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Relations with Nongovernmental Organizations: Lessons for the UN

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INTRODUCTION

Only very recently have relations between governmental institutions and nongovernmental organizations (NGOs) become a significant policy matter. The significance is driven by the recent phenomenal growth of national, transnational, and international NGOs,[1] many of which seek to influence public policy. This phenomenon has caused governments and intergovernmental institutions such as the UN, EU, IMF, and others to respond by opening the doors to NGOs. How far an entry NGOs make may be a reflection of the institutions' democratic mandate, their policy role, and their preference for either "liberal internationalism," an international legal order and governing institutions, or "democratic sovereignty," in which democratic sovereigns are at the center of the international system.[2]

The increased propensity and ability to organize civil voices through NGOs is a major element of advocacy or participatory democracy. By contrast, governments and intergovernmental institutions are the product of representative democracy. The essential issue is to seek the proper relationship between representative democracy and participatory democracy. The management of the relationship is an important point from which to observe these two modes of democracy. A common characterization of the two is "vote" and "voice." The characterization is misleading for two reasons. First, the language of "voice" is used to reassure elected representatives that organized opinion is no threat. Indeed, it is not, unless, of course, representatives transfer their authority to the advocates.[3] Second, the characterization undersells the concept that representative democracy is a process of recognizing voices *and making sense of them* by settling the myriad claims upon public power.

Elections are but one part of the architecture of representative democracy. Other aspects are the courts, which assist private dispute resolution and the review of government decisions; the taxation regime, which funds programs; and, the intense focus of the daily media. These are the well-tested elements of the "daily plebiscite"[4] of politics in the liberal democratic state. They operate with intensity and a grounded nature that only occurs at the scale of the nation-state and below. This does not

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mean that the system does not suffer in the eyes of the voters from unfulfilled expectations of ever greater access and preferred outcomes, but participatory democracy reaches its peak within the representative framework of the liberal democratic state.

PROBLEMS OF NGO LEGITIMACY IN INTERNATIONAL FORUMS

By contrast, participatory democracy at the international scale flounders. The desire by intergovernmental institutions to incorporate participatory democracy into their processes, in the absence of the architecture of representative democracy, may simply be a reflection of the desire to seek a new role for their organizations. That new role may be built on a new constituency among those who are enthusiastic for the agendas they share. It has been observed that there is a "symbiosis between international NGOs and international organizations, [a] mutual legitimation in which international organizations treat international NGOs with all the legitimacy and deference that domestic democratic governments must treat their domestic voters."[5] Unlike the domestic voter, however, NGO claims to public policy access need to be substantially qualified. Their claims rest on being the voice of civil society, whether or not it represents their members' interests, universal interests, public interest, or in their expertise in a specific policy arena. Like political leaders though, NGO leaders are an elite. Their values are likely to be in the vanguard of their supporters, and they are certainly not likely to reflect broad opinion.

The release of the UN Report of the Panel of Eminent Persons on United Nations–Civil Society Relations on June 11, 2004[6] stimulated an intense debate about the proper relationship between the two modes of democracy and the management by intergovernmental institutions of the NGO relationship. The claims of the panel in these regards are bold.

> The rise of civil society is indeed one of the landmark events of our times. Global governance is no longer the sole domain of Governments. The growing participation and influence of non-State actors is enhancing democracy and reshaping multilateralism. Civil society organizations are also the prime movers of some of the most innovative initiatives to deal with emerging global threats.[7]

The claim is supported by a number of propositions. The major ones are paraphrased below, in italic, with a preliminary response immediately following.

Traditional democracy aggregates citizens by communities of neighborhood (their electoral districts), but in participatory democracy citizens' aggregate in communities of interest.[8]

There is a fundamental flaw in the argument about different aggregations of public opinion. Only when interest-based opinion is filtered through electoral district opinion, not to mention a myriad number of other filters, are the outcomes not driven by a consensus of activists. The consensus is constrained by those who do not share the activists' worldview. Global civil society is the largest and least defined electorate imaginable. NGOs constitute a very particular slice of that civil society,

the politically active elite. They are elite in the sense that elected officials are elite. Politicians' attitudes vary considerably from those of their constituency; it is a part of their motivation "to do good" and "to make a difference." They are not merely vessels of public opinion. They are nevertheless constrained by having to be formally accountable for their actions, and they are constrained to not move too far from the values and preferences of their bosses, the electorate. NGO leaders suffer no such constraint, sometimes not even within the bounds of their organization and certainly, not from the wider constituency.

Global civil society is the largest and least defined electorate imaginable.

The UN needs to reflect on its mandate. Although it is keen to quote from its masthead "We the Peoples," it is, of course, a creature of nation-states. If it attempts to become a world forum for all comers, without the architecture to test world opinion or the responsibility of raising taxes and armies, then it must not pretend to have the authority of world opinion. If it attempts to be the moral conscience of the world, it must be prepared to acknowledge that it has neither the spiritual substance of the church nor the certainty of a single politico-economic system (to claim the liberal democratic West as the model would destroy its credibility with much of its constituency). The UN may seek greater relevance, but it risks becoming nothing more than a platform for untested opinion.

Nowadays, non-State actors are often prime movers—as with issues of gender, climate change, debt, landmines and AIDS. The first step is often the creation of global policy networks to promote global debate. The United Nations has to date often played a weak role in such innovations.[9]

The statement is a plea by the UN to keep itself in the game. It may be true that non-state actors were instrumental in the named campaigns, but it is naive to suggest that the campaigns were successful, the policy prescriptions correct, or that the major incubators of change were not liberal democratic governments, acting in response to their constituents, many of whom were NGOs. The UN is seeking to add value to the policy process, but providing forums for NGOs may not assist the policy process. "What the panel essentially means is that the General Assembly is lagging behind the leadership of the Secretariat and of NGOs, and must now catch up. Presenting the UN as backwards is a way of exerting pressure on governments to accept the Secretariat's agenda for reform."[10]

There is increasing public dissatisfaction with the institutions of global governance. Transnational civil society networks are moving to fill this challenge and enjoy increasing public support.[11]

The difficulties with these claims are that public dissatisfaction cannot be readily gauged without an election, and no such mechanism exists for the UN. Dissatisfaction will almost certainly rise as the ability to voice opinion rises. Access to policy forums is a positional good and only so many places are available; the more voices that

appear, the louder will be the cry by those who miss out. Further, the panel uses the term governance as a ready substitute for government, thereby hoping to bypass the essentials of representative democracy. It also underlines the fact that the UN is in no sense a government, but a committee of governments. The statement also implies the familiar criticism of democracy within the nation-state. For example, "all modern states face a crisis of legitimacy ... that prevents publics from shaping state policy. Instead, they are manipulated by it."[12] The argument serves the interests of NGOs, but it not apparent that NGO access will solve the so-called crisis of democracy.

There is increasing public disenchantment with traditional democracy, in an age of global inter-connectedness and concerns about sustainability. UN conferences begin to fill the gap by taking on characteristics of a global parliament.[13]

A global parliament consisting of whoever is fortunate to receive an invitation to a UN conference does not constitute a responsible body of opinion. Nor does it have any of the means of enacting its desires, such as raising funds and passing laws. In this sense, it is doubly irresponsible. A test of the validity of NGO representation of the public interest is to ask if the sum of all NGO opinion represents public opinion. The answer is almost certainly no. The UN has provided forums where up to 300,000 NGO activists, representing 2600 NGOs, have attended.[14] This is not a policy-making forum. This is a bazaar. The UN appears to acknowledge this criticism with its recent statement, "the age of the big United Nations conferences is largely over,"[15] but this appears not to have dissuaded the UN secretariat from expanding its agenda of NGO engagement.

There is no logical reason why an international forum per se has solutions that a national or nation-sponsored forum has not. "There is nothing conceptually or practically obvious about believing that the international ought to have the conclusive word on the universal."[16] Any numbers of national constitutions, as well as the common law and other legal systems, have for generations defined and refined the meaning of human rights. These nations have passed anti-discrimination laws and conservation laws and run highly sophisticated health systems to deal with the threat of AIDS. They also produce great wealth, sufficient to aid those nations who do not produce enough for their needs. They also produce the science that drives wealth production. In short, all of the claims that the UN and the internationalists make for the healing powers of internationalism are already in practice in the successful nations. Moreover, almost none of the named problems are international, they are simply found in many nations and regions.

The major conferences have begun to level the North-South playing field. The power and confidence of Southern voices have risen dramatically. The Southern voices gain protection from the UN in criticizing their governments.[17]

Advocacy implies inclusion, but in fact, it leads to a differential ability "to access nonelectoral arenas" such as lobbying, court processes, news coverage, and so on. "There is no clear equivalent to 'one person, one vote' for advocacy democracy."[18]

In deciding which group is to have access to a forum, for example, some will be excluded. Questions must be raised about the credentials of those granted access as a means of verifying and justifying access. In terms of political equality, advocacy leads to problems of very unequal use. While a high proportion of citizens' vote, very few are politically active. This low activity has always been a feature of the representative system, in as much as few people joined a political party, but the inequality was to some extent remedied by the fact that the parties presented their candidates and policies for public election. Activists who can bypass the public scrutiny have a lesser burden of proof than the elected official. In terms of enlightened understanding, advocacy can stimulate debate but it can overload citizens, in effect leaving them to have the matter determined by others, much as occurs in the representative model. The difference is that a new set of activists are now included.

What value do Northern NGOs add to debate, given that they are already articulate within their nations, and they already have access to the media and to private philanthropy?

A further issue is whether UN sponsorship of Southern NGOs makes them advocates for their people or ambassadors for the UN agenda. The argument about a lack of voice is only valid in undemocratic nations. Should the UN therefore only recognize NGOs from undemocratic nations? Of course, it could not allow this since it would reveal a fundamental schism between democratic and undemocratic states within the UN. It would encourage a caucus of democracies and reveal that these are also the Northern nations. In this context, what value do Northern NGOs add to debate, given that they are already articulate within their nations, and they already have access to the media and to private philanthropy? The UN lifeline to civil society is really a second vote to (predominantly leftist) Northern NGOs.

If NGOs in international settings are unable to provide the legitimacy of a verifiable constituency, then their claims to utility must rest elsewhere. One claim may rest in an ability to provide the "best" priorities. Two pieces of evidence can be used to test that proposition. A survey of the priorities of NGO leaders and a list of priorities generated by a group of eminent economists at the Copenhagen Consensus[19] suggests that the two vary substantially. This is not to argue that all that is required of government is a scientific approach to goal setting, but that claims by NGOs on these grounds are highly contestable and probably very weak.

The recommendation from the Copenhagen Consensus 2004 expert panel of world leading economists, for example, was that combating HIV/AIDS should be at the top of the world's priority list. This was followed by policies to attack hunger and malnutrition by reducing iron-deficiency anemia through food supplements, increase spending on research into new agricultural technologies, and reform global trade. The latter included reduction of tariffs and non-tariff barriers, together with the

elimination of agricultural subsidies, the extension of regional trade agreements, and the non-reciprocal lowering of rich-country tariffs on exports from the least developed countries. The panel looked at three proposals, including the Kyoto Protocol, for dealing with climate change by reducing emissions of carbon, but regarded all three as bad projects with costs that were likely to exceed the benefits.

Contrast a recent survey[20] of NGO leaders' visions of globalization in the year 2020. A very strong majority of NGO leaders indicated that they wanted a greater focus on the protection of human rights (95 percent), the environment (95 percent), as well as greater telecommunications and Internet access across the "digital divide" (91 percent) and social standards and social security (89 percent). NGO leaders considered completing the Doha Trade Round (19 percent) least important.

There is no architecture available that can turn an international governing institution into a responsible transnational government.

Interestingly, Southern NGO leaders were significantly more likely than Northern leaders to want a greater focus on economic factors, such as international trade (61 percent vs. 27 percent, respectively), and direct foreign investment by companies (49 percent vs. 16 percent). Southern NGO leaders were more inclined than Northern to consider "very important" those initiatives that build developing countries' capacity, including improving the transfer of technology to developing countries (84 percent vs. 66 percent) and the reduction of farm (70 percent vs. 47 percent) and textile (64 percent vs. 46 percent) subsidies and import restrictions in industrialized countries.

On the issue of changes to the political architecture, a strong majority of NGO leaders did not support American-led multilateralism (79 percent) and the presence of strong national governments with few international controls and weak international institutions (68 percent). Instead, leaders were more likely to select a reformed and strengthened UN and multilateral institutions controlled by sovereign states (67 percent) or an evolving world government that was accountable directly to citizens rather than to nation states (66 percent). In the management of global affairs, NGO leaders believed that NGOs (84 percent), developing countries (82 percent), and individual citizens (80 percent), as well as the UN (82 percent) and its agencies (79 percent) should all have stronger roles in the management of global affairs by the year 2020. Conversely, these leaders called for weaker roles for the United States (66 percent), military alliances (64 percent), global companies (57 percent), multilateral agencies (48 percent), and industrialized countries (40 percent).

NGOs are clearly in the "liberal internationalist" camp. They clamor for access to the UN, and the UN secretariat is keen to accommodate them. Moreover, Northern NGOs are a special subset of the international electorate. They seek to turn their minority opinion into majority opinion, through intergovernmental institutions. The effect is to distort priorities and to replace constituencies with lobbies. The governance

of international affairs, in as much as intergovernmental institutions operate, is built on the membership of nations. There is no direct voice by a transnational electorate. Until there is, no amount of encouragement by international bureaucrats, seeking their own constituency among "international civil society" NGOs, and more latterly, business, can substitute for that lack of direct voice. There is no architecture available that can turn an international governing institution into a responsible transnational government.

SOME PRACTICAL REMEDIES

Putting aside for the moment these fundamental difficulties with NGO access to intergovernmental forums, how are those who clamor for a voice at international level to be accommodated? The UN arguably has been the least disciplined of the intergovernmental institutions in its management of NGOs. The global conferences of the 1990s and the Millennium events, which included UN secretariat-sponsored NGO agenda setting forums,[21] suggests that the UN permanent officers have in mind a political strategy to enhance the UN as an instrument of "non-state actor" policy makers. Similarly, the EU Commission has been ill-disciplined in its management of NGO relations, although there appears to be some rebalancing with the recent implementation of a disclosure regime for NGOs, possibly at the behest of Members of the European Parliament. By contrast, the IMF has begun to open its door to NGO involvement, but with a clear understanding that the role of NGOs is to aid specific IMF policy objectives. The same could be said of the WTO. By contrast, in Australia, as an example of a nation-state where clearly there is a "daily plebiscite" in place and where NGO involvement in policy formation has been generally welcomed, there is discussion within the government to enhance an NGO disclosure regime.[22] The EU, IMF, and Australia have some practical lessons that may be useful for the UN.

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The EU is neither a federation like Australia or the United States nor is it an organization for cooperation between governments like the UN. The member states pool their sovereignty on a range of issues and are governed by a Council, appointed by member states, and a directly elected Parliament as co-legislators. As the European Parliament stated in its Resolution on the white paper on Governance, "consultation of interested parties ... can only ever supplement and never replace the procedures and decisions of legislative bodies which possess democratic legitimacy."[23] The EU commitment to participatory democracy may soon gain constitutional status with an Article of the Constitution under consideration dealing with participatory democracy that suggests, "The European Union recognizes participatory democracy as

complementary to representative democracy. The institutions of the Union guarantee a high level of transparency and put in place procedures of information, hearings, and consultation in order to allow the appropriate participation of associations of organized civil society."[24]

The guiding principle for the Commission is the familiar refrain to give interested parties a voice, but not a vote. The Commission has underlined its intention to "reduce the risk of the policy-makers just listening to one side of the argument or of particular groups getting privileged access."[25] It seems not to have recognized that even "balanced access" can generate costs. Allowing a great deal of access to organized voices can create agendas so strong as to constitute a vote. For example, the EU established a Social Platform in 1995 to bring together over thirty European NGOs, federations, and networks. The members of the Social Platform represent thousands of organizations, associations, and voluntary groups at local, regional, national, and European level. Ninety-five percent of the Social Platform is funded by a grant from the European Commission to support its running costs.[26] A weakness with the EU "consensus" approach, in which it appears that everyone has a say, is that there is also a propensity for the Commission to fund much of the activity. For example, there are six different consumer NGOs funded by the EU Commission. There is the danger of co-option when the institution, in its desire to listen to new voices, simply funds those who are deemed not to be able to afford it, but who in the end may echo the preferences of the EU Commission.

In general, the IMF has often preferred to keep its links with civil society associations at some distance.

The redeeming feature of the "funded consensual" approach is that in June 2002, the EC established the Consultation, European Commission and Civil Society (Coneccs) database. The Coneccs Internet site offers public information on non-profit organizations established at the European level and information on the committees and other consultative bodies the Commission uses when consulting organized civil society in a formal or structured manner. The rationale is that "with better involvement comes greater responsibility. Civil society must itself follow the principles of good governance, which include accountability and openness."[27] The index of organizations is compiled on a voluntary basis and is only an information source. It is not an instrument for securing consent or a system for accrediting organizations to the Commission.[28] Neither is it a single point of enquiry for all relevant matters on EU Commission-NGO relations. The direct grant of funds to NGOs is not specified in the database so that, for example, grants awarded by the Director General of Environment are contained at a separate site, as others are in different portfolios.[29]

In contrast to the UN and EU and other technical bodies, such as the World Bank[30] and the WTO,[31] the IMF has no juridical basis for links with civil society built into its constitutional document.[32] In general, the Fund has often preferred to keep

its links with civil society associations at some distance.[33] The IMF-NGO engagement has been largely seen as an "external communications strategy."[34] Where the IMF has engaged NGOs, it has been for instrumental purposes, as a way to foster local "ownership" of IMF-supported policies. For example, since 1999, low-income countries applying debt relief or new concession loans from the IMF (and the World Bank) are required to develop their own Poverty Reduction Strategy Papers through a consultative process that involves wide and substantive participation by civil society.

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The IMF's engagement with NGOs recognizes that some bring relevant expertise and experience for understanding economic issues and policies in Fund member countries, and that the Fund can therefore benefit from listening to their views in formulating policies. More importantly, the Fund recognizes that consultation can increase national ownership of Fund-supported policies. The Fund has an instrumental approach to NGO engagement. It has a clear policy mandate and engages NGOs to help the policy be successful. Nevertheless, this is not to argue that NGOs need to be compliant. The initiative to move from a "closed" to an instrumental approach may well have been a result of lobbying by US-based NGOs. In 1994, the US Congress withheld three-quarters of a requested $100 million appropriation for the replenishment of the Fund, subject to greater information disclosure.[35] The point is to allow sufficient space for deliberation by those responsible for decisions without a mandated role for NGOs at every forum. This may be labeled weak NGO engagement.

The case for NGO access to the policy apparatus is strong within a nation precisely because the opportunity to filter it through electoral and parliamentary mechanisms is greatest. Even so, the model of disclosure under discussion in Australia—a Protocol—is more formal and rigorous than that available at the EU. While the role of NGOs in Australia as a voice of the public is developing apace, the ability of the representative system to manage and decipher these voices is under considerable pressure. Political accountability must therefore incorporate not just access for groups, but a record of the access. In effect, that record is used to demonstrate that while access cannot be equal, it can be managed in a rational and equitable way. The proof of which is to keep the "unorganized" interests informed of the government's relations with the organized interests.

No mechanism exists in the government whereby citizens are informed as to how conclusions are reached about the bona fides and representativeness of NGOs granted standing. Without such a mechanism, it is possible that, in terms of the potential to transfer authority from government to citizens in participatory processes,

there is nothing more than the transfer of authority from government to NGOs. A key element of the Protocol is the creation and maintenance of a single Australian government website. The website, for the sake of illustration, called "Australian NGO Link" would be an interactive site that would enable any person to make an assessment of the myriad relations between government and NGOs. It would enable the individual to assess in any year, or for a number of years, the standing of each NGO and sources of government funding of any NGO with significant relations with a government department or authority. It would also enable the assessment of the government's use of NGOs across the whole range of departments and programs.[36]

- Participatory democracy has inherent inequalities.
- Voice without constitutional architecture is undemocratic.
- Even with constitutionality, there is the need for transparency.
- NGO engagement could be used instrumentally, but "good" policy is not necessarily produced by "participation."
- Encouraging NGOs can lead to co-option.
- NGO engagement must not be used to transfer authority from a government or an intergovernmental institution to members of civil society.
- Strong NGO engagement is possible in a nation-state; weak engagement is preferred for intergovernmental institutions.

Constitutionality and transparency are the minimum requirements of democratic processes that incorporate representative and participatory democratic modes. A possible antidote to institution building and agenda building is to ensure that when government officials grant access to the policy process, such access should be fully transparent. The need for transparency increases as the constituency becomes more remote from the elected representatives. Almost precisely the opposite seems to occur. Where the resistance to the siren call of participation is weak in an intergovernmental institution, the mode of participation must also be weak.

UNITED NATIONS: CULTIVATING A CONSTITUENCY

How do these principles apply to the proposals of the Panel on UN-Civil Society Relations? First, the report does not arise in a vacuum. The UN has been increasing its capacity for NGO engagement for a number of years, and the secretariat has been increasing its capacity to free itself from the funding constraints of its member nations.

The UN authority to engage with civil society rests on one highly circumscribed article in the UN Charter, referring to one committee, the Economic and Social Council (ECOSOC).[37] From this, the relationship has expended enormously. Applications for ECOSOC accreditation have grown substantially. In the 1970s, there were twenty to thirty new applications per year. This has risen to 500 currently, not including a backlog of 800 applications. Currently about 1400 NGOs, mostly Northern, are accredited with Department for Public Information (about 600 of

which overlap with ECOSOC list). These commit to "sharing the UN's ideals and to disseminating information about its work to important constituencies via their newsletters, journals, magazines."[38] This is a strange specification in the sense that any nation-state that made such a specification would be deemed authoritarian. The criteria for accreditation should surely be value neutral and concern representation and expertise.

The UN Fund for International Partnerships (UNFIP), which was created in 1998, serves as the interlocutor between the UN Secretariat, some thirty UN agencies, and the UN Foundation. The UN Foundation was created in 1998 after Ted Turner of Time Warner, committed one billion dollars ($100 million per year for ten years) in support of UN programs.[39] It contributes to "the quiet drifting of the UN towards a multi stakeholder identity."[40] Further, at the World Economic Forum at Davos in 1999, Kofi Annan launched a direct partnership with business, which he called the Global Compact,[41] asking business to internalize nine UN principles in the area of human rights, labor, and the environment. Over 1,000 companies have now joined the Compact.

The next phase in NGO engagement will be most likely based on the report of High Level Panel on UN-Civil Society.[42] It has made a host of recommendations for reform of UN civil society engagement. The most important are paraphrased in italic, with following comments.

Proposal 1. Member States need opportunities for collective decision-making, but they should signal their preparedness to engage other actors in deliberative processes.

There must be a clear distinction between deliberative processes and information gathering. It is a normal process to have lobbying at many stages of any decision-making process, but to invite NGOs into substantive deliberative forums is a clear breach of constitutionality and exacerbates equality problems.

Proposal 4. The United Nations should retain the global conference mechanism but use it sparingly to address major emerging policy issues that need concerted global action, enhanced public understanding, and resonance with global public opinion.

The proposal acknowledges the unwieldy nature of the global conferences but maintains the device may be essential to the UN's purposes if its constituent members are no longer responsive to some proposition that resonates with global public opinion. But whose test of global public opinion will be believed, the sum of NGO opinion?

Proposal 6. The General Assembly should permit the carefully planned participation of actors besides central Governments in its processes. In particular, the Assembly should regularly invite contributions to its committees and special sessions.

The General Assembly is a deliberative forum and under no circumstances should it admit other than constituent members. In a national parliament, members use the term a "stranger in the House" to call to the Speaker's attention any person within the chamber who is not an elected member. The only exception is for a visiting head of state, and then, in rare circumstances.

Proposal 7. In order to mainstream partnerships, the Secretary-General should, with the approval of Member States and donor support, establish a Partnership Development Unit.

This is an interesting proposal in as much as it seeks independent sources of support. It may be used to free the hand of the secretariat. Then again, it has the potential to enhance the opportunity for NGOs to play a lesser role of UN informant.

Proposal 12. Security Council members should further strengthen their dialogue with civil society by installing an experimental series of Security Council seminars to include presentations by civil society.

There is no more sensitive forum than the Security Council. The concept of seminars is extraordinarily naive, as the only matters that may involve civil society actors would have to be of such a sensitive nature as to be handled "in camera" or in a judicial manner by way of evidence.

Proposal 15. Member States should make way for an enhanced role for parliamentarians in global governance.

This is interesting given that governments sign UN covenants, using foreign affairs powers in the domestic constitution, often without reference to their parliaments. The proposal may work to make states less likely to sign up to any more covenants and other programs. There are lessons as well for constituent nations. It is a tradition of governments to include NGOs in official delegations to international forums. Governments should consider very seriously the implications of allowing some voices to be amplified, as if they were the voice of the nation. Disclosure of the delegation credentials is a partial remedy. More properly, a total rethink of the use of NGOs by national delegations would be more appropriate. The solution to having the voice of NGOs heard beyond the borders of the nation-states is to leave them to their own resources and forums. The only "problem" that arises in this laissez-faire proposition is that the poor NGOs may not be able to attend. Anyone who has tracked the amount of aid and philanthropic moneys available to NGOs to attend international forums knows that this is no longer insurmountable.

Proposal 19. The United Nations should base accreditation on the applicants' expertise, competence, and skills. To achieve this and to widen the access of civil society organizations beyond Economic and Social Council forums, Member States should agree to merge the current procedures into a single United Nations accreditation process.[43]

The first part of the proposition, to make expertise the key to accreditation is sensible, but it does not follow that "to achieve this" NGO access needs to be opened to more forums.

Proposal 24. There should be an Under-Secretary-General in charge of a new Office of Constituency Engagement and Partnerships, absorbing a number of other units.

The rationalization of engagement processes within the UN seems eminently sensible, if its brief is for a modest role for NGOs. "Management has become

concerned about the competing agendas of governments and civil society, about mounting member state questions concerning the legitimacy, representativity, and sources of funding of some of the NGOs."[44] Better coordination, however, does not relieve the issue of the prerogative of sovereign nations; it may, in fact, exacerbate the problem.

Proposal 25. The Secretary-General should appoint 30 to 40 constituency engagement specialists to help the United Nations and the wider system enhance engagement with a diversity of constituencies.[45]

This proposal leads to the conclusion that the Secretariat is not envisaging a modest role for NGOs!

Proposal 27. The United Nations should establish a fund to enhance the capacity of civil society in developing countries to engage in United Nations.

Does setting up a fund for Southern NGOs (as with the European Commission fund for the Social Platform and the consumer groups) risk having them echo the corporate UN agenda? What about the capacity for independent action by civil society? Consensus through participation is no guarantee to better policy. It may be better to leave the NGOs to their own devices; it seems that the amount of aid and philanthropic funds available to Southern NGOs is more than sufficient to have major voices attend functions.

CONCLUSION

The multilateralists tend to overstate the benefits and effectiveness of multilateralism. Universal consensus standards are unlikely to be "better" than standards worked out over many years within a nation-state under the scrutiny of a parliament elections and the electorate familiar with the issues. Further, multilateralists underestimate the nation-state democratic architecture, which consists of elections, parliaments, administrative and judicial review, free press, and so on. There is a large element of UN secretariat aggrandizement in the engagement of civil society. It is actively seeking a constituency. To the extent that the UN wants to increase its engagement with civil society, a greater clarity of accreditation procedures is essential. More important is a greater clarity of roles. Input at hearings is acceptable, access to deliberative forums never is. Transparency can help to overcome the equality problem in participatory democracy, but it cannot overcome the constitutionality problem. The only remedy for that is to keep the NGO lobby at distance from deliberative forums, perhaps as far away as the real civil society, ordinary citizens.

Notes

[1] "[W]e are left with only one unambiguous fact about trends in associational life worldwide: the numbers of formally registered nongovernmental organisations has risen substantially since 1989." Michael Edwards, *Civil Society* (Oxford, UK: Polity Press, 2004), p. 23.

[2] Kenneth Anderson. "We're Not from the Government, but We're Here to Help: The International NGO Phenomenon" (Luncheon keynote address, conference on June 11, 2003 at American

Enterprise Institute and Institute of Public Affairs, Washington D.C.) transcript available online at http://www.aei.org/events/filter.,eventID.329/transcript.asp.

3 A point well made in Organization for Economic Co-operation and Development. *Citizens As Partners: Information, Consultation and Public Participation in Policy-Making* (Paris: OECD, 2001), p. 93.

4 Quoting Ernest Renan in Gregory Jusdanis, *The Necessary Nation* (Princeton, NJ: Princeton University Press, 2001), p. 24.

5 Kenneth Anderson, "The Limits of Pragmatism in American Foreign Policy: Unsolicited Advice to the Bush Administration on Relations with International Nongovernmental Organisations," *Chicago Journal of International Law*, Fall 2001, p. 379.

6 Report of the Panel of Eminent Persons on United Nations–Civil Society Relations. *We The Peoples: Civil Society, The United Nations And Global Governance*. June 11, 2004, General Assembly 58th session. Available online at http://www.un-ngls.org/Final%20report%20-%20HLP.doc.

7 Fernando Henrique Cardoso. "Transmittal letter dated 7 June 2004 from Fernando Henrique Cardoso, Chair of the Panel of Eminent Persons, on United Nations–Civil Society Relations addressed to the Secretary-General," in *We The Peoples: Civil Society, The United Nations And Global Governance*. June 11, 2004, General Assembly 58th session.

8 *We The Peoples*, p. 8.

9 *We The Peoples*, p. 9.

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