

The Context: Multi-stakeholder Processes and Global Governance

By Felix Dodds

Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. (Commission on Global Governance, 1995, p2)

The United Nations was originally set up when 50 countries met in San Francisco in June 1945. By February 2001, membership of the UN had expanded to 189 countries.

Since 1945 not only are there many more countries but there has been an enormous increase in the number of intergovernmental fora. There are now more than 1000 international institutions that have been set up, with highly diverse and often overlapping mandates. Many commentators have argued that some form of streamlining is well overdue to improve efficiency, to focus, and to reduce duplication and confusion. If you add to this situation the growth and influence of the 'non-governmental sector',¹ then it can easily be seen how much more complicated the intergovernmental process has become in the past 55 years. It has caused considerable fragmentation in the agenda and one of the key words that people are using in the preparation for 2002 is *integration* – integration at all levels, which the UK Government calls 'joined-up government thinking', not to mention intergovernmental or NGO joined-up thinking.

The UN was originally set up recognizing the supremacy of the nation state; it now needs to factor in the impact of globalization on the intergovernmental system. In the last ten years, there has been an increased role of other players such as multinational corporations, NGOs, women, local government, trade unions and others. At the same time, there has been a move towards some lower levels of government, closer to the people where many of these groups have direct experience of the impacts of globalization.

One of the most interesting and challenging areas of work that many stakeholders are involved in is the development of new governance processes at local, national and international levels. There are many reasons that have contributed to this, including the changing role of the nation state, globalization, the information age and the recognition that stakeholders play an increasing role in implementing what has been agreed at international level. As UN Secretary General Kofi Annan said in a speech to the World Economic Forum (1999):

The United Nations once dealt only with governments. By now we know that peace and prosperity cannot be achieved without partners involving governments, international organizations, the business community and civil society. In today's world, we depend on each other.

At international level, the debate on global governance and the role of stakeholders has developed initially in an unstructured way. The Commission on Global Governance outlined that:

Global governance, once viewed primarily as concerned with intergovernmental relationships, now involves not only governments and intergovernmental institutions but also NGOs, citizens' movements, transnational corporations, academia, and the mass media. The emergence of a global civil society, with many movements reinforcing a sense of human security, reflects a large increase in the capacity and will of people to take control of their own lives. (1995, p335)

The Commission did recognize that global governance now required the active involvement of stakeholders but it did not offer a real vision of how this might happen at the UN level. During the same time period, we had seen an enormous increase in the number of NGOs that are accredited to the UN and active in the UN Conference processes. In 1946, there were only four NGOs accredited; by 1992, this had grown to 928 and by the end of 2000 to over 1900. Table 4.1 reviews the

Table 4.1 *Number of ECOSOC Recognized NGOs Before and After Each Review of Consultative Status*

<i>Year</i>	<i>Category A or I or General Status</i>	<i>Category B or II or Special Status</i>	<i>Register or Roster</i>	<i>Total</i>
1946	4	0	0	4
1949	9	77	4	90
1950	9	78	110	197
1968	12	143	222	377
1969	16	116	245	377
1992	41	354	533	928
1996	80	500	646	1226
1998	103	745	671	1519

Source: Willetts, 1999, p250

number of the UN's Economic and Social Council (ECOSOC) recognized NGOs before and after each Review of Consultative Status.

The rules that governed NGOs' involvement within the ECOSOC were based on the previous review, held in 1968 when only 377 had accreditation. These have since been revised. In July 1996 the ECOSOC adopted a resolution dealing with the new consultative relationship of NGOs with the UN. It was hoped that this would extend beyond ECOSOC to the General Assembly but as yet has not happened.

Some of the larger global networks such as the International Chamber of Commerce (ICC), the International Confederation of Free Trade Unions (ICFTU), World Federalists Movement, the World Federation of United Nations Associations (WFUNA) and the like have had offices in New York since the beginning of the UN.

This all changed with the enormous influx of new international, national and local NGOs and community-based organizations that occurred during the 1990s, kicked off by the 1992 Rio Earth Summit and followed up by the conferences on Human Rights, Population, Social Development, Women, Human Settlements and the Food Summit. Together, they set out the standards by which the UN, governments and now stakeholders operate in most of the key areas that affect our lives. They also brought a new generation of organizations and individuals into the UN who saw it as a vehicle to highlight their concerns and a place to put pressure on their governments as well as other governments.

Through nine chapters in Agenda 21, the Rio Conference formally introduced into the agenda the concept of Major Groups or key stakeholders in society. It recognized the need to engage these 'stakeholders' in the development, implementation and monitoring of the global agreements. Agenda 21 sets it out in the Preamble:

Agenda 21 addresses the pressing problems of today and also aims at preparing the world for the challenges of the next century. It reflects a global consensus and political commitment at the highest level on development and environment cooperation. Its successful implementation is first and foremost the responsibility of Governments. National strategies, plans, policies and processes are crucial in achieving this. International cooperation should support and supplement such national efforts. In this context, the United Nations system has a key role to play.

Other international, regional and sub regional organizations are also called upon to contribute to this effort. The broadest public participation and the active involvement of the non governmental organizations and other groups should also be encouraged. (Earth Summit '92, 1992, p47)

Through the 1990s, the reform packages that have had an impact on the UN and global governance have nearly all been accompanied by an increase in the role and responsibilities of stakeholders.

IMPACT OF UN REFORM PACKAGES

The UN Track One and Track Two Reports of the UN Secretary General addressed an increased role for stakeholders in the UN's work. Track 2 (Section 215) recognized

that our common work will be the more successful if it is supported by all concerned actors of the international community, including non-governmental organizations, multilateral financial institutions, regional organizations and all actors of civil society. We will welcome and facilitate such support, as appropriate.

The UNEP Task Force on Environment and Human Settlements (1998) called for:

- a coordinated UNEP Governing Council with structured meetings of major groups;
- enhanced major group participation in UNEP governing council meetings at the same level as the CSD;

- exploration of ways of engaging the private sector; and
- identification of the special needs of Southern NGOs.

And the UN Secretary General's Millennium Report (2000, p13) stated:

Better governance means greater participation, coupled with accountability. Therefore, the international public domain – including the United Nations – must be opened up further to the participation of the many actors whose contributions are essential to managing the path of globalization. Depending on the issues at hand, this may include civil society organizations, the private sector, parliamentarians, local authorities, scientific associations, educational institutions and many others.

Some organizations have been promoting the idea of adding a People's Assembly to the United Nations. Prima facie, this would not necessarily require a Charter Amendment since the General Assembly has the power under Article 22 of the UN Charter to create auxiliary bodies to itself. Such a body would, of course, only have advisory power. One of the questions raised against this idea is the legitimacy of such a body. NGOs are not in many cases democratically constituted, and what about trade unions, industry associations, youth organizations, women's organizations, local government associations and other stakeholders? Another key concern is that the Assembly might be too Northern and that the costs involved in participating would make it very difficult for NGOs from the South to take part. This would then just mirror the problems of the UN where the Northern governments are well resourced and those from developing countries are not.

Just as the People's Assembly can be created under Article 22, so can the other interesting idea that of creating a UN Parliamentary Assembly. Again this would be only advisory, but it would have the strength of being built on the idea of electing our representatives to the world body that is creating the norms and standards by which we live our lives. We have an example of what this might look like with the European Parliament. As with the European Parliament, it could be done in a gradual way, first perhaps with sitting parliamentarians from the national parliaments, but then building up to directly elected representatives over a period of time. The advantages are clearer than with a People's Assembly of NGOs as the representatives would actually have a mandate from being elected. They would enable the discussion to move away from just a narrow national perspective to a global perspective. Also, governments could be held accountable to what

could be seen as the 'voice of the people'. The Global Governance Commission does warn:

When the time comes we believe that the starting with an assembly of parliamentarians as a constituent assembly for a more popular body is the right approach. But care would need to be taken to ensure that the assembly of parliamentarians is the starting point of a journey and does not become the terminal station.
(1995, p258)

There are some difficulties, though, and that includes what can be done with countries that are not democracies.

On the issue of size and composition, Dieter Heinrich (1995, p99) says:

The ideal would be representation by population, but this would be impractical in the beginning, especially if it meant giving a 20 per cent of the assembly to the world's largest non-democracy.

These ideas for a more formal increase in the role of particular stakeholders have occurred at the same time as the UN Commission on Sustainable Development has been exploring a different approach. Globalization has had a negative impact on the role of national parliaments and parliamentarians and a World Assembly of Parliamentarians might redress this if it had some powers. Unfortunately, governments are unlikely to give up any power to such a body.

THE ROLE OF THE CSD IN EVOLVING CHANGE

In creating the mandate for the UN CSD, governments recognized the important role that Major Groups would have in the realization of Agenda 21. There is no question that the CSD gives the Major Groups the greatest involvement in the work of any UN Commission. The CSD's mandate is to:

- monitor progress on the implementation of Agenda 21 and activities related to the integration of environmental and developmental goals by governments, NGOs, and other UN bodies;
- monitor progress towards the target of 0.7 per cent gross national product (GNP) from developed countries for Overseas Development Aid;

- review the adequacy of financing and the transfer of technologies as outlined in Agenda 21;
- receive and analyse relevant information from competent NGOs in the context of Agenda 21 implementation;
- enhance dialogue with NGOs, the independent sector and other entities outside the UN system, within the UN framework; and
- provide recommendations to the General Assembly through ECOSOC.

The CSD, created in 1993, is to date the most interesting political space within the United Nations for Major Groups to experiment with individual and joint advocacy, and with multi-stakeholder engagement. One indicator of the success of this has been the increase in their involvement. In 1993, around 200–300 Major Groups' representatives attended; by 2000, this had increased to between 700 and 800. The 'political' leadership shown by the Chairs of the CSD had some impact on this. The CSD is the only functioning Commission of ECOSOC to have a government minister as the chair. It also has between 40 and 60 ministers attending and has ministers or ex-ministers as the chair. The CSD has 53 states as members elected for three-year terms of office. Some of the creative activities relating to the development of political space at the CSD have included:

- 1993 Stakeholders being admitted to informal and 'informal informal' meetings and then invited to speak
- 1994 Stakeholders being able to ask their government questions in front of their peer group (other governments) as they present their national reports
- 1994 The establishment of the CSD NGO Steering Committee to facilitate NGO involvement in the CSD
- 1995 The introduction of 'Day on a Major Group'
- 1997 The introduction of the Dialogue Sessions, as a series of five half-day Major Group presentations;
- 1997 Presentations of ten Major Groups: representatives for the first time addressed the UN General Assembly at the review of UNCED ('Rio+5'). (NGOs have no right of access to the General Assembly)
- 1997 At the 19th UN General Assembly Special Session on Rio, negotiating committees operated on the basis of the norms from the UN Commission on Sustainable Development - a first in the UN
- 1998 The Dialogues developed as an interactive two-day discussion among governments and certain stakeholder groups on a specific topic (industry)

- 1998 The setting up of the first multi-stakeholder process to follow up a CSD decision (on voluntary agreements and initiatives of industry)
- 1999 The Dialogues' outcomes (on tourism) were given higher status: they are put on the negotiating table by the CSD chair, together with the ministerial discussion and the CSD intersessional document for governments to draw on
- 1999 The Dialogues on tourism set up a second multi-stakeholder process to follow up the CSD decision
- 2000 The Dialogues on agriculture set up a process under the Food and Agriculture Organization (FAO) to continue to develop new governance approaches in that agency to take forward issues raised in the CSD
- 2000 The UN General Assembly agreed to multi-stakeholder processes to be an integral part of the Earth Summit 2002 process, including multi-stakeholder Dialogues or Panels at Regional PrepComs, PrepComm 1, 2 and at the Summit itself
- 2001 PrepCom 1 for Earth Summit 2002 opened up the formal section of the meeting with presentations by each of the nine Major Groups

The CSD has pioneered a greater involvement of Major Groups in the sessions of the Commission. None of the sessions are now closed; even the small working groups are held open for Major Group representatives to attend and in many cases to speak. However, this approach is an ad hoc one and is at the discretion of the chair of the CSD. While the formal ECOSOC rules do not allow for this to happen, the 'tradition' of the active involvement of Major Groups has led to it being allowed.

The increased involvement of Major Groups in the implementation of the UN Conference agreements has seen an increased involvement in the framing of the agreements. Perhaps the Habitat II Conference in Istanbul expanded the involvement to where the norm should be. At that Conference and its preparatory meetings, NGOs and local governments were allowed to submit proposals for textual amendments. To do this, they were required to organize themselves into a negotiating block for the Habitat II Conference. The UN then published the consolidated NGO amendments as an official UN document (A/Conf. 165/INF/8). This was the first time that this had happened at a UN Conference.

Habitat II had another first and that was Committee 2. In Committee 2 in Istanbul there was a series of half-day dialogues between stakeholder groups. The reality, however, was that as the negotiations were going on in Committee 1, the level of participation was low and the input into the negotiations was close to zero.

At UNED's suggestion, the idea of the Dialogues was taken up by the CSD NGO Steering Committee who wrote to the Under Secretary General Nitin Desai in August 1996, requesting his support for the introduction of Dialogues at the CSD in 1997. The General Assembly agreed in November 1996, and asked each of the Major Groups to prepare for half a day dialogue sessions on the role they had taken in implementing Agenda 21.

It is interesting to note that the five-year review for Habitat II in June 2001 saw none of the practices adopted in Istanbul survive.

At present, none of the other UN Functioning Commissions operate such a model similar to the CSD, but some interesting approaches are evolving in the area of UN bodies (see Chapter 8). It might be noted at this point that practice varies widely in other international forums as regards NGO access and rights. In some forums and treaty negotiations, such as the London Convention, NGOs were given the right to make amendments to proposed text from the floor. In other cases, they were obliged to do this through friendly countries or by means of written submissions. The practice seems to vary according to the discretion of the chair. Increasingly, governments appear to be taking the line that NGOs or other stakeholders may comment and suggest but cannot 'negotiate', meaning intervene from the floor on draft text.

Since many of the Major Groups serve as the 'delivery system' for implementing Agenda 21 and the other global agreements, it has become increasingly clear that they must be more involved in more formal (multi-stakeholder) debates and consultations. If this does not happen, governments lack the 'reality checks' that NGOs and other stakeholders can bring to the table, and the commitment they can bring to implementation.²

Stakeholders know they are not elected and are not asking for a seat at the table to vote on agreements. What they want is the opportunity to present their ideas and expertise. Governments, as (in most cases) the elected representatives of the population, should make the final decisions on global regimes. However, those decisions will be better informed, more rooted in reality and more likely to be implemented on the ground if all the relevant stakeholders have been involved in the discussions. This also applied to decision-making at local and national levels. Governments, national or local, should make more informed decision-making by involving stakeholders. They may also find more of the policies actioned if they involve stakeholders. The challenge for the next ten years is how we move from good policies to good action.

UNAIDS

UNAIDS offers another example of the increasing involvement of stakeholders in global governance. The programme coordinating board (PCB) of UNAIDS coordinates the activities of seven international agencies in the area of HIV/AIDS – the World Health Organization (WHO); the United Nations Development Programme (UNDP); the UN Educational, Scientific and Cultural Organization (UNESCO); the UN (International) Children’s (Emergency) Fund (UNICEF); the UN Population Fund (UNFPA); the World Bank and UNDCP (United Nations International Drug Control Programme). The PCB is a tripartite body including representatives of the donor and recipient countries and of the NGO sector, with ten full and alternate NGO members on it. Dennis Altman explains:

This is the first time a United Nations body has included representatives of affected communities on its governing board. The move was opposed by some governments, notably China (but also the Netherlands), for fear of the precedent it might set for other international agencies. (Altman, 1999, p20)

One of the problems faced is who selects those ten NGO representatives to go on the Board. To quote Dennis Altman again:

The choice of the ten full and alternate NGO members of the PCB were made by the three official NGO observers at the WHO Global Program on AIDS Management Committee. While they made huge efforts to consult significant networks across the world there has been some discontent with the process and the actual choice of NGO delegates, though no one has proposed an alternative way of doing it. (p22)

Although UNAIDS offers an interesting model for the involvement of NGOs, there are still questions about its legitimacy by those it seeks to represent.

THE FUTURE

The emerging diplomacy for NGOs is different from what it is for governments. The role of diplomacy for governments is based on their national interest (although there are particular exceptions to this, the

Scandinavian countries coming to mind), while other stakeholders and advocacy groups can often take a broader view. This is particularly true in the area of the environment and development where global commons issues (such as climate change) or issues of global significance (such as loss of ancient forests or trade policy) demand an approach both global and local in perspective:

We are seeing the emergence of a new, much less formal structure of global governance, where governments and partners in civil society, private sector and others are forming functional coalitions across geographical borders and traditional political lines to move public policy in ways that meet the aspirations of a global citizenry. These coalitions use the convening power and the consensus building, standard setting and implementation roles of the United Nations, the Bretton Woods Institutions and international organizations, but their key strength is that they are bigger than any of us and give new expression to the UN Charter's 'We the people'. (Mark Malloch Brown, 1999, piii)

It is worth remembering that the first international body to recognize the role of relevant stakeholders was the International Labour Organization (ILO) which in 1919 set a model for tripartite representation from governments, employers and unions. The ILO has a Governing Body which has 28 member governments, 14 members who represent workers and 14 who represent employers. Also, the ILO has 168 member states; each national delegation has four members, two government representatives, one worker's delegate and one employer's delegate.

Some organizations such as European Partners for the Environment promote the idea of tripartition within the sustainable development area. They suggest that the three parties should be governments, industry and civil society.³ Agenda 21's approach is that it does not adequately enable an issue to be addressed if every other stakeholder is to be part of civil society. How can you put together NGOs, women, trade unions, scientists and local government, to mention a few, in one grouping? The essence of Agenda 21, although it identifies nine Major Groups, is that it is promoting the idea of bringing together all relevant stakeholders who need to address a particular issue. One problem with Agenda 21 is that it only identifies nine. There are others that should be considered – such as education community, older people, the media. Unfortunately, the addition of other stakeholders has been fought over the past eight years. The reason put forward is that we cannot 'renegotiate Agenda 21'. A more flexible approach is required as we move

towards a clearer focus on implementing Agenda 21 and the other international agreements.

On issues such as health and safety at work a tripartite approach is probably the right approach. In fact, the Agenda 21 chapter on trade unions (Chapter 29) does recommend: 'to establish (within the workplace) bipartite and tripartite mechanisms on safety, health and sustainable development'.

We are witnessing the recognition that, in a highly complex, globalizing and interdependent world, governments no longer have the power and ability to forge and fully implement all the various agreements that they conclude. Society is made up of interacting forces – some economic, some institutional, some stakeholder-based, some citizen-based. This recognition can be liberating but at the same time it can be very daunting. If you take away the belief that governments might know best, then it can become a very insecure and thus a more frightening world for some. The multi-stakeholder processes can make this process less frightening and can also contribute to a higher likelihood that agreements will be implemented as the stakeholders themselves have been involved in the creation of the agreements. This approach also offers the opportunity to hold stakeholder groups accountable.

What we need in this increasingly globalized world are agreed norms and standards by which we can operate. This will require a clearer definition of the role and responsibility of governments, as well as of stakeholders, and an agreement on the modes of interaction.

In this context, MSPs offer significant attractions for those concerned with the improvement of global governance. As Reinicke (2000) has observed:

- Networks are multisectoral collaborative alliances, often involving governments, international organizations, companies and NGOs.
- Networks take advantage of technological innovation and political liberalization.
- Networks pull diverse groups and resources together.
- Networks address issues that no single group can resolve by itself.
- By doing so, networks rely on 'the strength of weak ties'.

As a final note, it is useful to recall that MSPs are yet to be seen uniformly favourably by all stakeholders in all forums. On the one side, many governments (or arms of government) are not persuaded that their approach to decision-making is wanting. Major Groups regularly encounter official objections from nation states to their meaningful inclusion in some forums.

On the other hand, some NGOs have reservations about the potential of MSPs to erode further the role of governments in decision-

making. There are also long-term conflicts with industry on certain issues. While recognizing the greater access they themselves might be afforded to important policy discussions, they argue that if MSPs increase the role of industry, or promote the role of non-binding voluntary agreements for the business sector, or lead to a reduction in the use of legally binding regulations, MSPs are inappropriate. What is required, they argue, is more – not less – government and better implementation of existing commitments. Smaller NGOs, particularly from Southern countries, argue that they do not have the time, experience or resources to engage in MSPs, or express concern that their voices will not be heard.

Some stakeholders do question the issue of involvement in MSPs from a resource level. The question for them is priority: will their involvement in the MSP impact on the work they are doing on the ground? The more there is an obvious link between the local and the global the more interest they would have.

These are all important issues and will need to be taken into account as stakeholders develop frameworks for specific MSPs. It is not our contention that MSPs should be a substitute for existing governance processes based on democratic governments, but rather they should be a supplementary and complementary process to improve the quality of issue-finding, decision-finding and, where appropriate, decision-making and implementation.

MSPs create opportunities for stakeholders to contribute constructively to not only the improvement of global decisions but also to national and local decisions. MSPs can also become a driver for better implementation of the decisions, particularly at the national and local levels.