneficial to their bottom line.⁶ Corporations are also staffing government, whether by providing contractors and running previously public services or by seconding staff to ministries. The revolving door has become a well-oiled one, with politicians and businessmen changing places regularly.

The infection has been so effective and thorough that it is increasingly difficult to assess who is a public official and who is a corporate leader, given the revolving door between these positions. One example covered in TNI’s State of Power report is the European Round Table of Industrialists (ERT), a network of about 50 of Europe’s largest corporations, which in the early 1980s decided to work together to shape EU policy and encourage the development of a competitive (read: de-regulated or re-regulated in their favour) ‘internal market’.

By 1993, the group had been so successful that one senior ERT official said their proposals and the EU’s proposals were almost done in “parallel... we saw their drafts and they saw our drafts. And one of my friends, a very senior official in the Commission, he said to me, there is basically no difference between them.” More recently, ERT’s demands for ‘fiscal consolidation’ – in other words, austerity for ordinary people but not for publicly bailed out corporations – have been wholeheartedly applied by European governments and the European Commission, with terrible social costs. After several years of EU austerity packages, Greeks are now on average almost 40% poorer than they were in 2008. There has been a drastic rise in those losing their homes, while one in three children (around 600,000) are now living below the poverty line.⁷

This corporate capture of politics and the social deprivation that often results is taking

place in nations worldwide. A study by the Bureau of Investigative Journalism showed, for example, that the financial services sector in the UK spent UK£93m on lobbying in 2011. This money secured significant policy changes, including slashing UK corporation tax, neutering a pension scheme supposed to benefit millions of low paid temporary workers and killing off a new corporate super-watchdog.⁸ There are, of course, no comparable lobbies for citizens who have lost their houses or savings as a result of the financial sectors’ reckless decisions that caused the global economic crisis.

CORPORATE-LED GOVERNANCE

The corporatocracy also increasingly seeks to poke its nose into the realms of global governance. One approach taken has been to promote ‘multi-stakeholderism’: the idea that policy is best developed if you bring together different stakeholders – governments, corporations, citizens. This has been widely embraced by some civil society groups as an effective way of bringing decision-making processes ‘closer to the citizen’ and therefore making them more democratic, legitimate and accountable. This approach is usually combined with promotion of corporate social responsibility (CSR), the idea that corporations can be driven by factors other than profit and can be social actors that take responsibility for their actions and impacts. This approach has led to the emergence of hundreds of multi-stakeholder corporate

responsibility initiatives, such as the Forest Stewardship Council and the Extractive Industries Transparency Initiative, as well as policy forums such as the World Water Forum and the Global Knowledge Partnership.

Davos has been a very keen advocate for multi-stakeholderism and corporate social responsibility. In 2009, taking advantage of the global crisis, WEF launched the Global Redesign Initiative (GRI), aiming “to stimulate a strategic thought process among all stakeholders about ways in which international institutions and arrangements should be adapted to contemporary challenges.” Its final report advocates a stakeholder and corporate responsibility approach in every aspect of public policy.⁹ The theme of this year’s WEF, ‘The Reshaping of the World’, clearly builds on this proposal.

GRI’s vision rejects intergovernmental agreements, international frameworks and enforceable hard law that would constrain corporations, favouring instead volunteerism, codes of conduct and soft law. In the world of Davos, the tired old slow world of democratic demands channelled through states is replaced by a slicker, fast-

moving, corporate-led governance. In fact, GRI argues quite bluntly that “governing today is no longer a matter for government alone... governments’ basic ‘public functions’ have been redefined... hence the challenge is how to re-invent government as a tool for the joint creation of public value.” In other words, governments and citizens become just actors amongst many, forced to acquiesce with a process driven by profit-seeking.¹⁰



A FLAWED RECORD

Advocates promote multi-stakeholder and CSR initiatives saying they have facilitated better transparency and more consultation with affected groups, for example. However, in

many cases, multi-stakeholder processes can also end up legitimising exploitation as they stave off regulatory action that might halt or prevent destructive activities in favour of market-based solutions. They also tend to exclude conflictual civil society groups in favour of more consensual ones, which are often better funded, willing to make deals and accept ameliorative change. In either case, civil society is constantly outgunned

by corporations in terms of resources, which means that effective monitoring and evaluation of corporate commitments is hard to evaluate and control.¹¹

It is worth heeding the warning of Marcos Colchester, reflecting on the history of the Forestry Stewardship Council, which he helped found and eventually resigned from in frustration at its inability to affect high rates of deforestation:

“I think there is a major problem with the model of self-regulation which gives no role to the State, to the rule of law, or even to leverage for reformed governance by government itself. Instead, almost without realizing it, conservationists have replaced the organs of democracy: we now have consumers instead of enfranchised citizens; we have NGOs in watchdog roles to replace the executive; we only have recourse to the media – the 4th Estate – as a court of appeal.”¹²

One could of course add that the media itself, dominated by corporations, is not always a great ally either.

Marcos’ personal experience of the failings of CSR is starting to be confirmed by data. In 2013, an exhaustive three-year study of more than 5,300 small and medium enterprises and more than 200 large firms based in Europe came to the conclusion that CSR activities “have not made a

significant contribution to the achievement of the broader policy goals of the European Union.” The researchers argued that the study “raise[s] important challenges to long-accepted beliefs and arguments in favour or defense of the traditional approach to CSR.” Yet despite the EU funding the project with €2.7 million, it has been noticeably silent on the implications of the study’s conclusions for European policy, which continues to advocate for corporate-led governance and against binding rules.¹³

Neither CSR nor multi-stakeholder initiatives can escape the reality that the political power that economic giants now have unbalances the playing field for any other participants. This is very clearly on show at Davos meetings, which Schwab likes to tout as a theoretical working model for the global governance toward which Davos aspires. In 2014, while some 1,500 business delegates attended, they were joined by only 37 CSO leaders (mainly from large CSOs) and 10 labour leaders. Moreover, a look at the prominent corporate members of Davos quickly unveils a history of fraud, tax evasion, human rights abuses and environmental degradation, none of which, it seems, disqualifies them from having open access to Davos and governments worldwide.

EXTENDING THE ARCHITECTURE OF IMPUNITY

Rather than curtailing or limiting their power, forums like Davos are the hatching place for new attempts to extend corporate power and prevent increased state regulation. The idea for the North American Free Trade Agreement (NAFTA) between Canada, Mexico and the US germinated at Davos. Twenty years later, even its strongest advocates find it hard to argue that there have been many benefits. For Mexico, its legacy has included one of the lowest economic growth rates on the continent, severe environmental contamination, devastation of the rural economy and soaring levels of violence that have wracked the country.¹⁴

Unperturbed by the impact of their policies on those they will never see, corporate and political elites were in Davos in 2014 pushing for the conclusion of new trade deals, particularly the Transatlantic Trade and Investment Partnership (TTIP). Worldwide the surge of trade and investment agreements have created what TNI’s anti-corporate campaigner Brid Brennan calls an “architecture of impunity” for corporations who use these agreements to sue any government for measures that affect their profits. Brennan argues, “This not only undermines government capacity to control their own resources and development plans, it

also prevents any proper regulation of corporations who are allowed to act with impunity.”¹⁵ A report by TNI in 2014 unveiled how these trade and investment treaties are wreaking havoc in Europe’s crisis countries, where corporate speculators are using investment agreements to sue Cyprus, Greece and Spain alone for at least €1.7 billion for policies the governments took to deal with the crisis. Spain is, as a result, spending millions in 2013 on defending itself in lawsuits; at the same time, it cut health expenditure by 22% and education spending by 18%.¹⁶

One woman, when asked at the end of the WEF in 2014 what happened to the theme of inequality responded, “It kind of disappeared.”¹⁷ For a small elite used to a certain way of living, focusing on lives they will never experience or never even see must be a strain. Relying on the Davos class and their models of governance is no answer to the deepening divide between those with power and wealth and those without. A greater hope lies with civil society and social movements challenging corporate and elite power and deepening democracy at local, national and global levels.

Fortunately, calls for binding obligations on transnational corporations and a rejection of a corporate-led international governance are being heard ever more loudly within civil society. Nationally, campaigns are

challenging corporate capture of government with ever more vigour, for example in the US by challenging corporate rights under the constitution. Worldwide, a rapidly growing movement, Stop Corporate Impunity, has won the support of more than 100 international organisations and is advocating for a Peoples' Treaty to regulate and restrict the power of corporations. In September 2013, Ecuador backed by the African Group and a number of other countries echoed this civil society call, at the UN, saying:

“An international legally binding instrument...would clarify the obligations of transnational corporations in the field of human rights, as well as of corporations in relation to States, and provide for the establishment of effective remedies for victims in cases where domestic jurisdiction is clearly unable to prosecute effectively those companies.”¹⁸

At meetings of the UN Human Rights Commission in March 2014, the backlash to this had begun, with states including the UK and US adamantly defending the status quo. The battle against unprecedented corporate and elite power is on, but its success will depend on our movements realising our own power in numbers and turning public awareness and anger into political and policy change. Power to the 99.9% remains a slogan as relevant as ever.

¹Global elites finally admit income inequality is a problem, Salon.com, 29 January 2014, available at: http://www.salon.com/2014/01/29/the_super_rich_from_their_alpine_resort_inequality_is_a_serious_issue_parnter/.

²D Gross, tweet, available at: <https://twitter.com/grossdm/status/162443049279029248>.

³S George, *Whose Crisis, Whose Future?* (Cambridge: Polity Press and John Wiley & Sons, 2010), available at: <http://www.tni.org/tinbook/whose-crisis-whose-future>

⁴N Buxton (ed.), *State of Power – Exposing the Davos Class*, Transnational Institute, 2014, available at: <http://www.tni.org/briefing/state-power-2014>.

⁵A Coghlan and D MacKenzie, *Revealed – the capitalist network that runs the world*, New Scientist, 24 January 2011, available at: <http://www.newscientist.com/article/mg21228354.500-revealed-the-capitalist-network-that-runs-the-world.html>.

⁶T Cave and A Rowell, *A Quiet Word: Lobbying, Crony Capitalism and Broken Politics in Britain*, (London: Vintage, 2014).

⁷P Eberhardt and C Olivet, *Profiting from Crisis – How corporations and lawyers are scavenging profits from Europe's crisis countries* (Transnational Institute/Corporate European Observatory, 2014), available at: <http://www.tni.org/profitting-crisis>.

⁸Revealed: The £93 million city lobby machine, Bureau of Investigative Journalism, 9 July 2012, available at: <http://www.thebureauinvestigates.com/2012/07/09/revealed-the-93m-city-lobby-machine/>.

⁹R Samans, K Schwab and M Malloch-Brown (eds), *Global Redesign - Strengthening International Cooperation in a More Interdependent World*, World Economic Forum, 2010, available at: http://www3.weforum.org/docs/WEF_GRI-StrengtheningInternationalCooperation_Book_2010.pdf.

¹⁰D Sogge, *Not everybody's business: corporate crowding into the tents of global governance*, openDemocracy, 23 January 2014, available at: <http://www.opendemocracy.net/david-sogge/not-everybody%E2%80%99s-business-corporate-crowding-into-tents-of-global-governance>.

¹¹C Fauset, *What's wrong with Corporate Social Responsibility?* Corporate Watch UK, 2006, available at: <http://www.corporatewatch.org.uk/?lid=2670>.

¹²Speech at the IUCN World Conservation Congress in Durban in 2004, quoted in S Moog, S Böhm and A Spicer, *The Limits of*

Multi-Stakeholder Governance Forums: The Crisis of the Forest Stewardship Council, 2012, available at: https://www.academia.edu/2602980/The_Limits_of_Multi-Stakeholder_Governance_Fo-rums_The_Crisis_of_the_Forest_Stewardship_Council_FSC.

¹³Impact Project: Executive Summary, CSR Impact, September 2013, available at: <http://csr-impact.eu/documents/documents-detail.html?documentid=22>.

¹⁴M Weisbrot, *20 years of regret for Mexico after NAFTA*, Guardian, 4 January 2014, available at: <http://www.theguardian.com/commentisfree/2014/jan/04/nafta-20-years-mexico-regret>.

¹⁵Personal communication with author, 12 March 2014.

¹⁶Above fn 7.

¹⁷Income Inequality was quickly forgotten at Davos, Daily Beast, 26 January 2014, available at: <http://www.thedailybeast.com/articles/2014/01/26/income-inequality-was-quickly-forgotten-at-davos.html>.

¹⁸For more information, please see: <http://www.business-humanrights.org/Links/Repository/1022442>.

THE CHANGING FACE OF THE WORLD BANK AND CIVIL SOCIETY'S ROLE IN THE EVOLVING INSTITUTION

CHAD DOBSON

BANK INFORMATION CENTER

SUMMARY

The World Bank is currently in flux. The global organisation has 188 member countries and over 13,000 staff working in over 130 countries. Through its public and private arms,¹ it lends over US\$50 billion a year (US\$52.6 billion in 2013), leverages many times more and is currently undergoing the largest institutional reorganisation in several decades.

Dr Jim Yong Kim – the 12th World Bank president – has indicated that a new, leaner Bank will be less risk adverse, more flexible and more client-oriented. It will not be afraid to take on large-scale regional and transformational projects, promote Private Public Partnerships (PPS) and increase its focus towards Fragile and Conflict-Affected States (FCS).

Given the Bank's history of controversial projects this raises serious questions. How will the Bank's much fought for environmental and social standards (known as "the safeguards"), which are also under review, fit into the new structure? What role will the most vulnerable and those most affected by Bank activities play? How will the Bank navigate pressure to compete with other institutions and satisfy client needs while ensuring its activities align with good practice and reach those who need it most?

This article aims to provide some insight on this changing institution and the central aspects of concern and considers whether these changes might create opportunities for, or barriers to, enhanced civil society engagement.

DRIVERS OF CHANGE

"We will become more of a game-changing catalyst that draws billions of dollars of private sector capital into poor countries ... we will leverage our fund for the poorest – IDA – to bring in other sources of capital for things like new sources of electricity and schools, especially for fragile and conflict-affected states".² - Dr Kim, President of the World Bank Group

Extensive and ongoing structural and programmatic reforms at the Bank reveal wider global influences. First, developing countries face a growing number of options for devel-

opment financing. According to a recent evaluation, "In 1987, World Bank lending represented 15 percent of all external financing for developing countries. By 2002, Bank lending had declined to 4 percent."³ This is linked to many global trends, including the rise of other regional development banks⁴ and the growing influence of national banks, such as the Brazilian Development Bank (BNDES) and Chinese Banks (China Development Bank and China Export Import Bank). In a recent estimate, the Chinese banks offered loans of at least US\$110 billion to governments and firms in developing countries in 2009 and 2010, eclipsing World Bank lending of US\$100.3 billion from its equivalent arms.⁵ We are also seeing increasing South to South flows with "roughly a third of FDI [foreign direct investment] in developing countries currently originating in other developing countries,"⁶ growing private sector flows to developing countries and higher levels of remittances.⁷ This changing financial landscape forces the Bank to review its role in development, its position in the global economy and how it differentiates itself from other finance options.

The World Bank lending profile has also changed significantly in recent years. The International Development Association (IDA), the lending arm of the Bank for poorer countries, and the International Finance Corporation (IFC), the private sector arm of the Bank, are taking up a larger proportion of the Bank's overall lending commitments,

individually overtaking the International Bank for Reconstruction and Development (IBRD) in 2013 for the first time in the Bank's history (Figure 1). IDA is of special significance, as it has just gone through its triennial replenishment process with US\$52 billion pledged for eligible countries over the next three years.⁸

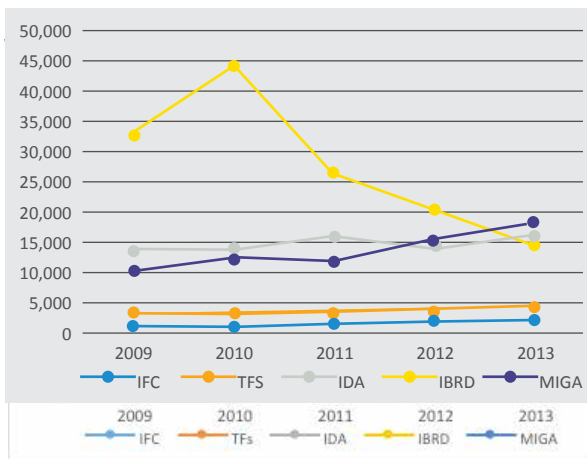


Figure 1: WB Gross Commitments (by fiscal year in US\$M)

dynamic. Many countries that were previously not invited to the table are becoming donors, and emerging markets are taking a more active role. In the previous round of negotiation (IDA16), seven new countries – Argentina, The Bahamas, Chile, Iran, Kazakhstan, Peru and the Philippines – became donors. From the IDA negotiations in 2013 (IDA17), we have seen more countries going through the graduation process⁹, such as Angola, Armenia, Bosnia and Herzegovina, Georgia and India. India's graduation is of great significance as it has been the larg-

est IDA borrower of all member countries (US\$44.6 billion in total). New countries such as Azerbaijan, Indonesia and Thailand are also looking to become donors.¹⁰

China's growing role within the institution can also be seen in IDA; it went from becoming a recipient in 1980 to a donor in 2008. China grabbed headlines by paying off US\$1 billion in IDA debt ahead of time in 2011 and has recently signed a memorandum of understanding with the Bank for future cooperation. The current list of donors and their contributions from IDA17 is not yet available, but we know that for only the second time in the IDA's history, the USA was not the highest donor, and Dr Kim has stated that emerging markets "played a very large role" in the negotiations.¹¹ With vote renegotiations – which determine the voting power of countries at IDA – coming up in 2015, these changing dynamics will have a substantial impact on IDA itself and the Bank as a whole.

The shrinking number of countries eligible for IDA financing means that the Bank will need to adjust how it positions itself to address a different set of recipients. For example, an increasing percentage of eligible countries are now classified as Fragile and Conflict-Affected States (FCS). This has already had a significant impact. FCS have been a special theme¹² in recent IDA negotiations, and earlier in 2013, Dr Kim announced that both the IDA and the IFC would increase their financing to these

states by 50 percent in the next three years.¹³ The ever-changing global financial structure and the shifting political and economic dynamics between poorer and richer nations is not only contributing to the Bank's modernisation process, but also increasing the significance of the Bank's environmental and social policies. With greater resources being channelled to FCS and the Bank re-orientating towards large-scale transformational projects, it is essential that civil society continues to pressure the Bank through all avenues so that much fought for environmental and social policies are not lost along the way.

THE IMPORTANCE OF CSOS ENGAGING IN POLICY REFORM

"We need to maintain commitment to safeguards but get through the process more quickly." - Dr Kim, President of the World Bank Group

At the same time as its massive internal reforms, the Bank is also reviewing its key operational standards, including a two-year review of its Safeguard Policies.

The safeguards provide mandatory guidelines for projects covered under Investment Lending (IL) for its public sector lending arms the IBRD and IDA. Currently they include 10 operational policies covering a wide range of aspects, including Environmental Impact Assessments (EIAs), and issues such as

forests, involuntary resettlement, indigenous peoples and dam safety.¹⁴ The Bank was the first international lending institution to develop these standards, and many other organisations look to the Bank when designing their own policies.¹⁵

The policies also provide the legal basis for redress for those negatively affected by Bank funded projects, through the Independent Inspection Panel (IPN). This crucial mechanism provides a strong incentive for those conducting the project to do so in an environmental and socially sustainable manner, as well as a way to align Bank activities to good practice in various areas. Often, for the most vulnerable and those whose lives are directly affected by Bank operations, these mechanisms are an avenue to raise their concerns and offer a last line of defence for those seeking restitution.



CASE STUDY: WESTERN CHINA POVERTY REDUCTION PROJECT

The China Western Poverty Reduction Project involved the resettlement of 58,000 people from eastern to western China, an area that

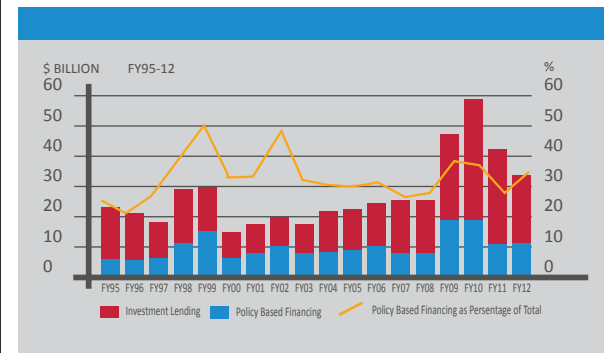
is traditionally part of Tibet. It supported the creation of a dam and a large-scale irrigation system. In 1999, the International Campaign for Tibet (ICT) filed a claim to the Inspection Panel alleging that the project would threaten the cultural survival of Tibetan and Mongolian herders. The Inspection Panel discovered that various safeguard policies had been seriously violated and that a «climate of fear» in the project area made meaningful consultation impossible. CSOs lobbied Bank board members to stop the project, receiving widespread media coverage.

On 7 July 2000, the World Bank Board of Executive Directors, in a highly unusual move, rejected Bank management's support of the China Western Poverty Reduction Project. The decision of the board to reject management's recommendation forced the Chinese government to withdraw the project from consideration for World Bank funding.

A central issue of concern is that a growing percentage of Bank lending is not covered by the safeguards. This is because the Bank is no longer providing only investment loans, but is also using a range of other lending instruments, such as Development Policy Loans (DPLs). DPLs are programmatic loans that largely fund policy reform, often through rapidly disbursed budgetary support rather than project-based physical investments. DPLs have on average constituted 30 to 40 percent of total Bank funding, but lending

has in the past peaked above 50 percent of total funding.¹⁶ Since 2004, DPLs have been excluded from the scope of the Bank's environmental and social safeguard policies, including their fundamental policy on Environmental Assessment (OP 4.01). This is concerning because DPLs can have significant and long-term environmental and social impacts.¹⁷ It is essential that CSOs pressure the Bank for wider application of safeguards across the entire portfolio.

Given that many of the operational policies contained in the safeguards were developed in the 1980s and 1990s, it is vital that the review addresses current gaps in policies and aligns the safeguards with the highest international standards. This should mean, at a minimum, incorporating into the revised safeguards a respect for all fundamental human rights, including explicit protections for the rights of children, persons with disabilities and sexual minorities. The safeguards should also recognise the right to free prior and informed



Total World Bank DPL and Investment Lending 1995-2012

consent (FPIC) for indigenous peoples and include binding policies to address fully the impacts of projects on issues of climate change, gender, labour, land tenure and natural resources.

A key question for the change process is how the Bank will navigate which responsibilities should lie with borrowing countries and which should be mandatory loan requirements. Borrower country systems can and should be used when those systems can be demonstrated to offer robust, transparent and inclusive processes that are equivalent to international standards and when countries not only have good policies on paper but the institutional capacity to implement them on the ground. As a fundamental development goal, national systems should be strengthened. What is unacceptable is a transfer of responsibility and accountability for safeguard outcomes to borrowers with a concomitant loosening of safeguard compliance at appraisal and open-ended compliance during implementation.

As the Bank attempts to reposition itself in the changing global environment it is important that lessons from the past are not forgotten. The safeguards are a direct embodiment of the Bank's ability to learn from its history, as most of the safeguard policies have arisen directly out of disastrous projects and from an incredible amount of work involving civil society across the world.¹⁸ Any dilution of the policies – or lack of ability to apply them to a large section of their portfolio – could have

substantial knock-on effects for how projects and policies are conducted in developing countries. Aside from the IPN, the Bank has four other major oversight mechanisms.¹⁹ How these will fit in the new corporate strategy and whether they will have the resources to achieve their mandate is still very unclear. It is crucial that CSOs continue to pressure the Bank by engaging in their change process and policy review in every way possible.

PREPARE TO ENGAGE

“We are here today because we believe that listening to citizens is central to doing development better.” - Dr Kim, President of the World Bank Group

As mentioned, the safeguards and the IPN are essential mechanisms to keep the Bank in line, but when a project gets to that stage, it already has significant problems, and it may be too late to prevent damage. With Dr Kim's agenda of being less risk adverse, encouraging large-scale project and increasing investment in Fragile and Conflict-Affected States, it is essential to conduct appropriate research, risk analysis and consultations with all relevant stakeholders – early in the process – in the development of country strategies.

The Bank will be implementing a new model for how it develops programmatic plans in borrowing countries, using the following new instruments: A Systematic Country Diagnos-

tic (SCD); a Country Partnership Framework (CPF), which would replace the current Country Assistance/Partnership Strategy (CAS/CPS); and Performance and Learning Reviews. Much of the details of the Bank's new strategy and instruments are still unclear, even to senior Bank management itself, and are yet to be fully fleshed out and developed. This presents an opportunity for CSOs and other stakeholders to engage early with the Bank to influence the design and the mechanics of these components, which will ultimately set the foundation for how the Bank engages with countries and their citizens.²⁰

Over the years the Bank has made significant improvements in its openness and methods to engage with CSOs, particularly since the inception of its 2009 landmark Access to Information Policy. At its annual meetings in 2013 the Bank released new consultation guidelines and a consultation hub (consultations.worldbank.org). Both these are very welcome developments, and the guidelines set strong principles for Bank staff to refer to when organising consultations. However, the guidelines are not binding or mandatory in any way, and exactly how they are implemented is yet to be seen.

The World Bank Group has recently committed to mainstreaming citizen engagement (CE) across country engagements and operations. Perhaps not surprisingly – given the

recent political and social shifts in the region – the Bank has opted to pilot the CE initiative in the Middle East and North Africa (MENA) region. This is a welcome but challenging step, and we will be interested to see how the Bank rolls out its plans, given that the initiative in many ways consolidates much of what civil society has been demanding for a while. A cautionary note is that while the CE guidance note places considerable weight on non-state actors being able to hold their governments accountable, it perhaps does not assign enough weight to how the Bank is committed to maintaining responsibility for the projects and programmes that it funds. The Bank Information Center (BIC)'s MENA team will be producing more in-depth analysis of the CE programme.

In the last few years, the Bank has developed a number of online tools that are potentially helpful for enhancing citizen engagement, including: Mapping for Results (map.worldbank.org), which shows IBRD and IDA project across the world

(although currently it doesn't include past or pipeline projects); AidFlows (www.aidflows.org), which visualises development aid flows; eAtlas, a suite of interactive electronic atlases that allow users to map and graph dozens of indicators over time and across countries; and AidData (www.aiddata.org). There are also a number of mobile phone applications (often referred to as "apps") for development and poverty indicators – on Africa, climate change, education, health, gender and jobs (data.worldbank.org/apps). In addition, the Bank has recently adopted, on a pilot basis, the application of Creative Commons (CC) licenses to many of its publications and launched the Open Knowledge Repository (OKR), which currently gives online access to 13,000 of its research and knowledge products.

BIC, as a member of CIVICUS, has also been actively promoting greater transparency and encouraging space for greater civil society engagement amongst the Bank's board of Executive Directors

(EDs). Aside from the World Bank governors, which meet twice a year, the EDs are the highest governing body and often have the final say in approving projects and policy changes. Currently the EDs – who represent all member countries and their citizens – are all based in Washington, DC, and engaging with them is problematic, given that their travel schedules are not published and their websites are often outdated.

Despite having an incredibly influential role in committing very large sums of public money, much of the EDs' correspondence is confidential, and the majority of documents are only available after decisions have been made.²¹ BIC, CIVICUS and other partners are working to address some of these concerns and promote greater space for civil society engagement in this central decision-making body.

HOLDING KIM TO HIS RHETORIC

"It's not so often that an activist from civil society gets to run the largest development organisation in the world. I guarantee you that I am not going to let this opportunity slip through my fingers." - Dr Kim, President of the World Bank Group, 2012

The coming period for the Bank will have a tremendous influence on the institution's trajectory and thus an incredible effect

"The changing global landscape has meant the Bank has had to rethink its role in the development game..."

throughout developing countries. The changing global landscape has meant the Bank has had to rethink its role in the development game; the unprecedented scale of its restructuring, refocusing and modernisation process means that much at the moment is unknown. The Bank is no longer the only game in town, and formerly reticent countries are now voicing their opinions and flexing their muscles. Many parts of the Bank have opened up their dark hallways, releasing decades of information to the public, and the growing range of technology has given people new ways of spreading and interpreting this data.

The Bank has a long and chequered history. Its role in the future will depend not only on it listening, but also on incorporating knowledge from all stakeholders, and committing – not just in rhetoric – not only to its goals of ending extreme poverty within a generation and reducing inequality, but also going further, to put in place the mechanisms and resources to achieve this in a participatory, environmentally and socially sustainable way.

¹International Bank for Reconstruction and Development (IBRD) 1944, International Development Association (IDA) 1960, International Finance Corporation (IFC) 1956, the International Centre for the Settlement of Investment Disputes (ICSID) 1966, and the Multilateral Investment Guarantee Agency (MIGA) 1988.

²J Kim, Remarks at the Annual Meetings 2013 Closing Press Conference, World Bank Group, 12 October 2013, <http://www.worldbank.org/en/news/speech/2013/10/12/world-bank-group-president-jim-yong-kim-closing-press-conference>.

³The Matrix System at Work: An Evaluation of the World Bank's Organizational Effectiveness, Independent Evaluation Group, April 2012, <https://openknowledge.worldbank.org/handle/10986/12230>.

⁴These include the African Development Bank (AfDB), Asian Development Bank (ADB), Caribbean Development Bank (CDB), European Bank for Reconstruction and Development (EBRD) and Inter-American Development Bank (IADB).

⁵G Dyer, J Underline and H Sender, China's lending hits new heights, Financial Times, 17 January 2011, <http://www.ft.com/intl/cms/s/0/488c60f4-2281-11e0-b6a2-00144feab49a.html#axzz2r-wioi7rE>.

⁶Draft of IDA17 Deputies' Report, International Development Association, November 2013, http://www.worldbank.org/ida/papers/IDA17_Replenishment/deputies-draft-report-november-2013.pdf

⁷Ibid.

⁸World Bank's Fight against Extreme Poverty Gets Record Support, World Bank Group Press Release, 12 December 2013, <http://www.worldbank.org/en/news/speech/2013/10/12/world-bank-group-president-jim-yong-kim-closing-press-conference>.

⁹Countries eligibility to receive IDA funding depends on a number of factors including being below certain threshold such as GNI per capita (US\$1,204 in 2014) and creditworthiness. Once countries pass this threshold they 'graduate' and become eligible for IBRD funding. There are some countries which are eligible for both, called blend countries.

¹⁰IDA Replenishment – Second Meeting Chairperson's Summary, International Development Association (IDA), 1-4 July 2013, http://www.worldbank.org/ida/papers/IDA17_Replenishment/IDA17_ManaguaSummary.pdf.

¹¹J Kim and J von Amsberg, Transcript: Teleconference on IDA17 Replenishment with World Bank Group President Jim Yong Kim, 17 December 2013, <http://www.worldbank.org/en/news/>

[speech/2013/12/17/transcript-ida17-replenishment-world-bank-group-president-jim-yong-kim](http://www.worldbank.org/en/news/speech/2013/12/17/transcript-ida17-replenishment-world-bank-group-president-jim-yong-kim).

¹²Areas of more focus, analysis and strategic discussion during the replenishment process.

¹³J Kim, The World Bank Group Strategy: A Path to End Poverty, World Bank Group President Jim Yong Kim's Speech at George Washington University, 1 October 2013, <http://www.worldbank.org/en/news/speech/2013/10/01/world-bank-group-president-jim-yong-kim-speech-at-george-washington-university>.

¹⁴In full, they are: OP 4.01: Environmental Assessment, OP 4.04 Natural Habitats, OP 4.36 Forests, OP 4.09 Pest Management, OP 4.11 Physical Cultural Resources, OP 4.12 Involuntary Resources, OP 4.10 Indigenous Peoples, OP 4.37 Safety of Dams, OP 7.5 International Waterways, OP 7.60 Disputed Areas.

¹⁵K Herbertson, Will Safeguards Survive the Next Generation of Development Finance? International Rivers, 2012, <http://www.internationalrivers.org/resources/will-safeguards-survive-the-next-generation-of-development-finance-7591>.

¹⁶2012 Development Policy Lending Retrospective: Results, Risks and Reforms, Operations Policy and Country Services, World Bank, 2012, <http://viewer.zmags.com/publication/78847067#78847067/1>.

¹⁷World Bank Safeguards and Development Policy Review: A Primer of Why DPLs Should be Part of the Safeguards Review, Bank Information Center and Global Witness, 2013, <http://www.bicusa.org/issues/safeguards/environmental-and-social-assessment/>.

¹⁸Above fn 15.

¹⁹These are: Independent Evaluation Group (IEG), Compliance Advisor/Ombudsman (CAO), Internal Audit Vice Presidency (IAD) and the Integrity Vice Presidency (INT).

²⁰International Finance Institutions in the Middle East and North Africa – Newsletter Issue 8, Bank Information Center, 2013, <http://www.bicusa.org/international-financial-institutions-in-the-middle-east-and-north-africa-issue-8/>.

²¹For more information, please see: <http://documents.worldbank.org/curated/en/disclosure>.



**FROM
RIO+20
TO BEYOND
2015**

**BEST PRACTICES IN YOUTH ENGAGEMENT WITH
INTERGOVERNMENTAL ORGANISATIONS: A CASE STUDY
FROM THE RIO+20 PROCESS**

- IVANA SAVIĆ

**VOLUNTEERISM, CIVIC ENGAGEMENT AND THE POST-2015
AGENDA**

- UNITED NATIONS VOLUNTEERS

**THE FUTURE WE WANT: THE NEW REALITY OF GOVERN-
ANCE POST RIO+20**

- JAN-GUSTAV STRANDENAES

BEST PRACTICES IN YOUTH ENGAGEMENT WITH INTERGOVERNMENTAL ORGANISATIONS: A CASE STUDY FROM THE RIO+20 PROCESS

IVANA SAVIĆ

INTRODUCTION

In the last four decades, sustainable development has been one of the most prominent development paradigms. The world is going through great changes and challenges, which include climate change, environmental degradation, resource scarcities, demographic change, urbanisation, migration, the rise of new technologies, enduring poverty, economic crises, increasing political and social unrest and global power shifts. These changes can expose humans and nations to great security risks and prevent them from reaching their full potential. Further, ecosystems are threatened. In the face of this, sustainable development offers a model of development that addresses imbalances and conflicts between economic and social development and environmental protection.

Twenty-one years after the adoption of Agenda 21, the development agenda for the 21st century – and 13 years after the Millennium Declaration – we are still far away from reaching developmental goals, as well as addressing the needs and protecting the rights of billions of people, especially women and young people, who are most exposed to the consequences of unsustainable development. Given this, it is not surprising that many young people in different parts of the world are agitated with their social, economic and environmental situations. This has led to a surge in social movements, which unfortunately cannot, on their own, bring about lasting changes in our societies.

The emergence of youth issues on the international agenda is closely related to the emergence of sustainable development, to the extent that it could be said that a concern with young people is at the core of sustainable development. On one hand, the term sustainable development introduced the concept of future generations, which can be interpreted both as generations to come and the current generation of young people,¹ and on the other hand, through sustainable development processes, youth and youth issues came into the focus of decision-makers.² Stability and sustainable development cannot be achieved without taking into account the voices of young people and without addressing fundamental aspects of their wellbeing. The aim of this contribution is therefore to

present the challenges and good practices in the engagement of youth with intergovernmental organisations (IGOs), particularly the United Nations (UN), through analysis of the Rio+20 process and to provide broader recommendations for improving global governance. Although the recommendations for engaging with youth are aimed at IGOs, they are equally applicable to CSOs.

THE RIO+20 PROCESS

In 2009, the United Nations General Assembly (UNGA) adopted a resolution³ to organise the United Nations Conference on Sustainable Development in 2012 in Brazil.⁴ This conference was commonly known as Rio+20, as it came 20 years after the Earth Summit,⁵ which put sustainable development high on the international agenda. According to the resolution, the objectives of the conference were to secure renewed political commitment for sustainable development, to assess the progress to date and the remaining gaps in the implementation of the outcomes of previous major summits on sustainable development, and to address new and emerging challenges. The thematic focus was on a green economy in the context of sustainable development and poverty eradication, and the institutional framework for sustainable development.

In addition, the resolution set minimum standards for the participation of civil society that

included active participation of all nine Major Groups⁶ of the Agenda 21⁷ at all stages of the preparatory process and also sought the contributions of civil society to a working document that served as the basis of the outcome document of Rio+20 entitled “The Future We Want.”⁸ In this resolution it was stated that Rio+20 would result in a focused political document. It also resulted in many unofficial and less visible outcomes, such as the Rio+20 Voluntary Commitments⁹ and new partnerships. In addition, it can be argued that one of the “invisible” outcomes of Rio+20 is an advancement of the youth agenda, which was perhaps best reflected in the fact that youth became one of the priorities of the Secretary-General of the United Nations. Overall, regardless of the challenges, obstacles and critiques of the Rio+20 process and its outcomes,¹⁰ one could say that indeed Rio+20 represented a benchmark in sustainable development. However, it is still too early to judge the outcomes as they still need to withstand the test of time, especially regarding to the transformation of the global governance.

YOUTH ENGAGEMENT IN THE RIO+20 PROCESS AND BEYOND

The importance of youth has been formally acknowledged in the international agenda for many decades. In 1965, UN member states for the first time recognised the role of youth.¹¹ However the engagement of youth with

the UN was established in the Earth Summit. Agenda 21 recognised children and youth as one the most relevant parts of civil society for achieving sustainable development.¹² This political statement was materialised in 1993 by the establishment of the Major Group for Children and Youth (MGCY)¹³ at the UN Commission on Sustainable Development (UNCSD).¹⁴

The focus of the MGCY is two-fold: it aims to facilitate youth input into sustainable development processes and to foster information sharing and communication between a diverse network of youth organisations, groups and individuals who share a common interest in sustainability. The vision of the MGCY is the advanced participation of young people at all levels, locally, nationally, regionally and internationally, in the protection of the environment and the promotion of economic and social development. Its mission is to ensure that the interests of children and youth are taken into account in planning and decision-making processes and that youth in particular can participate meaningfully in sustainable development processes.

The MGCY offers an entry point for the participation and engagement of young people in sustainable development deliberations, and as such it aims to provide different and new forms of engagement that are based on the identified needs, interests, capacities and resources of young people. The MGCY’s par-

ticipation takes place within the participatory regime of the Major Groups that is shaped, but not entirely limited, by the UNCSD’s rules, procedures and established practices for participation and engagement of major groups. This means that the MGCY participates on an equal footing with the eight other major groups identified by Agenda 21, as part of a participatory regime that shows an innovative approach¹⁵ to engagement with civil society.

It is important to recognise that youth participation is additionally but somewhat subtly shaped by ongoing youth related initiatives and processes, such as Youth 21,¹⁶ the Official Youth Delegates Programme,¹⁷ the work of Interagency Network on Youth and Development (IANYD)¹⁸ and development of the UN System-wide Action Plan on Youth (SWAP).¹⁹ Similarly, working with and for youth is one of the priorities in the UN Secretary-General’s (UNSG) five-year action plan,²⁰ as part of which a UNSG Special Envoy on Youth has been appointed.²¹

The MGCY, as a mechanism for youth engagement, has been fairly successful²² in addressing the needs of youth and advocating for youth interests within the sustainable development process, but it has mostly failed to secure continuity and sustainability in youth initiatives. The failure is a direct result of the lack of strategic, systematic and continuous engagement and empowerment of youth, in addition to the lack of resources allocated

for youth. Young people have worked hard to neutralise or minimise negative trends, but from a long-term perspective, engagement practices are not sustainable, and ultimately they result in the disempowerment of youth. Therefore, it is of great importance to ensure that for the youth constituency – which is, among other things, characterised by a high level of turnover – there is professional support²³ that will empower and facilitate²⁴ youth engagement in global governance.²⁵



Youth engagement and participation can take different types and forms. In general, four types of youth engagement with the UN can be identified:

- youth participation in processes;
- youth engagement in policymaking;
- youth engagement in programme and activity design and implementation;
- youth engagement within the UN system in general.

In the Rio+20 process, youth engagement had many facets, including those related to policy development and advocacy, campaigning, development and implementation of participation and communication strategies, facilitation of youth inputs and participation, organ-

isation of Rio+20 related activities at local, national, regional and international levels, capacity building, capacity development and knowledge management. Youth from more than 20 countries also had an opportunity to engage with the process by becoming official youth delegates of their respective countries at Rio+20.

The experience of youth engagement in Rio+20 underlines serious weaknesses and challenges in the current practices of engagement, but it also showcases how engagement can be an empowering and transformative experience when organised and facilitated properly.

GOOD PRACTICES AND CHALLENGES OF ENGAGEMENT

The advancement of youth participation in the international arena cannot be disregarded as an invisible outcome of Rio+20. Good practices need to be distilled, shared and applied further.

While the MGCY is one of the UN mechanisms for the engagement of youth, it is completely run by youth on a voluntary basis. The key to the success of this mechanism was the

commitment of youth to the process and to setting up a governance structure. The MGCY constituency developed an internal governance document on the mandate, organisation and decision-making processes of the group. In its work, the MGCY is then led by principles that are founded in human rights and democracy. Also, a clear step-by-step process of decision-making was established. In order to ensure that the group is representative and open, most decisions were made online and by consensus. As for its structure, the MGCY has Organising Partners (OPs) who are tasked with disseminating relevant data and information in order to facilitate activities and inputs that maximise youth participation. In addition to the OPs, the following structures were established:

- a facilitation team mandated as the MGCY's main decision-making body;
- policy task forces tasked with the preparation of policy inputs into the process;
- working groups established to enable young people with different interests to be involved according to their own level of capacity.

In spite of the commitment of youth and established structures, throughout the Rio+20 processes the MGCY faced numerous challenges and obstacles. The MGCY was able to overcome those by ensuring democratic decision-making,²⁶ by which the constituency had a fuller ownership of all decisions; this

was a sometimes tedious, but ultimately fruitful, process.

Engagement in policy discussions on the themes and objectives of Rio+20 was of great importance to the MGCY, both from a process and substance perspective. One of the innovations introduced at Rio+20 was an ability to contribute to the Zero Draft outcome document. From a process perspective, this represented a significant advancement of engagement, as it ensured that civil society, including youth, were able to contribute actively – to some extent – to the shaping of the Rio+20 outcome document.²⁷ This also meant that all contributions made to the process were documented in a transparent manner.

While disappointed with the overall outcome document of Rio+20, the MGCY

was successful in lobbying for specific MGCY policy points to be included in the text.²⁸ This policy success of the MGCY was in large part due to ability of youth to build relationships and partnerships with representatives of the member states and the UN. Similarly, increasing the visibility and reputation of youth as well as ensuring the consistent, committed and focused engagement of the MGCY in the Rio+20 process greatly contributed to the perception of youth as relevant partners in the process.

Another good example of youth engagement was offered by the Sustainable Development Dialogues organised by the Government of Brazil with the support of the UN.²⁹ In order to ensure youth participation, Brazil and UNDP

mobilised youth facilitators for the process and ensured that youth voices were represented in the panels.

Because young people may be inexperienced in engagement or not used to having their voices heard and taken into account, empowerment is a key to the meaningful participation of young people. With the scale of Rio+20, many young people were new to the process and had no prior understanding or knowledge of intergovernmental processes. Hence, building their capacity was crucial. The MGCY organised numerous capacity building sessions, supported by the UN. One of the biggest achievements of the MGCY was co-hosting, with Brazil and in partnership with the UN, “Youth Blast – Conference of Youth for Rio+20.” The focus of the conference was to build capacities of youth, strategise for youth engagement at Rio+20 and plan activities for post-Rio+20 and post-2015. Youth Blast was attended by more than 1,800 young people from 123 countries across six continents.

CONCLUSION: THE WAY FORWARD TOWARDS GREATER ENGAGEMENT OF YOUTH

In 2012 and 2013, there were significant improvements in youth engagement with the UN, especially in the context of post-2015 processes that eventually converged with the Rio+20 processes: the profile and credibility of youth was raised during Rio+20, youth became one of the UNSG’s priorities,

“Young people have worked hard to neutralise or minimise negative trends, but from a long-term perspective, engagement practices are not sustainable, and ultimately they result in the disempowerment of youth.”

a UN Envoy on Youth was appointed, the UN Youth SWAP was developed and a discussion on youth human rights was initiated. Unfortunately many challenges remain, but there is a strong urge from different sectors and stakeholders to have a strategic focus on youth and to build upon already established good practices of youth engagement. Hence, some of the recommendations for the greater engagement of youth – both in processes and content – are as follows.

Strengthen youth civil society through:

- empowerment activities such as capacity building and capacity development, knowledge management and experience sharing;
- investment in youth structures – both mid-term and long-term – to improve the sustainability of youth initiatives, build resilience in youth and create an enabling environment for innovations;
- monitoring and evaluation of youth engagement, especially through documenting challenges, experiences, lessons learnt and best practices. Special attention should be given to the quality and outcomes of youth participation.

Advance a legal and policy framework on youth by:

- ensuring a human rights-based approach to youth and youth issues, and recognising the specific rights of youth;
- developing political and administrative

capacities to engage with youth through capacity development and activities focused on addressing institutional and structural inequalities faced by youth;

- conducting reforms based on research and evidence, particularly with regard to access to information and participation opportunities;
- adjusting institutional arrangements to be youth friendly³⁰ and efficient in responding to the rights and needs of youth.

Build partnerships with youth, including:

- partnerships for fostering innovations and supporting youth leadership. Additionally, efforts should be made to pilot innovative programmes and activities;
- using non-traditional means of engagement, such as ICTs;
- the creation of an enabling environment for continuous and constant engagement of youth in law and policy, development, implementation and monitoring and evaluation.

¹This interpretation is heavily dependent on the social and cultural, but also on legal norms that impose the inability and incapability of young people to participate in society. In addition, there is a still dominant public discourse of young people as leaders of the future, but not leaders of today, that is reaffirmed through the institutional, legal, social and economic obstacles to young people's participation.

²It must be noted that young people have been on the international agenda since the end of the 20th and the beginning of the 21st century. However, without the emergence of the sustainable development agenda, it is very probable that youth would still not be high on the political agenda.

³Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development, UN General Assembly Resolution A/RES/64/236, 26 November 2012, <http://www.unep.org/resourceefficiency/Portals/24147/scp/10yfp/document/A%20C.2%2067%20L.45%20eng.pdf>.

⁴For more information, please visit the Rio+20 website: <http://www.uncsd2012.org/>.

⁵For more information on the Earth Summit, please visit: <http://www.un.org/geninfo/bp/enviro.html>.

⁶According to Agenda 21, broad public participation is a prerequisite for achieving sustainable development. In order to facilitate broad public participation, the creators of Agenda 21 agreed that this should be done through the creation of nine major groups, which would ensure representative engagement of the public in the sustainable development process. In order to do so, nine major groups were established, each one representing one part of society. These groups are: Business and Industry; Children and Youth; Farmers; Indigenous Peoples; Local Authorities; NGOs; Scientific and Technological Community; Women; and Workers and Trade Unions.

⁷Agenda 21: Programme of Action for Sustainable Development, United Nations Sustainable Development, UN Doc A/Conf.151/26, 3-14 June 1992, <http://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>.

⁸"The Future We Want" - Outcome document of Rio+20 United Nations Conference on Sustainable Development, 20-22 June 2012, <http://www.uncsd2012.org/content/documents/727The%20Future%20We%20Want%2019%20June%201230pm.pdf>.

⁹Rio+20 Voluntary Commitments, United Nations Conference on Sustainable Development <http://www.uncsd2012.org/voluntary-commitments.html>.

¹⁰A video of the Major Group for Children and Youth's Rio+20 Declaration entitled, "Something To Believe In" is available at <http://vimeo.com/47381594>.

¹¹Declaration on the Promotion Among Youth of the Ideals of Peace, Mutual Rhyperlink.17.

¹³For more information on the Major Group for Children and Youth, please visit: <http://uncsdchildrenyouth.org/> and <http://childrenyouth.org/>.

¹⁴For more information on UN Commission on Sustainable Development, please visit: <http://sustainabledevelopment.un.org/csd.html>.

¹⁵This innovative approach reflects in the changes in the governance landscape where civil society as non-state actors are engaged in the decision-making process, programming and decision implementation. Before Agenda 21, these were exclusively reserved for member states.

¹⁶Youth 21 is a process for building a framework for youth engagement in the UN system. For more information, see: <http://www.unhabitat.org/categories.asp?catid=680>.

¹⁷The Official Youth Delegates Programme is a programme of the UN DESA, Division of Sustainable Development for the inclusion of youth in the official delegations to the UN. For more information, see: <http://undesadspd.org/Youth/OurWork/Youthdelegateprogramme.aspx>.

¹⁸Interagency Network on Youth and Development is a network consisting of UN entities, represented at the headquarters level, whose work is relevant to youth. For more information, see: <http://undesadspd.org/Youth/UNInterAgencyNetworkonYouthDevelopment.aspx>.

¹⁹Youth SWAP is a framework to guide youth programming for the UN system. For more information, visit: [http://www.undg.org/docs/13099/UN%20System-wide%20Action%20Plan%20on%20Youth%20\(3\).pdf](http://www.undg.org/docs/13099/UN%20System-wide%20Action%20Plan%20on%20Youth%20(3).pdf).

²⁰B Ki-moon, Working with and for women and young people, The Secretary-General's Five-Year Action Agenda, http://www.un.org/sg/priorities/women_youth.shtml.

²¹For more information, please see: <http://www.un.org/youthenvoy/>.

²²For more information, please see: Major Group for Children and Youth Rio+20 Final Report, UNMGY, September 2012, http://uncsdchildrenyouth.org/pdfs/MGYC_Rio20_Final-Report_final.pdf.

²³The youth constituency is one of the rare constituencies, if not the only constituency, that does not have paid staff for the coordination and facilitation of its participation and inputs and is entirely dependent on the enthusiasm, free time and resources of its members.

²⁴Empowerment here could be understood as support in administration, capacity building and strengthening youth accountability and follow-up initiatives.

²⁵Professional support should not by any means be perceived as a limitation to youth autonomy in the process. It rather should be seen as a support for the creation of an enabling environment for meaningful participation of young people, as well as some sort of mechanism aimed at neutralisation or minimisation of the challenges of youth participation that are particularly the result of the social, cultural, and legal norms.

²⁶Due to the challenges facing the MGCY, and in order to ensure that engagement is empowering, as well as to ensure a learning and youth-friendly experience, several styles of leadership had to be combined, such as democratic and laissez-faire leadership styles. In addition, all decisions were made by consensus, which could be critiqued as putting more focus on the process than on the outcomes of engagement. However, especially within the youth constituency, it was noticed that the advocacy and implementation of the outcomes are dependent on the process put in place.

²⁷Above fn 22.

²⁸For more information, see MGCY Youth Blast Report: <http://uncsdchildrenyouth.org/pages/youthblast.html>.

²⁹For more information, please see the programme for the sustainable development dialogues: <http://www.uncsd2012.org/index.php?page=view&type=13&nr=596&menu=23>.

³⁰Youth friendly in this article means suitable for young people and young people's rights, needs and capacities.

VOLUNTEERISM, CIVIC ENGAGEMENT AND THE POST-2015 AGENDA

UNITED NATIONS VOLUNTEERS
(UNV)

A 2009 United Nations Conference on Trade and Development (UNCTAD)/Non-Governmental Liaison Service (NGLS) publication posed the question: “The UN and civil society: Who is missing and why does it matter?” The publication went on to call for the direct involvement of peoples’ movements to add to the existing contributions of established civil society organisations (CSOs) to the work of the UN.¹

This contribution reflects on the evolving context and importance of inclusive citizen engagement for successful work in the multilateral arena. It then focuses on opportunities that can be capitalised on and challenges that need to be addressed to better include volunteer groups as part of broader civil society efforts to achieve people-centred development through multilateral arenas, with a particular focus on the post-2015 process.² This paper draws upon the insights of 13 interviewees from CSOs, volunteer groups and intergovernmental organisations.³

ROLE OF CIVIL SOCIETY VOICE IN INTERGOVERNMENTAL ORGANISATIONS

In 2013, civic engagement was again highlighted as an essential element for sustainable development, as reflected clearly in an array of publications and statements on developing a new development framework building on the Millennium Development Goals (MDGs).⁴ However, civil society is now more diverse than ever, ranging from organised groups to huge movements and various forms of non-formal mass action. This brings with it unparalleled power and possibilities, but also complexities. It makes it harder to work with a representative cross-section of civil society, but brings with it opportunities for innovative solutions that can potentially transform citizen-state relations.

A 2013 World Economic Forum report noted how “networked citizens have started to change the interface and expectations of civil society empowerment.” It highlighted different forms of citizen expression and participation over recent years, including uprisings in the Middle East and North

Africa to the Occupy Movement and citizen protests, from those against austerity to those demanding fair elections.⁵ A late 2013 analysis (covering 87 countries and 90 percent of the world’s population) of 843 protests between 2006 and 2013 notes the main grievances were economic justice and opposition to austerity, failure of political representation and political systems, global justice and human rights.⁶ It noted that the increase in the number and diversity⁷ of protests are “a result of people’s growing awareness that policy-making has not prioritized them.”



A changed civil society context was also illustrated by the findings of the Civil Society at Crossroads research project, which found different forms of organising among civil society players – reflected in different forms of engagement, expression and innovation – requiring realigned relationships nationally and internationally as a result of blurred North-South boundaries.⁸ Achieving representativeness of civil society and citizen voice in governance processes is complex and cannot simply rely on including organised civil society as a proxy.⁹ As the 2011 CIVICUS Civil Society Index (CSI) summary report noted: “CSOs are in danger of being seen as urban,

elitist institutions, disconnected from their constituencies.”¹⁰ However, there are new and broader alliances that can also emerge with new powers to influence change, for example, the anti-corruption movement in India.¹¹

The importance of creating an enabling environment that can respond to new forms of civic engagement in sustainable development is now widely acknowledged. The 2013 Report of the UN Secretary-General on accelerating progress for the MDGs and advancing beyond 2015 said: “The world’s quest for dignity, peace, prosperity, justice, sustainability and an end to poverty has reached an unprecedented moment of urgency.”¹² It acknowledged that to achieve that: “People across the world are demanding more responsive governments and better governance and rights at all levels.”¹³

The summary report from post-2015 consultations, “A Million Voices,” also made citizen expectations clear: “The consultations have revealed a huge appetite and demand for involvement not only in the design of the development agenda, but also in its future implementation.”¹⁴

CIVIL SOCIETY AND THE NEED TO RECOGNISE THE ROLE OF VOLUNTEERISM

It is in this global context that we suggest there is a need to understand the constructive

and complementary role volunteer groups and volunteerism can play, alongside broader civil society efforts, to achieve people-centred development.

However, perceptions from people in civil society about the contributions of volunteers and volunteer groups are mixed. As one interviewee reflected:

“Volunteers provide closeness to the issues and what’s going on. However volunteering is a framework that isn’t commonly used – it’s seen as unpaid work. This makes it harder to find common purpose with other CSO groups, where the language is deliberately not used for political reasons. Because of that the concepts behind it need more explanation.”

Another interviewee in the multilateral arena went further, saying:

“We engage with organisations, not citizens; that’s why we are glad to bring in

the volunteer voice to broaden the voice of communities. However there is some

resistance on the basis that volunteer groups don’t bring a separate policy angle to the intergovernmental process. They are also in a sense part of the work of all Major Groups.¹⁵ However, they are also a conduit for decisions bringing community voice to the table and conveying back decisions also, and in this way ownership and accountability at a community level is enhanced.”

This suggests there is a need for more clarity on the purpose and role of volunteer groups. The terms volunteering, vol-

unteerism and voluntary activities refer to a wide range of activities, including traditional forms of mutual aid and self-help, formal service delivery and other forms of civic participation, undertaken of free will, for the general public good, and where monetary reward is not the principal motivating factor.¹⁶ Within this conceptual framework, at least four dif-

“In terms of multilateral engagement, interviewees from CSOs and volunteer groups suggested that the quality of opportunities have been mixed.”

ferent types of volunteer activity can be identified: “mutual aid or self-help; service to others; participation or civic engagement; and advocacy or campaigning”.¹⁷

This clear breadth of volunteer work undermines suggestions that volunteerism is or should be simply about service delivery and shows volunteer work can also be oriented towards achieving change, for example, through advocacy or social activism¹⁸ and through engagement in governance processes.¹⁹ The power of volunteerism is related to its values of solidarity, reciprocity, social inclusion, social cohesion, empowerment and individual and societal wellbeing.²⁰



The engagement of volunteers in the work of civil society is more frequently referred to as participation, mobilisation or civic engagement than volunteering. This partly reflects the levels of professionalisation many CSOs have adopted over the last 20 years, partly in order to maintain funding and credibility. However, it also corresponds to perceived negative stereotypes of volunteers as unprofessional, inexperienced and unqualified, even though there have been strong efforts to change these

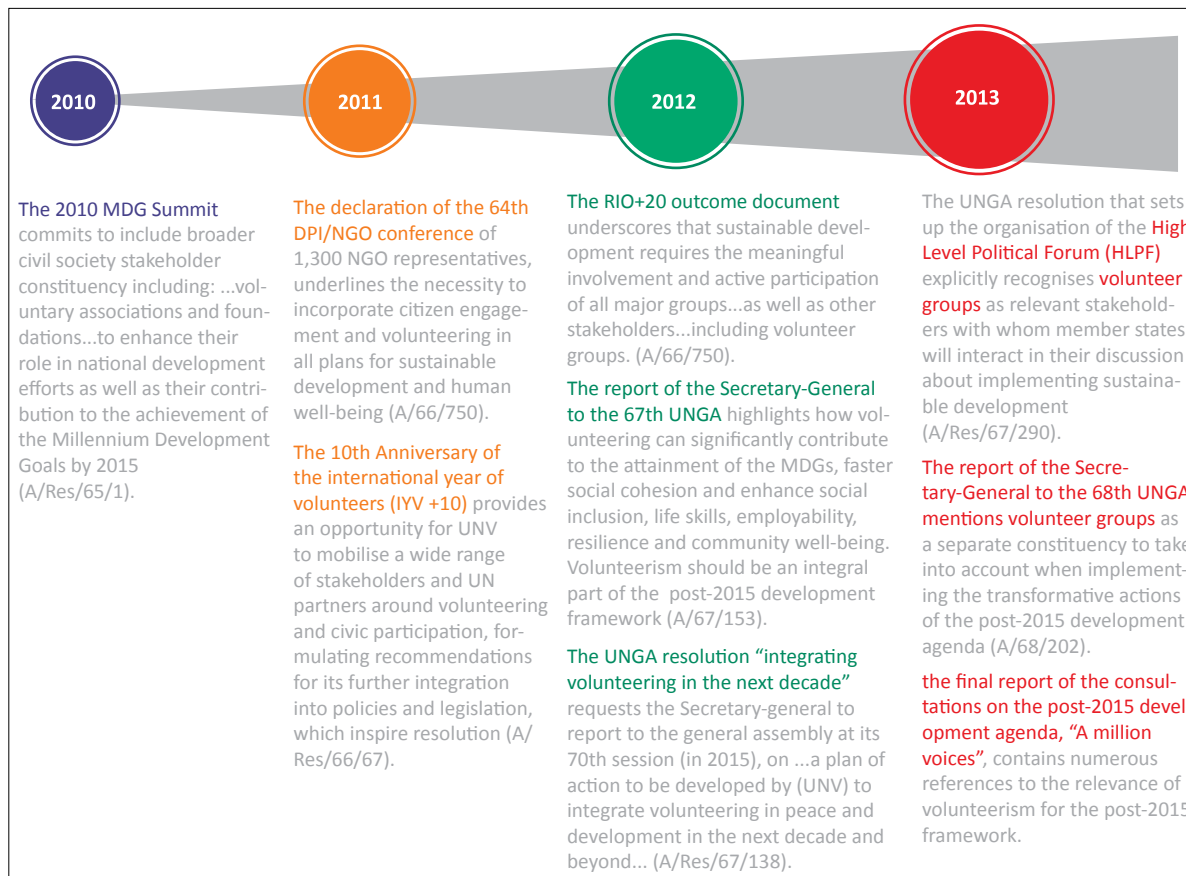
misperceptions, particularly in the last 10 years.²¹ As one agency explained when interviewed, “We use the term development workers to differentiate those we recruit to work in development on the basis that they receive a basic stipend and are not volunteers - and won’t be confused with stereotypes of volunteers.”

Partly in response to such attitudes, the term volunteer involving organisations (VIOs) has been devised. It includes many groups, not all of which are within civil society, that actively engage volunteers in their work, but do not consciously highlight volunteers as an explicit and visible part of their work.

There are some recent advances in recognition of the role of volunteerism in CSO work, including in the International Framework for CSO Development Effectiveness, the 2008-2011 CSI findings, the 2011 UN Department of Public Information (DPI) Non-Governmental Organizations (NGO) conference, the outcomes of the Rio+20 sustainable development summit and recognition of “volunteer groups” in post-2015 processes. The development of the International Frame-

work for CSO Development Effectiveness involved hundreds of civil society representatives and groups. The framework adopted in June 2011 by CSO representatives from 70 countries explicitly recognised the contribution of volunteers to development effectiveness. The Framework was later referenced in the Busan Partnership for Effective Development Cooperation, adopted by the Fourth High-level Forum on Aid Effectiveness.²²

Numerous volunteer groups were active in the organisation and content of the 2011 UN DPI/NGO conference on the theme of “Sustainable Societies, Responsive Citizens.” There was some debate in this process about the extent to which volunteerism and volunteer groups needed explicit recognition, as opposed to implicit inclusion, as part of citizens’ and civil society groups’ approaches to sustainable development. This was particularly noticeable in the approach of environmental organisations compared to more socially-oriented organisations. It was therefore a leap forward that discussions and working together led to a mutual understanding and recognition that people volunteering their time in both kinds of organisation form a fundamental base of citizen engagement for sustainability. The final declaration was adopted by 1,300 civil society representatives.²³ It demonstrated how a substantial conference preparation process, with diverse civil society representation, brought about explicit recognition of the role of volunteerism in achieving sustainable societies.



Rio+20, held in 2012, offered a further example. Volunteer groups worked in coalition with like-minded groups, building on a very successful Volunteer Action Counts campaign. The campaign was organised by volunteer groups, with the United Nations Volunteers (UNV) programme, in partnership with the Stakeholder Forum and Zero Footprint,²⁴ and with strong participation by many volunteer involving organisations, such as the International Federation of Red Cross and Red Crescent Societies (IFRC), the World Organization of the Scout Movement (WOSM) and

the volunteer coordinating organisation of the response to the 2011 Japan tsunami. It allowed organisations and individuals to register their voluntary effort, which totalled 64 million actions. The UN Secretary-General, in his report back to the UN General Assembly, explicitly referred to the power of those 64 million volunteer actions for sustainable development.

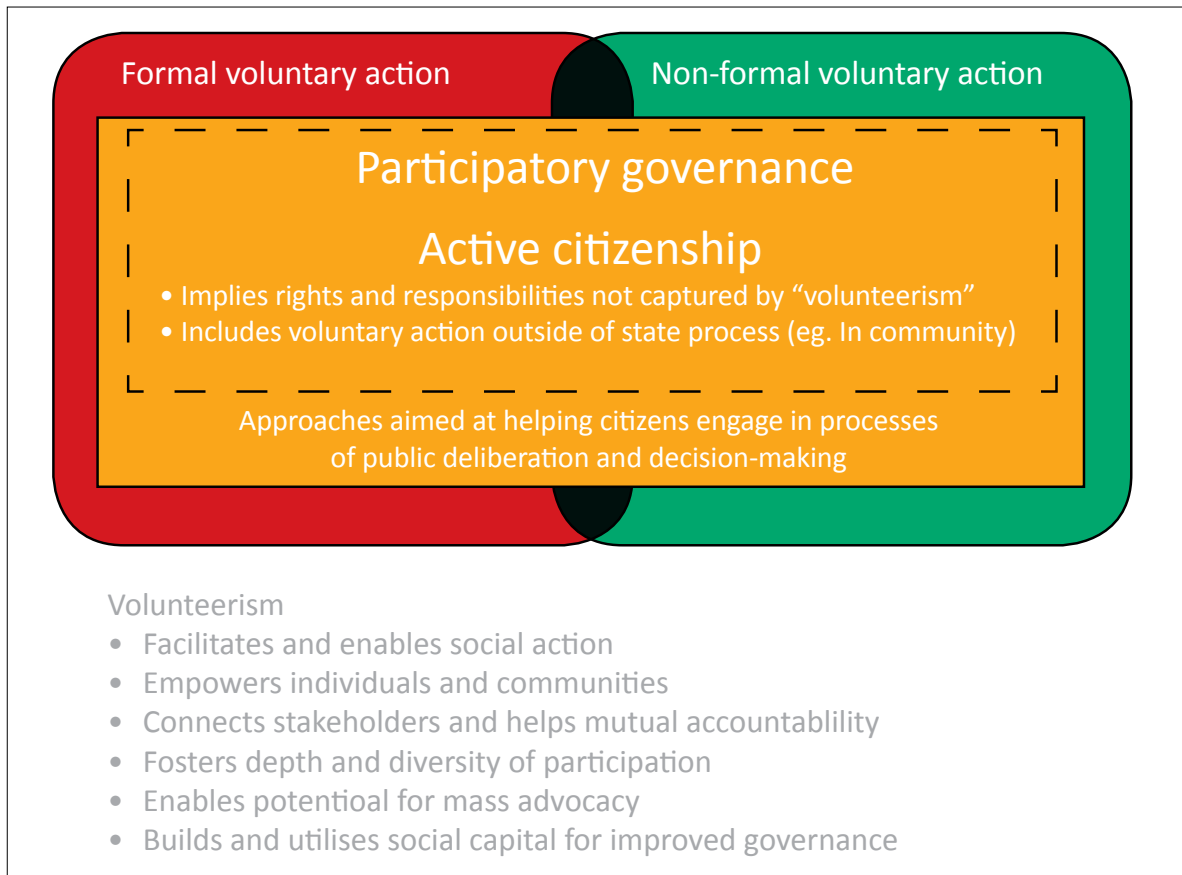
This active volunteer engagement and coalition building, along with commitments by governments convinced of the

contribution of volunteers, achieved an explicit reference to "volunteer groups" in the Rio+20 outcome document. This has provided heightened recognition alongside the nine Major Groups that have provided avenues for civil society engagement in sustainable development processes since 1992. See the growing recent recognition of volunteerism and volunteer groups in Graphic 1: Recent Volunteerism Milestones.

These recent positive steps should underscore that advocacy is part of volunteerism: "volunteers have supported action on a scale that would not have been possible without their involvement, and education and awareness campaigns gain a reach that would be impossible if it were not for voluntary contributions of time, skill and energy, to achieved broad-based social change."²⁵ It's also important to note here that non-formal voluntary action, where people act "...either as individuals or in groups, on either a periodic or ongoing basis"²⁶ should be seen as part of the civil society spectrum; the 2008-2011 CSI findings reported that non-formal action was the most common and preferred method for volunteering.²⁷

VOLUNTEER INVOLVING ORGANISATIONS IN MULTILATERAL PROCESSES

In 2012, the annual meeting of international volunteer cooperation organisations (IVCOs)



in Ottawa, Canada addressed the issue of how volunteer groups could engage with post-2015 processes to encourage voluntary civic engagement as a more explicit part of the new development framework. This led to a declaration on volunteerism in the post-2015 context, which was shared with the UN system to advocate for a role for volunteer groups. Similarly, a September 2013 volunteer stakeholders meeting in New York led to the formation of a task force²⁸ involving a broader coalition of volunteer groups, which led to a first-ever intervention on behalf of volunteer

groups at the 2013 General Assembly High Level Event on the MDGs.

Volunteer groups have faced challenges in engaging in multilateral processes. One VIO interviewee explained:

“Firstly, there have been barriers within the community of VIOs itself, partly through a lack of awareness and recognition of the importance of engaging more strongly in multilateral processes, and partly through resource shortness

to engage effectively as a collective. These have to be overcome through internal policy development and strategy work, strengthened resources as well as increased networking within and outside of VIOs. Secondly, there has also been resistance from within the broader family of CSOs – who tend to take volunteerism as such for granted and rather focus on their specific niche/political sectors and not on the very conditions for people’s participation and inter-human relations, including volunteering.”

Thus, there are challenges both within and outside VIOs. Further challenges for volunteer groups can be resource issues and a lack of focus on multilateral level issues. As another interviewee commented, “We focus more on advocacy in our headquarters and in the specific countries where we work than [sic] the global level.” Such engagement also requires being able to demonstrate evidence of the substantive and distinctive policy contribution of volunteer groups and volunteerism at the local level.

It is not easy to develop an evidence base, but this is crucial for effective policy engagement by civil society,²⁹ and work needs to be done here with intergovernmental bodies, as recognised for example by the Organisation for Economic Co-operation and Development (OECD) report, Better Policies for Development. It points out the need to complement

standard economic measures with other indicators covering dimensions of wellbeing and societal progress, such as income inequalities and many important services that households produce at home, including volunteer activities.³⁰ The development of such non-monetary measures will be important for developing a credible and accountable post-2015 framework with useful indicators. Volunteer groups are increasingly investing in this area to better document their substantive contributions. The International Labour Organisation (ILO) made an important contribution to standardising measurement of volunteer work through its Manual on the Measurement of Volunteer Work.³¹ The manual provides a standardised set of measures of volunteering for country labour force surveys. What is increasingly important is to pursue complementary work by CSOs, volunteer groups and multilateral/intergovernmental bodies to promote and build on tools and experience like the ILO manual and civil society measures like the CIVICUS CSI. These can enhance participatory processes, ownership, engagement, sustainability and multiple accountabilities.



VOLUNTEER GROUPS AND INTERGOVERNMENTAL ORGANISATIONS

In terms of multilateral engagement, interviewees from CSOs and volunteer groups suggested that the quality of opportunities has been mixed. As one volunteer group interviewee said:

“There are not overt barriers at multilateral levels. Historically, governments and multilaterals have supported volunteerism. This support has often led to people from the volunteering world taking key roles in international engagement. However, I think that governments and multilaterals still see civil society generally, and volunteering in particular, as amateur (so not serious) and supplicant (only after the money), rather than equal partners.”

There is, however, increasing recognition of the substantive contribution that volunteer groups make. This is reflected in the “MY World” survey for the post-2015 process, which collected the views of more than 1.5 million people³² through online, mobile and

offline outreach, and particularly through strong voluntary civic engagement all over the world. Substantive recognition is also evident in key recent documents ranging from national post-2015 reports to those by the Sustainable Development Solutions Network and others³³

UN consultation with civil society is based on Article 71 of the 1945 UN charter.³⁴ In 2004, the Cardoso High Level Panel on UN-Civil Society Relations recommended that the UN become more outward-looking, focusing on convening and facilitating work with civil society. It suggested that the UN embrace a plurality of constituencies to connect local operational work with global goals, and ensure that these reflect local realities.³⁵ As highlighted by a range of interviews for this paper, civil society and volunteer groups are seen as groups that can strongly engage a plurality of constituencies and link the local to the global. The importance and complexity of providing the UN with direct input from people’s movements and people at the margins requires volunteer groups to build carefully on lessons learned in this area.³⁶

Following on from Rio+20, the UN General Assembly agreed to “establish a universal, intergovernmental, high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replac-

ing the Commission.”³⁷ The high-level political forum (HLPF) will provide “political leadership, guidance and recommendations for sustainable development,”³⁸ and it will probably be the home of the Sustainable Development Goals (SDGs) after they are agreed upon by UN member states. “Volunteer groups” were explicitly recognised as a relevant stakeholder in the HLPF. They have the same rights as the other historic constituencies of the Major Groups, with a recognised voice in the process of monitoring the implementation of the future SDGs.³⁹

A 2013 study on Strengthening Public Participation at the UN noted the achievements and challenges of the Major Groups system.⁴⁰ The report drew on past reviews to highlight the “dangers and advantages of the professionalization of multi-stakeholder dialogues.” It highlighted interest from a range of other groups, including people with disabilities and volunteer groups and said, “Volunteers are asking for their contributions on the ground and to the implementation of the sustainable development agenda to be recognized, and are keen to be able to engage fully in the process.”⁴¹

In the context of the emerging experience with the HLPF, it is worth considering how current examples and suggestions of good practice in civil society interaction with multilateral arenas can be acted on and enhanced. Many people surveyed on post-

2015 accountability mechanisms proposed a system of multiple accountability involving all stakeholders, and to include governments, civil society, donors and the private sector, along with all beneficiaries, particularly those from marginalised groups.⁴²

In a recent survey of major groups and stakeholders, 18 percent of respondents highlighted UNEP, 10 percent UNDP and 8 percent the UN Commission on Sustainable Development as having the most effective civil society interactions,⁴³ suggesting that these are arenas to explore for examples of practice.⁴⁴ Some particularly valued examples of positive interaction have also been observed in mechanisms that provide some opportunity for participation alongside governments in discussions, drafting groups and governance, for example, the International Conference on Chemicals Management (ICCM), the Committee on World Food Security and its Civil Society Mechanism, or the ILO with its tripartite governance system where representatives of governments, employers and workers participate on equal terms.⁴⁵ The fact that a diversity of volunteer groups engage at different levels, from non-formal and community-based organisations to national and international levels, suggests that there are many possibilities for engagement that could be explored.

Volunteer groups should find ways forward and use the multiple arenas and new

opportunities to build coalitions and gain traction. As one interviewee in the multilateral arena stated:

“The view from outside is that civil society organisations with presence in multilateral arenas are often very specialised and with strong knowledge on some issues. They see volunteer groups make a contribution in bringing voices from the local level but not making a substantive contribution to the debate... Volunteer groups have done well to take advantage of recent opportunities, e.g., with the HLPF modalities and special reference to volunteer groups alongside Major Groups. This reflects more openness on the part of member states. Volunteer groups have taken up this space, but this has to be taken up as a long-term presence and commitment.”

OPPORTUNITIES AND CHALLENGES FOR VOLUNTEER GROUPS

It can be seen that there is growing recognition of the contribution of volunteer groups to sustainable development, though there remains a need to improve the understanding of this amongst some. Volunteerism is gradually being understood not just for its role in helping to deliver, but also for the substantive and distinctive contribution that volunteer groups can make in multilateral

arenas. While there are still some challenges, the HLPF provides a positive entry point for volunteer groups to complement the work of others, such as the Major Groups and other stakeholders.

The challenge for volunteer groups is to establish themselves as a broad and inclusive constituency that can relate to all volunteer involving organisations at the global, national and local levels, as well as the formal and non-formal arenas. By doing so, they can offer connection to grassroots realities and make it easier for people in CSOs to recognise volunteer groups as a key form of civic participation for sustainable development. In turn, greater engagement with volunteers would allow CSOs to take on and address critiques of disconnect between organised civil society and citizens, counter-balance reliance on external funders, and strengthen direct connections with citizens.⁴⁶

Volunteer groups can now be seen as part of a broader movement to build on the Major Groups process. As one interviewee from the multilateral arena noted:

“Last year volunteer groups were advocating for engagement but not so many others. Now others – energy, climate change, trade and finance groups – are bubbling up and they can help [Major] Groups think about how to be more visible and accountable. All groups need to be accountable to wider groups and people are searching

for ways to create and invest in improving and changing the process. Groups have to come together to help define that. Then we can find common cause.”

There are challenges and opportunities for CSOs to engage more successfully with volunteer groups and volunteerism in both formal and non-formal settings. The diversity of volunteerism and the substantive contribution of volunteer groups offer benefits for collaboration to strengthen the participation, voice and representation of civil society. The challenge for CSOs is to see the benefits of accountability, reach and action from engaging more strongly with volunteer groups at every level.

The challenge in multilateral arenas is to find genuine spaces for participatory governance that “promote greater democratic engagement by enabling citizens to play an active role in the decision-making process.”^w The post-2015 process provides a valuable framework to consolidate this space in structure and in practice, building on citizens’ engagement with participatory processes and consultations to date and the emerging recognition of volunteer groups.

UNITED NATIONS VOLUNTEERS (UNV)

The United Nations Volunteers (UNV) programme is the UN organisation that promotes volunteerism to support peace and

development worldwide. Volunteerism can transform the pace and nature of development, and it benefits both society at large and the individual volunteer. UNV contributes to peace and development by advocating for volunteerism globally, encouraging partners to integrate volunteerism into development programming and mobilizing volunteers.

UNV is administered by the United Nations Development Programme (UNDP).

Appendix 1. Interviewees for paper

Anita Nayar, Chief, Office in New York, and Kathryn (Katie) Tobin, Associate Communications Officer, United Nations Non-Governmental Liaison Service (UN-NGLS)

Anush Aghabalyan, Senior Advocacy Coordinator, World Association of Girl Guides and Girl Scouts

Barbara Hogan, Director, International Volunteering, CUSO International

Chantal Line Carpentier, Sustainable Development Officer and Major Groups Programme Coordinator, UN Department of Economic and Social Affairs Division for Sustainable Development

Cristina Diez, Main representative to the UN, International Movement ATD Fourth World

Jake Bharier

Katie Turner, Global Research and Advocacy Advisor, Volunteering for Development, and Kate Cotton, Global Advisor - Volunteering for Development, Innovations and Partnerships, VSO International

Mandeep Tiwana, Head of Policy and Research, CIVICUS: World Alliance for Citizen Participation

Mark Lister, Chief Executive, Progressio

Nita Kapoor, Director General FK Norway/Fredskorpset, Chair, The International Forum for Volunteering in Development

Xavier Longan, Programme Analyst, UN Millennium Campaign

¹ N McKeon, Strengthening Dialogue: UN Experience with Small Farmer Organizations and In-digenous Peoples, UNCTAD/NGLS, 2009, http://www.un-ngls.org/IMG/pdf_complete.pdf.

²Post-2015 refers to the process led by the UN to help define the future global development framework to succeed the Millennium Development Goals (MDGs).

³See appendix for list of interviewees.

⁴Please see the following resources for information on the new development framework: A Million Voices: The World We Want. A Sustainable Future with Dignity for All, United Nations Development Group, 2013, http://www.undg.org/docs/13183/f_UNDG_MillionVoices_Web_full.pdf; B Burns, J Howard, et al., Work With Us: How People and Organisations can Catalyse Sustainable Change, Institute of Development Studies, 2013, http://www.participate2015.org/wp-content/uploads/2013/09/Work-with-us_How-people-and-organisations-can-catalyse-sustainable-change-FINAL.pdf; Civil Society Consultation for the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, NGLS, 2013, <http://www.worldwewant2015.org/NGLSconsultation>; and The Future Role of Civil Society, World Economic Forum, 2013, <http://www.weforum.org/reports/future-role-civil-society>.

⁵ The Future Role of Civil Society, World Economic Forum, 2013, <http://www.weforum.org/reports/future-role-civil-society>.

⁶World Protests 2006-2013 - Executive Summary, Initiative for Policy Dialogue and Friedrich-Ebert Stiftung, 2013, http://policy-dialogue.org/files/publications/World_Protests_2006-2013-Executive_Summary.pdf.

⁷It highlighted a diversity of people who may not previously have been considered likely to protest, drawn from the middle class, young and old people and other social groups.

⁸Civil Society @ Crossroads: Shifts, Challenges, Options, Participatory Research in Asia, et al., 2012, <http://www.intrac.org/data/files/resources/757/Civil-society-at-a-Crossroads-Global-Synthesis-Report.pdf>.

⁹K Biekart and A Fowler, A Civic Agency Perspective on Change, (2012), Development 55(2), 181; Bridging the gaps: Citizens, organisations and dissociation: Civil Society Index summary report: 2008-2011, CIVICUS, 2011, <https://civicus.org/downloads/CSIReportSummary.pdf>.

¹⁰Bridging the gaps: Citizens, organisations and dissociation: Civil Society Index summary report: 2008-2011, CIVICUS, 2011, <https://civicus.org/downloads/CSIReportSummary.pdf>.

¹¹B Pratt, Civil Society at a Crossroads: The impacts of political changes over the past two

Years in 2013 State of Civil Society, CIVICUS, 2013, <http://socs.civicus.org/?p=3835>.

¹²A Life of Dignity For All: Accelerating Progress Towards the Millennium Development Goals and Advancing the United Nations Development Agenda Beyond 2015, United Nations General Assembly, 2013, Report of the Secretary-General, <http://www.un.org/millenniumgoals/pdf/A%20Life%20of%20Dignity%20for%20All.pdf>.

¹³Ibid, pg 11.

¹⁴A Million Voices: The World We Want. A Sustainable Future with Dignity for All, United Nations Development Group, 2013, http://www.undg.org/docs/13183/f_UNDG_MillionVoices_Web_full.pdf.

¹⁵Agenda 21 from the 1992 Earth Summit designated nine sectors of society as key channels for citizens to organise and participate in global efforts for sustainable development through the UN, officially called "Major Groups," The groups are: Business and Industry; Children and Youth; Farmers; Indigenous Peoples; Local Authorities; NGOs; Scientific and Technological Community; Women; and Workers and Trade Unions.

¹⁶Recommendations on Support for Volunteering, Resolution Adopted by the United Nations General Assembly, UN Doc A/RES/56/38, 10 January 2002, <http://www.unv.org/fileadmin/docdb/pdf/2007/N0147881.pdf>.

¹⁷Volunteering and Social Development, A Background Paper for Discussion at an Expert Group Meeting New York, 29-30 November, 1999, United Nations Volunteers (UNV), <http://mirror.undp.org/capacity/cases/insights/volunteering.pdf>.

¹⁸Broadening Civic Space through voluntary action: lessons from 2011, CIVICUS and United Nations Volunteers, 2011, <https://civicus.org/images/stories/resources/2011%20volunteerism%20publication.pdf>.

¹⁹Above fn 17.

²⁰State of the World's Volunteerism Report: Universal Values for Global Wellbeing, United Nations Volunteers, 2011, <http://unv.org>.

²¹Ibid.

²²Busan Partnership Agreement for Effective Development

Cooperation, OECD and UNDP, 2011, <http://www.oecd.org/dataoecd/54/15/49650173.pdf>.

²³Declaration adopted at the 64th annual Conference of the Department of Public Information for Non-Governmental Organizations, Sustainable societies; responsive citizens, Bonn, Germany, 3-5 September 2011, UN Doc A/66/750, <http://www.un.org/wcm/webdav/site/dpingorelations/shared/Final%20Declaration/BonEng.pdf>.

²⁴Stakeholder Forum is an international organisation working to advance sustainable development and promote democracy at a global level. Zerofootprint is a cleantech software and services company that makes environmental impact measurable, visible and manageable for corporations, governments, institutions and individuals.

²⁵Volunteering and Social Activism: Pathways for participation in human development, International Association for Voluntary Effort (IAVE), CIVICUS and United Nations Volunteers (UNV), 2008, www.civicus.org/new/media/VolunteerismandSocialActivism.pdf.

²⁶Above fn 18.

²⁷Above fn 10.

²⁸Members of the task force include the International Forum on Development Service, International Association for Voluntary Effort (IAVE), World Association of Girl Guides and Girl Scouts (WAGGS), World Alliance of YMCAs, VSO International, Volunteer Service Abroad (VSA), World Organization of the Scout Movement (WOSM) and CUSO International.

²⁹J Court, et al., Policy Engagement: How civil society can be more effective, Overseas Development Institute, 2006, <http://www.odi.org.uk/sites/odi.org.uk/files/odi-assets/publications-opinion-files/200.pdf>.

³⁰Better Policies for Development, Recommendations for Policy Coherence, OECD, 2011, <http://www.oecd.org/pcd/48110465.pdf>.

³¹Manual on the Measurement of Volunteer Work, International Labour Organisation, 2011, http://www.ilo.org/global/publications/books/WCMS_167639/lang--en/index.htm.

³²MY World analytics available at <http://data.myworld2015.org/>.

³³Above fn 14; An Action Agenda for Sustainable Development: Report for the UN Secretary General, Sustainable Development Solutions Network, 2013, <http://unsdsn.org/files/2013/11/An-Action-Agenda-for-Sustainable-Development.pdf>; and United Nations Ageing in the 21st Century: A Celebration and a Challenge, United

National Population Fund and HelpAge International, 2013 at <http://unfpa.org/ageingreport/>.

³⁴The Economic and Social Council may make suitable arrangements for consultation with non-governmental organisations which are concerned with matters within its competence. Such arrangements may be made with international organisations and, where appropriate, with national organisations after consultation with the concerned member of the United Nations. Article 45, Charter of the United Nations, 1945, <https://treaties.un.org/doc/publication/ctc/uncharter.pdf>.

³⁵We the peoples: civil society, the United Nations and global governance: Report of the Panel of Eminent Persons on United Nations – Civil Society Relations, United Nations General Assembly, UN Doc A/58/817, 11 June 2004, <http://www.globalpolicy.org/images/pdfs/0611report.pdf>.

³⁶Above fn 1.

³⁷The future we want, Resolution adopted by the General Assembly on 27 July 2012, UN Doc A/RES/66/288, http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/66/288&Lang=E.

³⁸Format and organizational aspects of the high-level political forum on sustainable development, Draft resolution submitted by the President of the General Assembly, UN Doc A/67/L.72, 27 June 2013, <http://csonet.org/content/documents/A67L72.pdf>.

³⁹Above fn 12.

⁴⁰B Adams and L Pingeot, Strengthening Public Participation at the UN for Sustainable Development: Study for UN DESA/DSD Major Groups Programme, June 2013, <http://sustainabledevelopment.un.org/getWSDoc.php?id=795>.

⁴¹Ibid.

⁴²Civil Society Consultation for the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, Non Government Liaison Service, 2013, <http://www.worldwewant2015.org/NGLS-consultation>.

⁴³Ibid.

⁴⁴This survey is limited in scope because it focuses on non-governmental organisations (NGOs) in consultative status with the United Nations Economic and Social Council. The CIVICUS scorecard of civil society-intergovernmental organisation engagement has sought to measure IGO engagement with a wider cross-section of civil society.

⁴⁵Preliminary report of the Survey on Models and Mechanisms of Civil Society Participation in UNEP, United Nations Environment Programme and Non-Government Liaison Service, February 2013, http://www.unep.org/civil-society/Portals/24105/documents/GMGSF/GMGSF%2014/Survey_Report_12Feb2013.pdf.

⁴⁶Above fn 18.

⁴⁷B Burns, J Howard, et al., Work With Us: How People and Organisations can Catalyse Sustainable Change, Institute of Development Studies, 2013, <http://www.participate2015.org/wp-content/uploads/2013/09/Work-with-us-How-people-and-organisations-can-catalyse-sustainable-change-FINAL.pdf>.

THE FUTURE WE WANT¹: UNDERSTANDING THE NEW REALITY OF GOVERNANCE POST-RIO+20

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INTRODUCTION: AFTER RIO+20, NEW OPPORTUNITIES

“We participate to decide and we decide when we participate”; variations of this tenet have been expressed thousands of times by people all over the world since this century began. Such sentiments were heard often at the Rio+20 Conference on Sustainable Development in 2012, when more than 40,000 representatives from non-governmental organisations (NGOs) and civil society² joined governments and participated in that global UN summit in Rio de Janeiro, Brazil. Governance issues came to the fore: good governance and participation in decision-making processes was one of the key agenda points of the conference and a major focus of the almost two-year preparatory process leading up to the conference.

By the end of September 2015, the UN and its member states will have agreed on a new set of development goals, aptly named the Sustainable Development Goals, SDGs, complete with geographically relevant targets, strategic parameters, review systems and a timeline for implementation. The stage should be set for a better tomorrow – or, as the outcome document from Rio+20 was entitled, for ‘The Future We Want.’

Fifteen years into the 21st century, at least nine major areas need to be adequately addressed to create well-being for all:

1. geopolitical change, the re-writing of the political map;
2. replacing conceptions of the North-South bipolar world with those of a multipolar world;
3. issues of economic growth and its disparities, economic reorientation and green economies, and employment/unemployment;
4. environmental problems and ecosystem disturbances;
5. food, water, climate and energy issues;
6. education for all;
7. independent research and science/evidence-based decisions;
8. electronic development, information flows and their access;
9. equity, social inequality and poverty issues.

Three areas can be defined that can provide some tools to deal with these issues:

- a new development paradigm (and the related question of whether the post-2015 development agenda is the answer);
- a renewed understanding and use of good governance systems and processes;
- an institutional reorganisation to accommodate these two.

It is against this backdrop that governance and development issues should be judged. The test should be whether what is being proposed and negotiated adequately answers these political challenges and offers governance tools to implement plans and strategies for at least the next 20 years.

THE BURGEONING OF ORGANISED CIVIL SOCIETY

NGOs and civil society organisations have during the past decades become increasingly accepted players, with influence seen on local, national, regional and international scenes. As more and more people in the West have left organised political parties, and an increasing number of people in other parts of the world are on the lookout for organisational instruments that can represent and channel their views, various organisational structures within the so-called non-governmental/civil society segment of society seem ready to absorb

these people and spearhead their views. India is noted as the country in the world with most registered NGOs, in total numbers and by per capita – more than 3.3 million NGOs are registered there.

The picture has been one of rapid growth globally. There were an estimated 400 international organisations (defined as those operating in more than three countries) in 1920 and around 700 in 1939.³ The NGO/civil society world enjoyed unprecedented growth since the Second World War ended in 1945, and can be seen to have done so in proportion to the growth of the UN. NGOs/civil society were propelled into political importance during the Cold War period⁴ and found an outlet for engagement and expression of

views through the advent and development of multilateral institutions. They became significant operators in relief and development, often viewed as impartial go-betweens, at times spearheading controversial and sensitive issues seen as too difficult for governments to touch. The many Nobel Peace Prizes awarded to various NGOs⁵

are testament to this. NGOs and civil society as a whole has been given added political significance by events in the world since the beginning of the 21st century not the least of which was the advent of social media.⁶ In the present day, NGOs/civil society can no longer be dismissed as a ‘Western phenomenon’. In the 21st century, it is a global political force, found in every country around the world.

***“Authoritarians
in the 21st century
pay a compliment
to democracy by
pretending to be
democrats.”***

The struggle for people to be an accepted part of decision-making processes that affects their lives is as old as humanity itself. Civil society is often viewed as the antidote to administrative systems, institutions and bureaucracies. The truth of the matter is, however, that for civil society to be effective and have an impact, it needed to organise and form institutions.

Civil society came of age in the 20th century, and not without struggles. The most difficult struggles perhaps were fought against being ignored – and to be taken seriously. For civil society to be successful in its endeavours it needed to be organised and the organisations needed to be recognized as legitimate entities. Access, participation, transparency

and accountability were key elements of this struggle – elements that are considered to be among the basic values of good governance. Without institutions, how else could issues such as accountability, rule-bound behaviour and transparent processes be tested?

It also became obvious that when acting in organised political systems, as societies are, lasting change could only be achieved when civil society was granted access to organised political systems based on rule-bound behaviour with developed transparent processes, where outcomes and agreements are respected.⁷ The UN system offers one such system, having evolved over time.

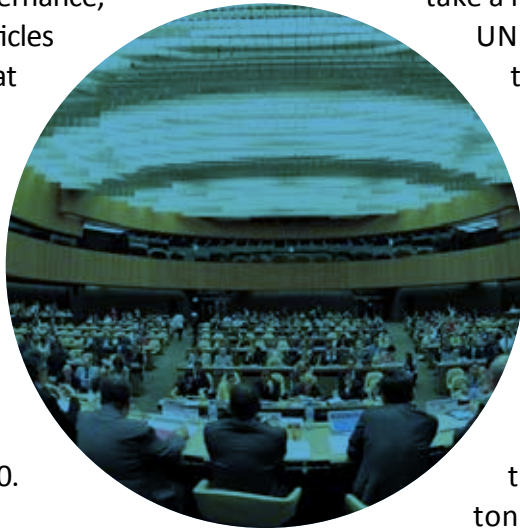
GOOD GOVERNANCE – THE RAISON D’ÊTRE FOR CIVIL SOCIETY

The struggle for participation and access is not new in national or global agendas, but civil society’s impact on global governance is of a relatively recent nature.

A proposed 1996 UN conference on good governance was scrapped, as governments found the topic both too tenuously defined but also too provocative. Several governments were also unsure of how to handle the growing interest in intergovernmental politics expressed by civil society during the 1990s and knew that participation and access issues would play a significant role in such a conference. But

the issues of participation and access would continue to grow in significance nonetheless.

“Good governance at the local, national and international levels is perhaps the single most important factor in promoting development and advancing the cause of peace,” stated then UN Secretary-General Kofi Annan at the beginning of this century. NGOs and civil society were quick to echo Kofi Annan’s statement on good governance, not least by producing articles and background papers that eloquently argued for the extension of participatory privileges and access in intergovernmental fora and institutions. A decade into the 21st century, such views had proliferated and had an impact on the preparatory process leading up to Rio+20.



THE UN AS A SOURCE OF NGO AND CIVIL SOCIETY RECOGNITION

There is a strong focus on governance issues and stakeholder engagement in the Rio+20 Outcome Document. But governments that negotiated this document did not want cooperation with only a group of undefined “stakeholders.” They wanted collaboration

with the broad spectrum of NGOs, civil society, science and research institutions, local authorities, trade unions, and businesses. The two general terms for these groups, which are continually utilised in the document and elsewhere, are stakeholders and Major Groups.

To understand the current role of NGOs/civil society in global governance, it helps to take a historical perspective. The UN system has been important – by recognising and giving a gradually growing role to NGOs/civil society – in driving greater recognition of the important role of NGOs/civil society overall. Most intergovernmental systems have come to rely on the UN system to set the tone, and hence it helps to understand how the UN system relates to NGOs/civil society and what roles are accorded them in the UN system.

Many historians refer the invention of the concept of non-governmental organisations (NGOs) to the UN and its system of accreditation used at the founding conference of the UN in San Francisco in 1945, thus allowing the NGO community a formal role in being involved in international pro-

cesses. As several interest groups other than government delegations were invited to the conference, at the behest of the US government, there was a need to differentiate between the various players, and so the term “non-government organisation” was coined. When the term found its way into the UN Charter in Article 71, it became formalised and legally recognised. Article 71 – authorising the Economic and Social Council (ECOSOC), a charter-based body of the UN, to handle this issue – was historically the first legal recognition of NGOs, giving them a formal and respected role in intergovernmental processes.

Some 40 NGOs were present at the founding conference in San Francisco in 1945. When the UN started its work, four NGOs were given accreditation. After 25 years, by 1970, when the word “international” had started to attain a deeper understanding and UN membership stood at 140 states, some 380 NGOs had been accredited by ECOSOC to the UN. It would take another 20 years, by the time of the first Rio Conference in 1992, for this figure to reach 900. But in less than 10 years following this, by the turn of the new century, this figure had more than doubled, to almost 2,000.⁸ By the end of 2013, almost 4,000 NGOs have been given a form of ECOSOC accreditation.⁹

Because of the staggering numbers of NGOs attending the various large-scale

UN conferences of the 1990s, the UN invented what was termed a “fast track accreditation system” allowing for a large number of NGOs to be accredited on a conference-by-conference basis. During the 1990s, the UN thus gave accreditation, and the political recognition and credibility this confers, to tens of thousands of NGOs all over the world. With the new millennium, the world of global politics had definitely come to accept another political actor that demanded more than lip service recognition: NGOs and by inference large segments of civil society had become a political force in the intergovernmental sphere and a practical operator in the field.¹⁰

INNOVATION IN CIVIL SOCIETY RECOGNITION AT RIO

Behind the Rio+20 Conference and its 40,000 NGO/civil society participants were a number of formal considerations. Formally speaking, the bodies of the UN functioning under the UN General Assembly (UNGA), or the Charter bodies of the UN,¹¹ should recognise only three actors: member states with their delegations, intergovernmental organisations and NGOs. Strictly speaking, any non-state organisation that is not recognised as an NGO by ECOSOC should not be given access to any UN body under the UNGA, any of the Charter bodies or a UN Summit such as Rio+20.

However, recognition of a growing challenge in conventional ways of organising intergovernmental politics, which manifested itself through the 30,000 or so non-state participants in the first Rio Conference, the UN Conference on Environment and Development (UNCED) in 1992,¹² fed a realisation of the need to expand conceptions of NGOs/civil society. As Rio+20, UNCED was a UN conference organised under the auspices of the UNGA. Consequently the formal challenge was to relate an enlarged understanding of the NGO concept to the understanding expressed by Article 71 of the Charter and further elaborated by ECOSOC. This led to the birth of the Major Group concept. The invention of the nine Major Groups can be understood as a creative effort by members of the UN system and its member states, with active contributions from NGOs and civil society, to bridge formal, conceptual and political gaps in the debate on how to understand the emerging and growing world of civil society and non-state actors.

First tested as a concept and used as a designation during the March 1992 preparatory meeting for UNCED, the nine Major Groups received their formal recognition in Agenda 21, the outcome document of UNCED. They are: Women; Children and Youth; Farmers; Indigenous Peoples; NGOs; Workers and Trade Unions; Local Authorities; Science and Technological Community; Business and Industry.¹³

CIVIL SOCIETY AND THE UN: MUTUAL INTERDEPENDENCE

Growing numbers of accreditation implied that NGOs had become recognised as a political force in the intergovernmental sphere and a practical operator in the field.¹⁴ Since then, it can be argued that the sheer number of NGOs, combined with their expertise and implementation capacity in the field, has made it harder for governments to ignore them. That is why the Rio+20 Outcome Document begins by referencing the participation of civil society and ends with a plea for voluntary commitments that can be made by both governments and civil society.

Global politics and intergovernmental processes have changed dramatically over the past few decades. The contribution UN bodies make to establishing global norms may not always be well understood, but the diffusion of norms is often a prerequisite to the successful implementation of agreements. Among these normative contributions is the involvement of civil society including non-governmental organisations in global processes.

An often stated truism is: unless governments own intergovernmental processes, policies will never be taken seriously. Another could be: unless people feel ownership of development, little will be implemented. Intergovernmental processes and civil society need each other. The post-Rio process

to develop the Sustainable Development Goals (SDG) offers a unique opportunity to combine these two political realities, since the SDGs will shape major UN work well into the next two decades.

THE HIGH-LEVEL POLITICAL FORUM – THE PINNACLE OF GOVERNANCE

A little more than a year after Rio+20, UNGA established what initially was thought to be the most important intergovernmental mechanism for follow-up. On 9 July 2013, during its 91st Plenary Meeting, UNGA formally adopted by consensus in resolution 67/290 the format and organisational aspects of the High-Level Political Forum (HLPF). The HLPF has replaced the Commission on Sustainable Development as the supreme entity at the UN to coordinate sustainable development, and it will become the future home of the SDGs. No UNGA resolution has ever given NGOs/civil society such wide ranging access opportunities to the UN. In some ways, the resolution could be seen as a crowning achievement for non-governmental organisations and civil society in their efforts to be accorded access to decision-making processes historically reserved for government representatives. Major Groups will have access to all HLPF meetings, the ability to intervene in proceedings and make oral and written statements.¹⁵

Considering the HLPF and its content merely as a Rio+20 follow-up fails to grasp the historical significance of this construct. Without the weight of NGO history and several decades of lobbying the intergovernmental system by NGOs, the HLPF would never have been formulated in the way it is. The HLPF can be seen as the result of the work of NGOs at the UN over the past 60 years.

THE SUSTAINABLE DEVELOPMENT GOALS – A NEW DEVELOPMENT PARADIGM

The era of development and aid was initiated in part by the UNGA, when it named the 1960s the first Development Decade (DDI). This focus would dominate large parts of international collaboration into the first decade of the 21st century. During the 1970s, amidst the discussion about a New International Economic World Order,¹⁶ the aid and development discourse was evolving, and the UN concocted the Basic Needs Strategy, while numerous NGOs became important partners to government aid agencies and UN bodies involved in development, such as UN Development Programme (UNDP) and the regional development banks. The dominant development paradigm of the time divided the world into North and South, reflected in patterns of organisational functioning. These discourses also made the major part of the UN

into a North-South functioning organisation. The SDGs introduce a new idea of development, although it seems ironic to term this debate as new, as it embraces and promotes one of the basic tenets upon which the UN was founded in 1945: the principle of universality. Designed as an all-embracing development approach, the SDGs will apply to every country in the world. This will challenge our traditional view of development, while still being based on basic values to promote well-being for all people. One major issue in these debates is whether poverty eradication should be a goal, a target or an over-arching cross-sectional theme. For those countries scoring high on the UNDP Human Development Index (HDI), a global goal on poverty eradication makes little sense, as these countries do not have the extreme poverty seen elsewhere. However, these countries still struggle with social exclusion, issues of injustice and growing inequity. Perhaps a generic goal on inequality would be more attuned to the next 20 years of development and targets to deal with this better outlined?

Last year's CIVICUS State of Civil Society report¹⁷ discussed the problem of inequality at length and stated:

“Meanwhile, greater inequality (in both rich and poor countries) is also discounted in the agendas of discussions on our future. This is despite clear consequences of inequality,

which at one level can lead to increased political instability and violence, and at the other end to entrenching poverty.”

What will it take to have an intergovernmental organisation firmly founded in an analysis of the world based on sustainable development with a view to creating the future we want? The post-Rio debate has yet to deal with how to put in place an institutional structure for civil society to propagate good governance for the future. CIVICUS raised the issue in last year’s report:¹⁸

“There is a need for a renewed debate over the roles and priorities of civil society in many parts of the world, which should reassess relationships with both the State and civil society membership and constituencies alike ... The issue is therefore not just a question of resources, but also one that may challenge the very roles of organisations that were set up and driven by a specific externally-funded aid agenda... Key questions here include: are the large numbers of development groups or specialised agencies as necessary as they once were?”

Undoubtedly these issues will have an impact on how we see governance in the future.

FUTURE CHALLENGES TO GOVERNANCE AND CIVIL SOCIETY – CONCEPTUAL PRECISIONS

A number of challenges will arise for how the role of NGOs and civil society in global governance can be further developed, sustained and enhanced in future. Three are listed here: a conceptual precision, specialisation that may divide and governance openings that are closing.

The concept and meaning of civil society must be utilised with care and with precision. An increasing number of reports and studies now attempt a new distinction using terms such as

non-state actors or simply stakeholders with the intention that this would mean civil society. Substituting civil society with ‘stakeholders’ or ‘non-state actors’ in formal documents, such as UN resolutions, thinking this will guarantee that the interests of civil society organ-

isations or NGOs are taken care of, is at best erroneous, and at worst disastrous.

How will we understand and utilise the concepts NGO and civil society? As earlier stated, the UN Charter in 1945 was the first legal document to recognise the term non-governmental organisation. As the UN Charter also employs the phrase “We, the peoples” which are words that are often closely associated with civil society, the association to civil society may have already been made. Since then, the term NGO seems to have become synonymous with civil society. This is, however, an assumption based on a faulty and imprecise understanding of the nature and work of NGOs and civil society. It would for instance be correct to state that: All civil society organisations are non-governmental organisations, but all non-governmental organisations are not civil society organisations.

Many have tried to give a clinching definition of the concepts of NGOs and civil society, but in a fast-changing political environment consensus and widespread usability have remained elusive and often incorrect. This debate has many sides to it: theoretical, conceptual, political and ideological. Civil society is not a legal concept while the term non-governmental organisation has a legal definition. NGOs cannot formally be seen or understood to be only synonymous with civil society. For instance, the Major Groups defined by Agenda 21 are organised as NGOs and

***“Alienation of
NGOs/civil society
could prove
devastating to
the future of
governance and
the SDGs.”***

interrelate with the UNGA system through NGO-constructs. The Major Groups system is also one of the most efficient tools available today for NGOs to access the UN system. This system will continue to be a major force in post-Rio governance work. Several of the nine are often directly associated with civil society and also see themselves as representing such organisations. It will therefore be important in these contexts to connect the concept of civil society to the concept of NGOs to give civil society a more formal and hence more legitimate position. An imprecise application of these concepts has already contributed to stakeholder confusion that exists today, which can be counterproductive to what civil society tries to achieve.

WILL SPECIALISED NEEDS DIVIDE CIVIL SOCIETY?

Key elements of our development demand more and expert input. As the world grows more complex, issues are singled out and given special treatment. Processes agreed upon in the Rio+20 Outcome Document will also rely on expertise at a high level. Clearly defined interest groups with expert knowledge are therefore likely to be invited to participate in these intergovernmental processes. Governments often ask NGOs and civil society how they can contribute to the development and implementation of such processes.

Beginning in the 1990s, single issue institutions have been more inclined to accept at a high level NGOs, Major Groups and other civil society fora that have relevant expertise on these issues. The UN consists today of a plethora of such institutions and the following are some that have relevance to sustainable development issues: the Strategic Approach to International Chemicals Management (SAICM), an institution that reports on chemicals to the UN Environment Programme (UNEP); the Joint United Nations Programme on HIV/AIDS (UNAIDS); the Committee on World Food Security (CFS); and the many UN Multilateral Environmental Agreements (MEAs).

However, complex global developments are also reflected in the discussions taking place at the more general bodies of the UN and will most decidedly have an impact on the SDG process.

Since specialised expert groups, to which many single issue NGOs relate, can provide government negotiators with leading edge research results and incisive analysis, delegates are more prone to integrate expert groups into the inner, formal sanctum of the intergovernmental system. It follows that delegates are then more inclined to design formal rules of procedure catering to this need. Thus it has become easier for expert groups and the NGO community to interact with the substantive and thematic areas of single issue organisations. The danger raised is whether this could

split the civil society community between those that have insider status and those that do not.¹⁹

GOVERNANCE OPENINGS ARE CLOSING

Authoritarians in the 21st century pay a compliment to democracy by pretending to be democrats; liberal democracy has become the default acceptable form of government on the political landscape. By the turn of this century more than 60 percent of the world's independent states had become electoral democracies.²⁰ Windows of opportunity for including NGOs/civil society into intergovernmental processes seemed at first to open up all around. The Organisation for Economic Co-operation and Development (OECD) established formal links with NGOs during the 1990s. After the first Rio Conference in 1992 and the establishment of the Major Groups system, other bodies within the UN system opened up and accorded NGOs and members of civil society participatory privileges. Most of the UN Specialised Agencies and the Rio institutions²¹ quickly integrated non-state actors to a high degree, and report after report could attest to the benefits of such integration.

During the 1990s, the Cold War de-escalated and brought new opportunities for political cooperation, with harmony emphasised over enmity. During this period governance development progressed, and the participation of

NGOs/civil society was granted throughout most of the intergovernmental system. The Commission on Sustainable Development (CSD), charged with following up Agenda 21, became a leader in good governance processes, and inspired other entities of the UN to follow suit. Paragraph 84 of the Rio Outcome Document is written in this spirit:

“We decide to establish a universal inter-governmental high level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development...”

This led, as earlier stated in this article, to the UNGA resolution establishing the HLPF, with wide-reaching participatory privileges for NGOs, Major Groups and civil society organisations. But the question remains – how long will the governance door stay open?

Already there are dark clouds on the horizon. The Rio Outcome Document granted universal membership to UNEP and mandated it to redirect its entire system. Having once been the first body within the UN system to allow NGOs and members of civil society the privilege to participate, UN member states belonging to the G-77 group of countries – that are engaged in writing the rules of procedure for the revised UNEP – are now questioning these privileges.

Several country groupings within the UN are given special attention due to development priorities. The Small Island Development States (SIDS) is one such group, and ever since it was established, NGOs including civil society were welcomed and considered respected and necessary actors in implementing field programmes. Members from the G-77 group of countries are trying to establish a formal procedure to block participation for NGOs/civil society in upcoming SIDS conferences. Even the new HLPF is not yet safe, despite the strong language found in the UNGA resolution. The greatest challenge to NGOs/civil society today is whether they have the necessary knowledge, strength and strategic skills to preserve and further develop the governance privileges attained at the moment in intergovernmental processes.

The NGO/civil society community was crucial in the implementation of the Millennium Development Goals (MDGs). The same community will play an equally important role in the implementation of the SDGs. Should NGOs and civil society be prevented from participating in SDG policy processes, there is a good chance they will not be able to play a full part in national or regional implementation. This community can play important roles in the future of SDGs, review processes, analysis and outreach. Alienation of NGOs/civil society could prove devastating to the future of governance and the SDGs.

CONCLUSION

The progress on good governance we enjoy today is primarily the result of a long and arduous struggle by civil society, often opposed, often suppressed and more often than not ignored. The struggle for participation and access to allow people to participate in decision-making processes is also the struggle to establish and organise civil society into more than just ‘the voice of the people.’ No governance process functions without an institution; therefore, the right to organise into institutions became one of the cornerstones of civil society’s effort to improve the lives of people.

To fully appreciate the struggle for freedom, justice, democracy and participation, a long perspective, drawn through many cultures, is needed: from civil society in Greek city-states, through laws of Hammurabi in the Middle East; via the elegant civil servant systems developed in China, through the principle of Habeas Corpus expressed in the Magna Carta in 1215; via the heroic and fearless struggle of the Enlightenment philosophers in Europe, through the bravery of human rights lawyers including the first arbitration negotiations in Latin America, declarations of Independence and heroic struggles against colonialism in Africa and Asia; to the Charter of the UN and “we, the peoples”.

It is not possible to stop a historic trend, but it is possible to halt it, sometimes for long

periods of time. What is needed for the post-Rio period is a vigilant and knowledgeable civil society – able to plan and work for the future, willing to compromise to collaborate amongst itself and sort out internal differences, alert enough to spot negative trends before they emerge and with enough integrity not to fall prey to co-optation. Only then will civil society be successful in constantly implementing good governance for all.

¹This title is also the title of the outcome document from the UN Conference on Sustainable Development, Rio 2012, the Rio+20 Conference.

²This paper will also discuss the utilisation of the concepts NGOs, civil society, stakeholders, Major Groups, etc. There is considerable debate over these issues, often fraught with inaccuracies. This article deals with these issues in relationship to the UN, and accordingly a number of formal issues become important. The UN General Assembly system formally recognises only the concept of NGOs. Hence, I consistently use this term first, and then connect other elements: NGOs/civil society; NGOs and members of civil society, etc. Other organisations may choose to do otherwise.

³Quoted from Bill Seary in *The Early History: From the Congress of Vienna to the San Francisco Conference, in The Conscience of the World: The influence of non-governmental organisations in the UN system*, ed. Peter Willetts (London: Hurst, 1996); For further reading see also L Emmerij, R Jolly, and TG Weiss, *Ahead of the Curve?: UN Ideas and Global Challenges*, (Indianapolis: Indiana University Press, 2001).

⁴Several authors have dealt with this issue – including J Galtung, the Bertrand Russel Peace Foundation and others – for an overview of this issue and a list for further reading, see M Kaldor, *Global Civil Society: An Answer to War*, (UK: Polity Press/Blackwell Publishing Ltd, 2003).

⁵Médecins Sans Frontières, 1999; International Campaign to Ban

Landmines, 1997; The Pugwash Conferences on Sciences and World Affairs, 1995; International Physicians for the Prevention of Nuclear War, 1985; Amnesty International, 1977; The League of Red Cross Societies, 1963 and 1944; Quaker Peace & Social Witness (QPSW), previously known as the Friends Service Council, 1947.

⁶Engagement by NGOs and civil society at World Trade Organisation (WTO) meetings and at UN Conferences of the Parties (COPs), especially in 2009 at the Copenhagen Summit (COP 15), as well as most recently during the Arab Spring.

⁷Anti-slavery work in Britain is a case in point. After several strong persons had laboured individually against the abomination of slavery, the “Society for the Abolition of the Slave Trade in Britain” was founded in 1787. This was reorganised through the Anti-Slavery Society (ASS), founded in 1823. Its substantive objective was achieved in 1838 after serious lobbying the British parliament for years when slavery was abolished.

⁸P Willetts in JW Foster and A Anands, (eds.), *Whose world is it anyway?* (Ottawa: United Nations Association, 1999), pg 254.

⁹Basic facts about ECOSOC status are available at: <http://csonet.org/index.php?menu=17>.

¹⁰Michael Edwards and David Hulme parallel this development in M Edwards and A Fowler, (eds.), *The Earthscan Reader on NGO Management* (London: Earthscan, 2003), pgs 187-198.

¹¹The United Nations Charter bodies are as follows: The UN Security Council, Economic and Social Council (ECOSOC), the Trusteeship Council, the International Court at the Hague, the Secretariat of the Secretary-General of the United Nations and the UN General Assembly.

¹²The UN Conference on Environment and Development (UNCED), Rio de Janeiro, Brazil, 1992, which adopted Agenda 21.

¹³Chapter 23 in Agenda 21 recognised by the UNGA resolution A/RES/47/190, in December 1992.

¹⁴See fn 7.

¹⁵Paragraph 15 of the HLPF resolution.

¹⁶The New International Economic World Order (NIEO) was promoted by the developing nations through UNCTAD in the early 1970s, inspired by the UNGA resolution on Declaration for the *Establishment of a New International Economic Order* (A/

RES/S-6/3201). It was an effort to recreate the global economic system on a more just and equitable basis with improved terms of trade for “third world countries”. Among its protagonists was the Dutch economist Jan Tinbergen. To an extent the NIEO concept was also inspired by the philosophy espoused in *Small is beautiful: Economics as if people mattered* (1973) by British economist E.F.

Schumacher. Infused with the Basic Needs principles, NIEO also inspired many of the fair trade schemes developed as a critique to the dominating economic free trade and free market systems. NIEO died a sad death during the economic debates and global recession of the 1970s, only to be replaced by structural adjustment policies that by most accounts opened the way for new public management (NPM) and exacerbated poverty and inequality

¹⁷CIVICUS, *State of Civil Society 2013: Creating an enabling environment*.

¹⁸Ibid.

¹⁹The Finnish Philosopher Georg Henrik von Wright defines what he calls “the tyranny of experts” as one of the major challenges to democracy and participation. As our societies become more complex, and information is suffused with the language of experts, the ability to make relevant, sensible decisions and to understand the consequences of such decisions becomes increasingly difficult and opaque. Rather than labouring to understand the complexity of issues, ordinary people may increasingly rely on experts and believe that experts will make the correct decisions. He also makes the point that expert decisions rely more on scientific facts, often bereft of moral understanding and implications, which removes expert decisions from decisions arrived at democratically. Participation, transparency and good governance are the lost elements. See GH von Wright, *The myth of progress* (originally published in Swedish, *Myten om framsteget*, 1993); see also M Ignatius, *The lesser evil – political ethics in an age of terror*, (Edinburgh: Edinburgh University Press, 2003).

²⁰See F Fukuyama, *The origins of political order*, (London: Profile Books, 2011).

²¹Primarily the institutions around the three Rio Conventions: UNFCCC (climate), UNCBD (biodiversity) and UNCCD (desertification), the Commission on Sustainable Development, CSD.



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MULTI-STAKEHOLDER GOVERNANCE SEEKS TO DISLODGE MULTILATERALISM

HARRIS GLECKMAN

INTRODUCTION

Today's core institutions of global governance were put in place after the Second World War. However, in the intervening 60 years, the global economy has completely changed; international civil society organisations (CSOs) have played key roles in intergovernmental conferences; multinational corporations (MNCs) have multiplied in size and scope; and environmental problems have evolved into challenges to the stability of global ecosystem. Yet the formal institutions of global governance have remained state-centric, and they are demonstrably unable to manage contemporary globalisation, contain global climate change or address systemic social failures.

THE WORLD ECONOMIC FORUM AND THE GLOBAL REDESIGN INITIATIVE

The lack of an effective global governance system during the 2008 financial crisis even

worried some of the international elite. In 2009, one of these elite bodies, the World Economic Forum (WEF), brought together 700 experts to work for over a year and half on a project that they hoped could re-shape global governance. The WEF (otherwise known as Davos) is the annual host of the world's economic, financial, government and civil society leaders at a ski resort in Switzerland. While the 2014 Davos event brought together 2,500 of these people, the number of the elite who are treated to high level seminars and bilateral private meetings by the WEF is much greater. The annual Davos event has spun-off over a dozen regional conferences and sector-specific gatherings, which together has created a significant platform for increased coherence and contacts for the world's elite.

For this community, the Davos study on international institutions recommended multi-stakeholder governance as a par-

tial replacement for intergovernmental decision-making. In the end, the 600-page Global Redesign Initiative (GRI) report is – for better or worse – the most comprehensive blueprint for a post-nation state global governance system currently in circulation.

“The existing multilateral system of nation-states is fundamentally different from a framework that puts the multinational firm at the centre of power.”

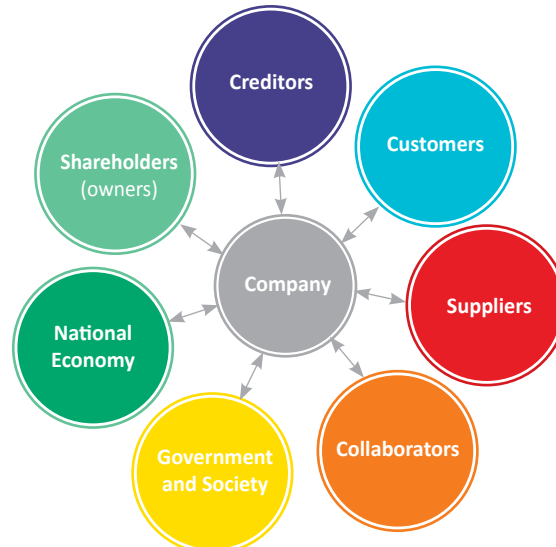
To prepare this study, the WEF created 40 Global Agenda Councils and industry-sector bodies. Each Global Agenda Council consisted of a mix of corporate executives, academics, government officials and civil society leaders. The [GRI final report](#) is structured around their thematic global governance proposals, plus a series of policy essays and organising principles that lay out the WEF framework for multi-stakeholder governance.¹

In the intergovernmental arena, multi-stakeholder consultations have gained wide support as a framework for bringing together independent constituencies to develop common approaches to contemporary global challenges. The 2007

Helsinki Process, a government-led multi-stakeholder study on global governance, summarised the diversity of purposes of multi-stakeholder activities in the following manner:

“Numerous past initiatives stand to demonstrate that multi-stakeholder cooperation – bringing together representatives of government, civil society, the private sector, religious organisations, academia and media – may take a range of different forms and contribute to global governance and problem-solving in various ways: [they can] help to broaden discussion and identify global public needs... introduce the element of global issue interest into inter-governmental negotiations, alongside the traditional national interest... help to overcome stalemate in highly conflict-ridden policy arenas... and gather and disseminate knowledge by bringing together actors with different views on and approaches to issues.”²

What the WEF proposes is to take these previous attempts at multi-stakeholder engagement and elevate them into a "multi-stakeholder governance" system. It is not alone in this effort. At various UN bodies there have been recommendations for institutionalising global public-private partnerships. There are, however, sharp differences between multi-stakeholder consul



As shown in Klaus Schwab's book *Moderne Unternehmensführung im Maschinenbau*, the company is at the centre, surrounded by its stakeholders.

tation and multi-stakeholder governance, some of which are often blurred by loose use of the terms multi-stakeholder and partnership.³

THE WEF'S VIEW OF STAKEHOLDERS AND MULTI- STAKEHOLDERISM

For the WEF, the multi-stakeholder concept is centred on the corporation, with stakeholders being constituents associated with corporations. As WEF founder Klaus Schwab outlined in 1971 and then reiterated in the organisation's 40th anniversary book (2010), the "...management of the modern enterprise must serve all stakeholders (*die Interessenten*), acting as their trustee charged

with achieving the long-term sustained growth and prosperity of the company."⁴ The concept is illustrated with a graphic depicting the company in the centre, with ovals from top to bottom that read "shareholders (owners)," "creditors," "customers," "national economy," "government and society," "suppliers" and "collaborators".

The three crucial elements of what WEF means by multi-stakeholder are embedded here. First, that multi-stakeholder structures do not mean equal roles for all stakeholders; second, that the corporation is at the centre of the process; and third, that the list of WEF's multi-stakeholders is principally those with commercial ties to the company: customers, creditors, suppliers, collaborators, owners and national economies. All other potential stakeholders are grouped together as "government and society".

The existing multilateral system of nation-states is fundamentally different from a framework that puts the multinational firm at the centre of power. Under the WEF's proposal, the selection of key multinational executives for a multi-stakeholder governance arrangement would be done either by the self-selection of leading firms interested in managing a particular global challenge with other constituents or by an initiating organisation (in the WEF governance report, typically the WEF is cited as the convening organisation).⁵

However, there is a tension in the report around the concept of multilateralism. The introductory essays welcome both a better multilateral governance system and the creation of a new multi-stakeholder governance system. The essays call for "extending inter-governmental norms and legal frameworks"⁶ and for "reinforcing the capacity of intergovernmental institutions."⁷

Yet the only specific examples of new inter-governmental norms or framework cited in the body of the report are to create a global systemic financial risk watchdog⁸ and to change the IMF Articles of Agreement on expanding international liquidity.⁹ With the sole exception of proposals on marine matters, the GRI provides no concrete examples of extending intergovernmental norms and standards in any of the social, environmental, human rights or labour fields.¹⁰ The only references to strengthening the capacity of institutions involve the World Bank, IMF, and ILO. The report contains no specific proposals to change the mandate or to enhance the finances of any major UN body.

The balance of this tension is clearly resolved in their major strategy message:

"Redefine the international system as constituting a wider, multifaceted system of global cooperation in which intergovernmental legal frameworks and institutions are embedded as a core, but not the

sole and sometimes not the most crucial, component."¹¹

MULTI-STAKEHOLDER GOVERNANCE IN PRACTICE

Several examples of practical multi-stakeholder governance exist already: the Marine Stewardship Council, the Forest Stewardship Council, the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Kimberley Process to certify un-cut diamond sales and the UN Secretary-General's new UN Partnership Facility. Each of these sector-focused organisations has a different configuration of corporations, governments and civil society participants; each has had a different procedure to set its terms of reference; each has a different set of rules for making decisions and adopting policy statements; and each has a different level of success.

Here the definition of success is obviously crucial. The Kimberley Process could be seen as having solved its original problem, but the leading CSO Global Witness quit in frustration; the Global Fund has generated considerable new capital for global health, but has

also threatened the legitimacy of the World Health Organisation; the Forest Stewardship Council has set standards for consumer purchases and transformed a significant portion of the global timber market; and the Secretary-General's Partnership Facility is explicitly aligned with the Millennium Development Goals without, however, allowing any explicit supervisory intergovernmental oversight.

The WEF's proposal is to elevate these practical experiments, along with their Davos multi-stakeholder model, into a new explicit form of global governance. Multi-stakeholder groups, public-private partnerships or coalitions of the willing and able, as they are variously termed in the GRI report, would be expected to take the lead in addressing unsolved global issues. There is no need to wait for the inter-governmental system to gain universal

consensus to act: those multinational enterprises, states, civil society bodies, academic institutions and parts of the UN staff that share a common approach should take it upon themselves to act. The official intergovernmental system can defer to these joint partnerships, provide *de facto* recognition to a multi-stakeholder process, or provide *de*



jure legality after the fact to the outcomes of a given public-private partnership.

The WEF's approach therefore embraces efficient action for those who are ready to act, while marginalising in the process the government-led multilateral system. What is left unsaid is that leaving governance to self-selected and potentially self-interested elite bodies risks undermining public acceptance and democracy.

As the GRI project directors explain:

“While experimentation with individual public-private and multi-stakeholder partnerships has flourished over the past decade, including in many international organizations, they continue to play an incremental, even experimental, role in the international system rather than a systematic one. For this to change, policy-making processes and institutional structures themselves will need to be adapted and perhaps even fundamentally repositioned with this in mind.”

THE WEF GOVERNANCE PROPOSAL FOR CSOS

The WEF sees the leadership of international CSOs as important players in their proposal for multi-stakeholder governance. The WEF's concept of civil society begins with NGOs but also includes institutions that are based in

the academic community, the international media, the religious world and the cultural industries. In the WEF's international and regional meetings, it invites a cross-section of representatives from these non-state, non-business communities. From the WEF's perspective, the leaders of civil society bring four important attributes to the Davos experience and to global governance.

In the first instance, these organisations are repositories of knowledge about the complexities of globalisation. Leaders of international CSOs can bring to the table their access to sources of information about the world that the existing fragmented governmental institutions have failed to grasp. Their knowledge is far more sensitive and more nuanced about the realities of daily life than that generally held by CEOs and other corporate executives.

Second, they have a strong moral commitment to address structural imbalances in the world.

Third, they are willing to share their knowledge and value commitments with senior MNC executives who have deficiencies

in their knowledge base about the impacts of globalisation and a weakened moral compass given their concentration on business matters. Some CSOs have already opted to engage directly with MNCs in an effort to address specific crises or to implement specific projects. These mini-governance

undertakings – whether called 'public-private projects', or 'corporate relationship building exercises' – demonstrate a new form of activist-based civil society relationship with international business.

Fourth, civil society leaders sometimes have legitimacy with

communities of people who are overly marginalised in the global community. From GRI's perspective, these civil society leaders can help convey acceptable solutions to global problems and perhaps significant ideological messages from the international elites to diverse communities connected to CSOs around the world. These messages, whether conveyed face-to-face or via various electronic networks, can have a significant impact on the leadership of other CSOs.

The WEF proposes to formally elevate certain knowledgeable elements of civil society to

“Ultimately, the test of any international programme is, does it work?”

be partners in global leadership. The WEF's leaders also know some CSOs and religious bodies could well challenge the logic and ethics of normal international corporate activities. Accordingly, Davos has been careful in selecting the right CSO leaders to bring under the governance tent while many CSO leaders have been pushing WEF to welcome a wider range of civil society organisations in their programmes.

ISSUES AT STAKE IN ANY MULTI-STAKEHOLDER GOVERNANCE SYSTEM

Were the WEF's proposals, or similar proposals for multi-stakeholder governance to be widely accepted, there are at least five crucial new elements that would change in global governance. The new elements are:

- defining global issues that are heavily influenced by the needs of multinational corporations, rather than governments;
- introducing a selection system of participants for a given multi-stakeholder governance arrangement without public review;
- creating decision-making processes within particular multi-stakeholder groupings without protections for minority views;
- undermining the nature of the commitment to the outcome of a global decision-making system;

- institutionalising MNCs and selected CSOs as formal parts of the global governance system.

CONTROL OVER THE DEFINITION OF ISSUES

Framing a global issue is the first step in a political process. Governments often spend considerable time negotiating the wording used to frame an issue. This sometimes ends up in a lengthy resolution reflecting compromises between diverse viewpoints. Other times this ends up with an ambiguous phrase that keeps complex issues open for future negotiations. The reason for these outcomes is that control over the definition of a problem is the first step both in gaining attention for an issue and in solving it, according to the interests of the participants.

Of course any group can define an issue according to its own frame of reference. What the WEF proposes is that when important global issues appear on the international political horizon, a multi-stakeholder group can be quickly created to take the lead in defining the issue, taking that role away from the multilateral process. They could, if the leading MNCs wish, scope the issue very narrowly, or they may, from the outset, frame an issue in a way such that a market-based solution is likely to be presented as the best outcome.

For example, Global Witness defined the sale of diamonds to fund regional wars in Africa as "blood diamonds," while the multi-stakeholder Kimberley Process led by the diamond industry changed this into the more neutral "conflict diamonds". Similarly, industry-led groups have redefined sustainable development, with its balance between its economic, environmental and social pillars, more narrowly as "eco-efficiency," a better return on using natural resources.

However a specific global agenda item may get defined, the WEF multi-stakeholder proposal heightens the engagement of firms looking to solve a problem in a way that benefits the global market often to the detriment of the priorities identified by national governments and civil society.

SELECTION AND EXCLUSION OF PARTICIPANTS

In multilateralism the nation-state is the central and key actor. Only governments can vote, designate representatives to attend official meetings, and submit conventions to their parliaments for confirmation. In a multi-stakeholder arrangement, the designation of key actors and of acceptable representatives becomes ambiguous and heavily influenced by internal pre-processes for that particular group.¹² This selection system has no parallel in multilateralism where governments are the only formal decision-making agents.

All categories of actors in a multi-stakeholder governance system are not necessarily created equal. State, non-state and corporate actors have asymmetric capacities to finance their participation in multi-stakeholder groups. The various actors also vie for the leadership role. The WEF's governance proposals would therefore mean moving from a system where non-state actors influence the state-centric multilateral system, to one where the state is one player among many, and not necessarily the dominant one.

In multilateralism, there are clear rules for how a government designates an individual as an ambassador or representative at an international conference. In a multi-stakeholder governance arrangement, representatives are seldom, if ever, designated by their corporate board, CSO board, or university trustees to act on behalf of that institution.

DECISION-MAKING PROCESSES AND THE RULE OF LAW

In the UN system there are well-developed rules on voting procedures, on how smaller or weaker nations can engage on issues with a sense of equity and even on resolving procedural disputes. These rules grew out of 300 years of evolving international law on the responsibilities, obligations and liabilities of governments.

A multi-stakeholder system [disrupts this history](#).¹³ What happens to the responsibilities

of states when a multi-stakeholder group takes over on a specific global issue? Do MNCs and CSOs assume some obligations and liabilities, traditionally designated to nation-states, when they start to participate in global governance?

Most multi-stakeholder governance groups work with a high degree of internal confidentiality and vagueness about their decision-making rules. For the WEF's Global Agenda Councils, the agendas are not public, let alone the outcomes. They don't explain how their conclusions were reached, except to say that the final report does not necessarily reflect the views of all members of the Council.

There are no recognised standards governing the internal decision-making processes of multi-stakeholder groups, nor ones that clarify their obligations, responsibilities and liabilities.

IMPLEMENTATION OF OUTCOMES

In multilateralism, the outcome of a negotiation generally includes a set of instructions to an international body to implement the agreement, plus a funding mechanism to provide the resources to carry out the agreement, or a set of commitments by governments that they will take independent actions to implement it. In most cases, this is done through a clear set of procedures to report back to capitals on the outcome of an agreement, arrange

funding from national budgets, and, where necessary, seek endorsement by a parliamentary process.

In multi-stakeholder governance, the pressing issue is that there is no obligation for any of the participants to commit resources to implement the outcome of a given undertaking. This [opt-in and opt-out approach](#) is the essential component of the WEF's global governance approach.¹⁴

Ultimately, the test of any international programme is, does it work? Does it act to alleviate poverty? Does it protect a species or ecosystem? Does it make citizens more secure? Does it ban a harmful substance? The GRI report asserts that a multi-stakeholder governance project will make significant contributions to international efficiency for two crucial reasons. It can act faster, and it can bring to global political life the efficient management tools of participating multinational corporations. The claim that corporate management experience can be transferred to the global public arena in a meaningful manner has, however, not yet been documented.

CONCLUDING OBSERVATIONS

The WEF proposals for multi-stakeholder governance are a timely reminder that we need to take a new look at the current rules of engagement in international affairs.

After the Second World War, the most powerful governments created the UN Security Council with special seats for themselves, and the Bretton Woods Institutions with special voting powers for themselves. A few years later, these governments also agreed to the Universal Declaration on Human Rights, putting in place principles to constrain how governments can treat their citizens, and expressing what citizens can appropriately expect from governments.

In response to recent financial crises, an association led by today's powerful actors is recommending the next system of global governance. As with the post-WWII situation, today's powerful actors, multinational corporations, are recommending ways to use their power to establish themselves in crucial governance roles. At the same time, this process will not be effective unless a new universal set of sustainable development rules is in place to constrain their adverse behaviour in the global marketplace, and as it affects individual communities and people.

Governments, which are being bypassed by this WEF governance proposal, and CSOs and other non-state constituency groups, who are partially being invited in to the new governance system, can play an essential role in writing the rules of engagement with MNCs and the rules for constraining the worst effects of globalisation.

¹The Unique Design of GRI's Report and the Readers' Guide in Readers' Guide: Global Redesign Initiative, Center for Governance and Sustainability, November 2012, http://www.umb.edu/gri/the_unique_design_of_gris_report_and_the_readers_guide.

²For more information on the Helsinki Process on Globalisation and Democracy please see <http://helsinkiprocess.fi/>.

³For more information on the World Economic Forum's definition of multi-stakeholderism please see http://www.umb.edu/gri/appraisal_of_wefs_perspective/s_first_objective_enhanced_legitimacy/multistakeholderism.

⁴Crisis Aftermath: A Chance for Positive Change in A Partner in Shaping History: The First 40 Years, World Economic Forum, 2009, http://www3.weforum.org/docs/WEF_First40Years_Book_2010.pdf.

⁵H Gleckmann, WEF Proposes a Public-Private United Nations, Policy Innovations, 18 June 2013, <http://www.policynovations.org/ideas/commentary/data/000263>.

⁶Tool One: Extending Intergovernmental Norms and Legal Frameworks in Readers' Guide: Global Redesign Initiative, Center for Governance and Sustainability, November 2012, http://www.umb.edu/gri/section_by_section_commentary/four_tools_introduction/tool_one.

⁷Tool Two: Reinforce the Capacity of Intergovernmental Institutions in Readers' Guide: Global Redesign Initiative, Center for Governance and Sustainability, November 2012, http://www.umb.edu/gri/section_by_section_commentary/four_tools_introduction/tool_two.

⁸For a definition of financial risk watchdog, please see: http://www.umb.edu/gri/section_by_section_commentary/four_tools_introduction/tool_one/financial_risk_watchdog.

⁹For a definition of expanding liquidity, please see: http://www.umb.edu/gri/section_by_section_commentary/four_tools_introduction/tool_one/emergency_liquidity.

¹⁰For more information on these proposals, please see: http://www.umb.edu/gri/section_by_section_commentary/four_tools_introduction/tool_one/law_of_the_sea.

¹¹For more information on the international process, please see: http://www.umb.edu/gri/section_by_section_commentary/five_steps_introduction/step_one/redefinition.

¹²For more information on these processes, please see: http://www.umb.edu/gri/appraisal_of_wefs_perspective/s_first_objective_enhanced_legitimacy/constituencies/appropriate_constitu

[ent_groups_for_each_multistakeholder_structure](#).

¹³For more information on this issue, please see: http://www.umb.edu/gri/appraisal_of_wefs_perspective/s_first_objective_enhanced_legitimacy/multistakeholderism/responsibilities_and_obligations_of_each_group_of_stakeholders.

¹⁴Above fn 5.

INFLUENCING GOVERNANCE FROM THE OUTSIDE: EXPERIENCE FROM CHANGE.ORG

PAUL HILDER
CHANGE.ORG

INTRODUCTION: ABOUT CHANGE.ORG

Over the last two years, Change.org has become the world's leading platform for everyday social change. Change.org is an open platform, similar in many ways to YouTube or Twitter. But unlike them, we are a social venture driven by a civil society mission: empowering people everywhere to create the change they want to see.

We provide cutting-edge tools and know-how, equipping citizens, communities and organisations to run and win their own campaigns and to build networked movements. It seems to be working. Since the start of 2012, our user base has grown more than tenfold – from 6 million to more than 65 million people all over the world.¹

People on Change.org do more than participate. Increasingly, they're having real

world impact. Tens of millions of citizens have already experienced victory on Change.org, and countless more have influenced a public debate or secured engagement and dialogue with decision-makers.

Change.org operates at the intersection of two great trends. Technology is connecting us like never before, accelerating and diversifying the opportunities for communication and social action. Just as importantly, social attitudes, relationships and modes of organisation are in flux. Citizens' expectations of decision-makers and institutions are growing. Top-down power and business as usual are losing legitimacy, and the narrative of individual empowerment is growing.

To illustrate the potential of networked change, I begin by sharing just a few stories of the thousands of Change.org campaigns that have significantly influenced governance from the outside, while highlighting some of their success factors. I close by explaining how we at Change.org think these new forms of empowerment and collective action are starting to change the rules of the game and sketching some of the swarming possibilities the future might hold.

SUCCESS STORIES IN NETWORKED CHANGE

One of the most powerful Change.org stories in Indonesia took place in 2012, around

allegations of corruption by Inspector General Djoko Susilo, head of the national police training academy and previously head of the traffic police.

Investigators from the Corruption Eradication Commission (KPK) sought to question police officers about the allegations, but were thrown in a jail cell instead for their trouble.

Immediately, a civic alliance including anti-corruption campaigners, former public officials and prominent public figures mobilised in response, with a petition on Change.org at the hub of their efforts.²

Over the following weeks, a dramatic confrontation developed between the two public institutions of the KPK and the police. Accountability for the security forces has been a long-standing challenge in Indonesia, and these events came amidst an escalating pattern of disrespect for the anti-corruption commission. Parliamentarians had been threatening to undermine its powers and refused for years to approve funding for its new headquarters – an issue which itself had already been the subject of a Change.org petition.

Under other circumstances, the file on Djoko Susilo might simply have been added to a long list of unresolved corruption cases, feeding a generalised sense of pessimism among the Indonesian public that things would never

change. But the campaign on Change.org spread through social media and provided a rallying point for citizens.

The face-off grew into a national crisis, with neither side ready to back down. President Yudhoyono remained worryingly silent. The campaigners became nicknamed the “Fire Ants” movement, both because of their chosen colours and because they were swarming so fiercely.

The climax came when the police marched on the anti-corruption commission’s headquarters to arrest their principal investigator on trumped-up charges, but were turned back by a human chain of citizens, hurriedly organised by the alliance via the Change.org platform and other social media.

The media coverage became intense. President Yudhoyono was challenged to intervene personally. Finally, he went on television to speak for two hours to the nation. He backed the anti-corruption cause and ordered the police and others to cooperate.

Within days, parliament had also taken steps to release funding for the KPK. A year later, Djoko Susilo was found guilty of massive graft and sentenced to 10 years in prison, his illegally gotten assets exposed and seized.

The struggle against corruption in Indonesia goes on, with many new campaigns to

fight, and many advances and reverses. But many think this was a turning point in that struggle – reinforcing the public’s support for anti-corruption institutions, as well as citizens’ hope and belief that their actions could make a difference, and that they could see misdeeds punished.

Change.org in Argentina has also seen a growing wave of campaigns around issues of good governance, corruption and civic voice. But one of the most remarkable and high-impact victories there came around an issue of daily life, of families, care and health.

In Argentina, well over four million people – around 1 in 10 – now have diabetes. But the law providing for these patients’ care was more than 20 years old and left millions without medicines or treatment. So in August 2013, N.A.Dia, an association of parents of children with diabetes from all over Argentina, started campaigning on Change.org for a new diabetes law.³

Constanza, a mother of a child with diabetes, started the first petition to place the idea of a new diabetes law on the public agenda, with the story of her and her son front and centre. They raised 30,000 signatures and then went to knock on the doors of every member of the Senate Health Commission, converting them individually and working closely with some of them to start drafting a new law. Next, to create momentum in the legislative

process, N.A.Dia started a second petition, asking the Senate as a whole to discuss and agree to this law. They delivered the petition to senators and organised a telephone call-in action, gaining media coverage. In November 2013, their proposed Diabetes Law was approved unanimously by the Senate.

Finally, a third Change.org petition was started – this time urging the Congress to confirm the law before its session ended two weeks later. Again, families and patients actively engaged with their representatives, and again the bill was approved unanimously, just four months after the whole campaign had begun. The scale and speed of this impact was remarkable, in a context where diabetes had been a subject of political controversy earlier in the year – and it inspired a wave of further campaigns in Argentina, on health and other issues.

These two cases illustrate some of the common attributes and success factors of campaigns on Change.org, many of which will be familiar from other social change contexts. Winnable goals and asks which are targeted to relevant decision-makers are naturally very important. Specific victories help to inspire and engage many more people, giving them a sense of momentum and efficacy.

The more broadly appealing a campaign, the more likely it is to secure large-scale support. This is partly about objective logic and evi-

dence. But compelling storytelling, appealing protagonists and emotional content are critical to building momentum and spreading campaigns and narratives through media and social media, in a way that more traditional civil society institutions sometimes seem to have forgotten.

As an open platform with a huge, fast-growing user base and a simple, universal and democratic mission of empowerment, Change.org provides a uniquely powerful channel for accessing not only publics, but also media and decision-makers, who experience it as a direct, authentic and increasingly powerful channel for public opinion.

Thailand has proven remarkably fertile ground for citizens and organisations to achieve impact through Change.org. For example, the small schools network had been campaigning for the education ministry to involve communities in decision-making processes for almost three years with no success. But it was a petition on Change.org – started by Mr Chatchawan and other rural teachers – that achieved their first breakthrough.⁴

The petition came in response to a sudden proposal from the Education Minister to close almost 6,000 small rural schools, which support not only children's education but also the local communities by having teachers embedded in the community and education nearby. The campaign went viral on social

media and helped bridge the urban-rural divide and engage Thailand's middle classes.

Within five days, the campaign was getting daily front-page coverage and the Education Minister agreed to meet with the petition starters. He set up a joint committee on the issue and agreed that local communities should be involved in making all such decisions and that no school would be closed against the wishes of the local community.

The community campaign against the Mae Wong Dam in Thailand also gathered much of its momentum through a 120,000 signature petition on Change.org, which helped to demonstrate broad social support and reinforced more traditional marches and lobbying. Rural fishing communities used similar methods to prevent the Fisheries Department from classifying illegal trawlers as legitimate, thereby protecting their livelihoods and marine habitats.

The biggest campaign on Change.org in Thailand in 2013 secured almost 600,000 signatures. It opposed an amnesty bill that had, at the last minute, been revised to give public officials a free pass on a wide range of historic abuses, including corruption.

This campaign converged with and reinforced nationwide street protests. Ultimately, not only was the bill dropped, but a broader political transition and dialogue is now underway in

Thailand, with exciting conversations brewing about how to build a more participatory democracy.

In Brazil, the Congress of Deputies tried to pass the PEC37 bill to exempt themselves from investigation for political corruption. State prosecutors responded by forging a campaigning alliance with the public, by starting a petition on Change.org.⁵

Not only did that campaign go viral and secure hundreds of thousands of signatures, but it also gave birth to hundreds of smaller petitions targeting every legislator individually and challenging them to say how they would vote. When mass street protests blossomed in Brazil, sparked by bus price rises, the campaign against PEC37 was another of their demands. In the end, only eight congresspersons dared to vote for the bill.⁶

In Europe and the United States, we've seen many campaigns effectively target corporations and politicians, as well as domino effects, in which countless smaller petitions help drive deep cultural change.

For example, Bank of America, Spain's La Caixa and other corporations have had to give way to waves of consumer pressure over banking fees.⁷ The Boy Scouts of America agreed to accept gay scouts after being targeted by a swarm of hundreds of petitions on Change.org signed by almost two million people.⁸

And in the UK, a wave of mainstream feminist campaigns on Change.org drove a powerful national story of empowerment in 2013 and 2014, with prominent victories including the successful campaign for the Bank of England to put women on banknotes and a petition for better education on female genital mutilation, which was strongly supported by *The Guardian* among others.⁹

In France, the shoe store ERAM committed to make its supply chain deforestation-free by 2015 after being targeted by an environmental association on Change.org and is now engaging in dialogue with them to help make this a reality.¹⁰

Another campaign with global resonance was started by the Somali diaspora community in the UK. They pressured Barclays Bank to reconsider its decision to cut off cooperation with money transfer services on which their families in Somalia depend and secured massive support and reinforcements from Olympic winning athlete Mo Farah and Oxfam. Barclays responded, and a court ruling has kept the remittance services open until a sustainable solution can be found.¹¹

CIVIL SOCIETY COLLABORATIONS

By lowering the barriers to social action and helping the most powerful campaign stories to spread widely, Change.org has empowered

individuals, networks and other informal actors to play a greater role in creating change in their own lives and communities.

At the same time, existing civil society organisations (CSOs) have started to discover the potential of the platform for impact and movement-building. We see particular potential when organisations take a servant leadership approach, that is putting their supporters wishes and priorities ahead of top-down driven priorities and objectives, tapping into the bottom-up energy on Change.org and supporting, amplifying and channelling organic campaigns. Oxfam did this on the Somali remittances issue, and Scouts for Equality and GLAAD, a CSO that promotes LGBT issues in the media, took a similar approach towards the Boy Scouts of America.

Both through our free tools and through partner services such as sponsored campaigns, Change.org has also acted as a matchmaker for civil society, helping hundreds of organisations build their supporter bases and enabling millions of our users to connect in a deeper and more sustained way with the issues they care about.

Organisations using Change.org successfully today include some the oldest and most established international CSOs, as well as a wide range of new movements such as Mayors against Illegal Guns and Walk Free,

a foundation focusing on ending modern slavery. Whether you are seeking to reach your first thousand supporters or build a millions-strong base, Change.org is becoming a potentially valuable partner.

LOOKING FORWARD

We see enabling greater collective action through CSOs as an intrinsic part of our mission of empowerment. We also want to help enrich the fundamental infrastructure of global civil society and democracy in even more ways in the coming years.

Media are already starting to see the platform as a kind of newswire for social change. And decision-makers are increasingly engaging with and responding to campaigns on Change.org, with the mayors of Barcelona, London and San Francisco among our earliest adopters.

Change.org starts with people, from the bottom up, with the issues that are of concern to them in their lives and communities. So while some campaigns on the platform cross borders, it should be no surprise that the vast majority of campaigns on the platform are local or national in scope.

However, this does not mean that these campaigns are irrelevant to global governance. As many of us who have worked at the global level know all too well, sustainable global

change has to be rooted in shifts at the national level, and in people's attitudes and daily lives. This imperative is only increased in an era of turbulence, multipolarity and distributed governance, where local people want to be in charge of local policy and decision-making processes.

Positive global change is a challenge that will demand the active involvement of a much larger part of humanity over the next decade. That's why I believe it is critically important that Change.org is energising tens of millions more people every year, helping them to realise that by joining together with others, they can make a difference on issues near and far. It is about numbers, but not only about numbers – it's about millions of people being engaged, believing, and acting for change. Connecting global governance issues to millions of people directly.

We have begun by helping people everywhere move beyond impotence or passivity and discover their own power to make a difference. We also want to help change the rules of the game of governance and decision-making.

Our vision is of a future where no one is powerless, where creating change is part of everyday life and where public norms demand of decision-makers that they engage in active and constructive dialogue with civic stakeholders and constituencies. And as citizens awaken and organise increasingly effectively,

I think we will see this increasingly in regional, multilateral and global contexts too.

For the future, one final possibility I am excited about is swarming change. We have seen flashes of this recently in the Arab Spring, India Against Corruption and Occupy. And we have seen the green shoots of more practical and focused swarming on Change.org, as dozens or hundreds of smaller petitions join together to address a big issue from multiple angles.

Within a couple of years, I hope to see these pro-social swarms evolving to a new level. It will become much more common to see many different campaigns, rooted in specific local experiences but with common themes or targets, clustering together through Change.org and other platforms and having increasingly systemic impact on multinational corporations and governments.

However, all of these possibilities will only be realised through the collective efforts of citizens and organisations everywhere. Change.org's mission is a supportive and enabling one, and we look forward to helping many more of you create the change you want to see.

¹For more information, please see: <http://www.change.org/en-GB>.

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BRINGING CITIZENS TO THE CORE: THE CASE FOR A UN PARLIAMENTARY ASSEMBLY

ANDREAS BUMMEL

While support for democracy as a form of government has become almost universal, people are dissatisfied with how democracy works in practice. One reason is that globalisation is perceived to erode national democratic institutions. Global interdependence and global challenges increase the need of global coordination, regulation and management. In the process, agenda-setting and decision-making on important political issues has been shifting to the global level. Global intergovernmental institutions, however, provide little, if any, opportunities for democratic participation. The resulting democratic deficit could be reduced if the widely recognised principles of democratic governance and representation were not limited to national governance but also applied at the global level. A key instrument to do so is the establishment of a United Nations Parliamentary Assembly, which would bring together elected representatives in a formal body designed to strengthen the participation of citizen

representatives at the UN. Such an assembly would be an innovative platform for global multi-stakeholder participation that, in particular, includes representatives of civil society organisations (CSOs) in its work.

THE RISE OF DEMOCRACY

The rise of democracy has been one of the most important developments of the 20th century. Today, democracy is almost universally recognised as the only legitimate form of government. There are different understandings of what democracy is, and it comes in many different forms, but nonetheless, international law and human rights norms suggest some fundamental minimum requirements. Article 21 of the Universal Declaration of Human Rights of 1948, for example, states that "the will of the people shall be the basis of the authority of government" and that this will "shall be expressed in periodic and genuine elections" which shall be held by universal and equal suffrage and secret vote. Article 25 of the International Covenant on Civil and Political Rights, which entered into force in 1976, and which has been ratified by 167 states, provides that every citizen shall have "the right and the opportunity" to take part in such elections as well as "in the conduct of public affairs, directly or through freely chosen representatives." As early as 1992, it was argued that there is an "emerging right to democratic governance."¹ At the 2005

World Summit of the United Nations, heads of states and governments reaffirmed "that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives." In UN practice, the acceptance of democratic governance principles is reflected particularly in its programmes related to state reconstruction. From Somalia to Myanmar, the unquestioned assumption is that the state that is being reinforced is a democratic state.

As assessments of empirical studies conducted over the last decades show, public dissatisfaction with the performance of democracy is not to be confused with a rejection of democracy as an ideal form of government. With average approval rates of up to around 90 percent, support for the abstract idea of democratic governance proves overwhelming throughout the world. It is no contradiction that at the same time there can be deep scepticism with regard to how democracy actually works. This tension between public democratic aspirations and satisfaction constitutes what could be called a democratic deficit.²

THE DEMOCRATIC DEFICIT IN GLOBAL GOVERNANCE

Ten years ago, the UN Secretary-General's Panel of Eminent Persons on United Nations-

Civil Society Relations identified "deficits of democracy in global governance." The panel's assessment was quite to the point, and it is still valid. In its report the panel declared that "one of the key principles of representative democracy is connecting citizens to the decisions that affect them and ensuring public accountability for those decisions." However, it argued that "representative democracy remains essentially national and local" and that "elected legislators and parliaments seem to have little impact on decisions made intergovernmentally." According to the panel, the dissatisfaction with the performance of democracy is strongly linked to "the perception that traditional forms of representation are less relevant in this age of globalization."³ Indeed, global interdependence of economic, financial and technological systems, as well as global challenges such as climate change, increase the need for global coordination, regulation and management. Agenda-setting and decision-making on important policies are shifting to the UN and its specialised institutions, as well as to international fora such as the G8 and the G20. The decisions of these bodies are prepared by highly inaccessible officials appointed by the executive branches of national governments.



While the point could be made that at least democratic governments that appoint these officials have a political mandate to do so, the reality remains that diplomats and negotiators are unelected and that the constituents of the political opposition are not represented. Intergovernmental bodies thus are largely disconnected from democratic oversight, participation and deliberation. International treaty negotiations in particular are often conducted in total secrecy. Recent examples of this are the negotiations on a so-called Anti-Counterfeiting Trade Agreement, which was fortunately rejected by the European Parliament in 2012, or the efforts for a Trans-Pacific Partnership and a Transatlantic Trade and Investment Partnership.

Citizens, civil society, and elected representatives have very few ways to be involved and seldom are able to exercise much influence. Even if intergovernmental processes might be open to participation, the resources required to do so effectively are often prohibitive. Multinational corporations, by contrast, do have the financial capabilities to pursue their interests, for example, at bodies such as the Codex Alimentarius Commission, which determines

international food standards. Remarkably, by contrast to elected representatives or CSOs, multinational corporations and their industry associations are often granted access and consulted in international negotiations. It has been argued that shifting policymaking to the international level is not always driven by pure necessity, but also by the intention of governments to limit domestic public interference and discussion.⁴

The democratic deficit in global governance is not only caused by the detached nature of intergovernmental processes but also by dissatisfaction with the outcomes. International opinion research carried out over the last decade shows that the world's citizenry as a whole is more receptive to global solutions than those offered by their own national governments. Majorities in most countries, for example, support: a strong regulation of the arms trade; an international responsibility to protect people from severe human rights abuses by their own government; the elimination of all nuclear weapons (something supported by citizens of the nuclear powers); more government spending to fight hunger and severe poverty in the world; and higher prioritisation of climate change.⁵ Perhaps there is a connection between the slow international progress on these matters and the exclusive and undemocratic character of global governance.

THE RIGHT TO DEMOCRATIC GLOBAL GOVERNANCE

The essence of democratic governance, as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, means that those who are affected by a decision need to have a chance to influence it, at least through freely elected representatives. The argument that decision-making at the global level should remain the purview of the executive branches of national governments is dangerous nonsense. It is an antiquated remnant from times when most important decisions were made at the national level and when it was still possible to distinguish between foreign and domestic affairs. Those times are long gone.

The right to democratic governance is indivisible and cannot be limited to the national level. Otherwise it would be unduly eroded when decision-making effectively shifts to the global sphere, and indeed, this is exactly what is happening. Article 28 of the Universal Declaration states that "everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized." In a remarkable resolution adopted by a two-thirds majority, the UN General Assembly in December 2013 stated, among other things, "that everyone is entitled to a democratic and equitable international order" and that this involves "transparent, democratic, just

and accountable international institutions in all areas of cooperation", as well as "the right to equitable participation of all, without any discrimination, in domestic and global decision-making."⁶ Democratic governance in the international order must necessarily entail the extension of parliamentary representation – which is the best expression of 'the will of the people' – to the global level. At the level of regional intergovernmental organisations the principle of involving elected representatives is largely recognised, and many of them have parliamentary bodies. The most developed supranational parliamentary institution is the directly elected European Parliament, but there's also the Pan-African Parliament, the Arab Parliament, the Parliament of Mercosur, the Andean Parliament and the parliamentary assemblies of the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organisation (NATO), to name just a few. While their powers differ widely and are in many cases still evolving, the UN, a key institution of global governance and one of the most important promoters of democracy in the world, does not even have such a body. As the special inquiry of the Parliamentary Assembly of the Council of Europe (PACE) into secret CIA detention camps in Europe in 2005-2006 demonstrates, international parliamentary assemblies have the potential to create public awareness and to build international political pressure even if they

do not possess strong formal powers. Not at last because of the stir caused by this inquiry, US President George W. Bush finally had to acknowledge in September 2006 that such camps did indeed exist.

A UNITED NATIONS PARLIAMENTARY ASSEMBLY

The idea of a democratically elected international parliament is not new. It has a long history that can be traced back to the time of the French Revolution at the end of the 18th century. One early proposal for the establishment of a United Nations Parliamentary Assembly (UNPA) was put forward in 1949. After the end of the Cold War the idea developed some momentum, and in 2007 parliamentarians and CSOs launched the Campaign for a UN Parliamentary Assembly to coordinate and strengthen their efforts internationally.

A UNPA would have the main purpose of giving elected representatives of the world's citizens an immediate voice in political negotiations and decision-making in global intergovernmental organisations. With its members directly elected or appointed from among national or regional parliaments, thereby reflecting their political diversity, the assembly would improve global governance by adding a democratic and independent complement to existing intergovernmental bodies. The members of the UNPA would

group according to political affiliation rather than by national origin, and thus would transcend one-dimensional national interests. Unlike government-appointed officials and diplomats, UNPA representatives would not be subject to the authority of government executives.

A UNPA initially could be set up by a vote of the UN General Assembly under Article 22 of the UN Charter. Alternatively, it could be created on the basis of a new international treaty between governments. This means that a cumbersome amendment of the UN Charter, which would require the approval of the five permanent members of the UN Security Council, is not required. Under this condition, a UNPA still could be vested with all rights and powers that the UN General Assembly has. Among other things, it has been suggested that a UNPA should have the right to put questions to the UN Secretary-General and other senior officials; to hold readings on draft resolutions of UN bodies, including the right to suggest amendments; to pass its own resolutions and reports; to co-decide on the adoption of the regular budgets of the UN and its specialised agencies; to participate in the election of the UN Secretary-General and other top officials; to alert the UN Security Council on situations; or to submit legal questions to the International Court of Justice. In addition, UNPA delegations should have the right to participate in UN-led negotiations on an equal footing with

UN member states. Even if the UNPA was only an advisory body at the beginning, its recommendations and proposals would carry significant moral weight and could pressure national governments to adopt programmes and solutions that deliver better outcomes in the common global interest.

While this is what might be expected, drawing on examples of existing international parliamentary institutions, a UNPA should also include important innovations. Plenary decisions of the international campaign increasingly reflect an understanding of a UNPA as a 'network of networks', a body that would facilitate greater multi-stakeholder participation. While the UNPA's elected representatives would constitute the formal democratic core, the assembly needs to provide for strong and efficient ways that allow CSOs, local authorities and indigenous peoples and nations, among others, to be included as well. In addition, the campaign believes that innovative forms of civic participation could also be explored, including models of electronic direct or liquid democracy⁷ that allow citizens to participate in deliberations or to influence decision-making processes in a UNPA.

By assisting the establishment of a UNPA, civil society would help create its own best ally in the system of global governance. International civil society and like-minded elected representatives would have an

unprecedented platform at their disposal to work together and to achieve further transformations of global governance. Proponents of a UNPA believe that the assembly would be a key catalyst for reform and systemic change. A wide range of issues could be addressed and pushed in this unique new framework, including, for instance, the reform of the UN Security Council and of international financial institutions, the strengthening of the International Court of Justice, the establishment of a World Environment Organisation, the creation of a Global Fund for Social Protection or a UN Ombudsperson for Future Generations.

RECENT DEVELOPMENTS AND RECOMMENDED ACTIONS

In 2013, the UN's Independent Expert on the Promotion of an Equitable and Democratic International Order, Alfred de Zayas, endorsed the establishment of a UNPA. In a report to the UN Human Rights Council he recommended that the Council should consider assigning to its Advisory Committee a study on how a UNPA may advance genuine participation.⁸ In a subsequent report to the General Assembly he suggested that the assembly may consider convening a conference to discuss the creation of a UNPA.⁹ The General Assembly, as well as the Human Rights Council, will continue considering the topic of an "equitable and democratic international order." This

provides opportunities for advancing the goal of a UNPA inside the UN system.

CIVICUS, its affiliated organisations around the world and civil society at large should consider joining the international campaign for a UNPA and endorsing the campaign's international appeal.¹⁰ CSOs should urge governments and parliaments to support the recommendations put forward by the Independent Expert and emphasise the need for any UN-led effort to study the proposal of a UNPA to be inclusive and involve consultations with CSOs.

In the deliberations on a post-2015 development agenda, it should be stressed that sustaining a multi-stakeholder consensus for shared global goals is a key function that a UNPA could provide, in addition to reinforcing accountability and bringing global governance, in the pursuit of post-2015 development goals, closer to those directly affected. Global civil society already encourages that the post-2015 framework should "incorporate targets on the reform and democratization of global institutions." This was one of the points resulting from a series of international deliberations of civil society conducted under the auspices of Beyond 2015 and the Global Call to Action Against Poverty.¹¹ The establishment of a UNPA should be identified as a key goal in this broader democratisation agenda.

Finally, in 2013 grassroots activists launched a Global Week of Action for a World

Parliament that will now take place annually, each October. The idea is that there is one week each year during which there is a principled and coordinated international call "for the establishment of a World Parliament that will give real representation to all citizens." Last year, a few dozen events and actions took place around the world, and the coordination team hopes that participation will grow continuously over time. CSOs and groups of any kind that support global democratisation are encouraged to use the week of action as an occasion to organise activities.

MORE INFORMATION:

Campaign for a UN Parliamentary Assembly
www.unpacampaign.org

Global Week of Action for a World Parliament
www.worldparliamentnow.org

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⁴S Kull, Listening to the Voice of Humanity, (2010) Spring-Summer Kosmos Journal 26, pg 27.

⁵Promotion of a democratic and equitable international order, United Nations General Assembly, UN Doc A/RES/68/175, 18 December 2013, available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/175.

⁶The idea behind liquid democracy is a mixture between direct and representative democracy that allows for participants to decide on issues directly and at the same time enables them to delegate votes if they wish to do so.

⁷A Zayas, Report of the Independent Expert on the promotion of a democratic and equitable international order, UN Doc. A/HRC/24/38, 1 July 2013, para. 57(d), available at: http://www.ohchr.org/Documents/Issues/IntOrder/A-HRC-24-38_en.pdf.

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INTER-

This section comprises CIVICUS' inaugural Scorecard of civil society engagement

GOVERNMENTAL

with intergovernmental organisations. The Scorecard seeks to test, evaluate

SCORECARD

and improve international institutions' engagement with civil society.

PART 1

INTRODUCTION



BEYOND OUR TWO MINUTES

An important feature of the global governance landscape that concerns CIVICUS and its members is how well intergovernmental organisations (IGOs) engage civil society.

Almost all IGOs express a commitment to work with civil society. Many have specific policies and procedures in place to facilitate cooperation with civil society organisations (CSOs).¹ A number of IGOs invite civil society representatives to attend consultations, sit on advisory panels, and take part in monitoring and evaluation. They also have dedicated staff and mechanisms to channel concerns voiced by civil society in their decision-making and programmatic development processes.

Global governance has undergone an incredible transformation over the past 20-30 years. Where once IGOs had to justify the inclusion of CSOs in their work, today it is the exclusion of CSOs that requires justification. From less than 100 CSOs in 1950, today about 3,900 CSOs have consultative status with the United Nations (UN).²

However, it is not always clear whether commitments to engage civil society are put into practice, or indeed how seriously IGOs take civil society outreach, and how much influence CSOs have in shaping IGO policy and practice. At CIVICUS, we have heard many members complain that they are engaged in a tokenistic basis and that the space offered to civil society remains small, constricted and primarily determined by the IGOs themselves.

The UN's primary mechanism for civil society accreditation is the Economic and Social Council (ECOSOC). Whilst the extensive list of accredited organisations is impressive, there are many concerns with the UN's approach on ECOSOC accreditation:

- The requirements for consultative status accreditation are rigorous. CSOs must demonstrate that they adhere to multiple criteria;³
- Access is fragmented. Different CSOs dealing with different UN organs report varying levels of access;
- Accreditation is politicised. Member states can arbitrarily block the application of a CSO;
- After accreditation CSOs generally need a prolonged presence at a UN hub to sustain influence. This is expensive and unfair to CSOs who may not be able to afford dedicated outreach staff;
- The application process for consultative status accreditation can be time consuming, taking anywhere between one to three years.⁴

A common frustration among our civil society colleagues is that they are rarely invited to play a meaningful part in the most important intergovernmental discussions and are instead relegated to 'side events' or to making short (often two minute) statements. Similarly, they note that navigating the numerous accreditation and consultation processes requires a serious commitment of time and effort. And, perhaps most importantly, they worry that the true potential for civil society to be an integral partner to IGOs, and their work remains unfulfilled due to the limited mechanisms for engagement.

"We (civil society activists) are invited to speak for two minutes at these consultations; IGOs listen patiently, but our input never really results in any tangible change." – CSO representative

Conversely, 'focal points' for civil society engagement within IGOs also express concern about how things work. They feel that civil society representatives are not always well prepared to make useful contributions to discussions and that many take an overly combative stance when engaging in IGO consultations, which makes dialogue and cooperation difficult.

"One can't expect the same level of sophistication from all CSOs – some regularly engage with IGO systems – say in high-level reforms as those who engage with us for the first time..." – IGO focal point

It seems that – whichever side of the coin one looks at and despite the recent improvements in civil society engagement – we are a long way from fully integrating civil society voices into IGO processes. Therefore, as part of CIVICUS' wider examination of how to democratise global governance in the 2014 State of Civil Society Report, we decided to assess the state of civil society engagement with IGOs.

As a pilot project, we have developed a Scorecard to test, evaluate and improve IGO engagement with civil society. The Scorecard seeks to hold IGOs to their public promises to engage civil society. The aim is not to name and shame. Rather, CIVICUS wishes to work collaboratively with IGOs to help understand how engagement is experienced by civil society actors themselves.

We hope the Scorecard's multidimensional approach can help IGOs identify the specific areas in which they may be doing well and areas which might require attention. Giving voice to civil society actors is good in its own right, but it will also strengthen the position of civil society advocates within IGOs, who can use the Scorecard to push for greater engagement within their organisations.

This is a pilot exercise. As such, CIVICUS has embarked on this project in order to develop an enduring practice of asking civil society actors about their own experiences. If carried out every year, CSOs and IGOs can track progress over time. But a pilot exercise is a learning event. CIVICUS welcomes all constructive feedback on how the research process may be improved next time.⁵

The remainder of this section outlines the methodology we used in this exercise. Part 2 presents the results of our survey, and Part 3 presents our conclusions and some recommendations for improving IGO-CSO engagement. Part 4 presents a series of profiles of how our selected 10 IGOs are currently engaging with civil society, including some survey results relating to each IGO. Finally, in the Appendix, we present a draft methodology of how survey results could be used to build a Scorecard in the future.

OUR METHODOLOGY

The goal of this pilot phase – and the purpose of this report – is simply to test the feasibility of surveying civil society actors about their engagement with IGOs at the global level. More broadly, the Scorecard intends to offer a starting point for discussion at multiple levels over the role civil society is playing in the international decision-making sphere. With this in mind, we have developed a draft Scorecard methodology, including some survey questionnaires that we believe could be useful in assessing the quality of IGO-CSO engagement.

We developed our methodology through extensive consultations. This included convening several consultations in Geneva, New York and Istanbul with relevant stakeholders. As part of this process, CIVICUS consulted IGO focal points and civil society actors. The purpose of these meetings was to present the Scorecard methodology and ask the audience for feedback on the approach and key indicators of assessment. CIVICUS also convened a panel of experts to oversee the development of the Scorecard. The panel members were chosen for their commitment to and experience of facilitating civil society engagement at the global level. Finally, we engaged the services of an academic consultant, to advise us on survey design and implementation.

CIVICUS would like to thank all those who have been involved in supporting this initiative, though it should be noted that the views expressed in this report do not necessarily reflect all the views of all those who have been involved so far.

One critical choice we faced in this pilot phase was choosing which IGOs to review. We settled for an initial ten IGOs: The Food and Agricultural Organisation of the United Nations (FAO), Office of the High Commissioner for Human Rights (OHCHR), International Labour Organisation (ILO), United Nations AIDS Programme (UNAIDS), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), United Nations Women (UN Women), The World Bank Group (World Bank), the World Food Programme of the United Nations (WFP), and the World Trade Organisation (WTO)⁶ in this phase based on three criteria:

1. IGOs with a global rather than regional focus;⁷
2. IGOs that regularly interact with members of the CIVICUS alliance;⁸
3. IGOs with thematic processes and methods for integrating civil society voices, offering a broad spectrum of organisational strategies and types of CSOs which engage with them.

A second choice was to determine what aspects of engagement we wanted to assess. Based on our initial consultations, we decided to focus on four areas:

1. **Access:** CSO access to the main decision-making body of the IGO. We developed a set of questions to assess how proactively the IGO facilitates civil society engagement within its core decision-making body, as opposed to just at the programmatic level. In doing this we evaluated accreditation mechanisms which have been widely used by IGOs to regulate civil society participation within decision-making structures.
2. **Policy:** Engagement by the IGO with the CSOs in policy dialogue. We developed a set of questions to assess the extent and the stage at which an IGO engages civil society in policy development.
3. **Programmes:** Engagement by the IGO with CSOs in programmatic development. We developed a set of questions to assess whether civil society feels the IGO simply views them as implementers or contractors.
4. **Empowerment:** Empowerment of the CSO by collaborating on relevant IGO initiatives that mattered to the CSO. We developed a set of questions to assess whether the IGO makes an attempt to empower the CSO, for example, by working with the CSO on initiatives that it cares about, beyond programme partnering.

The primary component of our methodology was a survey we developed to ask civil society respondents about their experiences of working with the ten IGOs in the areas listed previously. We also developed a survey, which we sent to IGO staff to ask about their experiences of working with CSOs, and conducted interviews.

Once designed and tested, the CSO survey was sent to multiple civil society stakeholders. We sought a purposive sample of civil society actors who seek engagement with major intergovernmental organisations of interest. A purposive⁹ sample was appropriate because the Scorecard wished to survey the experiences of a select group of civil society actors – those engaging with IGOs at the global level – rather than the universe of civil society actors as a whole.

By design, therefore, the survey was not a random sample. Because nonprobability sampling was used, inferences cannot be made on the basis of the survey data on the wider universe of civil society actors. Thus, the Scorecard does not seek – either in design, execution, or analysis – to infer that the opinions revealed by respondent CSOs are representative of any actors beyond these CSOs.

The sample was a broad network of internationally-focused CSOs. It was targeted in two ways. First, CIVICUS' extensive email list, which contains several thousand contacts, was used as a sampling frame for dissemination of the online questionnaire. Bearing in mind that CIVICUS is a civil society alliance, the vast majority of contacts held by the organisations are civil society actors.¹⁰ Second, an invitation to take the survey was spread through the networks of CIVICUS' partners, who were asked to forward the link to interested colleagues. The survey was presented as a targeted exercise, to be taken by civil society actors who try to engage with IGOs at the global level.

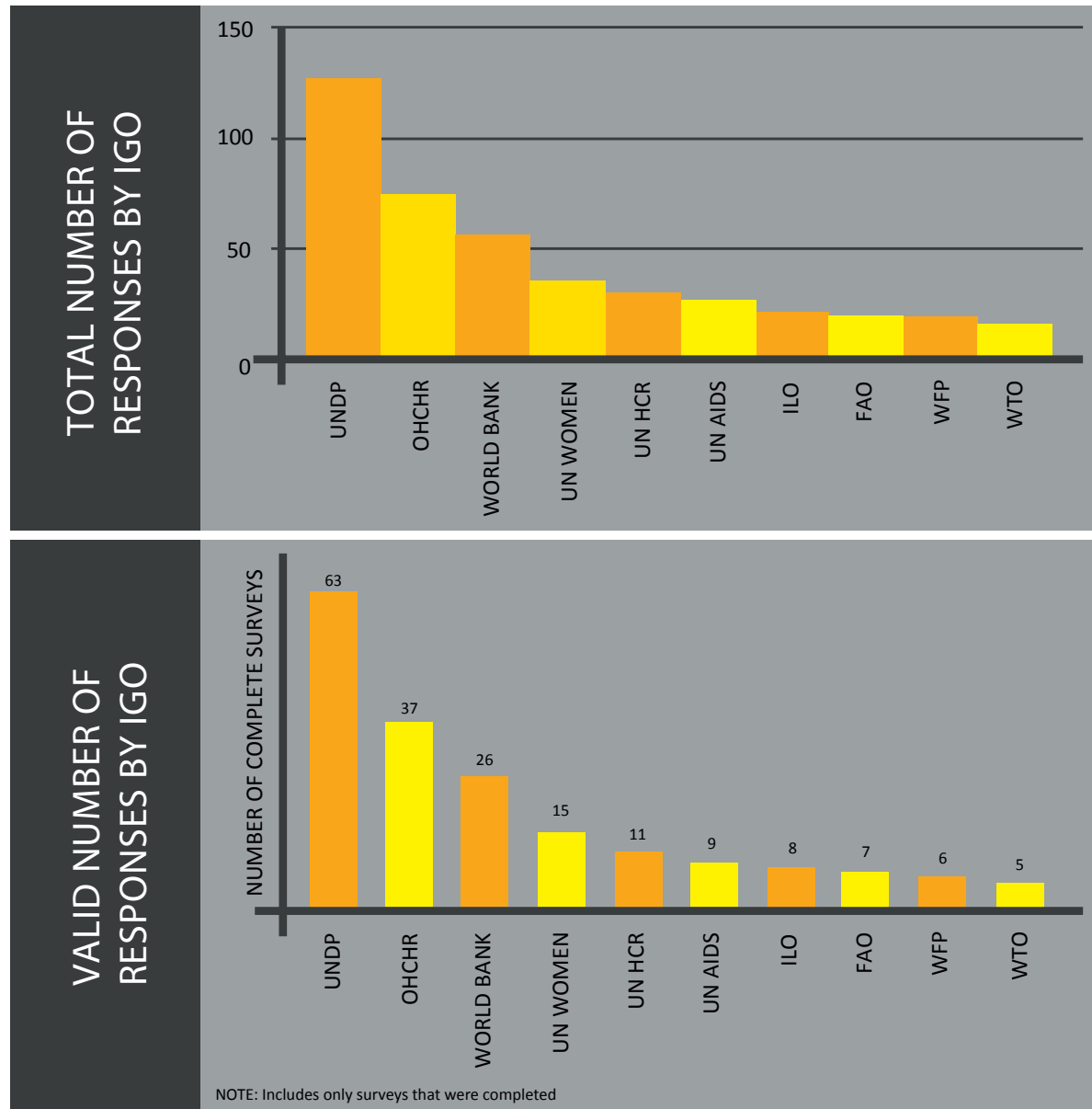
The online survey was available in English, French, and Spanish, and was open throughout February 2014.

State of Civil Society /Intergovernmental organisation scorecard

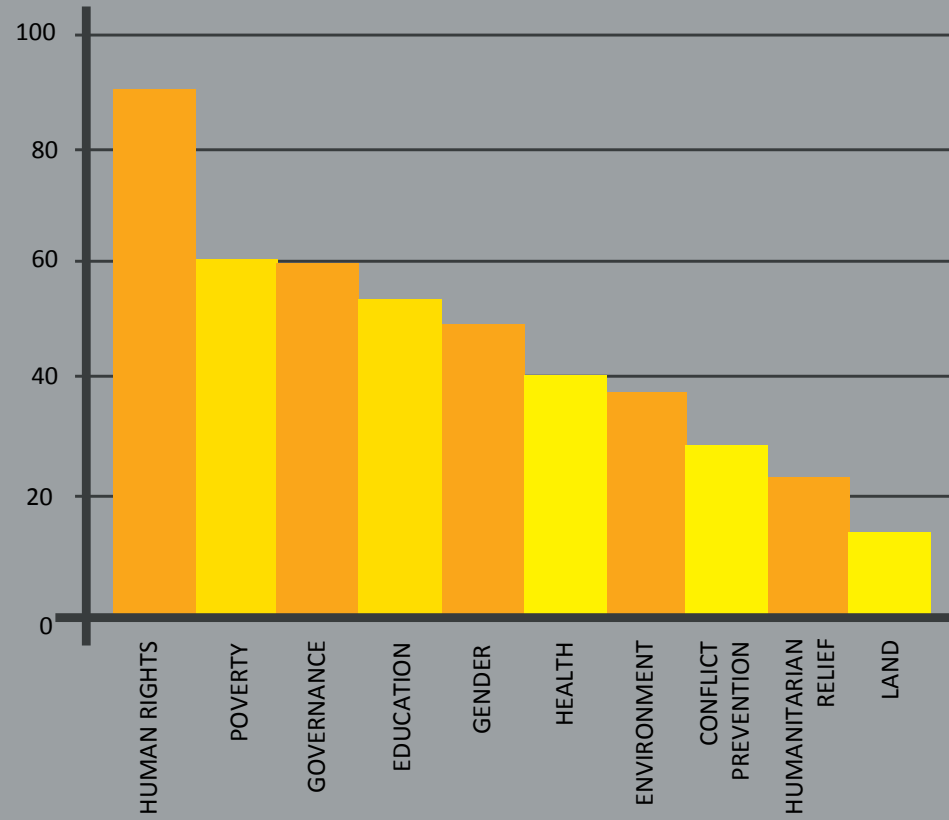
We received 462 responses. 372 (80.2 percent) of 462 were valid responses, meaning the respondent chose one IGO to evaluate. 39 (8.4 percent) chose two IGOs, and the remainder chose three or more.

Some further details of the responses to the survey can be found below.

The survey response profile¹¹



NUMBER OF RESPONDENTS IN EACH SECTOR



NOTE: Respondents could choose more than one sector

PART 2

RESULTS



Key Findings

- **Obstacles:** The three most commonly identified obstacles were member states overriding CSO voices, consultations that had no outcomes and weaknesses in the outreach mechanisms of IGOs.
- **Priorities:** The three priorities that ranked highest were greater focus on local or regional outreach, greater focus on identifying appropriate interlocutors to reach different types of CSOs and decentralised CSO outreach strategies.
- **Access:** CSOs reported that IGOs were overly selective in choosing whom they sought to engage, not proactive enough in reaching out to civil society and provided weak access to the main decision-making body of IGOs.
- **Influence on Policy:** CSOs reported not feeling listened to on policy issues, and a major obstacle identified was organisation of dialogues without tangible outcomes.
- **Programmatic Delivery:** A slight majority of CSOs felt that IGOs were only interested in them for their ability to deliver programmes and projects, though a large minority did not strongly report this complaint.
- **Empowerment:** CSOs were quite split on the extent to which IGOs actively sought to strengthen them and collaborate with them on initiatives that matter to CSOs. This speaks to different experiences across various IGOs. Some CSOs have had positive experiences at some IGOs, others much less so.

IMPROVING IGO OUTREACH MECHANISMS

We asked CSOs what IGOs should prioritise to improve civil society access to their main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority. Across all IGOs, the highest priority was greater IGO focus on local or regional outreach to civil society. The average ranking for this priority was 2.9. It was a high priority for both accredited (3.1) and non-accredited (2.9) civil society actors. Taken together, the top three priorities – focus on local/regional outreach, reaching out to different CSOs and decentralised outreach strategies – reinforce the idea that IGOs should do more to reach beyond the ‘usual suspects’ and engage a wider range of civil society. Interestingly, outreach in different languages, improvements to accreditation processes and increased capacity for IGO civil society focal points all emerged as low priorities.

CIVIL SOCIETY PRIORITIES FOR IMPROVED ACCESS TO IGO

PRIORITY RANK	PRIORITY	AVERAGE PRIORITY RANK
1	FOCUS ON LOCAL OR REGIONAL OUTREACH	2.9
2	IDENTIFY INTERLOCUTORS TO REACH DIFFERENT TYPES OF CSOS	3.1
3	DECENTRALISED CSO OUTREACH STRATEGIES	3.9
4	ONLINE ACCESSIBILITY	4.1
5	BUILD CSO CAPACITY TO FIND ALTERNATIVE WAYS TO ENGAGE	4.8
6	BUILD CAPACITY OF CSO FOCAL POINTS IN IGO	4.9
7	OUTREACH IN DIFFERENT LANGUAGES	5.5
8	IMPROVE ACCREDITATION PROCESS	6.6

We also asked IGOs what issues they would prioritise for improving CSO engagement within their organisation. The table below highlights responses from IGOs.¹²



The above tables suggest a difference in the priorities for engagement between CSOs and those who work within IGOs. Some useful findings emerge from the data within which there are common themes. Both CSOs and IGOs placed greater local or regional outreach in the top three priorities for engagement, highlighting a well-established idea that local solutions should be found for local issues. IGO staff also prominently placed “increased capacity for CSOs to engage with their systems” as a key priority. This highlights that from an IGO perspective, CSOs may not be adequately prepared to engage successfully. However, as the CSO data elucidates regional and local outreach is far more effective in their eyes than engagement held outside of their geographic constituency.

THE FOUNDATION FOR ENGAGEMENT: A GLOBAL PERSPECTIVE

This section combines responses for all IGOs to give a snapshot of global engagement across all IGOs assessed by all respondent civil society actors. The analysis is organised according to the Scorecard’s four dimensions of engagement.

ACCESS

This box combines responses for all IGOs to give an overall picture of civil society satisfaction with the broad international arena.¹³

CIVIL SOCIETY VIEWS ON IGO ACCESS

% OF RESPONDENTS	VERY POOR	POOR	OKAY	GOOD	VERY GOOD
Benefits of accreditation	11	18	12	34	25
Ease of accreditation	22	10	29	29	10
Clarity of accreditation	16	12	22	39	12
Access to IGO	25	26	29	10	10
Objectivity of IGOs in outreach	32	34	8	18	9
Proactivity of IGOs in providing access to meetings	30	25	16	18	11
Quality of informal engagement by IGOs	15	27	32	20	7
How has accessibility to the IGO improved over the past five to ten years?	21	23	15	29	13

80% of respondents felt that CSO access to IGOs was very poor, poor or okay.

59% of respondents felt neutral or didn't feel that CSO access to IGOs had improved over the past five to ten years.

71% of respondents felt neutral or that IGOs weren't proactive in providing ways for CSOs to attend or participate in meetings.

71% of respondents felt that there were benefits for CSOs to being accredited by IGOs.

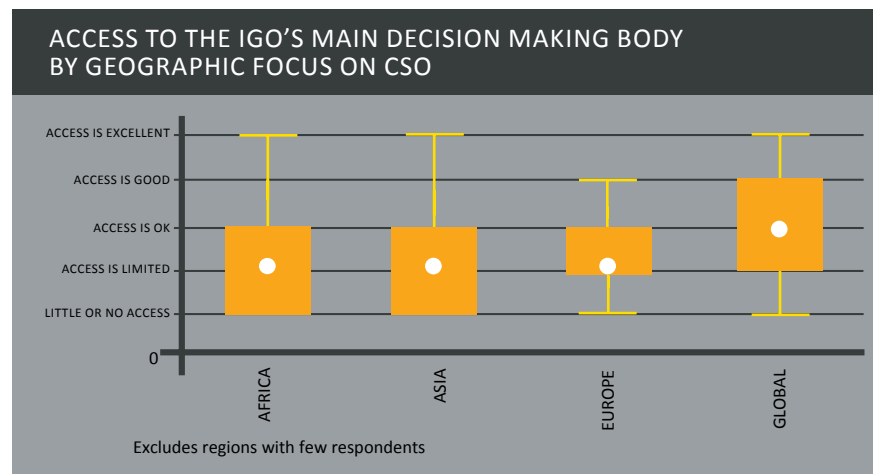
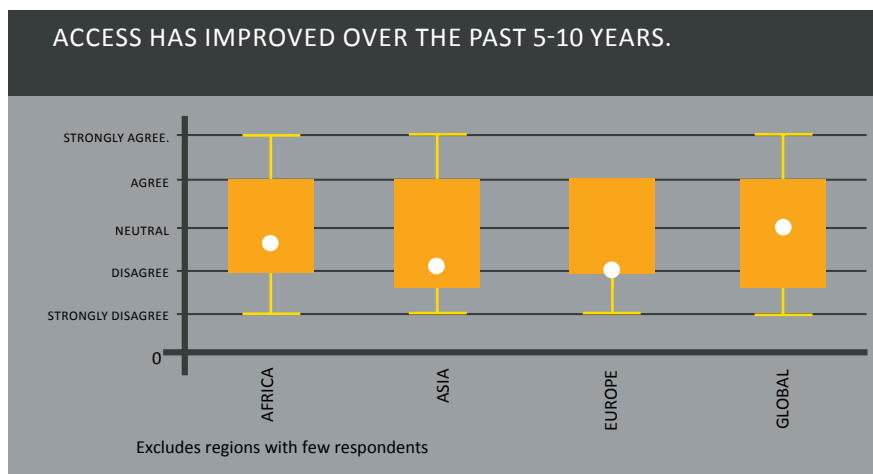
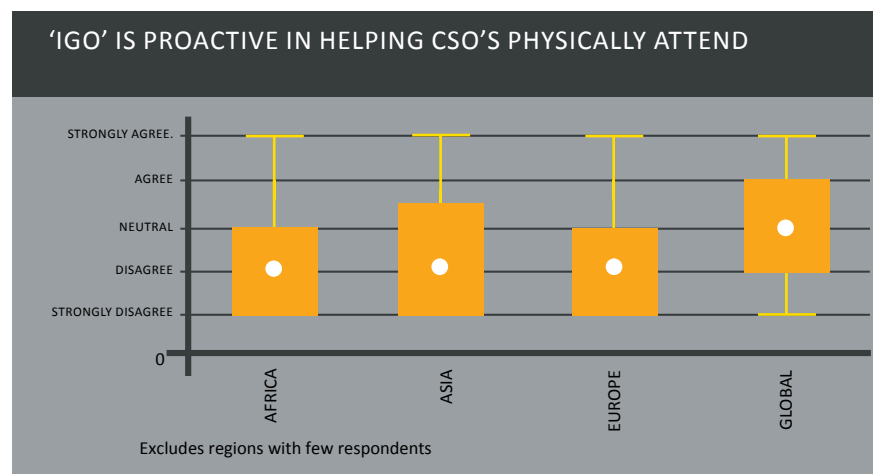
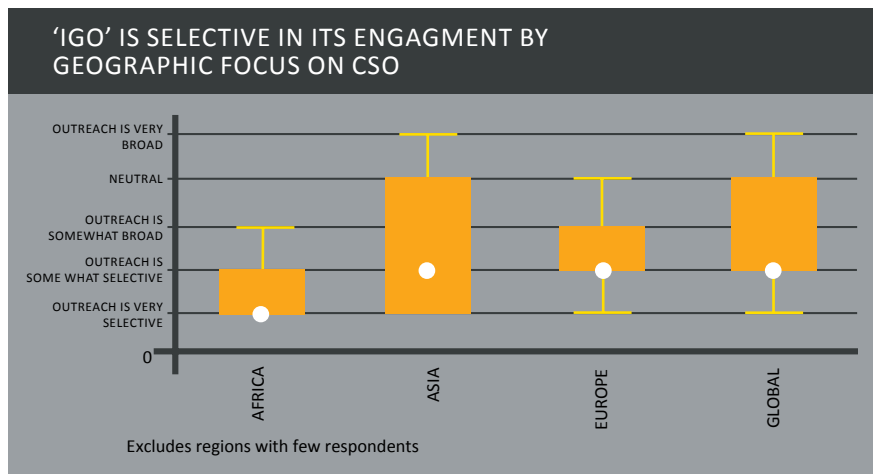
51% of respondents felt that the CSO accreditation process was clear and easily understandable.

The percentages offer a snapshot of civil society engagement by IGOs in 2014. There are some interesting findings, with over half the civil society organisations saying that the accreditation processes were clear and easily understandable. This finding is contrary to anecdotal evidence of an overly arduous process to gain accreditation to an IGO.¹⁴ From the data, it is possible to identify some real needs: (i)

State of Civil Society /Intergovernmental organisation scorecard

accessibility is generally seen as poor, despite efforts by IGOs; (ii) CSOs want more avenues to access IGO decision-making; and (iii) over half of CSOs see the accreditation process as clear and easily understandable. Additionally, 71 percent also see benefits to accreditation illustrating the potential use of accreditation and access to IGOs as a political tool.

In the graph below we see answers to four questions in the access indicator by the geographic focus of CSOs.¹⁵



The previous graphs plot the responses to four questions in the survey. Interestingly, we see that the median for the question, “Is the IGO proactive in helping CSOs physically attend?” remaining relatively stable across the three geographic regions assessed. However, we also see that CSOs from Africa feel that IGOs are more selective in their outreach in comparison to their counterparts in Asia and Europe. When assessing the graph “IGO is selective in its outreach” no African respondents felt that IGO outreach was either (a) broad or (b) very broad.¹⁶ Taken globally the median for this question clearly demonstrates that across the world, CSOs feel IGO outreach is selective in its approach.

When we asked CSOs “Has access improved over the past five to ten years?” European CSOs felt that IGO access had improved the least.¹⁷ This may potentially reflect a frustrated approach held by CSOs based in Europe who regularly engage with IGO decision-making hubs. Although, it is important to point out that CSOs based in Africa and Asia felt slightly more positive, potentially demonstrating a greater emphasis on engaging actors outside of Europe over the past five to ten years.

POLICY DIALOGUE

The picture of engagement of CSOs in policy dialogue is poor. The overall picture suggests CSOs are frustrated in their desire to engage with IGOs in this way. This feeds into wider critiques of global governance systems, within which consultations are seen as the bastion of civil society engagement. Yet, as previously discussed CSO outcomes from consultations are rarely visible and can lead to an apathetic approach to policy dialogue by civil society.

CIVIL SOCIETY VIEWS ON POLICY DIALOGUE

% OF RESPONDENTS	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
CSOs have a substantive impact on policy	31	32	14	19	4
IGOs do not listen to CSOs on policy issues	12	22	21	29	16
IGOs listen to CSOs on policy issues	18	19	24	31	7

63% of CSO respondents felt they had very poor or poor impact on IGO policy.

38% of CSO respondents agreed or strongly agreed that IGOs listen to them on policy.

45% of CSO respondents agreed or strongly agreed that IGOs don’t even pretend to listen to them when it comes to developing their policies.

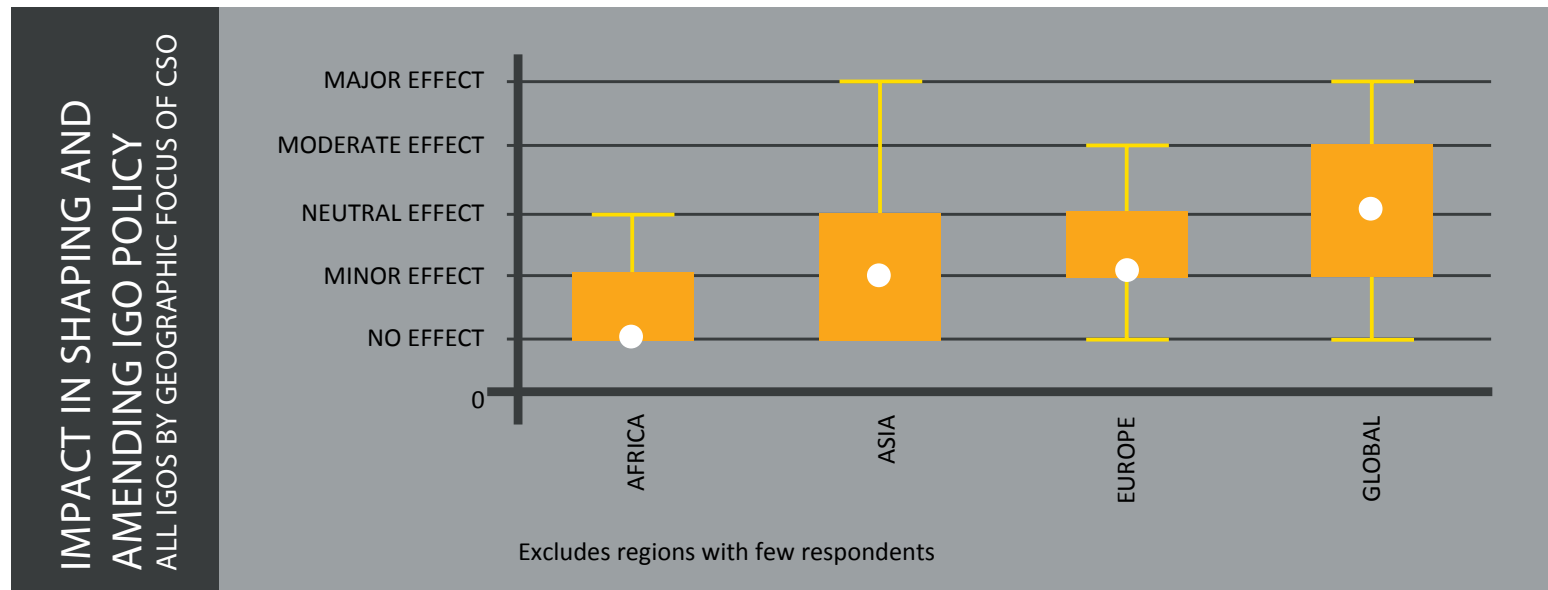
State of Civil Society /Intergovernmental organisation scorecard

We can note from our findings that CSOs generally feel negatively about policy dialogue. Nearly two-thirds of CSO respondents felt that their impact on IGOs was negligible; this finding is compounded by the fact that nearly half of CSOs felt IGOs do not listen to them on policy issues. In essence, IGOs are still struggling to engage civil society on the issues which they are mandated to counter.

The results outlined in relation to the policy dialogue indicator demonstrate an issue at the heart of global governance. IGOs are organisations primarily led by the will of member states. Policy dialogue remains one of the most opaque processes in the theatre of global governance, within which, the will to include civil society remains tenuous at best. Despite the advances in civil society inputs into policy dialogue, the Scorecard has uncovered a key area where civil society engagement remains under developed.

The graph below shows geographic variation in average responses to the question, “How much impact has your organisation had in shaping and amending the IGO’s policy?”¹⁸

Impact on IGO policy, by CSO region



We see that Africa-focused CSOs gave IGOs much lower scores for impact on policy than the other three. This likely reflects the ‘Northern’ advantage of CSOs based in Europe or the United States (UN). This graph reinforces issues of cultural and geographical bias for CSOs based in the global North. Globally, we see the median for the sample around the middle of the y-axis demonstrating that CSOs on average feel they have a neutral influence on shaping and amending IGO policy.

PROGRAMME PARTNERSHIP

A common complaint of civil society is that IGOs view them purely as deliverers of projects, so we asked respondents if IGOs engage them at the programme development stage, and if they felt that IGOs are only interested in them for implementation. The table below presents the percentage of respondents answering negatively to positively. Fourteen percent of respondents, for example, provided strongly negative responses on engagement in programme development.

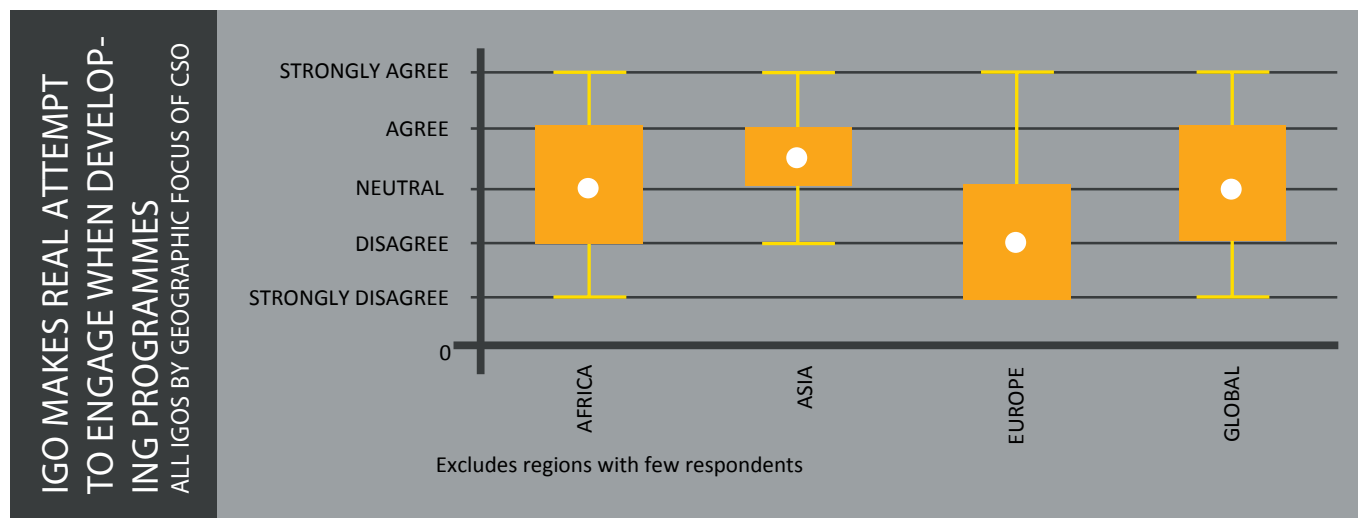
CIVIL SOCIETY VIEWS ON PROGRAMME PARTNERSHIP

% OF RESPONDENTS	STRONGLY DISAGREE	DISAGREE	NEUTRAL	AGREE	STRONGLY AGREE
IGOs make a real effort to engage CSOs when developing programmes	14	26	25	32	4
IGOs only interested in CSOs for implementation of projects	12	36	26	13	13

36% of CSOs agreed or strongly agreed that IGOs engaged them at the programme development stage.
26% of CSOs agreed or strongly agreed that IGOs were only interested in them for their ability to implement projects.

In the graph below we see answers to the programme development question by the geographic focus of CSOs. Perhaps surprisingly, respondents giving their geographic focus as Europe appear the least satisfied with IGOs on this question.¹⁹

IGO engagement when developing programmes, by CSO region



In the previous graph, we see CSOs from Europe giving the lowest rating for IGOs engaging them when developing new programmes. Respondents from both Africa and Asia on average provided higher ratings. This is likely to reflect the efforts made by IGOs to engage local actors (in Africa and Asia) when developing new programmes, rather than European-focused CSOs. Globally, with the combined total of all CSOs we see the median for the sample felt neutral when asked if they had an impact on IGO programme development. This finding reinforces notions that IGO decision-making when developing new programmes, on average, falls short of their commitments to civil society engagement.

EMPOWERMENT

IGOs often talk about how they work to actively strengthen civil society in their engagement, so we asked two questions. First, we asked if respondents agreed with the statement, “The IGO collaborates on initiatives that matter to us,” and “How empowered do you feel by the IGO?” The table below shows the percentage of respondents giving negative to positive answers. Although the responses mask the differences between IGOs, the overall picture is not as positive as IGOs might claim, nor is it as negative as some civil society actors claim.

CIVIL SOCIETY VIEWS ON EMPOWERMENT

% OF RESPONDENTS	DISEMPOWERED	SOMEWHAT DISEMPOWERED	NEUTRAL	SOMEWHAT EMPOWERED	EMPOWERED
IGOs collaborate with CSOs on issues that matter to them	15	16	25	36	8
How empowered do CSOs feel by IGO processes?	15	14	39	26	6

68% of CSO respondents felt neutral or disempowered by their chosen IGO.

44% of CSO respondents felt that IGOs collaborated with them on issues which matter to them.

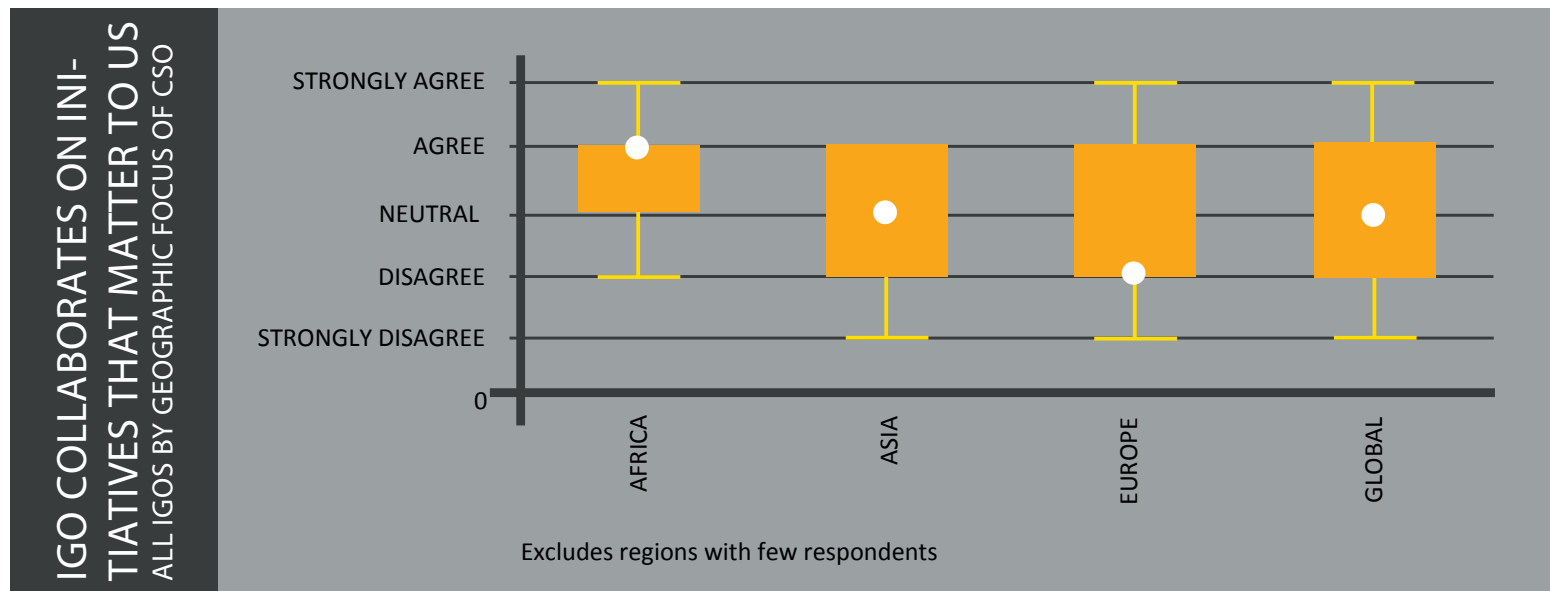
As the results demonstrate, 44 percent of CSOs that participated in the survey felt that the IGO collaborated with them on “issues which matter them.” This can be reinforced by a common theme that emerges when engaging with focal points at IGOs. CSOs and IGOs often have the same objectives and aspirations for macro-level issues. The key point for disagreement is the scale, speed and methods of achieving these overarching objectives.²⁰

However, when asked directly whether they felt empowered by the chosen IGO, 68 percent of CSOs felt neutral or disempowered. Objectively, the basis for any question on “empowerment” is difficult to quantify scientifically; however, the Scorecard is a perceptions survey and thus aims to evaluate how civil society organisations feel when engaging with IGOs.

GEOGRAPHIC DISPARITY

The graph below uses responses to the question on collaboration and categorises respondents by their geographic focus.²¹

Again, we see respondents with Europe as their geographic focus give IGOs the lowest score for collaboration. Interestingly, the graph below demonstrates CSOs based in Africa offer the highest score for collaboration on initiatives that matter to them, and Asian CSOs score higher than European CSOs. This illustrates a level of proactivity by IGOs when engaging with civil society. Moreover, as discussed in the case studies, many IGOs have initiated dialogues and consultation strategies at national or regional level.²² Whilst the Scorecard aims to assess access to main decision-making hubs, this evidence could be used to strengthen the importance of localised dialogue strategies and prioritise the filtration of localised dialogue outcomes to the global policy-making level.

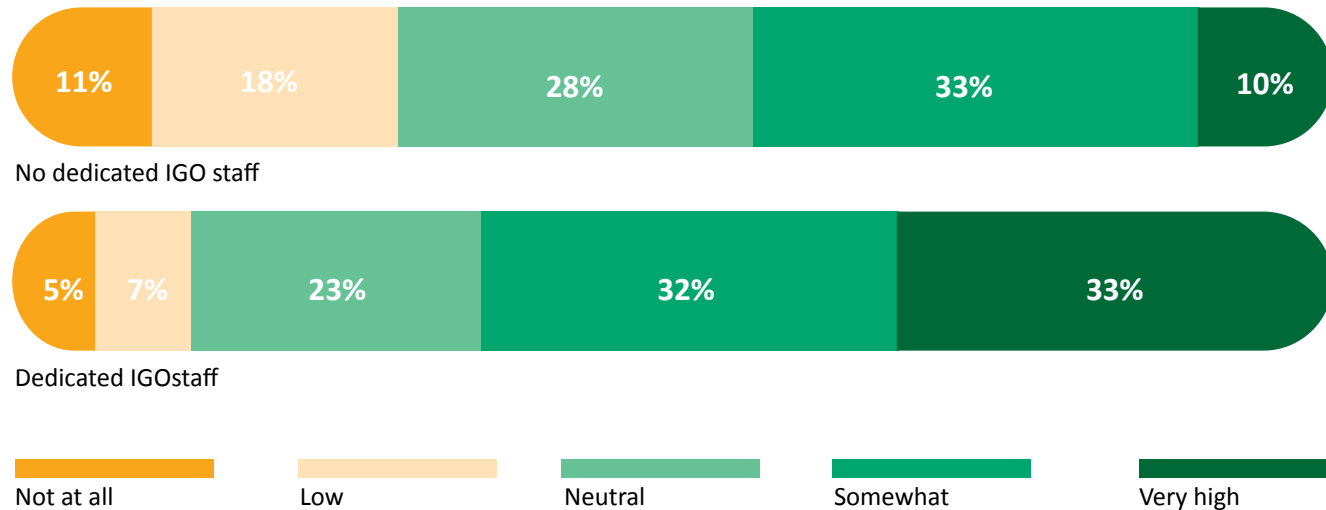


REINFORCING DIVERSITY IN CIVIL SOCIETY

We also asked respondents about their own interests and activities. The graph below shows answers to the question, “How much of a priority is IGO engagement within your organisation?” Answers are split between CSOs that reported having dedicated IGO outreach staff and those that did not.²³ Two things are notable. First, for both types of CSO respondents, IGO engagement is important. This suggests the Scorecard may have successfully targeted actors whose activities are relevant to the Scorecard itself. Second, the fact that CSOs without dedicated outreach staff still consider IGO engagement a priority is likely a challenge for IGOs trying to reach out to under-resourced CSOs.

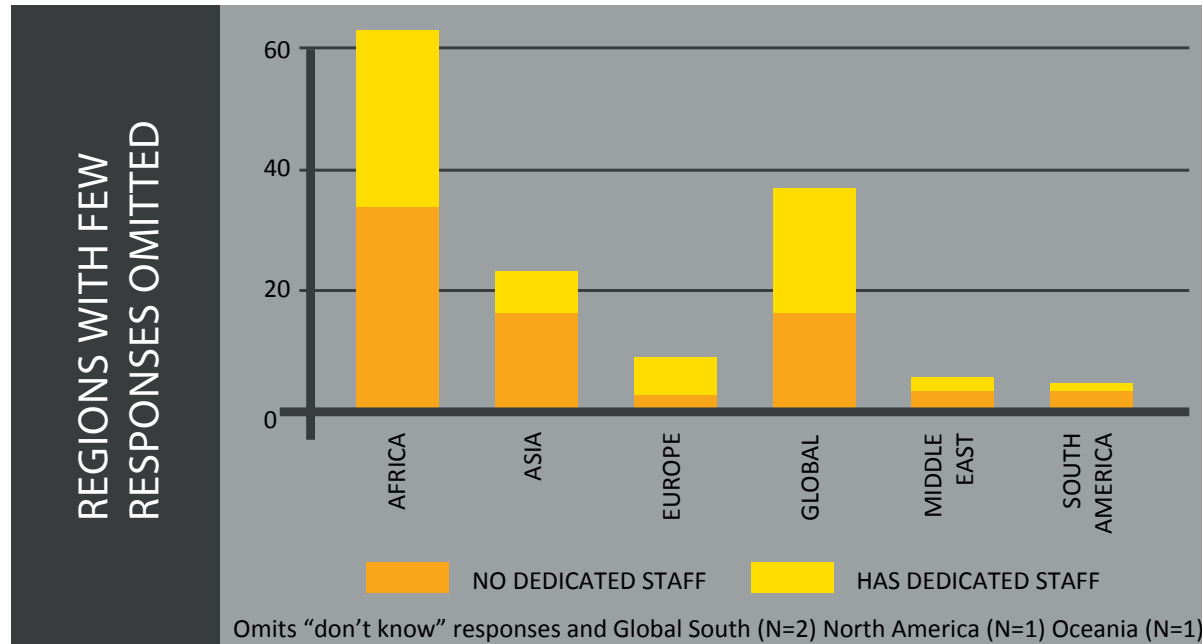
The answers given within this section highlight a trend throughout the Scorecard. Whilst CSOs may place a priority on engaging with IGOs, a fundamental stumbling block to effective engagement lies in CSO resources. A clear shift in priority has taken place, primarily by placing the onus on CSOs to be proactive in their outreach, rather than IGOs. Whilst it is fair to expect balanced attitudes toward engagement, the general resources at the disposal of IGOs far outweigh the capacity of most CSOs.²⁴ Therefore, a key finding from this body of research should be to place a greater priority on IGOs to proactively engage with CSOs, rather than allowing a self-selecting sample²⁵ of CSOs to frequently engage with them.

HOW MUCH OF A PRIORITY IS IGO ENGAGEMENT WITHIN YOUR ORGANISATION?



The graph overleaf shows the geographic focus of respondent CSOs and shows the split between CSOs with (yellow) and without (orange) dedicated IGO outreach staff. The number for each bar is the total number of completed surveys.

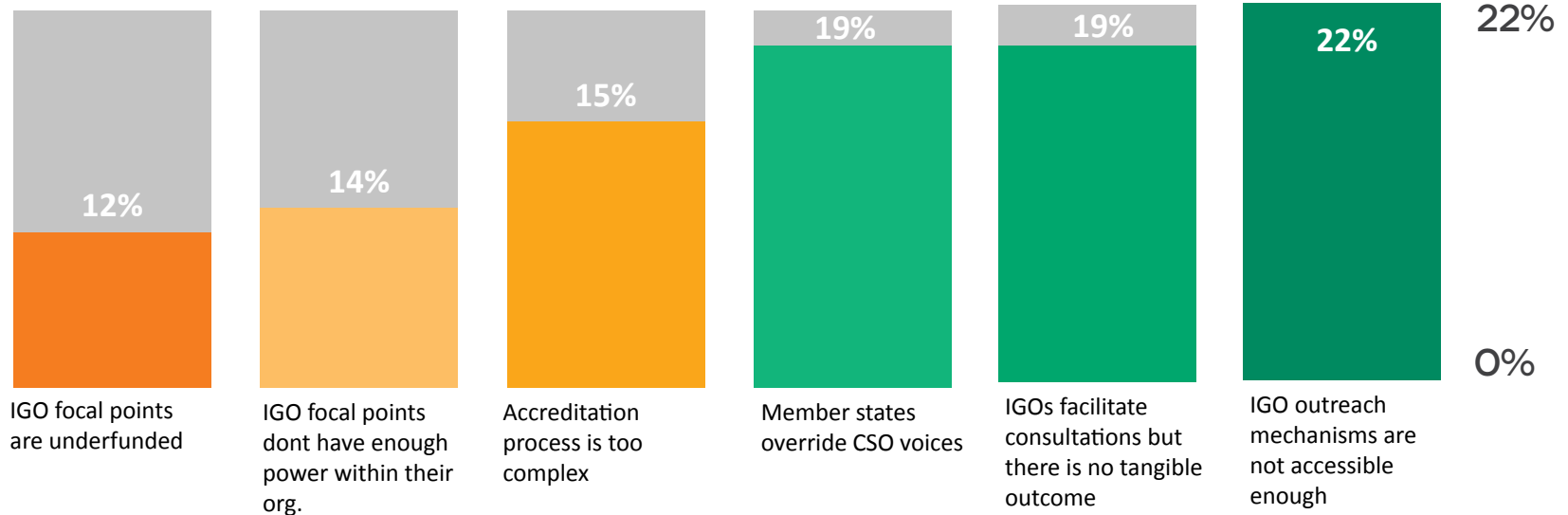
Geographic focus of respondents, by IGO outreach staff



OBSTACLES

We asked respondents to tell us about the obstacles they face when engaging IGOs. It is notable that accreditation processes were not the main obstacle for respondents. Instead, the common frustrations appeared to be with member states, IGO consultations without outcomes and most notably the inaccessibility of IGO outreach mechanisms. The findings displayed below illustrate the frustrations felt by CSOs when engaging with global governance systems. Interestingly, under resourcing of IGO focal points was the lowest obstacle. This finding also speaks to a potential lack of awareness within CSOs of IGO focal points and their relative underfunding and understaffing in comparison to the size of the IGO and number of CSOs who engage with the organisation.

OBSTACLES TO ENGAGING WITH IGO'S



CSO opinions on obstacles to engaging IGOs

The key obstacle to IGO engagement from a CSO perspective is the accessibility of IGO outreach mechanisms themselves. This finding leads us to the conclusion that awareness of mechanisms remains obscure in the eyes of CSOs. Despite efforts by IGOs to enhance ease of accreditation, we are still seeing a common theme of accessibility within outreach strategies being insufficient to capture a diverse group of CSOs. Moreover, this can be compared directly to the results discussed earlier about selectivity of engagement by IGOs.

THE IGO PERSPECTIVE

CIVICUS also distributed a self-assessment to the 10 IGOs participating in the evaluation. The questions were based around the same four indicators and were designed as an opportunity for the IGOs to offer an honest reflection on their civil society outreach. Whilst this is only a small sample of all IGO staff that frequently engage with civil society, it offers a glimpse into the perspective of the IGO.

We asked IGO respondents, “What do you think are the main obstacles to greater CSO engagement on your organisation’s policies?”

- Eight respondents said the main obstacle is member states.
- Four said the main obstacle is the IGO’s own leadership or management.
- Nine said the problem is the CSOs themselves.

IGOs were asked to elaborate on the key issues which prevent CSOs from having effective impact within their systems. Below is a sample of the answers that were given.

Some comments from IGO staff:

"Little coordination: speaking with too many competing voices..."

"Not a balanced representation – same CSOs leading the process..."

"CSOs do not know our procedures."

"When working with local CSOs in Africa, capacity constraints quickly become apparent, especially limited understanding of complex technical matters. Some of them also lack sincerity as there are 'fake' CSOs that try to obtain funding from donors but then turn silent when they should represent citizens' interests in front of governments."

"There is a tension between CSOs as true collaborative partners and the competition between NGOs as 'business' partners."

"We would rather focus on partnering with operational NGOs, but sometimes the advocacy CSOs get in the way. Organisation is forced to devote too much attention to advocacy NGOs who repeat the same arguments year after year."

"We don't always hear each other. It would be more constructive if both sides arrived ready to listen, not just ready to talk. Also, some CSOs try to control access to our organisation which seems counter to the concept of civil society."

“International CSOs cannot always claim to have the best interest of a country’s citizens at heart. Several of them hijack meaningful development projects at [the] national level to push advocacy agendas at [the] international level. This can slow down or even terminate projects that are much needed in countries to reduce poverty and increased shared growth.”

Interestingly, member states were a common frustration amongst both IGOs and CSOs. CSOs placed importance on mechanisms and accessibility, whereas “IGOs staff” ranked management or leadership of the organisations as an obstacle to CSO engagement. Yet, it would seem these two issues are entwined as our research indicates that some IGO leaders or management are far more willing to uphold their commitments to civil society engagement than others.²⁶ Shifts in priority are key to maintain civil society engagement as a central part of the agenda of IGOs and reinforce the need for structural shifts within global governance. Other IGO focal points spoke of expanding their work not via increased resources, but through dedicated policies focusing on raising awareness in their organisation of best practice regarding civil society engagement.

PART 3

CONCLUSION & RECOMMENDATIONS

METHODOLOGICAL LESSONS

This is a pilot phase of our attempt to build a Scorecard and should be viewed as such. We have designed a methodology that we hoped could evaluate and assess civil society engagement with IGOs, the primary component of which was a survey of civil society actors. As with any first iteration of a survey, we encountered some challenges around our sample. For example, we did not receive sufficient responses for some of the IGOs we covered, and there was a bias in the sample towards CIVICUS members and partners, who may not necessarily represent the fullest spectrum of civil society.

During this pilot phase, we also learned several lessons about our methodological approach.

First, IGOs have different mandates, and thus different activities with different constituencies. So it might be better to compare IGOs with similar IGOs. One broad category could be called the 'regulatory' IGOs, which set standards, settle disputes and convene stakeholders. This might include WTO and OHCHR. Another category could be the 'service delivery' IGOs, whose main focus is on the delivery of projects at the country level, such as UNDP and the World Bank. This is a useful distinction, and future Scorecards should account for such a distinction.

Second, IGOs also differ in their locus of activity, since some are decentralised and focused at the country level, while for others the bulk of their work takes place at their headquarters. As discussed within the body of the report, the 10 IGOs assessed vary in their approaches. In this

sense, some IGOs may have a greater capacity to engage at the local level than others. Indeed, UNDP's 'low' score for policy dialogue should not necessarily be taken as a commentary on country-level engagement, which in UNDP's case is extensive. On the other hand, almost all IGOs claim to listen to civil society voices, so whether they are a decentralised organisation or not, it is still reasonable to ask civil society how accessible the IGO is at the global level.

Third, although the survey asked about engagement with an IGO at the global level, it is possible that respondents had engagement at the country level in mind when answering questions. This is possible and a concern. It is for this reason that we would establish a minimum threshold of 20 responses in order to score an individual IGO. Although it is possible that some respondents have national rather than global engagement in mind, it is reasonable to suggest that with enough respondents, such 'errors' would be averaged out.

Fourth, an IGO may feel that the Scorecard simply gets something completely wrong. A low score for programmatic development, for example, may fly in the face of the IGO's own impression of its efforts. This is why the future Scorecard would allow the IGOs a 'right of reply.' But it can also be said that if an IGO is scoring poorly on something it thinks it does well, there is at least a cause to pause and reflect: if there is an annual meeting with civil society, for example, perhaps many respondents are unaware of. If so, why are they unaware? Seen in this light, the Scorecard can be usefully employed by the IGO to improve its own engagement.

Fifth, the Scorecard is unable to take into account broader national political contexts. In many instances, a primary stumbling block to successful CSO engagement with IGO processes is the lack of an environment conducive to civil society. This is particularly relevant if an IGO focuses on regional or national outreach. This could potentially lead to an unfair score when the reality is vastly different.

Sixth, the Scorecard does not place adequate weight on the dissemination of information by IGOs. Many IGOs excelled within the survey primarily due to effective dissemination strategies. By using the Internet and other tools to reach a broader audience than was previously possible, IGOs are evolving beyond our relatively basic idea of access. A recommendation for a future Scorecard could be an information-based indicator. This indicator would assess the ability of CSOs to interact with IGO processes despite being geographically removed from the decision-making hub. A key finding from the pilot exercise is awareness-building initiatives such as newsletters and other communication drives help. However, it must be conceded that not all CSOs have access to Internet, which presents a problem for future inclusion of such an indicator.

Finally, as stated throughout the report, our aim was not to rank or compare IGOs. Rather, it was to evaluate the state of civil society engagement at present. In the future, we hope to expand the methodology and develop a comprehensive system of scoring IGOs. In the Appendix to this report, we have laid the foundations for what a system of scoring might look like in the future. Whilst there are numerous debates about whether it is possible to measure civil society engagement, CIVICUS remains committed to working with IGOs and CSOs to find the most appropriate and comprehensive method of measuring civil society engagement with IGOs. This is just the start of the process.

CONCLUSION

The IGO Scorecard on intergovernmental civil society engagement is a perceptions survey of a complex and gradually shifting environment. This tool is the starting point for a broader debate on the state of global governance and whether it lives up to our expectations in 2014. From all of our findings, it is clear that there is still much work to do to improve and reimagine IGO outreach.

Our conclusions portray civil society engagement at the IGO level as underdeveloped in many areas. As we reflect on the conclusions from both IGO and CSO perspectives, we are able to draw attention to problems in the structural architecture of global governance. Both CSO and IGO staff highlighted the biggest obstacle to effective engagement of civil society are member states. Almost all IGOs have been designed as almost exclusively state-dominated organisations. This state-centric structure of IGOs creates a structural imbalance, which makes the integration of citizens' voice into their activities of secondary importance at best and tokenistic at worst. More broadly, these imbalances in IGO outreach are situated within wider challenges around accountability in global governance.

We pointed out at the outset of this report that the incorporation of civil society voices within global governance institutions has enjoyed a relatively positive trajectory. However, in the process of this research, it has become clear that much more could and should be done to improve civil society engagement by IGOs.

A good place to start is with enhancing civil society influence on policy issues. Civil society has little space to impact on policy and limited scope to affect policy direction. The onus is still primarily placed on CSOs to try to engage in policy discussions or just to have a seat at the table. Accessibility to IGO decision-making hubs simply isn't good enough. We also note that civil society actors feel IGOs are too selective in their outreach, choosing to focus engagement on an elevated few rather than engaging with the broad diversity of the civil society spectrum. Civil society spaces are dominated by a few well-resourced and well-versed CSOs, who sometimes prefer to entrench themselves into privileged positions rather than open up access to their colleagues.

Our research reveals that civil society calls for a greater regional or local outreach by IGOs, moving away from centralised, headquarters-based engagement. CSOs are consistently saying that outreach based within their geographic locale is far more effective.

The coordination of local or regional civil society groups also featured highly as a priority for improving civil society engagement. A need to strengthen networks of civil society actors working towards a common thematic goal was viewed by both civil society and IGOs as a key to improving civil society engagement in the future. However, the filtration of CSO voices heard in the field outside of key headquarters' locations must be visible, accountable and identifiable. In essence, IGOs need to include and amplify civil society voices outside of their immediate vicinity and comfort zones.

We have illustrated overarching needs from CSOs, such as decentralised engagement strategies, focus on regional civil society interlocutors and more tangible outcomes from consultations. Meanwhile, IGO staff have also expressed their frustrations with the capacity of CSOs to engage with them, alluding to a lack of awareness surrounding their mechanisms.

RECOMMENDATIONS TO GOVERNMENTS AND INTERGOVERNMENTAL ORGANISATIONS

We call for a *rebalancing* in the structure of IGOs through multi-stakeholder models so that they are not exclusively controlled by member-states. There have been recent examples of international agencies and programmes that have had a broader-based constitution. We believe that re-designing institutional structures will allow for a more a nuanced understanding of civil society as a key player in global decision-

making, improve the accountability of global governance and lead to more effective institutions.

UNAIDS integrates civil society representatives into its governing body. It is the first arm of the UN to incorporate civil society into a decision-making structure. The approach has been widely praised as a huge step forward for civil society integration into UN systems.²⁷

Further, we believe that IGOs need to do more to *mainstream* civil society outreach, beyond focal points, so that all staff are encouraged to proactively engage civil society. In many cases a formal civil society engagement policy may be appropriate. This will allow for enshrined commitments to civil society engagement, institutionalisation of a culture of civil society outreach and empowerment of focal points to distil professional experiences and build capacity of staff within IGOs. Moreover, it will encourage the dissemination of best practice regarding civil society engagement.

IGOs also need to ensure that they promote *diversity* in the range of civil society actors they engage with. Our research suggests that the current system of engagement has been monopolised by well-resourced and well-versed CSOs, whilst under-representing grassroots activists. Thus, decentralising outreach strategies and encouraging the filtration of civil society voices that are geographically removed from decision-making hubs is critical. Essentially, this would involve empowering local or regional offices to take control of civil society engagement and holding them responsible for proactivity when engaging with a wide spectrum of CSOs.

All 10 IGOs assessed in the Scorecard are headquartered in the global North. Whilst all have regional or country offices, their outreach strategy is primarily spearheaded by headquarters. A key recommendation from CSOs is decentralisation of outreach and focusing on local-level CSO interlocutors.

Notably, IGOs need to place an emphasis on institutional *resources* for civil society engagement. This means allocating more funding for civil society engagement at all levels and championing advocates for civil society reform both internally and externally, as well as allocating more resources for building a greater awareness of mechanisms available to civil society and building the capacity of civil society to engage more effectively with IGO systems.²⁸

The Office of the High Commissioner for Human Rights (OHCHR) has initiated training toolkits, seminars and workshops for civil society organisations. These capacity-building efforts – spearheaded by the civil society engagement team – have enhanced the awareness, understanding and the ability of civil society organisations to engage with the human rights mechanisms at the UN, particularly under time constraints.²⁹

Finally, it is critical that IGOs take the lead in global efforts to create an *enabling environment* for civil society. It is not good enough inviting one representative of a well-known CSO to a consultation at headquarters when their colleagues are facing grave threats back home. IGO leaders and representatives must back up their commitment to civil society by not turning a blind eye to attacks on civic space in countries where they operate.

RECOMMENDATIONS FOR CIVIL SOCIETY

We urge our civil society peers to consider *prioritising* influencing of global governance institutions wherever possible in their programmatic activities. Local events are increasingly being shaped by global happenings in today's interconnected world. Key to the above are enhancing civil society's knowledge and understanding of the impact of global decision-making on local conditions (including through creation of interactive publications and organisation of learning exchanges) and building coalitions and networks around general and specific themes that enable pooling of resources to maximise civil society's ability to influence decision-making processes.

We call for *democratisation* of civil society spaces in global governance processes. In particular, larger and well-resourced CSOs with established presence in key intergovernmental organisations should enable civil society groups on the ground to engage in these spaces. For example, this can be done by proactively offering use of organisational accreditation or earmarking of financial resources to enable greater sectoral engagement in intergovernmental processes.

Moreover, we need to ensure focus on expert analysis and *targeted advocacy* to enhance public interest in decision-making at intergovernmental forums. In particular, strategic relationships should be forged with academia and the media to advance civil society positions. Parallel to this, we also need to create better synergies between civil society groups and greater cross-sectoral cooperation. In particular, the Istanbul Principles for CSO Development Effectiveness³⁰ should guide work and practices in relation to engagement with global governance institutions.

As part of the process of working on the Scorecard, we at CIVICUS also reflected on what more we could do improve civil society engagement with IGOs. As a global civil society alliance and as an organisation often invited to take part in IGO engagement, we feel a duty to 'walk the talk' on the recommendations above.

An important priority for us is to take the findings of our work and convene discussions with CSOs and IGOs, to see what more could be done to improve engagement. We plan to do this in the months following the publication of this report. In the course of this process, we will also gather feedback on the Scorecard methodology with a view to honing it and launching a more comprehensive method of measuring civil society engagement with IGOs.

Given the emphasis on strengthening regional and local outreach by IGOs, we will engage CIVICUS' members to explore ways to bring a diverse range of civil society actors into contact with IGOs. One avenue for this is likely to be the Affinity Group of National Associations (AGNA), the group of national civil society platforms that are part of the CIVICUS alliance. We believe that encouraging national-level civil society platforms to facilitate IGO engagement could be a relatively efficient way of achieving broader-based inclusion.

As CIVICUS, we will continue to participate in global governance institutions' meetings, representing our members and advocating for greater civil society participation and engagement. We remain committed to working within and through international institutions and processes to create a better world for all. However, we also recognise and remain committed to the urgent need for reform to make these institutions and processes more accountable and responsive to citizens' demands.

PART 4

IGO PROFILES



FOOD & AGRICULTURE ORGANISATION OF THE UNITED NATIONS (FAO)

Founded

1945

Headquarters

Rome, Italy

Information on civil society engagement can be accessed [here](#).

Mandate

FAO's three main goals are: (i) the eradication of hunger, food insecurity and malnutrition; (ii) the elimination of poverty and the driving forward of economic and social progress for all; and (iii) the sustainable management and utilisation of natural resources, including land, water, air, climate and genetic resources for the benefit of present and future generations.³¹

Capacity

• As of 1 November 2013, FAO employed 1795 professional staff (including Junior Professional Officers, Associate Professional Officers and

National Professional Officers) and 1654 support staff. FAO's decentralised network includes 5 regional offices, 10 sub-regional offices, 2 multidisciplinary teams, 74 fully fledged country offices (excluding those hosted in regional and subregional offices), 8 offices with technical officers/FAO Representatives, and 38 countries covered through multiple accreditation. In addition, FAO maintains five liaison offices and four information offices in developed countries.³²

The promise on civil society engagement

By strengthening cooperation and partnerships with civil society, FAO seeks to:

- Enhance the legitimacy, transparency and equity of policy and decision-making, ensuring that it takes into consideration the interests of all sectors of society and has their support;
- Give a voice to stakeholders, particularly the world's poor and ensure that their views and opinions are taken into account;
- Increase the effectiveness of FAO field projects and programmes by building on civil society experience in participatory approaches, poverty alleviation and sustainable agriculture, as well as their capacity to act quickly and flexibly targeting the most vulnerable groups; and
- Build public support and political will to attain food security objectives.³³

Accreditation and access for civil society

The FAO offers a two-tiered accreditation system for civil society. Formal status allows civil society organisations to attend (without the right to participate) sessions of the conference and to participate in smaller discussions. CSOs who have formal status may also enjoy the right to unrestricted information prior to discussions. However, formal status demands that CSOs must “cooperate fully with FAO for the furtherance of the objectives of the Organisation.”³⁴ The outline document also states that formal status can be withdrawn at any time.

Informal accreditation allows CSOs entry to conferences on an ad hoc basis and can be obtained online.³⁵

The practice

7 respondents completed the survey for FAO. The table below shows the answer averages, organised by the four dimensions of IGO engagement.

CSOs say:

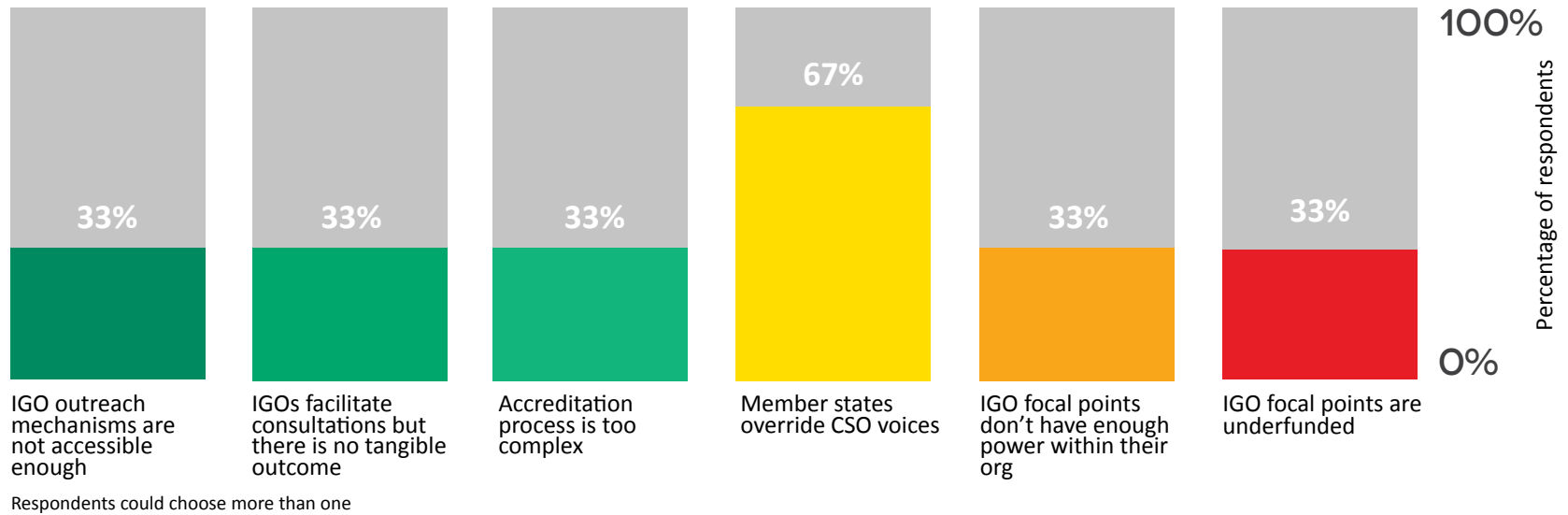
“On several occasions we have gotten technical support from the IGO [FAO] to be able to establish our grassroots groups and equip them with legal operation certificates.”

“[I]n Switzerland, there is a formal committee for dialogue with FAO, including several CSOs. But it's not really taken into account.”

CSO RESPONSES TO FAO SURVEY

DIMENSION	QUESTION	FAO	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	40%	43%
	Benefits of accreditation	1.8	3.4
	Accrediting process is easy	3.0	2.7
	Accrediting process is clear	3.0	3.2
	Access to IGO decision-making body	1.8	2.6
	Outreach by IGO	2.7	2.9
	IGO selective in its engagement	1.8	2.3
	IGO proactive in outreach	1.5	2.5
	Informal engagement	2.0	2.8
	Access improved in past five to ten years	2.6	2.9
Engaging in policy dialogue	Impact on IGO policy	1.8	2.3
	IGO does not pretend to listen on policy	3.2	3.3
	IGO listens to us on policy	2.3	2.9
Engaging in programme development	IGO engages when developing programmes	2.6	2.8
	IGO only interested in us for implementation	3.2	2.9
IGO empowering civil society	IGO collaborates	2.8	3.0
	IGO empowers us	2.3	2.9

OBSTACLES TO ENGAGING IN FAO



Civil society voices

We asked civil society what FAO should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

CIVIL SOCIETY PRIORITIES FOR IMPROVING ACCESS, FAO

PRIORITY RANK	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE RANKING
1	LOCAL AND REGIONAL OUTREACH	2.8
2	INTERLOCUTORS TO REACH DIFFERENT CSOS	3.2
3	DECENTRALISED OUTREACH	3.3
4	ONLINE ACCESSIBILITY	3.8
5	CAPACITY OF CSO FOCAL POINTS	4.8
6	BUILD CSO CAPACITY TO ENGAGE	5.5

INTERNATIONAL LABOUR ORGANISATION (ILO)

Founded

1919

Headquarters

Geneva, Switzerland

Information on civil society engagement can be accessed [here](#).

Mandate

“The main aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.”³⁶

Capacity

The ILO accomplishes its work through three main bodies (The International Labour Conference, the Governing Body and the Office), which comprise representatives of governments', employers' and workers'³⁷ representatives. There are 2633 employees based in 64 locations around the globe.³⁸

The promise on civil society engagement

“As a tripartite organisation, the ILO does not simply collaborate with non-governmental organisations but actually integrates sectors of civil society into its structure. That integration reflects a continuous and concerted international effort in which the representatives of workers and employers, enjoying equal status with those of governments, join with them in free discussion and democratic decision with a view to the promotion of the common welfare" (Declaration of Philadelphia, I(d)).”³⁹

Accreditation and access for civil society

There are three different categories of international NGOs in consultative status. The first includes international NGOs with major stakes in a wide range of the ILO's activities that are granted either general or regional consultative status. Standing arrangements have been made for the participation of those enjoying general consultative status in all ILO meetings, and in regional meetings for those with regional consultative status. A second category, the Special List of Non-Governmental International Organisations, was set up by the ILO Governing Body in 1956 with a view to establishing working relations with international NGOs, other than employers' and workers' organisations of employers and workers, which also share the principles and objectives of the ILO Constitution and Declaration of Philadelphia. In a third category, the ILO Governing Body extends invitations to international NGOs which who meet certain established criteria to attend different ILO meetings for which they have demonstrated a particular interest.⁴⁰

The practice

9 respondents completed surveys for the ILO. The table below shows answer averages, organised by the four dimensions of IGO engagement.

CSOs say:

"[Accreditation with the ILO] offers access to expert meetings and political debates, VIP access to the ILC."

"We must be involved to participate in the planning and implementation of international policies and all approaches."

"We only have informal access, we would also value formal access."

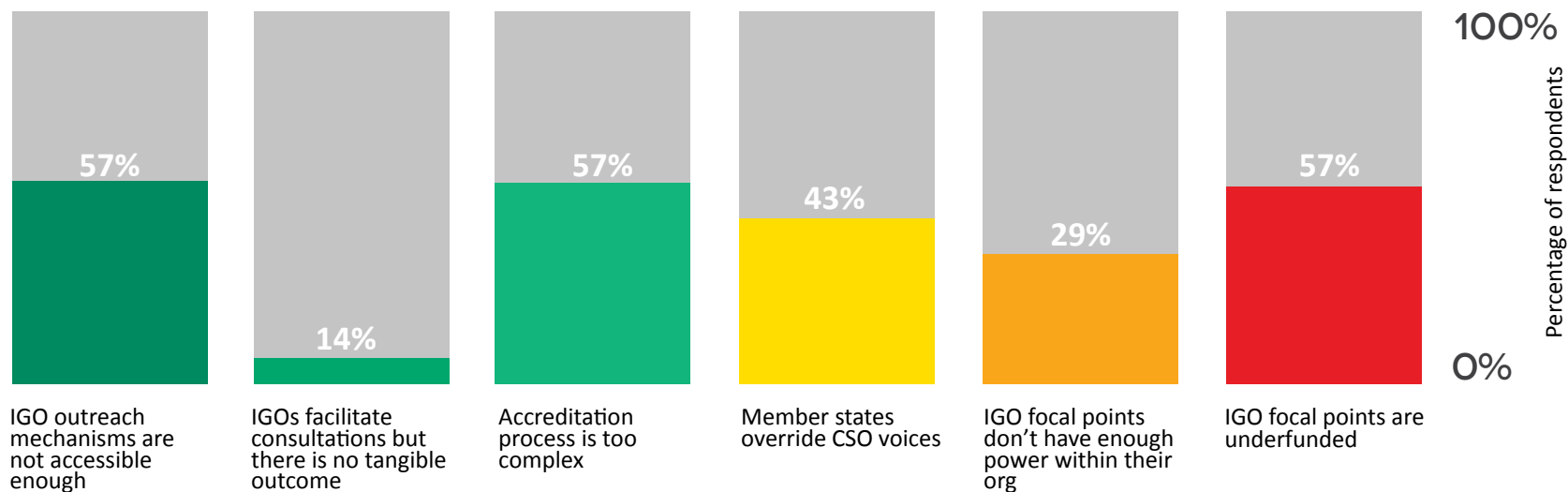
"[Accreditation] is legally recognised by the government and community as well known to supplement the government in terms of services delivery."

CSO RESPONSES TO ILO SURVEY

DIMENSION	QUESTION	ILO	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	57%	43%
	Benefits of accreditation	3.6	3.4
	Accrediting process is easy	2.6	2.7
	Accrediting process is clear	3.5	3.2
	Access to IGO decision-making body	2.3	2.6
	Outreach by IGO	2.8	2.9
	IGO selective in its engagement	2.1	2.3
	IGO proactive in outreach	2.9	2.5
	Informal engagement	2.6	2.8
	Access improved in past five to ten years	2.1	2.9

Engaging in policy dialogue	Impact on IGO policy	2.5	2.3
	IGO does not pretend to listen on policy	3.0	3.3
	IGO listens to us on policy	3.4	2.9
Engaging in programme development	IGO engages when developing programmes	2.6	2.8
	IGO only interested in us for implementation	2.6	2.9
IGO empowering civil society	IGO collaborates	3.4	3.0
	IGO empowers us	3.0	2.9

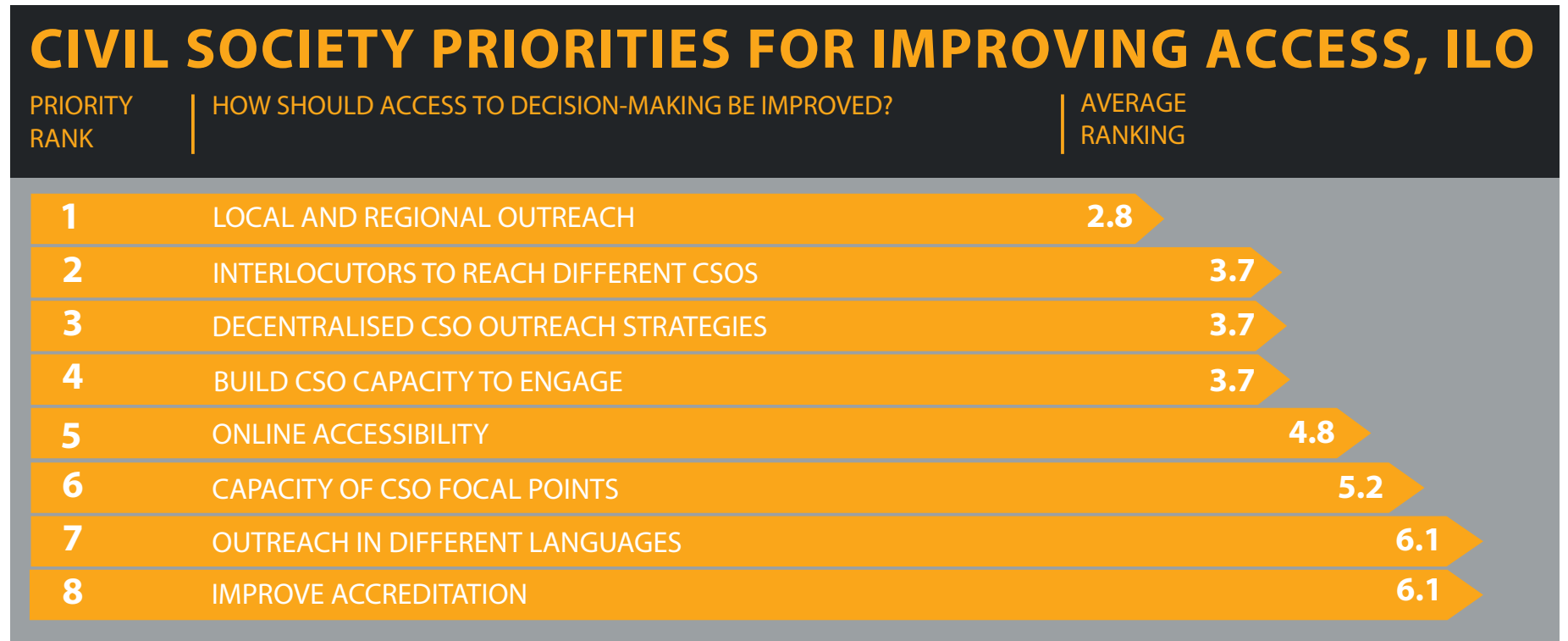
OBSTACLES TO ENGAGING IN ILO



Respondents could choose more than one

Civil society voices

We asked civil society what ILO should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.



OFFICE OF HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

Founded

1993

Headquarters

Geneva, Switzerland

Information on civil society engagement can be accessed [here](#)

Mandate

“The Office of the High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and in international human rights laws and treaties. OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration and Programme of Action the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies.”⁴¹

Capacity

As of 31 December 2013, the Office employed 1,085 staff, 452 of whom were based in the field (including 19 human rights advisers based in United Nations Country Teams), 607 in Geneva and 26 in New York. OHCHR also supported close to 840 human rights officers serving in 15 UN peace missions or political offices.”⁴²

The promise on civil society engagement

‘During my next two years in office, I intend to pay particularly close attention to states’ relationships with, and treatment of, human rights defenders, journalists and other key members of civil society. Human rights will not improve much without the direct participation of a robust, free and independent civil society....’

- Navi Pillay, High Commissioner for Human Rights, October (2012)⁴³

Accreditation and access for civil society

OHCHR itself has no formal accreditation process for civil society to engage with the organisation. Civil society organisations enjoy free access and facilitation by OHCHR to a range of human rights mechanisms and intergovernmental processes.

The practice

CIVICUS received 37 complete survey responses were received for OHCHR. The table below shows answer averages, organised by the four dimensions of IGO engagement.⁴⁴

CSOs say:

“OHCHR would do best to reach out to CSOs for continuity and sustenance of transformations after project-lives.”

“We had [have] access to the OHCHR extranet, can participate in all public meetings of the HRC and Human Rights Committee, receive regular updates on events and statements, and can contribute to the work of special procedures.”

“OHCHR outreach is good in relation to organisations that have sought it out. Proactive outreach to organisations less aware of OHCHR is much weaker. It would be beneficial for the IGO to work more on identifying interlocutors to help increase awareness”

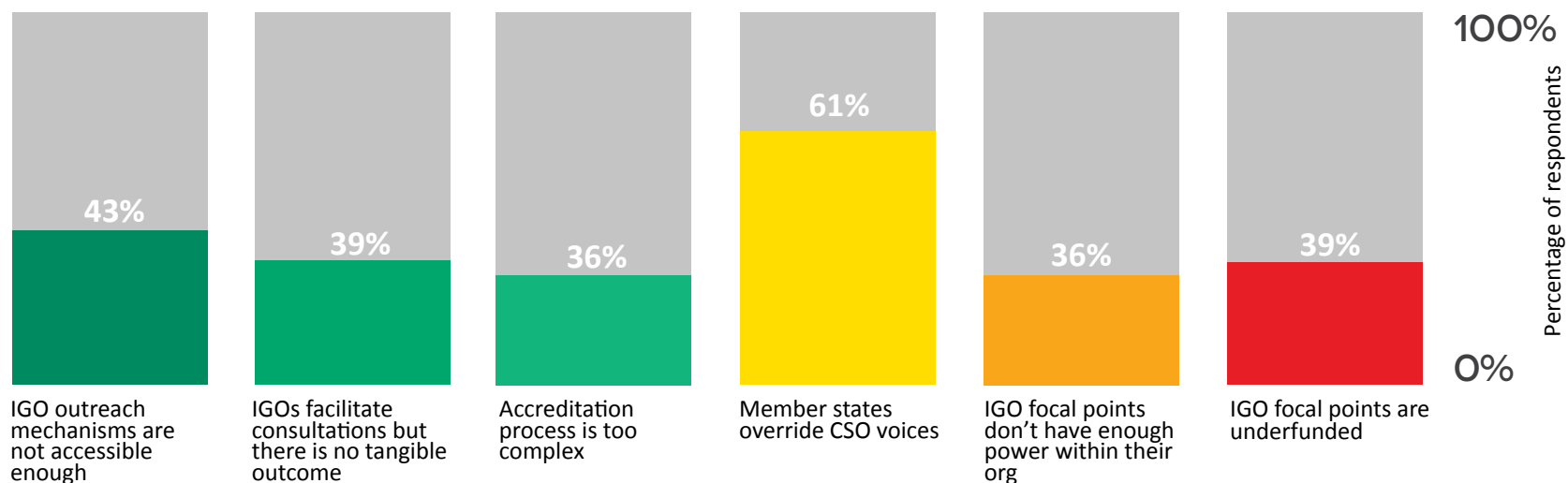
CSO RESPONSES TO OHCHR SURVEY

DIMENSION	QUESTION	OHCHR	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	62%	43%
	Benefits of accreditation	3.9	3.4
	Accrediting process is easy	2.8	2.7
	Accrediting process is clear	3.2	3.2
	Access to IGO decision-making body	3.4	2.6
	Outreach by IGO	3.3	2.9
	IGO selective in its engagement	2.7	2.3
	IGO proactive in outreach	2.8	2.5

State of Civil Society /Intergovernmental organisation scorecard

	Informal engagement	3.6	2.8
	Access improved in past five to ten years	3.5	2.9
Engaging in policy dialogue	Impact on IGO policy	2.8	2.3
	IGO does not pretend to listen on policy	3.7	3.3
	IGO listens to us on policy	3.5	2.9
Engaging in programme development	IGO engages when developing programmes	3.0	2.8
	IGO only interested in us for implementation	3.4	2.9
IGO empowering civil society	IGO collaborates	3.5	3.0
	IGO empowers us	3.6	2.9

OBSTACLES TO ENGAGING OHCHR



Respondents could choose more than one

Civil society voices

We asked civil society what OHCHR should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

HOW TO IMPROVE ACCESS TO DECISION-MAKING, OHCHR

RANK	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE
1	LOCAL OR REGIONAL OUTREACH	3.0
2	INTERLOCUTORS TO REACH DIFFERENT CSOS	3.0
3	ONLINE ACCESSIBILITY	4.0
4	DECENTRALISED OUTREACH STRATEGY	4.3
5	CSO CAPACITY TO ENGAGE	5.0
6	CAPACITY OF IGO'S CIVIL SOCIETY FOCAL POINTS	5.1
7	OUTREACH IN DIFFERENT LANGUAGES	5.2
8	ACCREDITATION PROCESS	6.4

THE WORLD BANK GROUP

Founded

1944

Headquarters

Washington DC, USA

Information on civil society engagement can be accessed [here](#)

Mandate

“End extreme poverty by decreasing the percentage of people living on less than \$1.25 a day to no more than 3%. Promote shared prosperity by fostering the income growth of the bottom 40% for every country.”⁴⁵

Capacity:

The World Bank has more than 10,000 employees in more than 168 offices worldwide.⁴⁶

The promise on civil society engagement

“World Bank Group President Jim Yong Kim, himself a former leader in the CSO community, has emphasized that closer collaboration and stronger partnerships are integral to furthering the World Bank Group goals to end poverty and promote shared prosperity around the globe.”
- Cyril Muller, Vice President, External Affairs Department(2013)⁴⁷

Accreditation and access for civil society

The World Bank Group does not offer formal accreditation per se, rather, registration is offered to CSOs to attend the Annual and Spring meetings.⁴⁸ The Bank engages with CSOs in dialogue and collaboration at regional, country level and headquarters. The World Bank has implemented a 5 point continuum for civil society engagement,⁴⁹ which begins with access to information. As part of this strategy, there has been a focus on dialogue and consultations with civil society, with a long-term view to promote and enhance collaboration and partnerships with civil society organisations.

The Bank facilitates dialogue and partnership between civil society and governments by providing resources, training, technical support, and often playing a convening role. The Bank then, dialogues and consults with CSOs on issues, policies and programmes, by listening to their perspectives and inviting suggestions. These interactions vary from consultations on global policies, such as social safeguards and climate change, to discussions on local Bank-financed projects. The Bank recently launched an online Consultations Hub⁵⁰ which brings together for the first time information on the various consultations underway worldwide. The Bank has initiated a program to ensure citizens feedback in its operations. Several CSO representatives have been named to the Advisory Council of the Strategic Framework for Mainstreaming Citizen Engagement in World Bank Group Operations.⁵¹

The Bank partners directly with CSOs through contracting technical assistance and training services, funding civil society initiatives, and managing joint programmes.⁵² The most recent funding mechanism is the Global Partnership for Social Accountability (GPSA)⁵³ which is supporting CSOs worldwide engaged in improving public sector governance and transparency.

The practice

52 respondents opted to assess the World Bank, and 26 of those answered most of the survey. The table below shows answer averages, organised by the four dimensions of IGO engagement.⁵⁴

CSOs say:

"[The World Bank should] Communicate on the subject of consultations and give enough time for CSOs to reflect and discuss with their members and partners on issues."

"Too much attention is given to bilateral relations and in the context in which we work, CSOs are largely ignored"

"Most of the focal points in IGOs are very nice people who are committed to civil society engagement; I just wish there were more of them and that they had more resources and influence within their organisation."

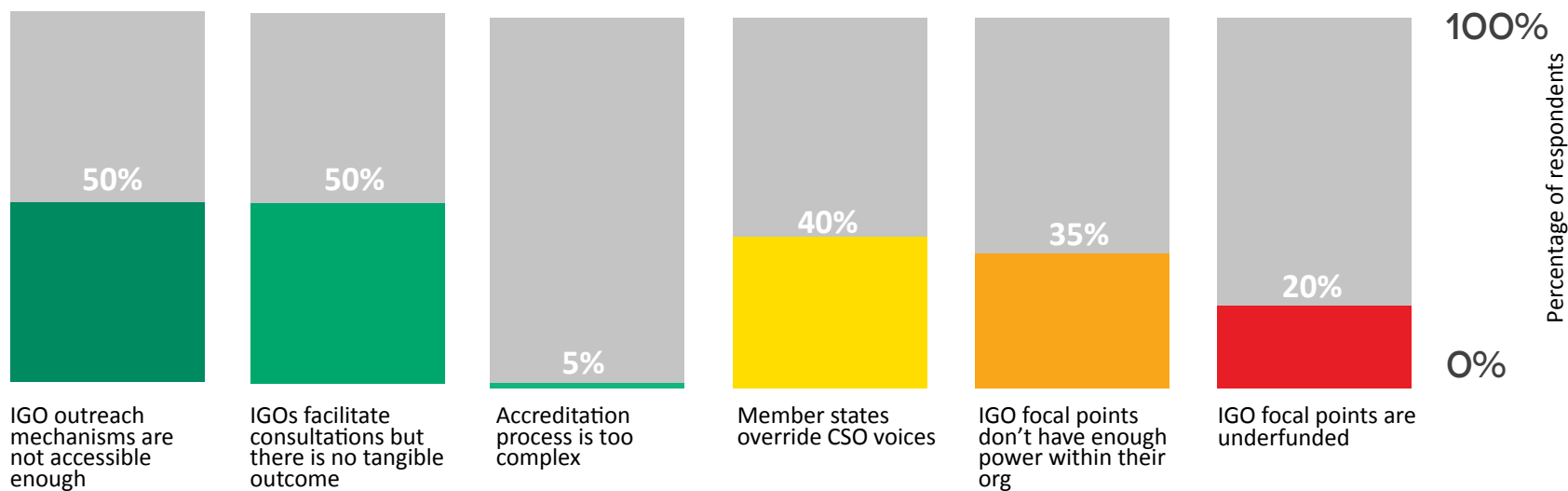
"Accredited CSOs can engage with the World Bank during their meetings and advocate from within."

CSO RESPONSES TO THE WORLD BANK GROUP SURVEY

DIMENSION	QUESTION	WORLD BANK	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	50%	43%
	Benefits of accreditation	3.3	3.4
	Accrediting process is easy	2.6	2.7

	Accrediting process is clear	2.9	3.2
	Access to IGO decision-making body	2.3	2.6
	Outreach by IGO	2.8	2.9
	IGO selective in its engagement	2.0	2.3
	IGO proactive in outreach	2.7	2.5
	Informal engagement	2.9	2.8
	Access improved in past five to ten years	2.9	2.9
Engaging in policy dialogue	Impact on IGO policy	2.4	2.3
	IGO does not pretend to listen on policy	3.5	3.3
	IGO listens to us on policy	2.8	2.9
Engaging in programme development	IGO engages when developing programmes	3.1	2.8
	IGO only interested in us for implementation	3.0	2.9

OBSTACLES TO ENGAGING WORLD BANK



Respondents could choose more than one

Civil society voices

We asked civil society what the World Bank Group should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

CIVIL SOCIETY PRIORITIES FOR IMPROVING ACCESS, THE WORLD BANK GROUP

PRIORITY RANKING	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE RANKING
1	INTERLOCUTORS TO REACH DIFFERENT CSOS	3.0
2	LOCAL OR REGIONAL OUTREACH	3.1
3	DECENTRALISED OUTREACH STRATEGY	3.9
4	ONLINE ACCESSIBILITY	4.1
5	CAPACITY OF IGO'S CIVIL SOCIETY FOCALPOINTS	4.9
6	OUTREACH IN DIFFERENT LANGUAGES	5.1
7	CSO CAPACITY TO ENGAGE	5.2
8	ACCREDITATION PROCESS	6.7

UNAIDS

Founded

1994

Headquarters

Geneva, Switzerland

Information on civil society engagement can be accessed [here](#)

Mandate

“Joint United Nations Programme on HIV/AIDS (UNAIDS) leads and inspires the world to achieve its shared vision of zero new HIV infections, zero discrimination and zero AIDS-related deaths. UNAIDS unites the efforts of 11 UN organisations – —UNHCR, UNICEF, WFP, UNDP, UNFPA, UNODC, UN Women, ILO, UNESCO, WHO and the World Bank – —and works closely with global and national partners to maximise results for the AIDS response.”⁵⁵

Capacity

UNAIDS employs 842 staff in 96 locations around the world.⁵⁶

The promise on civil society engagement

“Partnerships involving civil society, including key populations and people living with HIV, have been fundamental to robust local responses to HIV. Among other things, partnerships have helped support people living with HIV to demand and receive protection of their rights to treatment, non-discrimination and participation. More broadly, as responses have developed and grown, there is increasing evidence that the most effective programmes are those in which civil society’s role, engagement and leadership are strongest and equitable.”⁵⁷

Accreditation and access for civil society

UNAIDS does not have formal accreditation mechanisms. Rather, as an implementing coalition it places the greatest emphasis on civil society integration and capacity -building for service delivery.⁵⁸

On general access to HIV/AIDS issues, UNAIDS states: “UNAIDS has important influence with governments and will leverage this to ensure robust civil society involvement. This will include advocacy to secure legitimate representation of civil society, key populations and people living with HIV on national AIDS coordinating bodies, Country Coordinating Mechanisms, national delegations to major global and regional meetings on AIDS, and other advisory and policy-making bodies.”⁵⁹

UNAIDS is pioneering CSO integration with its Programme Coordination Board, which has member states, IGO co-sponsors and CSO representatives. This board oversees all work undertaken by UNAIDS.⁶⁰

The practice

8 respondents provided completed surveys for UNAIDS. The table below shows answer averages, organised by the four dimensions of IGO engagement.⁶¹

CSOs say:

“There is officially recognised membership to the board. Partnership with civil society otherwise is not always transparent. The interaction amongst CSOs on the board and others that work with UNAIDS is also not clear or consistent in many areas.”

“IGOs, at least, in Nepal are creating their own subservient organisations and working through them and organisations like UN are not ready to trust local organisations.”

“At the UNAIDS board level, CSOs are part of the negotiation even without voting rights. The board has never voted, and works via consensus. Therefore, all wording on decisions must be agreed, so CSOs have influence.”

“...UNAIDS discourages CSOs from criticising governments in its annual country progress reports for example, and discourages CSOs from writing their own.”

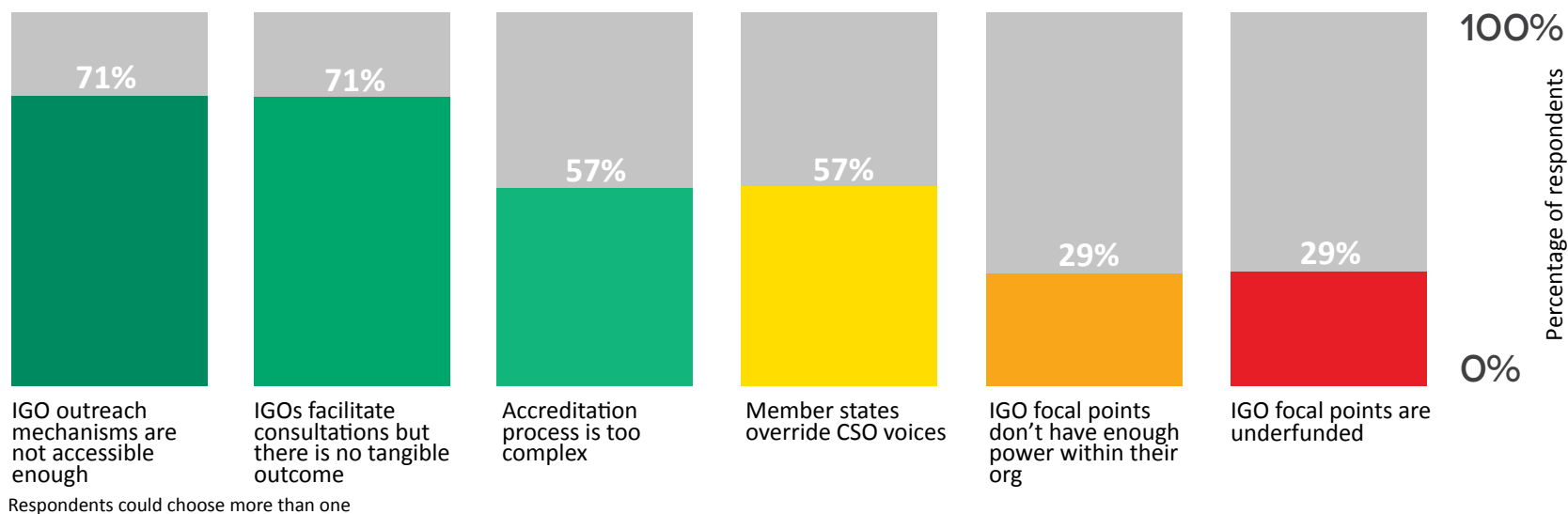
SURVEY RESPONSES FOR UNAIDS

DIMENSION	QUESTION	UN AIDS	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	50%	43%
	Benefits of accreditation	3.5	3.4
	Accrediting process is easy	2.0	2.7
	Accrediting process is clear	2.5	3.2
	Access to IGO decision-making body	2.9	2.6
	Outreach by IGO	2.6	2.9

State of Civil Society /Intergovernmental organisation scorecard

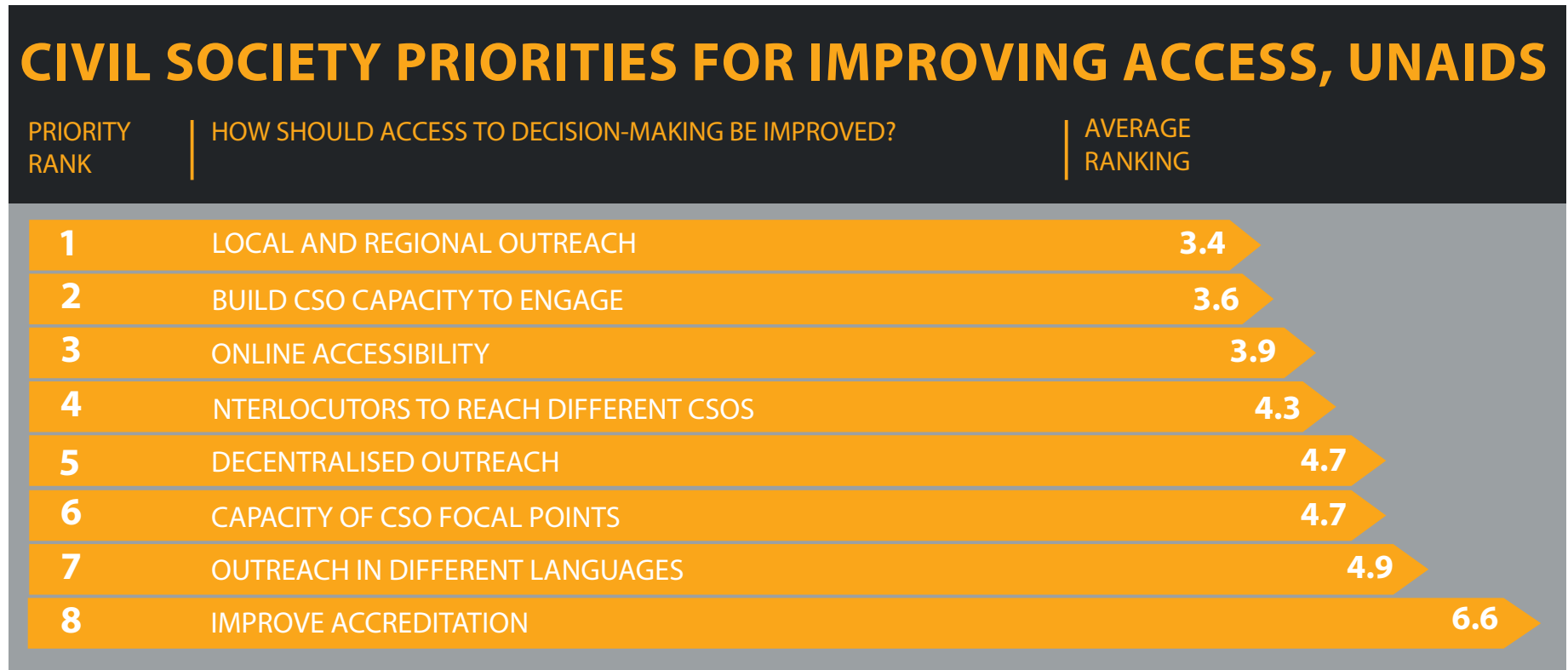
	IGO selective in its engagement	2.3	2.3
	IGO proactive in outreach	2.6	2.5
	Informal engagement	2.8	2.8
	Access improved in past five to ten years	2.6	2.9
Engaging in policy dialogue	Impact on IGO policy	2.4	2.3
	IGO does not pretend to listen on policy	3.4	3.3
	IGO listens to us on policy	2.8	2.9
Engaging in programme development	IGO engages when developing programmes	2.3	2.8
	IGO only interested in us for implementation	2.3	2.9
IGO empowering civil society	IGO collaborates	2.4	3.0
	IGO empowers us	2.4	2.9

OBSTACLES TO ENGAGING UNAIDS



Civil society voices

We asked civil society what UNAIDS should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.



UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

Founded

1965

Headquarters

New York, USA

Information on civil society engagement can be accessed [here](#)

Mandate

“UNDP’s focus is on helping countries build and share solutions to achieve Poverty Reduction and the Millennium Development Goals, Democratic Governance, Crisis Prevention and Recovery, Environment and Energy for sustainable development. In all its activities, UNDP encourages the protection of human rights, capacity development and the empowerment of women.”⁶²

Capacity:

Operational in more than 170 countries and territories.⁶³

The promise on civil society engagement

“UNDP, in its engagement with civil society, should focus less on the participation of CSOs in the execution of programmes and activities and more on the utilization of these programmes and activities as opportunities to solicit and facilitate civic engagement. UNDP must therefore view CSOs not solely as implementing partners, but important development actors who play a variety of roles.”⁶⁴

Accreditation and access for civil society

UNDP has no formal accreditation system; however, there are constraints placed upon CSOs who implement on behalf of or partner with the UN agency.⁶⁵

Since 2000, UNDP has engaged a civil society advisory committee, spearheaded by 15 prominent leaders in civil society, which provides a sounding board on policy issues.⁶⁶ UNDP was the first IGO to institutionalise a civil society committee into its structure. This pioneering approach has set a standard with other UN organisations who have subsequently integrated civil society committees into their operation.

On broader access to programmatic work, UNDP states:

“Wide variations in national CSO history, diverse configurations, inter-CSO relations and state attitude will inevitably require UNDP to select carefully with whom to engage and how. To assist in the selection process, it is important to assess, develop and publish situationally relevant criteria to determine with which actors from civil society to engage and why. Some significant factors are domestic rootedness, demonstrated mandate, legitimacy as claimant, competence, expertise and accountability.”⁶⁷

The practice

Of the 127 respondents who opted to assess UNDP, and 63 of those completed most of the survey. The table below shows answer averages, organised by the four dimensions of IGO engagement.⁶⁸

CSOs say:

“In our experience they are only interested in CSOs they can get the most brownie points for working with (internationally renowned CSOs not small ones) or their favoured few who will not ask questions.”

“We need to differentiate between donor-funded agencies, which already have their agenda decided at EU or UN, [and] then use civil society organisations to give a blanket approval to their programme by organising a conference or workshop.”

“UNDP tends to expect from CSOs to do a lot of work for little money and behaves patronisingly -- this approach should change by way of truly changing the organisational culture and engagement; creating forums and interaction that mean something.”

“[UNDP needs to facilitate] additional funding, better coordination through UN Country Representatives...”

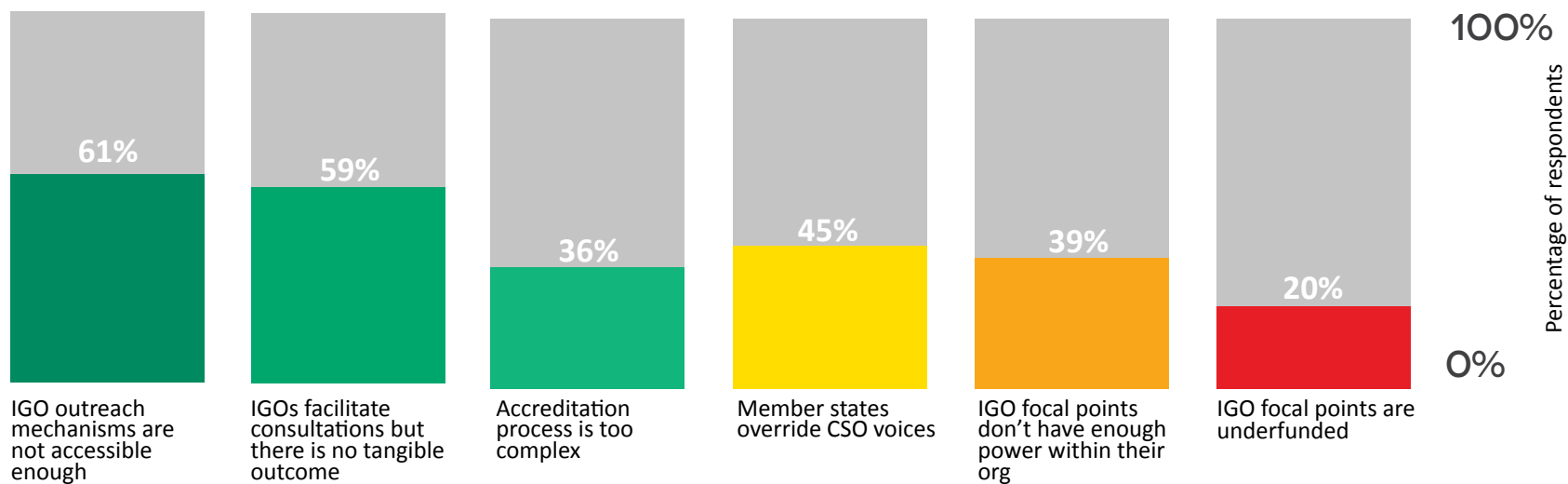
CSO RESPONSES TO UNDP SURVEY

DIMENSION	QUESTION	UNDP	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	24%	43%
	Benefits of accreditation	3.4	3.4
	Accrediting process is easy	2.4	2.7
	Accrediting process is clear	2.9	3.2
	Access to IGO decision-making body	2.3	2.6

State of Civil Society /Intergovernmental organisation scorecard

	Outreach by IGO	2.7	2.9
	IGO selective in its engagement	2.4	2.3
	IGO proactive in outreach	2.4	2.5
	Informal engagement	2.5	2.8
	Access improved in past five to ten years	2.7	2.9
Engaging in policy dialogue			
	Impact on IGO policy	1.9	2.3
	IGO does not pretend to listen on policy	3.2	3.3
	IGO listens to us on policy	2.5	2.9
Engaging in programme development			
	IGO engages when developing programmes	2.7	2.8
	IGO only interested in us for implementation	2.8	2.9
IGO empowering civil society			
	IGO collaborates	2.9	3.0
	IGO empowers us	2.5	2.9

OBSTACLES TO ENGAGING UNDP



Respondents could choose more than one

Civil society voices

We asked civil society what UNDP should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

CIVIL SOCIETY PRIORITIES FOR IMPROVING ACCESS, UNDP

RANK	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE RANKING
1	INTERLOCUTORS TO REACH DIFFERENT CSOS	2.7
2	LOCAL OR REGIONAL OUTREACH	3.2
3	DECENTRALISED OUTREACH STRATEGY	3.6
4	ONLINE ACCESSIBILITY	4.3
5	CSO CAPACITY TO ENGAGE	4.7
6	CAPACITY OF IGO'S CIVIL SOCIETY FOCAL POINTS	4.8
7	OUTREACH IN DIFFERENT LANGUAGES	6.0
8	ACCREDITATION PROCESS	6.8

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

Founded

1950

Headquarters

Geneva, Switzerland

Information on civil society engagement can be accessed [here](#).

Mandate

“The agency is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.”⁶⁹

Capacity

UNHCR, has staff of more than 7,600 people in over than 125 countries continues to help tens of millions of people.

The promise on civil society engagement

“Since the [Inter Agency] Unit’s creation in 1975, UNHCR has given high priority to its relations with NGOs and considers the NGO community an important partner in the implementation of its assistance programmes and in the promotion of refugee rights... Their role includes participation in the formulation of programme activities and, increasingly, in related policy discussions. The Inter-Agency Unit promotes information exchange and discussions between UNHCR and NGOs through support for NGO observers at the Executive Committee. It also organises pre-Executive Committee NGO consultations and regular protection and region-specific briefings for NGOs.”⁷⁰

Accreditation and access for civil society

Although UNHCR does not use formal accreditation mechanisms, the UN agency does place an emphasis on partnerships with civil society. The Partners in Action (PARinAC), the framework presents the basis for civil society integration into refugee operations.⁷¹ The Framework Agreement for Operational Partnership (FAOP)⁷² highlights commitments to partnering with civil society. The aforementioned framework features collaboration in implementation of projects as a core aim of the agency, whilst providing a code of conduct, outlining what is expected from both sides of the partnership. UNHCR also hosts annual consultations with NGOs to address pertinent issues relevant to the mandate of the organisation.⁷³ Both UNHCR and NGOs can suggest themes for discussion, which are then voted upon by attendees.⁷⁴

The practice

11 respondents who opted to assess UNHCR. The table below shows answer averages, organised by the four dimensions of IGO engagement.⁷⁵

CSOs say:

“NGOs admitted by UNHCR [(they don’t use the term accreditation)] are fully accepted in the UNHCR meetings and policy discussion fora.”

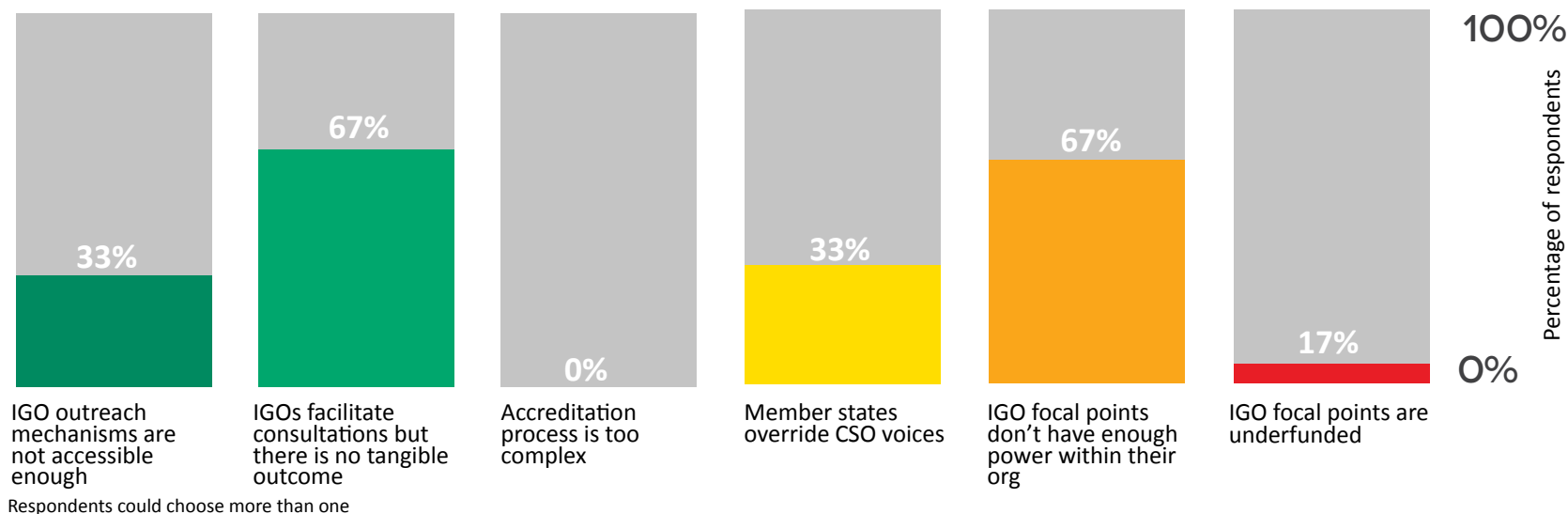
“UNHCR [(has the best IGO outreach)] because their programmes directly address the problems of the population.”

SURVEY RESPONSES FOR UNHCR

DIMENSION	QUESTION	UNHCR	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	43%	43%
	Benefits of accreditation	3.5	3.4
	Accrediting process is easy	3.0	2.7
	Accrediting process is clear	3.8	3.2
	Access to IGO decision-making body	2.4	2.6
	Outreach by IGO	2.6	2.9
	IGO selective in its engagement	1.8	2.3
	IGO proactive in outreach	2.3	2.5
	Informal engagement	2.7	2.8
	Access improved in past five to ten years	3.3	2.9
Engaging in policy dialogue	Impact on IGO policy	1.9	2.3
	IGO does not pretend to listen on policy	3.0	3.3
	IGO listens to us on policy	2.4	2.9

Engaging in programme development	IGO engages when developing programmes	2.3	2.8
	IGO only interested in us for implementation	2.3	2.9
IGO empowering civil society	IGO collaborates	2.3	3.0
	IGO empowers us	2.5	2.9

OBSTACLES TO ENGAGING UNHCR



Civil society voices

We asked civil society what UNHCR should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

CIVIL SOCIETY PRIORITIES FOR IMPROVING ACCESS, UNHCR

PRIORITY RANK	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE RANKING
1	INTERLOCUTORS TO REACH DIFFERENT CSOS	2.9
2	LOCAL AND REGIONAL OUTREACH	3.5
3	DECENTRALISED OUTREACH	3.8
4	ONLINE ACCESSIBILITY	4.4
5	CAPACITY OF CSO FOCAL POINTS	4.7
6	BUILD CSO CAPACITY TO ENGAGE	5.1
7	OUTREACH IN DIFFERENT LANGUAGES	5.2
8	IMPROVE ACCREDITATION	6.5

UN WOMEN

Founded

2010

Headquarters

New York, USA

Information on civil society engagement can be accessed [here](#)

Mandate

“To support intergovernmentalintergovernmental bodies, such as the Commission on the Status of Women, in their formulation of policies, global standards and norms. To help member states states to implement these standards, standing ready to provide suitable technical and financial support to those countries that request it, and to forge effective partnerships with civil society. To hold the UN system accountable for its own commitments on gender equality, including regular monitoring of system-wide progress.”⁷⁶

Capacity

UN Women has 524 staff members based in headquarters and five regional offices based around the world. UN Women also has four liaison offices.

The promise on civil society engagement

“Civil society is one of UN Women’s most important constituencies. It is a dynamic source of ideas and policy perspectives, partnerships and support. It plays a vital role in advancing shared strategic objectives to promote gender equality,and women’s rights and empowerment... By being part of the civil society coordination and knowledge-sharing networks of the UN system, UN Women helps find additional opportunities for civil society to engage around key issues on the global agenda. These currently include international deliberations within the UN Permanent Forum on Indigenous Issues. We also work with civil society and women’s groups so that their views will be reflected in international development agendas after the 2015 endpoint of the Millennium Development Goals.”⁷⁷

Accreditation and access for civil society

UN Women routes civil society accreditation through ECOSOC for access to its decision-making hubs. It states that, “NGOs that are accredited to and in good standing with the Economic and Social Council (ECOSOC) may send representatives to annual sessions of CSW at United Nations Headquarters.”⁷⁸

ECOSOC accreditation allows CSOs to observe discussions and make written and oral statements on relevant topics. UN Women also coordinates civil society advisory groups, which are implemented at regional and local levels.^{79,80}

The practice

15 respondents completed surveys for UN Women. The table below shows answer averages, organised by the four dimensions of IGO engagement.

CSOs say:

“Sometimes what matters is the level of local engagement by governments with CSOs. If a government wants to gate keep the IGO engagement with CSOs it can easily do so.”

“[Accreditation means] you can participate in working committees and CSO consultation processes.”

“We do not have the same concerns and these people (IGOs) always prefer to work with governments. It seems that often we are not on the same wave length!

“[UN Women] involve civil society as part of the game not as an observer.”

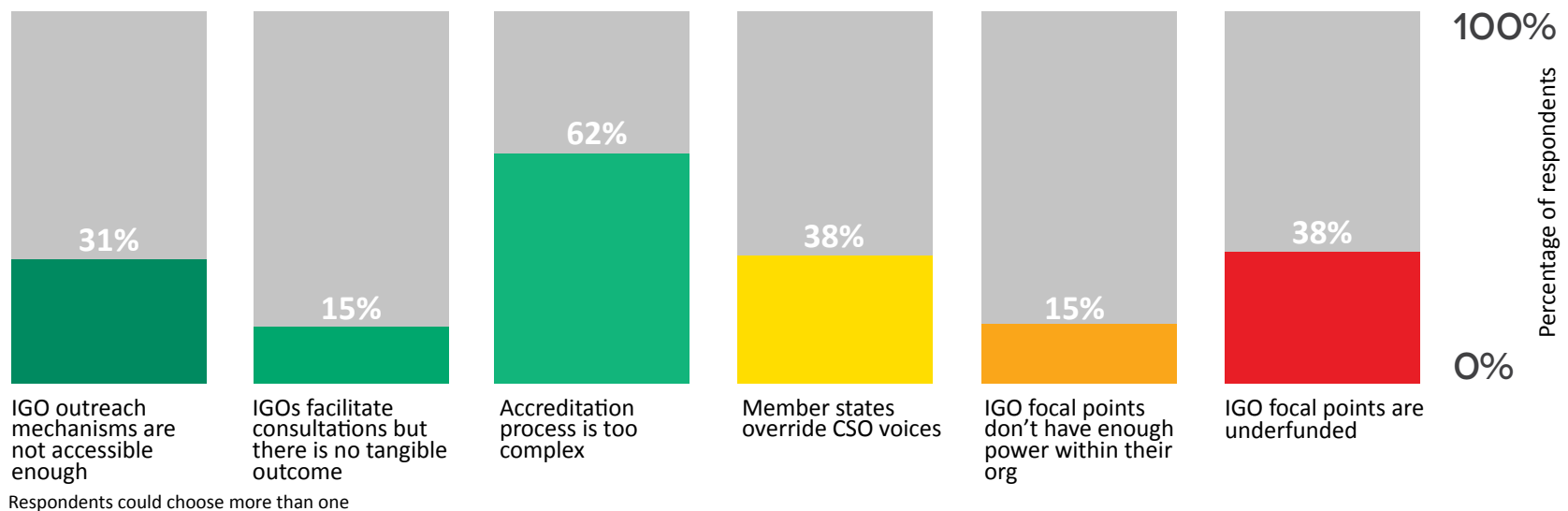
SURVEY RESPONSES FOR UN WOMEN

DIMENSION	QUESTION	UN WOMEN	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	20%	43%
	Benefits of accreditation	2.8	3.4
	Accrediting process is easy	2.6	2.7
	Accrediting process is clear	3.3	3.2
	Access to IGO decision-making body	2.7	2.6
	Outreach by IGO	2.7	2.9
	IGO selective in its engagement	2.1	2.3

State of Civil Society /Intergovernmental organisation scorecard

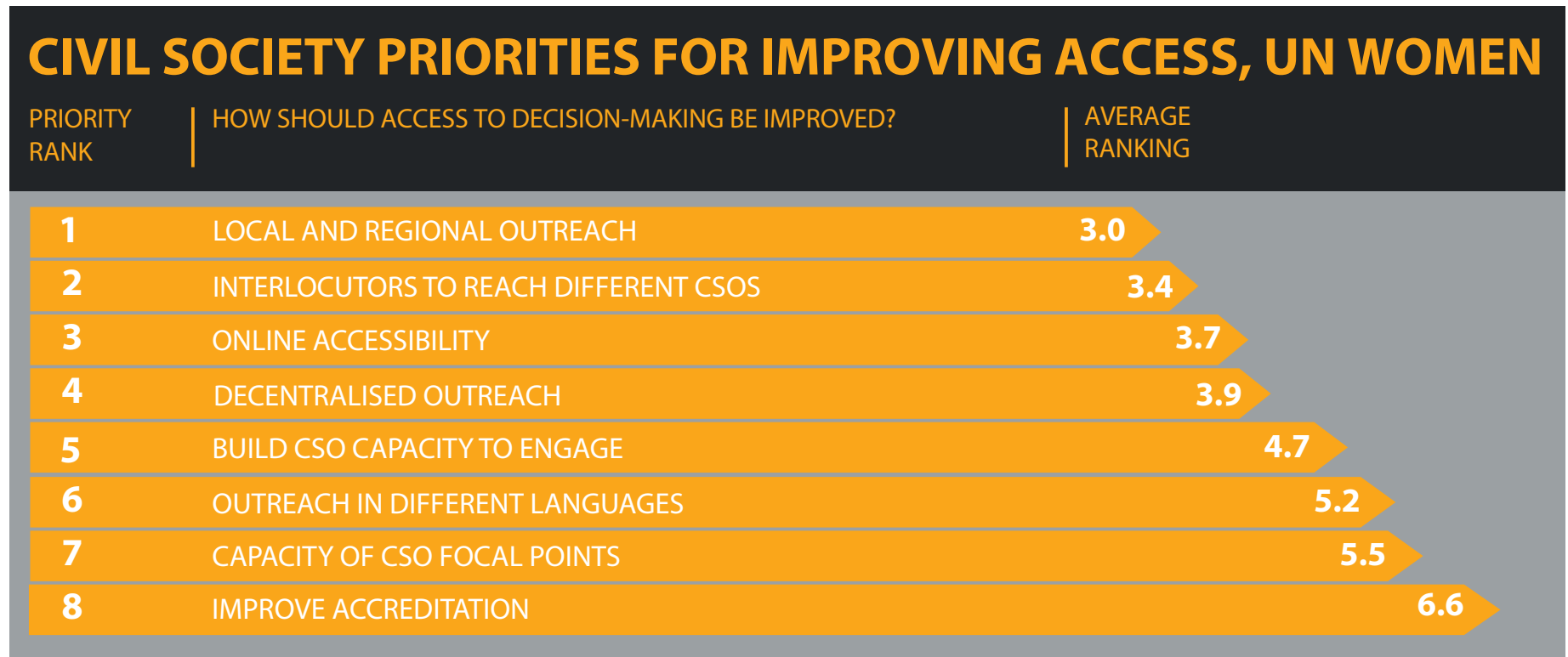
	IGO proactive in outreach	2.7	2.5
	Informal engagement	2.6	2.8
	Access improved in past five to ten years	2.6	2.9
Engaging in policy dialogue	Impact on IGO policy	2.3	2.3
	IGO does not pretend to listen on policy	2.9	3.3
	IGO listens to us on policy	3.4	2.9
Engaging in programme development	IGO engages when developing programmes	2.9	2.8
	IGO only interested in us for implementation	2.8	2.9
IGO empowering civil society	IGO collaborates	3.0	3.0
	IGO empowers us	3.2	2.9

OBSTACLES TO ENGAGING UN WOMEN



Civil society voices

We asked civil society what UN Women should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.



WORLD FOOD PROGRAMME (WFP)

Founded

1963

Headquarters

Rome, Italy

Information on civil society engagement can be accessed [here](#)

Mandate

“WFP is the food aid arm of the United Nations system. Food aid is one of the many instruments that can help to promote food security, which is defined as access of all people at all times to the food needed for an active and healthy life. The policies governing the use of WFP food aid must be oriented towards the objective of eradicating hunger and poverty. The ultimate objective of food aid should be the elimination of the need for food aid.”⁸²

Capacity

WFP employs roughly 12,000 staff, of whom 90 percent worked in the field delivering food and monitoring its use. WFP also has 80 field offices around the globe.

The promise on civil society engagement

“WFP’s operational and knowledge partnerships with other United Nations agencies, international organisations, non-governmental organisations (NGOs), civil society and the private sector, including through the logistics, food security, emergency telecommunications and other clusters, bring complementary skills and capacities necessary to ensure access to nutritious food while contributing to durable solutions in diverse contexts.”⁸³

Accreditation and access for civil society

The WFP has no formal accreditation process; however it does implement Field Level Partnership Agreements between the IGO and CSOs.⁸⁴

The UN Non-Governmental Liaison Service (UN-NGLS) states:

“Aside from partnering with WFP at the operational level, NGOs also engage with WFP at the strategic policy level, through consultations on specific themes such as the high food prices and the financial crisis, as well as the annual WFP-NGO consultation. In addition, NGOs contribute to several United Nations-led fora, including the Committee on World Food Security (CFS), the High-Level Task Force on the Global Food Security Crisis (HLTF), and the Standing Committee on Nutrition (UNSCN).”⁸⁵

The World Food Programme also invites NGO observers to its Executive Board, who they are able to speak on request. The WFP also holds an annual civil society consultation at this event. NGOs are encouraged to determine the thematic areas on the agenda.⁸⁶

The practice

6 respondents completed surveys for WFP. The table below shows answer averages, organised by the four dimensions of IGO engagement.⁸⁷

CSOs say:

The “IGO[WFP] should improve in their area of operation they should avoid projects which are not sustainable to the community members. Their programmes should be completed with accountability and transparency.”

“CSOs should be in loop when agency has prepared plan for particular region instead of forcing an IGO plan on them.”

“Many times I have reached out to them for any assistance or even advice on how it can work best to boost food security in Africa they have never responded! Nor even shown any concern apart from just updating me on what they think best.”

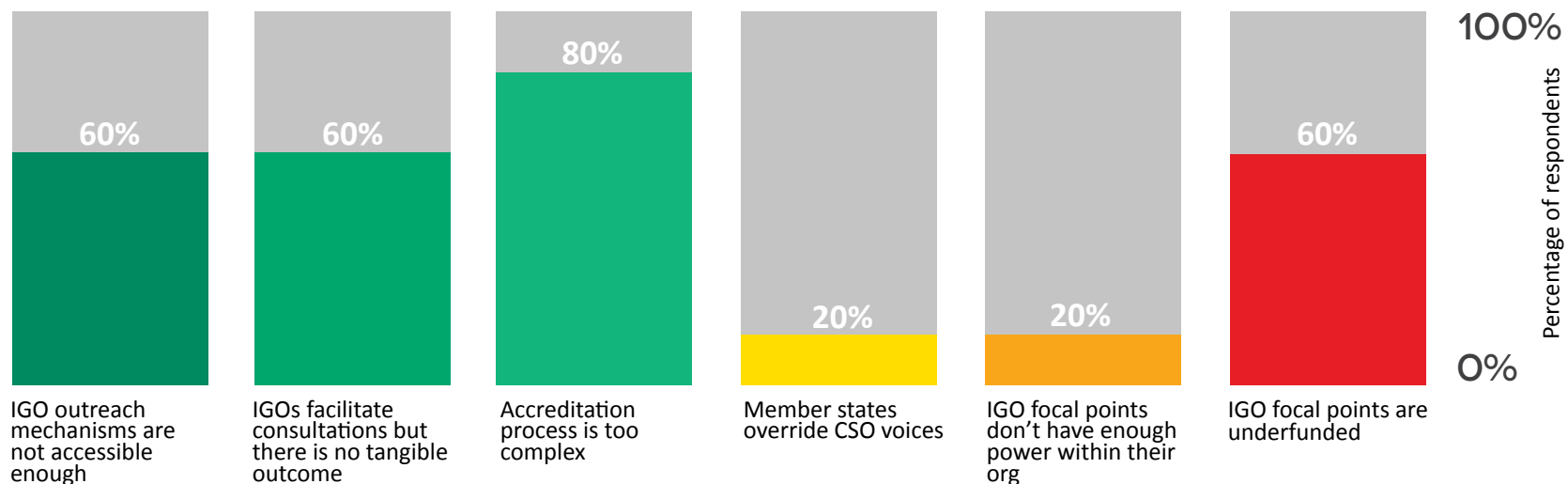
SURVEY RESPONSES FOR WFP

DIMENSION	QUESTION	WFP	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	50%	43%
	Benefits of accreditation	3.0	3.4
	Accrediting process is easy	3.5	2.7
	Accrediting process is clear	3.7	3.2
	Access to IGO decision-making body	2.0	2.6
	Outreach by IGO	3.0	2.9

State of Civil Society /Intergovernmental organisation scorecard

	IGO selective in its engagement	1.8	2.3
	IGO proactive in outreach	2.0	2.5
	Informal engagement	2.2	2.8
	Access improved in past five to ten years	3.0	2.9
Engaging in policy dialogue	Impact on IGO policy	2.4	2.3
	IGO does not pretend to listen on policy	2.4	3.3
	IGO listens to us on policy	3.8	2.9
Engaging in programme development	IGO engages when developing programmes	3.0	2.8
	IGO only interested in us for implementation	2.6	2.9
IGO empowering civil society	IGO collaborates	3.4	3.0
	IGO empowers us	3.2	2.9

OBSTACLES TO ENGAGING WPF



Respondents could choose more than one

Civil society voices

We asked civil society what WFP should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

CIVIL SOCIETY PRIORITIES FOR IMPROVING ACCESS, WFP

PRIORITY RANK	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE RANKING
1	LOCAL AND REGIONAL OUTREACH	1.5
2	ONLINE ACCESSIBILITY	3.7
3	INTERLOCUTORS TO REACH DIFFERENT CSOS	3.8
4	DECENTRALISED OUTREACH	4.0
5	OUTREACH IN DIFFERENT LANGUAGES	4.8
6	CAPACITY OF CSO FOCAL POINTS	5.3
7	BUILD CSO CAPACITY TO ENGAGE	5.7
8	IMPROVE ACCREDITATION	7.2

WORLD TRADE ORGANISATION (WTO)

Founded

1995

Headquarters

Geneva, Switzerland

Information on civil society engagement can be accessed [here](#)

Mandate

“The World Trade Organisation is an organisation for trade opening. It is a forum for governments to negotiate trade agreements. It is a place for them to settle trade disputes. It operates a system of trade rules. Essentially, the WTO is a place where member governments try to sort out the trade problems they face with each other.⁸⁸ The WTO provides a forum for negotiating agreements aimed at reducing obstacles to international trade and ensuring a level playing field for all, thus contributing to economic growth and development.”⁸⁹

Capacity

The WTO Secretariat has 621 staff, including 70 individuals from the WTO’s members.⁹⁰

The promise on civil society engagement

“As the Doha Round progresses it is vital that the WTO continue to engage civil society. For me, civil society and governments are both important interlocutors.”

— Pascal Lamy, Former Director (2005)⁹¹

“There can be no doubting the fact that we can improve in all areas of our work including... improving our links... with civil society.”

— Supachai Panitchpakdi, Former Director (2005)⁹²

“I believe we have made real progress in our efforts to enhance the WTO’s image and engage civil society. We are reaching out to NGOs through regular seminars and symposia... We are also seeking to encourage a greater level of engagement from business leaders, trade unions and other sectors of civil society.”

— Mike Moore, Former Director (2002)⁹³

Accreditation and access for civil society

A significant advance in the WTO's practice of engagement with NGOs is the recent accreditation granted to Geneva-based NGOs to access the WTO for meetings and relevant workshops.⁹⁴ Prior to this civil society organisations had to be accredited to attend the Ministerial Conference or register upon entry to a meeting with the WTO.⁹⁵ The WTO also hosts a public forum event for over 9,000 people, which CSOs can attend; the public forum was first launched in 2001.⁹⁶

The practice

Five respondents completed surveys for WTO. The table below shows answer averages, organised by the four dimensions of IGO engagement.

CSOs say:

“The grass roots CSOs are less recognised.”

“[Accreditation allows you] to be present in formal consultation processes and bodies”

“[CSO outreach] should be extended more and make more frequent and in-depth consultations to link topics of interest and common theme”

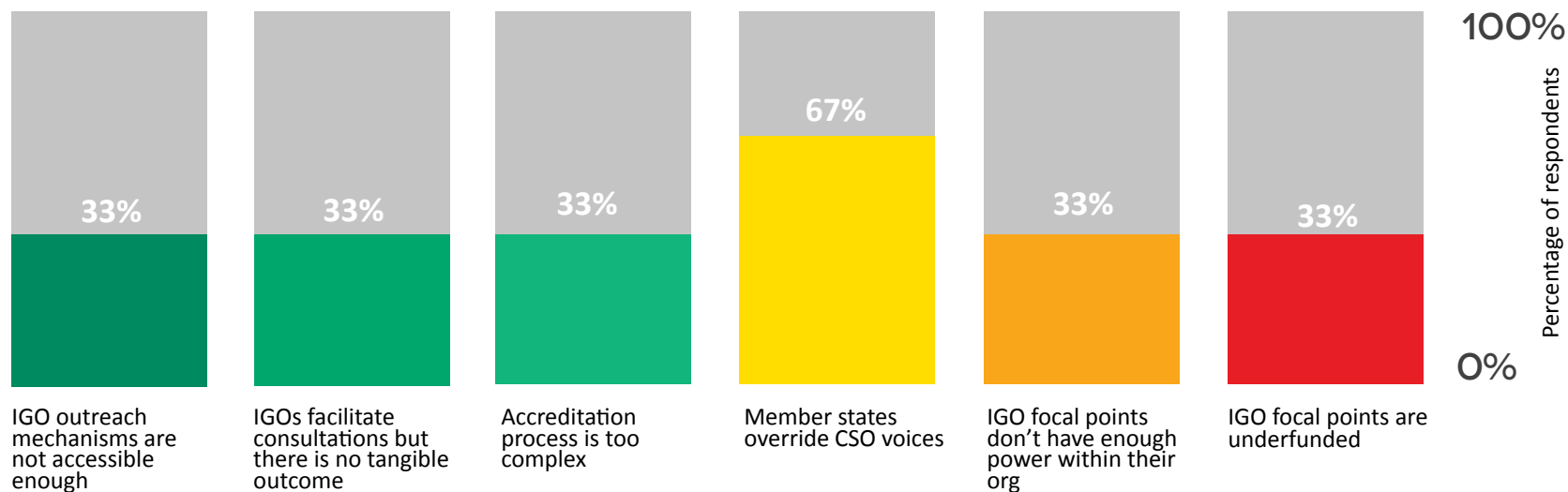
SURVEY RESPONSES FOR WTO

DIMENSION	QUESTION	WTO	IGO AVG.
Access to IGO's decision-making body	Accredited (% respondents)	100%	43%
	Benefits of accreditation	4.0	3.4
	Accrediting process is easy	4.0	2.7
	Accrediting process is clear	4.7	3.2
	Access to IGO decision- making body	1.8	2.6
	Outreach by IGO	3.8	2.9
	IGO selective in its engagement	3.3	2.3
	IGO proactive in outreach	1.3	2.5
	Informal engagement	3.0	2.8
	Access improved in past Five to ten years	2.8	2.9

State of Civil Society /Intergovernmental organisation scorecard

Engaging in policy dialogue	Impact on IGO policy	3.0	2.3
	IGO does not pretend to listen on policy	2.0	3.3
	IGO listens to us on policy	3.0	2.9
Engaging in programme development	IGO engages when developing programmes	2.5	2.8
	IGO only interested in us for implementation	2.0	2.9
IGO empowering civil society	IGO collaborates	2.5	3.0
	IGO empowers us	3.0	2.9

OBSTACLES TO ENGAGING WTO



Respondents could choose more than one

Civil society voices

We asked civil society what WTO should prioritise to improve civil society access to its main decision-making body. Respondents ranked eight items in order of priority, where 1 was the highest priority.

CIVIL SOCIETY PRIORITIES FOR IMPROVING ACCESS, WTO

PRIORITY RANK	HOW SHOULD ACCESS TO DECISION-MAKING BE IMPROVED?	AVERAGE RANKING
1	LOCAL AND REGIONAL OUTREACH	1.4
2	INTERLOCUTORS TO REACH DIFFERENT CSOS	3.0
3	ONLINE ACCESSIBILITY	4.0
4	DECENTRALISED OUTREACH	4.2
5	CAPACITY OF CSO FOCAL POINTS	4.8
6	BUILD CSO CAPACITY TO ENGAGE	5.8
7	OUTREACH IN DIFFERENT LANGUAGES	6.2
8	IMPROVE ACCREDITATION	6.6

APPENDIX: DEVELOPING THE NEXT SCORECARD

The findings presented thus far report activities undertaken for this pilot phase of the Scorecard. It is our goal to develop the Scorecard next year by scoring and then weighting civil society assessments of specific IGOs.

How would this work? One option for scoring and weighting responses is to make each of the four dimensions (Access, Policy Dialogue, Programme Partnering, Empowerment and Empowerment) worth a certain number of points, which could be summed for overall scores. The table below outlines a potential weighting scheme.

The weighting scheme intentionally discriminates in favour of IGOs that enable CSOs to access their main decision-making body (Access) and engage CSOs in policy dialogue (Policy). This means that an IGO that has significant country-level engagement with CSOs, but has little dialogue at its global (HQheadquarters) level will not have a high overall score. This does not mean that the IGO has ‘weak’ engagement with CSOs. It does, however, suggest that at the global level – the level of interest to the Scorecard – the IGO is not deeply or meaningfully engaging with CSOs.

DEVELOPING THE NEXT SCORECARD: FRAMEWORK FOR SCORING ENGAGEMENT

DIMENSION	QUESTION	WEIGHT
Access to decision making (30 points)	What do you think about the benefits of being accredited?	3
	The requirements are easy to meet	3
	The requirements are clear and understandable	3
	IGOs range in how deeply they allow CSOs to access their main decision-making body. Access ranges from passive and indirect, like observing official meetings or having special meetings and briefings, to active and direct access like collaboration or the right to make presentations or file complaints. How would you rate the overall accessibility of the IGO’s decision-making body to your organisation along this range?	6
	How would you rate the effectiveness of the IGO's outreach mechanisms?	3
	How selective do you think the IGO is in its engagement? Does it target ‘favoured’ or ‘like-minded’ groups, or does it reach out to CSOs broadly?’	3
	How proactive is the IGO in enabling CSOs such as yours to physically attend meetings? For example, some IGOs provide funding for CSOs to travel or broadcast meetings online.	4

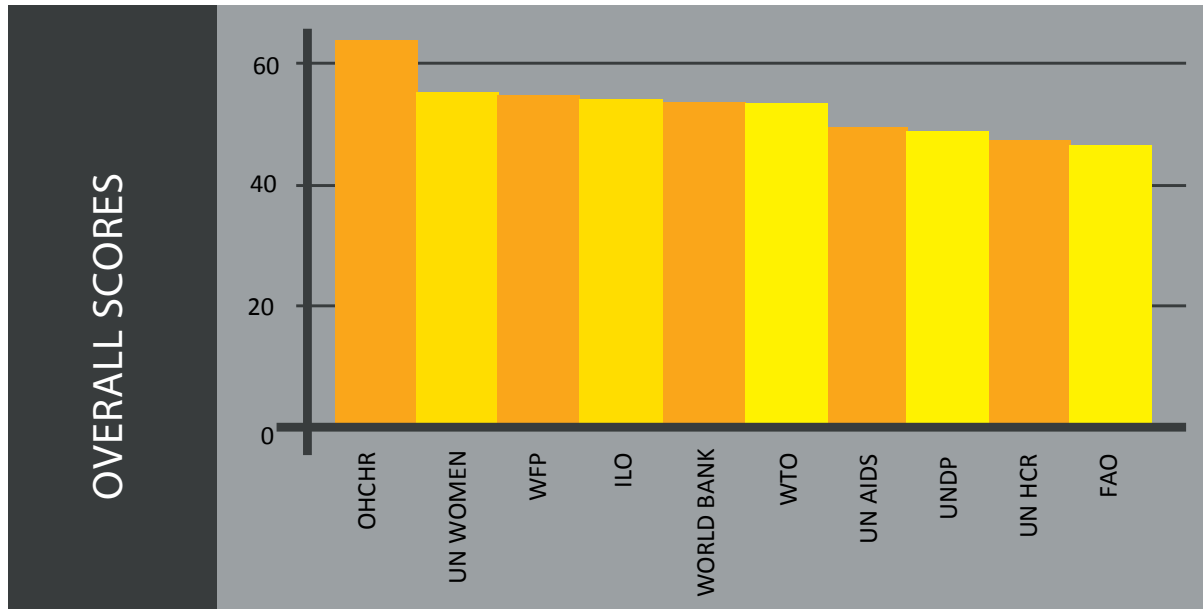
	Apart from engaging with the IGO in formal venues like conferences and meetings, do you engage informally? Informal engagement might include personal contact with the IGO's civil society liaison, programme staff or management.	2
	When you think about the overall accessibility of the IGO's decision-making body, how much have things improved over the past 5-10five to ten years?	3
Policy Dialogue (30 points)	How much impact has your organisation had in shaping and amending the IGO's policy?	18
	When it comes to developing their policies, this IGO does not even pretend to listen to CSOs like us.	6
	When it comes to developing its core policies, this IGO listens to what we have to say.	6
Programme Partnering (20 points)	How much do you agree with the following statements? The IGO makes a real attempt to engage CSOs like ours when it is developing new programmes.	10
	The IGO is only interested in us for our ability to implement its programmes and projects.	10
Empowerment (20 points)	Does the IGO try to collaborate with CSOs like yours on initiatives that matter to you? We are not interested in collaboration on implementing projects, but on collaborating on things like policy advocacy or building networks and communities for change.	5
	How empowered do you feel by the chosen IGO?	15
Max score: 100		

Were such a weighting scheme used in the next Scorecard, we can preview how IGOs might be scored based on responses to the pilot Scorecard. These 'scores' should not be used to compare IGOs, since in most cases too few responses were received for specific IGOs. Rather, the purpose is to illustrate how a future Scorecard might weigh questionst and then sum assessments of individual IGOs.

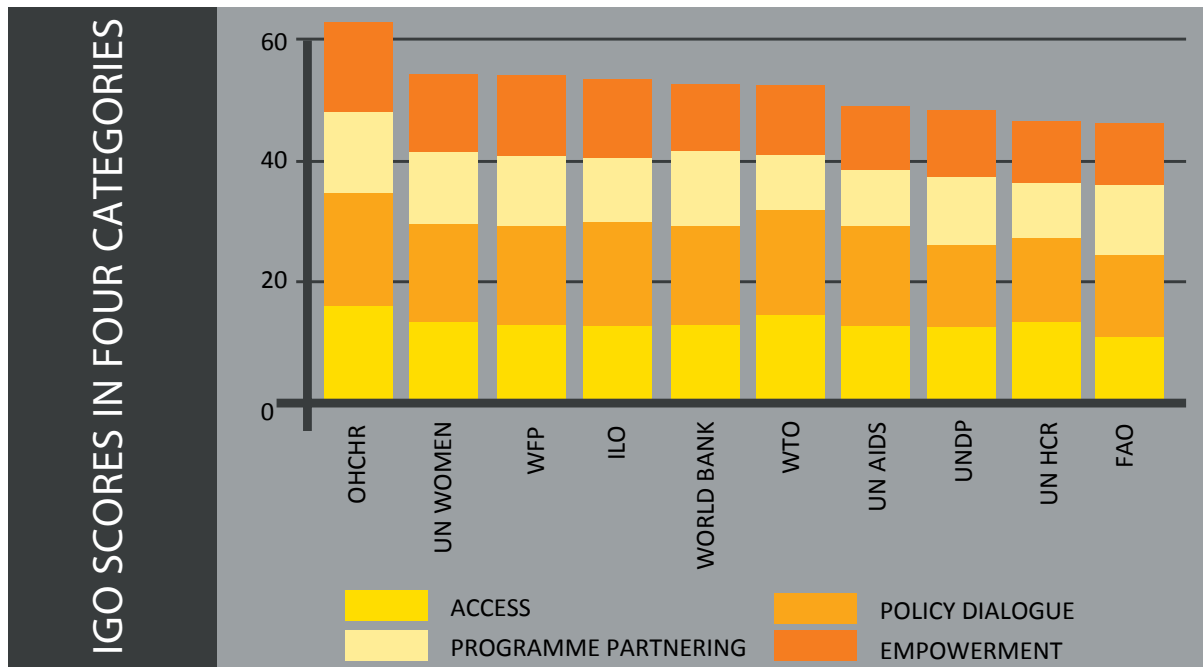
DEVELOPING THE NEXT SCORECARD: HEAT MAP OF SCORES

	FAO	ILO	OHCHR	UNAIDS	UN Women	UNDP	UNHCR	WFP	WTO	World Bank	Average
Access	12.0	13.9	17.0	13.9	14.4	13.5	14.6	13.9	15.5	14.0	14.3
Policy dialogue	13.0	16.7	18.6	16.2	15.9	13.6	13.2	16.0	16.8	15.9	15.6
Programme partnership	11.5	10.4	12.9	9.1	11.4	11.0	9.1	11.2	9.0	12.2	10.8
Empowerment	9.8	12.4	14.2	9.7	12.7	10.4	9.8	13.0	11.5	10.8	11.4
Overall	46.4	53.3	62.7	48.9	54.4	48.5	46.7	54.1	52.8	52.9	52.1
Responses	14	15	71	20	29	127	24	12	8	52	

Developing the next Scorecard: Overall scores



Developing the next Scorecard: Scores in four dimensions



¹ See IGO profiles in Part 4 of this report for examples.

²UN CSO portal, accessed 19/04/2014 at: <http://csonet.org>.

³Resolutions and decisions of the Economic and Social Council, 1996, accessed 29/04/2014 at: http://esango.un.org/civilsociety/documents/E_1996_31.pdf.

⁴ECOSOC consultative status and other partnership agreements, accessed 29/04/2014 at: <http://www.welcomedesk.org/en/faq/consultative-status-accreditation>.

⁵If you have any comments, questions or recommendations regarding the findings or approach outlined in this report please contact research@civicus.org.

⁶The Food and Agricultural Organisation of the United Nations (FAO), Office of the High Commissioner for Human Rights (OHCHR), International Labour Organisation (ILO), United Nations AIDS Programme (UNAIDS), United Nations Development Programme (UNDP), United Nations High Commissioner for Refugees (UNHCR), United Nations Women (UN Women), The World Bank Group (World Bank), the World Food Programme of the United Nations (WFP), and the World Trade Organisation (WTO).

⁷CIVICUS also decided to assess the civil society outreach arm of an IGO, for example, OHCHR is the primary mechanism for CSO engagement for the UN Human Rights Council, making it unfair to assess the council and more relevant to assess OHCHR. Therefore the term IGO, in this paper refers to both the grouping of sovereign nations and in some cases the civil society engagement arm, which may operate under a different name.

⁸As part of CIVICUS' strategic priorities, CIVICUS

aims to aid civil society in influencing global processes. CIVICUS' strategic priorities are available at: <http://www.civicus.org/about-us-125/accountability/strategic-directions>

⁹A purposive sample is a nonprobability sampling method that is used when a highly specific group is being targeted and when the researcher does not want to make inferences about the wider world based on the answers from respondents. A random sample survey would start with a list of all civil society actors (a sampling frame) and then randomly select respondents into the study. Such a list of the universe of civil society actors does not exist, of course. Moreover, because the Scorecard endeavours to investigate a highly specific, niche topic – engagement of civil society at the global level – a purposive sample is appropriate because the Scorecard wishes to investigate a highly specific topic and does not aim to generalise from those targeted to the world of civil society actors.

¹⁰Because respondents were targeted using CIVICUS' network of contacts, some of whom passed the survey link on through their own network, a response rate is not available since we cannot define the total number of respondents targeted.

¹¹The graph showing number of answers shows the completion rate for respondents. The low-lying green line, which goes upward around Respondent ID 200, simply shows that approximately 200 respondents provided only a few answers before exiting the survey. Respondent ID is a unique number for each respondent, and this graph sorts respondents according to the number of answers provided. Note that this is not the same as the number of questions answered, since some questions had multiple allowable answers, such as the CSO's sectoral focus. The graph, therefore, shows that about 300 responses were valid, because they answered most or all questions.

¹²Please note not all IGOs completed the self-assessment.

¹³Not all of the questions were answered on a scale of 'very poor' to 'very good,' but those labels are used here for simplicity.

¹⁴However, as explored within the case studies, the accreditation process for assessed IGOs is vastly different.

¹⁵The red dot shows the median for that group. The highest and lowest parts of each plot are the minimum and maximum responses. The top of each box is the upper quartile: 25 percent of the data are above this, and the bottom of each box is the lower quartile: 25 percent of the data are below this. Only regions with significant numbers of responses are included. The y-axis represents the five possible responses to this question: 1. Strongly disagree; 2. Disagree; 3. Neutral; 4. Agree; 5. Strongly agree.

¹⁶When assessing graph "IGO is selective in its engagement" the interquartile spread of the African respondents is significantly lower down the y-axis than the other two regions assessed. The y-axis represents the five possible responses to this question: 1. Outreach is very selective; 2. Outreach is somewhat selective; 3. Neutral; 4. Outreach is somewhat broad; 5. Outreach is very broad.

¹⁷The y-axis represents the five possible responses to this question: 1. Accessibility hasn't improved at all; 2. Accessibility hasn't improved much; 3. Neutral; 4. Accessibility has slightly improved; 5. Accessibility has significantly improved.

¹⁸The red dot shows the median for CSOs of that geographic focus. The highest and lowest parts of each plot are the minimum and maximum responses. The top of each box is the upper quartile: 25 percent of the data are above this, and the bottom of each box is the lower quartile: 25 percent of the data are below this. Responses to the survey: 1. No

effect; 2. Minor effect; 3. Neutral; 4. Moderate effect; 5. Major effect. Regions with only a few responses are excluded from the graph.

¹⁹The red dot shows the median for that group. The highest and lowest parts of each plot are the minimum and maximum responses. The top of each box is the upper quartile: 25 percent of the data are above this, and the bottom of each box is the lower quartile: 25 percent of the data are below this. The y-axis represents the five possible responses to the question: 1. Strongly disagree; 2. Disagree; 3. Neutral; 4. Agree; 5. Strongly agree.

²⁰This observation is grounded in semi-structured interviews with many of the IGOs assessed in this survey.

²¹The red dot shows the median for that group. The highest and lowest parts of each plot are the minimum and maximum responses. The top of each box is the upper quartile: 25 percent of the data are above this, and the bottom of each box is the lower quartile: 25 percent of the data are below this. The y-axis represents the five possible answers to this question: 1. Strongly disagree; 2. Disagree; 3. Neutral; 4. Agree; 5. Strongly agree.

²²Please see individual case studies for further information.

²³The responses are shown by percentage.

²⁴IGO resources refer to resources in the larger sense. It is not intended to refer to resources for civil society engagement teams within IGOs. Civil society outreach department funding within IGOs is relatively small in comparison to other departments.

²⁵CSOs which have the funding, resources and cultural capital to enlist dedicated staff to be permanently or semi-permanently based around IGO decision-making hubs.

²⁶World Bank staff attribute a key shift in the civil society strategy of the World Bank is attributed to the appointment of Jim Yong Kim. Under his leadership a greater emphasis has been placed upon civil society engagement. This can be further explored. P Stephens, World Bank Moves to Increase Civil Society Engagement, Devex, 14 October 2013, available at: <https://www.devex.com/news/world-bank-moves-to-increase-civil-society-engagement-82077>.

²⁷UNAIDS, NGO participation/civil society participation in the AIDS Programme Coordinating Board (PCB), accessed 29/04/2014 at: <http://www.unaids.org/en/aboutunaids/unaidsprogramme-coordinatingboard/ngocivilsocietyparticipationinpcb>.

²⁸OHCHR, NGO Handbook, accessed 29/04/2014 at: <http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook2.pdf>.

²⁹OHCHR, NGO Handbook, accessed 29/04/2014 at: <http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook2.pdf>.

³⁰Istanbul Principles on CSO Development Effectiveness, 2010, accessed 16/05/2014 at: http://cso-effectiveness.org/IMG/pdf/final_istanbul_cso_development_effectiveness_principles_footnote_december_2010-2.pdf.

³¹FAO, "About Us," accessed 29/04/2014 at: <http://www.fao.org/about/en>.

³²FAO, "Who We Are," accessed 29/04/2014 at: <http://www.fao.org/about/who-we-are/en>.

³³FAO, "Partnerships, Civil Society," accessed 29/04/2014 at: <http://www.fao.org/partnerships/civil-society/en>.

³⁴FAO, "Committee on Constitutional and Legal Matters," accessed 29/04/2014 at: <http://www.fao.org/docrep/meeting/030/mj698e.pdf>.

³⁵Ibid.

³⁶ILO, "About Us," accessed 29/04/2014 at: <http://www.ilo.org/global/about-the-ilo/lang--en/index.htm>.

³⁷ILO, "How the ILO Works," accessed 29/04/2014 at: <http://www.ilo.org/global/about-the-ilo/how-the-ilo-works/lang--en/index.htm>.

³⁸ILO, "Greening the Blue," accessed 29/04/2014 at: <http://www.greeningtheblue.org/what-the-un-is-doing/international-labour-organization-ilo>.

³⁹ILO, "Engaging with Civil Society," accessed 29/04/2104 at: <http://www.ilo.org/pardev/civil-society/lang--en/index.htm>.

⁴⁰The United Nations Non-Governmental Liaison Service (UN-NGLS), "International Labour Organisation," accessed 29/04/2014 at: http://www.un-ngls.org/spip.php?page=article_fr_s&id_article=808.

⁴¹OHCHR, "Mandate" accessed 29/04/2012 at: <http://www.ohchr.org/EN/AboutUs/Pages/Mandate.aspx>

⁴²OHCHR "Annual Report 2013" accessed 29/04/2014 at: http://www2.ohchr.org/english/OHCHRReport2013/WEB_version/allegati/downloads/1_The_whole_Report_2013.pdf

⁴³OHCHR "About Us" accessed 29/04/2014 at: <http://www.ohchr.org/EN/AboutUs/Pages/Civil-Society.aspx>

⁴⁴Although, OHCHR has no formal accreditation system, our survey collected perceptions on accreditation across all 10 IGOs that were part of this study to assess overall levels of perceived access to the IGOs and associate bodies

⁴⁵The World Bank Group, "What We Do" accessed 29/04/2014 at: <http://www.worldbank.org/en/>

[about/what-we-doc](#)

⁴⁶The World Bank Group, “About Us” accessed 29/04/2014 at: <http://web.worldbank.org/WBSITE/EXTERNAL/EXTSITETOOLS/0,,contentMDK:20147466~menuPK:344189~pagePK:98400~piPK:98424~theSitePK:95474,00.html#8>

⁴⁷The World Bank Group, “World Bank – Civil Society Engagement” (2013) accessed 29/04/2014 at: <http://siteresources.worldbank.org/CSO/Resources/228716-1369241545034/CSReview-FY10-12FINAL.pdf>

⁴⁸The World Bank Group “Spring Meetings – Civil Society Programme” accessed 29/04/2014 at: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:23562593~noSURL:Y~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

⁴⁹Garrison, J “New Report Highlights Significant Advances in World Bank – CSO Relations” 08/21/2013. Accessed 29/04/2014 at: <http://blogs.worldbank.org/publicsphere/new-report-highlights-significant-advances-world-bank-cso-relations>

⁵⁰The World Bank Group, “Consultations” accessed 29/04/2014 at: <http://consultations.worldbank.org/?map=1>

⁵¹The World Bank Group, “Engaging with Citizens for Improved Results” accessed 29/04/2014 at: <https://consultations.worldbank.org/consultation/engaging-citizens-improved-results>

⁵²The World Bank Group, “Approach to World Bank Group’s Engagement with Civil Society” accessed 29/04/2014 at: <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20093200~menuPK:220424~pagePK:220503~piPK:220476~theSitePK:228717,00.html>

⁵³Global Partnership for Social Accountability ac-

cessed 29/04/2014 at: <http://www.thegpsa.org/sa/>

⁵⁴Although, The World Bank Group has no formal accreditation system, our survey collected perceptions on accreditation across all 10 IGOs that were part of this study to assess overall levels of perceived access to the IGOs and associate bodies.

⁵⁵UNAIDS, “UNAIDS welcomes the appointment of Ambassador Deborah Birx as the new US Global AIDS Coordinator,” 2014, accessed 29/04/2014 at: <http://www.unaids.org/en/resources/press-centre/pressreleaseandstatementarchive/2014/april/20140402pepfar>.

⁵⁶UNAIDS, “Greening the Blue,” accessed 29/04/2014 at: <http://www.greeningtheblue.org/what-the-un-is-doing/joint-united-nations-programme-hivaids-unaid>.

⁵⁷UNAIDS, “Guidance for Partnerships with Civil Society, Including People Living with HIV and Key Populations,” 2011, accessed 29/04/2014 at: http://www.unaids.org/en/media/unaid/contentassets/documents/unaidpublication/2012/JC2236_guidance_partnership_civilsociety_en.pdf.

⁵⁸Ibid.

⁵⁹Ibid.

⁶⁰UNAIDS, “UNAIDS Programme Coordinating Board,” accessed 29/04/2014 at: <http://www.unaids.org/en/aboutunaids/unaidprogrammecoordinatingboard>.

⁶¹Although, UN AIDS has no formal accreditation system, our survey collected perceptions on accreditation across all 10 IGOs that were part of this study to assess overall levels of perceived access to the IGOs and associate bodies.

⁶²UNDP, “Our Work – Overview,” accessed 29/04/2014 at: <http://www.undp.org/content/undp/en/home/ourwork/overview.html>.

⁶³UNDP, “A World of Development Experience”, accessed 29/04/2014 at: http://www.undp.org/content/undp/en/home/operations/about_us.html.

⁶⁴UNDP Strategy on Civil Society and Civic Engagement, 2012, pg 10.

⁶⁵UNDP, “UNDP and Civil Society Organisations; A Policy of Engagement,” 2001, accessed 29/04/2014 at: http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2001_UNDP-and-Civil-Society-Organizations-A-Policy-of-Engagement_EN.pdf.

⁶⁶UNDP, “Civil Society Advisory Committee to UNDP,” accessed 29/04/2014 at: http://www.undp.org/content/undp/en/home/ourwork/partners/civil_society_organizations/advisorycommittee.html

⁶⁷UNDP, “UNDP and Civil Society Organisations; A Policy of Engagement,” 2001, accessed 29/04/2014 at: http://www.undp.org/content/dam/undp/documents/partners/civil_society/publications/2001_UNDP-and-Civil-Society-Organizations-A-Policy-of-Engagement_EN.pdf.

⁶⁸Although, UNDP has no formal accreditation system, our survey collected perceptions on accreditation across all 10 IGOs that were part of this study to assess overall levels of perceived access to the IGOs and associate bodies.

⁶⁹UNHCR, “What We Do,” accessed 29/04/2014 at: <http://www.unhcr.org/pages/49c3646cbf.html>.

⁷⁰The United Nations Non-Governmental Liaison Service (UN-NGLS), “UNHCR,” accessed 29/04/2014 at: <http://www.un-nxls.org/spip>.

[php?page=article_s&id_article=811.](#)

⁷¹UNHCR, “Framework of Agreement for Operational Partnership,” accessed 29/04/2014 at: <http://www.unhcr.org/3bbc7968a.html>.

⁷²UNHCR, “Partnership: An Operations Management Handbook for UNHCR Partners,” accessed 29/04/2014 at: <http://www.unhcr.org/4a39f7706.pdf>.

⁷³UNHCR, UNHCR Annual Consultations with Civil Society, accessed 29/04/2014 at: <http://www.unhcr.org/ngo-consultations>.

⁷⁴E Pittaway and J Thompson, “A guide of NGOs participating in the UNHCR’s Annual Consultations with NGOs,” UNHCR, 2008, accessed 29/04/2014 at: <http://www.unhcr.org/49d336774.pdf>.

⁷⁵Although, UNHCR has no formal accreditation system, our survey collected perceptions on accreditation across all 10 IGOs that were part of this study to assess overall levels of perceived access to the IGOs and associate bodies.

⁷⁶UN Women, “About UN Women,” accessed 29/04/2014 at: <http://www.unwomen.org/en/about-us/about-un-women>.

⁷⁷UN Women, “Civil Society,” accessed 29/04/2014 at: <http://www.unwomen.org/en/partnerships/civil-society>.

⁷⁸UN Women, “NGO accreditation Eligibility,” accessed 29/04/2014 at: <http://www.unwomen.org/en/csw/ngo-participation/eligibility>.

⁷⁹UN Women, “Civil Society Advisory Groups,” accessed 29/04/2014 at: <http://www.unwomen.org/en/partnerships/civil-society/civil-society-advisory-groups>.

⁸⁰UN Women, “Guiding Principles, UN Wom-

en’s Civil Society Advisory Groups,” accessed 29/04/2014 at: http://www.unwomen.org/~media/Headquarters/Attachments/Sections/Partnerships/Civil%20Society/Guiding_principles_Civil_Society_Advisory_Groups.pdf.

⁸¹WFP, “Mission Statement,” accessed 29/04/2014 at: <http://www.wfp.org/about/mission-statement>.

⁸²WFP, “Frequently Asked Questions,” accessed 29/04/2014 at: <http://www.wfp.org/faqs#faq7>.

⁸³WFP “Strategic Plan 2014-2017 accessed 29/04/2014 at: <http://documents.wfp.org/stellent/groups/public/documents/eb/wfpdoc062522.pdf>

⁸⁴WFP “Working with WFP” accessed 29/04/2014 at: <http://www.wfp.org/about/partners/ngos/working-wfp>

⁸⁵ UN-NGLS, “The World Food Programme,” accessed 29/04/2014 at: http://www.un-ngls.org/spip.php?page=article_s&id_article=817.

⁸⁶UN-NGLS, “UN System and Civil Society – An Inventory and Analysis of Practices,” accessed on 29/04/2014 at: <http://www.un-ngls.org/orf/ecosoc%20HL%20Panel%20-%20Background%20paper%20by%20Secretariat.doc>.

⁸⁷Although, The WFP has no formal accreditation system, our survey collected perceptions on accreditation across all 10 IGOs that were part of this study to assess overall levels of perceived access to the IGOs and associate bodies.

⁸⁸WTO, “Understanding the WTO – Who We Are,” accessed 29/04/2014 at: http://www.wto.org/english/thewto_e/whatis_e/who_we_are_e.htm.

⁸⁹WTO, “About the WTO – A statement by former Director-General Pascal Lamy”, accessed 29/04/2014 at: http://www.wto.org/english/thewto_e/whatis_e/wto_dg_stat_e.htm.

⁹⁰WTO, Annual Report, 2013, accessed 29/04/2014 at: http://www.wto.org/english/res_e/booksp_e/anrep_e/anrep13_e.pdf.

⁹¹WTO, “NGO Roundtable Forum: the WTO’s Sixth Ministerial Conference in Hong Kong,” 2005, accessed 29/04/2014 at: http://www.wto.org/english/news_e/sppl_e/sppl09_e.htm. See also Williams, M. (2011). Civil society and the WTO: contesting accountability. In J. A. Scholte (Ed.), Building Global Democracy? Civil Society and Accountable Global Governance (pp. 105–127). Cambridge University Press

⁹²WTO, “The WTO after 10 years: the lessons learned and the challenges ahead,” 2005, accessed 29/04/2014 at: http://www.wto.org/english/news_e/spsp_e/spsp35_e.htm.

⁹³WTO, “Director-General’s farewell speech to the General Council,” 2002, accessed 29/04/2014 at: http://www.wto.org/english/news_e/spmm_e/spmm89_e.htm.

⁹⁴WTO, “WTO Rules for Transparency and Engagement with Civil Society Organisations,” 2012, accessed 29/04/2014 at: http://www.wto.org/english/res_e/reser_e/ersd201214_e.pdf.

⁹⁵WTO, “Ministerial Conferences,” accessed 29/04/2014 at: http://www.wto.org/english/thewto_e/minist_e/mc9_e/ngo_e.htm.

⁹⁶WTO, “NGOs and the WTO,” accessed 29/04/2014 at: http://www.wto.org/english/forums_e/ngo_e/ngo_e.htm.



RECOMMENDATIONS

RECOMMENDATIONS

Recommendations for governments and intergovernmental organisations:

There is a need to move away from the state-centric model of international governance towards a citizen-oriented model. Radical new forms of representation and oversight, such as citizens' panels and assemblies that have real power, should be explored. Current institutions should be audited and tested on their ability to respond to and achieve progress on issues identified by people rather than just governments.

International governance institutions need to make their decision-making processes more open and democratic. This needs to be done on two levels. It should include the promotion of equality between states and the removal of arbitrary veto powers that some states hold. Additionally, it should also include efforts to create greater parity between official and civil society delegations and more opportunities for civil society to give input and exercise accountability. As part of this, attempts to involve civil society should actively broaden the involvement of various segments within the sector, and address imbalances in access between Northern and Southern civil society actors.

Information on the work and mandates of international governance institutions should proactively be made available to enable greater civil society involvement and scrutiny of decisions and their implementation. New media, including mobile and social media, should also be used to help demystify international institutions, and to encourage participation and the exercise of social accountability. In addition, there should be regular interactions by the leadership of intergovernmental organisations with civil society and the media, as well as the creation of accessible databases of statistical and other information on their work.

In order to strengthen civil society participation, greater local outreach should be offered and dedicated spaces for civil society participation should be established, with civil society helping to define and govern these. Additionally, funds should be earmarked to enable broad civil society participation, and accreditation procedures should be simplified.

International organisations should prioritise making the environment for civil society more enabling – at the local, national, regional and global levels – in law and in practice. Efforts should be made from the local to the global levels to ensure practical realisation of civil society rights enshrined in various international treaties and agreements.

Recommendations for civil society:

CSOs that are concerned with issues of social justice and civic change should make the influencing of global governance institutions a programmatic priority. This necessitates enhancing civil society's knowledge and understanding of the impact of global decision-making on their local conditions, including through information sharing and peer learning. Additionally, the creation of linkages with new protest movements – and building of coalitions and networks that enable the sharing of resources and the connection of diverse parts of civil society, particularly South-North and national-local connections – should be prioritised.

The larger, better resourced CSOs that have an established presence in key intergovernmental organisations should take the initiative to democratise the space they hold and involve a wider range of civil society groups in engaging international governance institutions, including by sharing their organisational accreditation and financial resources.

Strategic relationships should be forged with states that are more sympathetic towards global governance reform. Relations also need to be built with academia and the media to ensure that civil society advocacy is grounded in expert analysis and wins wide public support. Strengthening these relationships will ensure that the role of international organisations, the challenges of private sector privilege and the centrality of global governance reform to the issues that people are concerned about can be made more clear, and tangible paths for engagement and influence can be identified.

CIVICUS commits itself to working with its members and partners to implement the above recommendations. In the coming weeks and months, we will redouble our efforts to build more lateral relationships within civil society and create pathways for greater citizen involvement in and the monitoring of global governance processes.

CIVICUS



WE EXIST TO **STRENGTHEN
CITIZEN ACTION AND CIVIL SOCIETY
AROUND THE WORLD.**

CIVICUS IS A GLOBAL ALLIANCE OF CIVIL SOCIETY ORGANISATIONS AND ACTIVISTS DEDICATED TO STRENGTHENING CITIZEN ACTION AND CIVIL SOCIETY AROUND THE WORLD. FOUNDED IN 1993, CIVICUS PROUDLY PROMOTES VOICES FROM THE GLOBAL SOUTH AND HAS MEMBERS IN MORE THAN 120 COUNTRIES THROUGHOUT THE WORLD.

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