

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the institutions and processes by which international decisions are made, and by which norms are set and diffused, are out of date and unable to meet present-day, entrenched challenges.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.

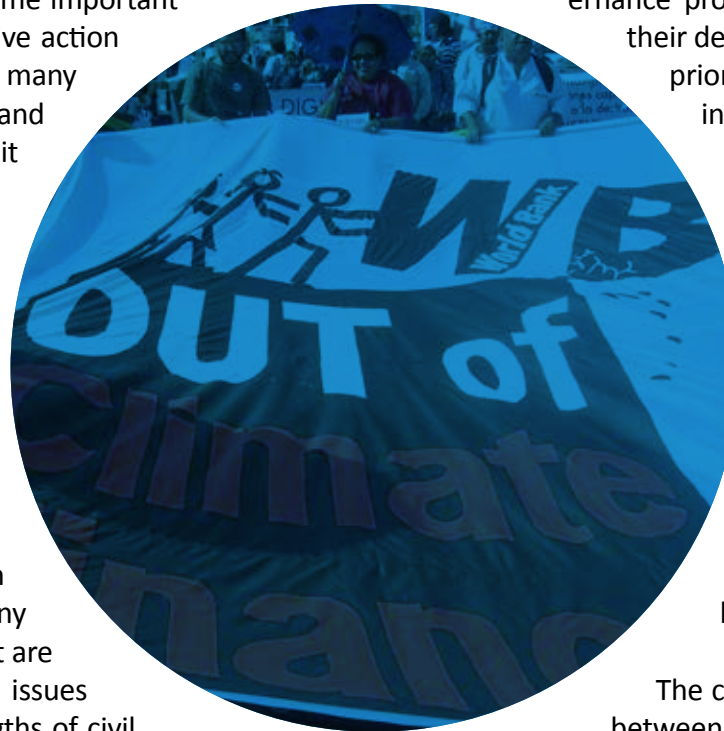
Some international institutions have become important arenas for decision-making. While collective action problems often endure in practice, and many international institutions are inefficient and stymied by state and business interests, it is also the case that many important decisions that affect our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

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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.

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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.

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.

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.

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

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:

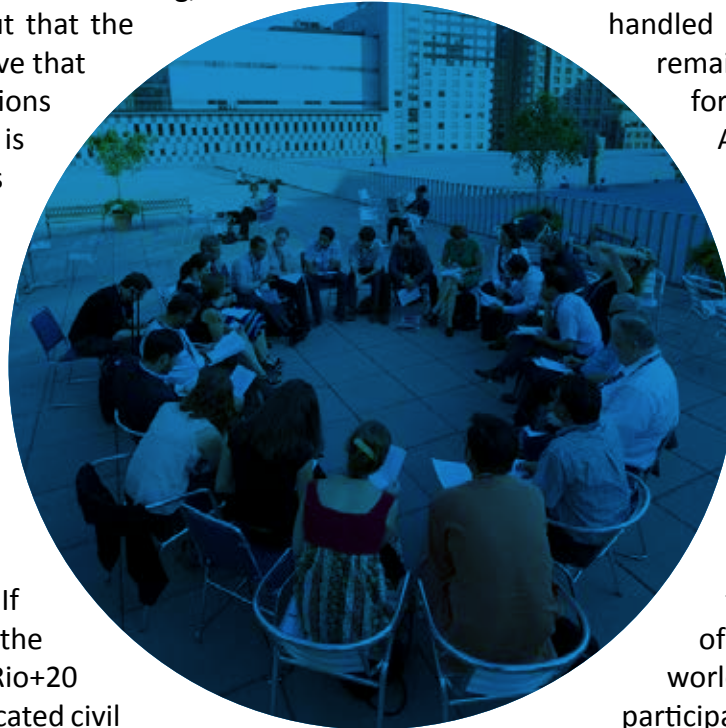
“The contribution UN bodies make to establishing global norms may not always be well understood, but the diffusion of norms is often a prerequisite to the successful implementation of agreements. Among these normative contributions is the involvement of non-state actors in global processes.”

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;

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

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.

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>.

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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_CS0_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>.

PHOTO CREDITS

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