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BEYOND CONSULTATION
CIVIL SOCIETY AND THE GOVERNANCE OF INTERNATIONAL INSTITUTIONS

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CONTENTS

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EXECUTIVE SUMMARY

In the face of unprecedented global challenges, effective global cooperation increasingly requires a partnership between state and non-state actors. Many international institutions now involve non-state actors in arenas that were once the exclusive province of states. The paper analyzes the evolution of civil society participation in the governance of international institutions and highlights the shift from a model based on consultation toward a model of multi-stakeholder governance. The paper argues that consultation is a less effective approach to involving civil society in achieving the mission of these institutions and suggests that more robust forms of multi-stakeholder participation by civil society can foster greater accountability and better deliberation. It analyzes competing claims about the desirability of including civil society in the governance of international institutions and suggests that an emerging constituency model can promote more effective multi-stakeholder governance. Constituency structures are already central features of several global health institutions and are now being contemplated by institutions in other sectors, including by the Education for All–Fast Track Initiative.

Multi-stakeholder approaches to governance are likely to become more widespread in the years to come in order to harness the contributions of a plethora of private actors engaged in responding to a wide range of global challenges. Even with enhanced cooperation between states, it is increasingly clear that non-state actors are essential to responding to key challenges across a wide range of sectors. Although it is possible to imagine expanded cooperation between state and non-state actors without opening up the governance structures of international institutions, it is less likely that these institutions will be successful in the long-run without a shift toward greater multi-stakeholder involvement in the institutions themselves.

INTRODUCTION

In the face of unprecedented global challenges, effective global cooperation increasingly requires a partnership between state and non-state actors. While the relationship between many of the most important international institutions and civil society groups has traditionally been in the past either adversarial or arms-length, a number of institutions created in the last decade reflect a multi-stakeholder partnership approach to the governance of international institutions. Civil society groups are among a range of non-state actors, which do not represent the government of a nation-state, that are now centrally involved in the formal governance of diverse institutions and are transforming the nature of the debate around many key global challenges.

As the scope of involvement of non-state actors expands within international institutions, there is significant debate over the desirability of civil society participation in the formal governance of these institutions. A number of scholars challenge the idea that civil society should meaningfully participate at all in international institutions and argue that it reflects a flawed attempt by an insufficiently representative civil society and by incompetent international institutions to generate legitimacy for each other.[1] The legitimacy of civil society stakeholder involvement is challenged not only on the basis of their alleged lack of representativeness but also reflects a rejection by some scholars of the idea that non-state actors offer any unique normative contribution to deliberations within international institutions.[2] On the other side, scholars have challenged the notion that civil society participation in governance can be anything other than a process of co-optation at the international level through which states shape the views and behaviors of non-state actors.[3]

If some of the critics of civil society participation in the governance of international institutions seem to ask too much by holding civil society to standards that many governments and most international institutions would not meet, its defenders often ask too little of these arrangements. Among defenders of civil society participation, mere consultation with non-governmental organizations and observer status for civil society without full membership in multi-stakeholder governance is sometimes heralded as transformative of the way institutions function.[4]

Civil society participation in the governance of international institutions is one important mechanism for overcoming the barriers to include voices and perspectives beyond those of government officials into the deliberations around the response to key global challenges. Since a strong and engaged civil society has been found to improve the delivery of public services, it is not surprising that more participatory approaches to service delivery often yield substantial improvements.[5]

Much of the literature highlighting multi-stakeholder models of governance within international institutions has focused on 20th century institutions rather than innovations by 21st century institutions.[6] There has been relatively little work on this new wave of institutions established in the last decade in sectors such as global health, education and agricultural development, which have introduced new approaches to governance. This new generation of institutions offers potentially valuable models of multi-stakeholder governance to apply across different sectors. In contrast, the older generation has not yet demonstrated a capacity for transformation into institutions which are fundamentally more than inter-governmental bodies. Despite recent shifts toward greater consultation with

civil society at the United Nations and in the Bretton Woods Institutions, these changes also reflect the limited capacity of an older generation of institutions to fully embrace newer models of governance.

This paper seeks to assess recent innovations in multi-stakeholder governance within international institutions by analyzing the evolution of civil society participation in a range of international institutions. It attempts to reconcile competing arguments about the desirability of including civil society in formal governance mechanisms by highlighting innovative approaches to structuring participation that can respond to concerns regarding the potential downside of including non-state actors as full partners in the governance of international institutions. It highlights that a new model of participation is emerging which significantly goes beyond the consultation approach of 20th century institutions and utilizes a constituency model to foster broader participation across sectors.

 The next section examines the history and evolution of civil society participation in international institutions beginning with the moment of institution-building after World War I, through the founding of the United Nations and Bretton Woods Institutions after World War II, to efforts at reforms of existing institutions in the 1990s, and finally the creation of a new generation of institutions over the last decade. Although the founding of the International Labor Organization over 90 years ago initiated the experiment with multi-stakeholder governance in international institutions, the leading institutions founded after World War II abandoned this approach in favor of inter-governmental structures with limited consultation with non-state actors. Despite the involvement of NGOs in the founding of the U.N., which the U.S. secretary of state at the time heralded as an "innovation in the conduct of in-

ternational affairs," it would take more than 50 years before the multi-stakeholder model of governance of international institutions was revived.[7]

The next section examines some of the leading arguments around the desirability of including civil society in the governance of international institutions. The potential advantages of civil society participation in governance, in terms of enhanced deliberation or more effective implementation are contrasted with concerns that such participation fosters a lack of accountability, inhibits consensus, or inevitably leads to a co-optation of once independent voices. Following this section, the paper focuses on how to reconcile some of these competing arguments and highlights the features of governance structures that make them more likely to successfully incorporate civil society actors in decision-making processes.

The last section offers recommendations for structuring civil society participation in response to various critiques of including non-state actors in the governance of international institutions. The section argues that consultative models of NGO participation are limited in their capacity to foster more effective institutions, and suggests instead that multi-stakeholder approaches are a more promising pathway for incorporating diverse voices in the governance of international institutions. It emphasizes the benefits of constituency models of governance to foster enhanced accountability and improved deliberation within these institutions.

Non-state actors are increasingly central players in global debates, yet their formal role remains on the sidelines in the current governance structure of many leading international institutions. In many areas, international institutions may be less likely to be suc-

cessful in the long-run without a shift toward greater multi-stakeholder involvement in the institutions themselves. Expanded participation can lead to more effective deliberation and better implementation of programs in areas such as development when structured in the right way. Constituency models of participation offer a pathway to harness the contribution of civil society.

HISTORY

Post-World War I Institutions

The modern era of international institution-building began in earnest after World War I with former President Woodrow Wilson's Fourteen Points and the creation of the League of Nations. Wilson's vision reflected a commitment to expanded democracy in order that "every voice can be heard, every voice can have its effect, every voice can contribute to the general judgment that is finally arrived at."[8] The failure of the League of Nations to prevent World War II generally overshadows the legacy of other post-World War I institutions, such as the International Labor Organization (ILO) and its multi-stakeholder approach to global governance. The ILO was the first international institution to endorse the participation of civil society as full partners within the governance structure of an international institution. Its founding represented the first time in history that international cooperation was organized with some reference other than the national interest of states. Some scholars have gone so far as to suggest that the founding of the ILO reflects a "global constitutional moment" in the organization of international institutions.[9] Yet, others have argued that its unprecedented structure was actually the product of a unique historical moment and the labor tensions of the era after World War I: "it is highly unlikely that states would have created a multilateral labor standards organization that includes workers and employers as full-fledged members at any period *other* than immediately following World War I."[10]

The structure of governance of the ILO was unique both at the time of its founding and throughout most of the 20th century. Its tripartite governance structure includes representatives of organized labor and employers as equals alongside government representatives. Although these employer- and worker-representatives each come from one of the organization's 178 member states, they attend the annual ILO Conference and meetings of its governing body as independent representatives rather than representative of their country of origin.[11]

Although the representatives are selected by governments, they are required to be selected from the organizations "which are most representative of employers or workpeople, as the case may be, in their respective countries."[12] Governments have a 2:1:1 ratio of representation with the worker and employer representatives on the governing body and there is equal representation between these stakeholders on many of the key committees. An early challenge to the appointment of worker representatives by the government of the Netherlands led to a decision by the Permanent Court of International Justice that the selection of labor delegates by governments were reviewable by the ILO Conference, which could refuse to admit a particular delegate if the selection violated ILO rules.[13]

As with labor, early efforts to promote international cooperation in education also reflected a commitment to include the diverse voices of non-state actors. The International Bureau of Education (IBE), established in 1929, represented the most significant attempt by governments up to that time to collaborate in the education sector. The membership and council of the IBE included non-governmental organizations as well as government representatives. The IBE was ultimately merged into UNESCO in 1947 after the founding of the United Nations and subsequently adopted a council consisting of 21 member states.[14]

UNESCO's first draft governing document in 1944 provided for inclusion of educators in addition to states

but this vision did not make it into the final version.[15] The question of whether UNESCO should be an inter-governmental or a non-governmental body was a point of controversy based on concerns of protecting cultural, scientific and educational issues from political interference. The French proposed an organization with a tripartite structure including representatives from governments, national committees of UNESCO and civil society in order to include leading intellectuals from member states.[16] Instead, the proposal for full NGO membership was rejected and UNESCO's existing membership decided on a board with representatives from 30 countries.[17]

UNESCO's constitution did include provisions for consultation with NGOs: "The United Nations Educational, Scientific, and Cultural Organization may make suitable arrangements for consultation and co-operation with non-governmental organizations concerned with matters within its competence… Such co-operation may also include appropriate participation by representatives of such organizations on advisory committees set up by the General Conference."[18] Although the UNESCO Constitution incorporated the idea of consultation with non-state actors, it firmly rejected the earlier models of multi-stakeholder participation in education governance.

Post-World War II Institutions

Despite the extensive involvement of civil society organizations in the founding conference of the United Nations after World War II, non-state actors were given a much smaller role in the United Nations than was the case with some of the institutions established after World War I. In 1945, representatives from as many as 42 NGOs were invited to serve as advisers to the official U.S. delegation at the founding conference of the U.N.[19] In total, 1,200 voluntary associations were present at the founding of the United Nations.[20] Nonetheless, the United Nations charter initially had no provisions for any form of formal consultation with civil society groups.

Only after aggressive lobbying by the World Federation of Trade Unions was Article 71 incorporated into the charter providing that: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within it competence."[21] Interestingly, one of the leading proponents of including language on NGOs was James Shotwell, the president emeritus of the Carnegie Endowment for International Peace, who was a leading scholar of the ILO with its model of multi-stakeholder governance. The Economic and Social Council (ECOSOC) defined NGOs as "any international organization which is not established by intergovernmental agreement" and only admitted national NGOs to consultative status with the permission of their home government.[22]

Although ECOSOC became a primary locus for consultations with NGOs by the United Nations, it was explicitly not envisioned that civil society groups would be participants, even as observers: "a clear distinction is drawn in the charter of the United Nations between participation without vote in the deliberations of the council and the arrangements for consultation."[23] Even those members of governance structures who served as observers were permitted to speak and participate in deliberations as part of decision-making. Non-state actors, on the other hand, might be consulted but did not have a formal role in the governance of the United Nations, and were not in a position to formally negotiate with governments on urgent matters before the inter-governmental body.

As with the United Nations, the Bretton Woods Institutions opted for a governance model that was limited only to states. The original governance structure of both the World Bank and the International Monetary Fund consisted exclusively of weighted state representation based on a quota system that was meant to reflect each country's share of the global economy.[24] The proposed International Trade Organization (ITO) explicitly provided for engagement with non-state actors but was never approved by the United States Congress. The original plan for the ITO would have allowed NGOs to receive key documents, propose agenda items and also speak at conferences with the votes of a supermajority of member states required to exclude them from participation.[25]

Reforms in the 1990s

In the last decade of the 20th century, interest in expanding at least the consultative role of non-state actors grew within the United Nations and the Bretton Woods Institutions. Before 1981, there was no formal mechanism for the World Bank to consult with non-governmental organizations. In 1981, the bank developed Operational Policy Note (10.05), which outlined potential benefits from more direct engagement with civil society groups and suggested the possible involvement of NGOs in project identification, design, financing, implementation and evaluation of projects. In 1989, the bank adopted another operational directive (14.7) that outlined procedures for consulting with NGOs on specific bank projects at different stages of development.[26]

The World Bank formed a bank-NGO committee in 1981 to engage 15 NGO leaders on broader questions beyond specific projects; but only in the 1990s did the World Bank take a much more active role in soliciting broader civil society feedback on its work.[27] The shift

was catalyzed partly by the findings of the independent Morse Commission, appointed by the World Bank president, which recommended the creation of an independent body to respond to complaints by citizens and civil society groups in countries where bank projects operate.[28] As a result of the commission, there was growing interest in the United States Congress in new mechanisms of consultation and accountability such as an independent inspection panel.[29]

In 1993, the U.S. Congress linked its contribution to the replenishment of the bank's International Development Association funds to the creation of an independent inspection panel.[30] In 1994, the World Bank established the Inspection Panel and endorsed an innovative report of the Participatory Development Learning Group. One of the key findings of the learning group was that: "There is significant evidence that participation can in many circumstances improve the quality, effectiveness, and sustainability of projects, and strengthen ownership and commitment of government and stakeholders."[31] The report proved to be a precursor to subsequent expansion of the bank's consultative processes with NGOs.

In 1995, the bank-NGO Committee created six regional bodies; and, in 1997, the Bank created civil society liaison staff at all of its 72 resident missions around the world. Starting in 1998, non-governmental groups were involved in the official review of the Heavily Indebted Poor Country debt cancellation initiative. In 1999, the bank introduced a broad consultative exercise through its headquarters that was designed to extend civil society engagement with the formulation of its poverty reduction strategies.[32]

Despite these steps toward greater openness to civil society voices, it remains extremely rare that high-level policy decisions by the World Bank board are

opened up for civil society comment and there still is no significant civil society participation in its formal governance. Civil society input remains just discretionary and the central debate over governance reform within the World Bank remains focused on the shares of votes between different state actors. As one analyst put it, consultation is not necessarily the same thing as participation in governance: "Consultation is seen as a proxy for participation . . . [p]articipation thus conceived is restricted to consultation by request."[33]

Over time, the role of NGOs within the United Nations system grew with the increase of major U.N. conferences.

At the United Nations, ECOSOC remained the central body with which non-state actors could engage, if not fully participate. Over time, the role of NGOs within the United Nations system grew with the increase of major U.N. conferences, such as the U.N. Conference on the Human Environment and subsequent major conferences on the environment.[34] Since the 1970s, NGOs were allowed to participate formally in special sessions on development and other issues.[35] Although initially NGOs had fewer rights to participate in conferences than in ECOSOC, by the 1980s these groups had better political status and opportunities to participate in the context of conferences than ECOSOC.[36] In 1993, in response to the growing role of civil society groups at the 1992 U.N. Conference on Environment and Development, there was an effort within ECOSOC to broaden the consultative status of non-governmental organizations.[37] A more ambitious level of participation by civil society was outlined by the High-Level Panel on U.N.-Civil Society Relations led by former Brazilian President Cardoso in its 1994 report: "We the Peoples: Civil Society, the United Nations, and Global

Governance." The report called for the managed inclusion of civil society groups in the processes of the general assembly and also for expanded engagement with the security council.

In order to implement these recommendations, in 1996, an ECOSOC resolution called on the general assembly to establish mechanisms for participation by NGOs in "all areas of the work of the U.N."[38] Yet, there was substantial resistance by some of the security council members, especially to the idea of allowing the general assembly to examine participation in other organs of the United Nations.[39] As a result, a subgroup of the general assembly working group on reform of the U.N. system, which was established to take up the question of NGO access to U.N. proceedings, was unable to reach an agreement on the group's mandate.[40] Today, NGOs still are not in a position to formally negotiate with United Nations member states in decision-making and policy-setting arenas.[41] However, within ECOSOC, certain types of NGOs with particular expertise and special consultative status are now allowed to circulate documents, gain access to preparatory meetings and speak at formal meetings.[42] The resolution that formalized the consultative role of NGOs within ECOSOC also applied to its subsidiary bodies, such as the Commission on Human Rights, the Commission on the Status of Women, and the Commission on Sustainable Development.[43] The backlash to expanded civil society participation reflected the fears by many U.N. delegates of losing influence in decision-making; and by 1998, there was a movement to curtail NGO access to U.N. processes.[44]

Nevertheless, during this period, a number of specialized U.N. agencies also moved forward with expanded participation for civil society. Established in 1994, UNAIDS (The Joint U.N. Program on HIV/AIDS)

included on its program coordination board representatives of the NGO sector and people living with AIDS. UNAIDS was the first U.N. agency to allow for civil society representation on its governing board. However, these civil society representatives were observers rather than full voting members of the board. At the United Nations Development Programme, a CSO Advisory Committee was established in 2000 to provide ongoing guidance to the leadership of the agency. NGOs that have been granted consultative status are also allowed to attend executive board meetings of the United Nations International Children's Education Fund (UNICEF) and the Governing Council of the United Nations Environment Program.[45] In addition, the role of NGOs was also expanded in the context of a number of new conventions championed by the U.N. For example, the Convention on the Rights of the Child requires that governments regularly report to the committee overseeing the convention, and its text provided a role for NGOs to offer "expert advice on the implementation of the Convention."[46]

Significantly, these reforms in the U.N. system transformed civil society from from external actors into observers, if not necessarily full participants, in many UN bodies. However, the language of partnership rather than consultation of this period did not translate into NGOs becoming full participants in core structures of the U.N. system.[47]

21ST CENTURY INSTITUTIONS

Early in the 21st century, a new wave of international institutions re-introduced the multi-stakeholder model of governance that was pioneered after World War I. Many of the innovative institutions that adopted a more robust role for civil society in governance were focused on development issues, such as global health. In most cases, these institutions involved civil society in the formal governance structure of the institution and went beyond the consultation model that was developed in the context of the United Nations and the World Bank.

Launched in 2000, the Global Alliance for Vaccines and Immunization (GAVI) is somewhat unique in the significant role that it gives to non-state actors including partner foundations, the private sector and technical experts. The GAVI Alliance Board sets overall policies and monitors programs. The Bill and Melinda Gates Foundation holds one of four "renewable" seats on the GAVI Alliance Board. In addition, there are several other seats for non-state actors among the 12 rotating seats on the board. Of these, one is designated for civil society groups while the others are allocated to research and technical health institutes, the developing country vaccine industry and the industrialized country vaccine industry.[48] In 2005, the GAVI Alliance Board determined that it needed to strengthen the participation of civil society constituencies in its governance and programs and allocated expanded resources to enhance civil society representation at the country level. In 2010, the GAVI Partners forum created the GAVI Alliance Civil Society Constituency, a group of civil society representatives to support members of GAVI's governance bodies.[49] In addition, in 2010, GAVI also created the position of a communications focal point for the civil society constituency in order to support wider participation and improved communication within that constituency.

The Global Fund to Fight AIDS, Tuberculosis and Malaria goes further than the GAVI model in terms of broadening multi-stakeholder participation in its governance structure. The Global Fund provides for a wider representation of civil society groups and a greater role in its governance structure for developing country governments. In addition to civil society representation from the global North and South, the Global Fund also includes the most directly affected communities of people living with AIDS, tuberculosis and malaria on its board.[50] In the case of all of these civil society representatives, a communications focal point plays a key role in organizing the constituency and facilitating a selection process for the board member, the alternate board member, and the wider delegation for meetings of the board. The nominations for the board member for the affected communities delegation is conducted through an open call for applicants based on candidates capacity to commit their time and participate in the work of the board.[51]

Civil society participation in the Global Fund's board contributed to the adoption of enhanced transparency, through the Global Fund Documents Policy, and also the adoption of the requirement for a formal independent evaluation of the fund.[52] In addition, civil society involvement on the board has contributed to substantially revising the guidelines for ensuring effective multi-stakeholder involvement in country-level processes, proposals and program implementation.[53]

Instead of having a single representative from a given foundation or civil society group, the constituency model of the Global Fund established a full-fledged delegation designed to reflect greater diversity within each sector. In addition, its governance structure established a donor bloc, including foundations and the private sector, and a recipient bloc, including civil society and recipient countries. Major decisions of the

Global Fund are usually based on consensus. However, in the absence of consensus, concurring majorities are required such that both the donor bloc and the recipient bloc must demonstrate two-thirds support of those present in order to approve a controversial decision. Civil society also plays a unique leadership role on the board since the roles of chair and vice-chair are distributed and alternate between stakeholders from the donor and recipient blocs.[54] Civil society representatives have in the past served as the vice-chair of entire board of the Global Fund but have not yet served as chair.

In the education sector, the Education for All—Fast Track Initiative (FTI) established in 2002, has evolved from an entity formally guided by an annual partnership meeting, to a unified multi-stakeholder structure of board governance. The original framework for the Education for All – Fast Track Initiative established that it was to be governed by an FTI partnership meeting, which was charged with setting the strategic policy direction. The partnership meeting included donors, FTI recipient countries, non-governmental organizations and U.N. agencies. The founding membership of the FTI steering committee, established in 2004, consisted almost entirely of donors: two co-chairs from a G8 and non-G8 country, the most recent outgoing donor co-chair, the World Bank and UNESCO. Subsequently, the steering committee was expanded to broaden its representation of other stakeholder groups, ultimately including three representatives from civil society and three representatives from developing country partner countries.[55]

In 2009, after much deliberation, the FTI governance structure shifted to a formal board of directors but the composition again became more heavily weighted toward the donors with less civil society participation. In 2010, as part of a broader reform process, the FTI board took a decision to transform its governance structure, by including an equal number of developing country seats as donor seats on the board and expanding the number of civil society seats on the board. The FTI unified control over its trust funds under the board, eliminating exclusively donor governance of its core resources.[56]

In the agricultural sector, the recently created Global Agriculture and Food Security Program (GAFSP) also reflects civil society involvement directly in governance. The steering committee of the GAFSP includes the Bill and Melinda Gates Foundation as one of five voting members among contributors to the GAFSP trust fund along with governments. In addition, the GAFSP includes three non-voting civil society representatives as participants in the steering committee with the same status as representatives from other multilateral institutions. The civil society seats are specifically allocated with two set aside for Southern NGO representation from different regions and one seat provided for Northern NGO representation, from a country that is a member of the Organization for Economic Co-operation and Development (OECD).[57]

An emerging 21st century model of civil society participation in the governance of international institutions reflects a shift away from mere consultation and toward full membership in formal governance structures. Pioneered in the field of global health, similar models have since been translated into other sectors including education and agriculture. What unites these diverse institutions is the commitment to multi-stakeholder governance despite the fact that most 20th century international institutions remain inter-governmental bodies with a limited role for civil society outside of consultative processes.

EVALUATING CIVIL SOCIETY PARTICIPATION

Legitimacy and accountability

Many international institutions face growing challenges to their legitimacy as an increasingly diverse range of actors become engaged in the sectors in which these institutions are focused and democratic norms become more strongly embedded internationally. According to Robert Keohane and Joseph Nye, the older "club" model of global governance is increasingly being challenged because of its lack of transparency to outsiders and the limited participation it provides outside of officials from a relatively small group of countries.[58] They conclude that "any sustainable pattern of governance will have to institutionalize channels of contact between international organizations and constituencies within civil society."[59]

Civil society groups often have great credibility in key areas in which international institutions work. According to surveys of public trust looking at the period since 2000, non-governmental organizations perform better than governments, business and the media in providing credible information on environment, health and human rights.[60] Many inter-governmental organizations are facing sustained criticism for a lack of accountability and responsiveness in their governance.[61] The legitimacy of the objectives and norms put forward by international institutions are often linked to the perceived legitimacy of the institution and its governance structures. For example, the tripartite structure of the ILO is viewed as a key reason why international labor standards are more likely to be accepted as legitimate in many countries.[62]

At the same time, there are concerns in some areas that civil society groups themselves may not be sufficiently accountable. Given that many non-state actors are not directly accountable through elections, it is reasonable to ask by what mechanism they are held accountable at all. Some commentators suggest that there should be more universal standards for transparency and for integrity for non-governmental organizations.[63] Still others argue that a better approach is to encourage NGOs to be accountable to their own constituencies, something that can be encouraged through the process of becoming repeat players within the governance of international institutions.[64] As Robert Keohane points out, NGOs are particularly vulnerable to threats to their reputations since they are otherwise pretty weak actors who rely on their credibility, which serves as a powerful accountability mechanism.[65] It is very likely that most non-state actors will behave differently as members of a governing board than then they would as external critics.

A different critique of civil society participation in governance is the concern that Northern groups would dominate Southern groups in these global forums.[66] Indeed, this balance between North and South is already a challenge within many international institutions. It is less clear that excluding civil society altogether from formal governance helps to solve this underlying problem as it very likely leaves Southern NGOs with less voice than even an imperfect governance structure that includes civil society would. Nonetheless, the issue of incorporating Southern voices is important in evaluating the extent to which expanded civil society participation truly gives voice to a diverse set of global stakeholders. The core challenge is to find ways to structure voice in order to "combat rather than accentuate existing . . . inequalities."[67] New models of constituency-based participa-

tion by Northern and Southern NGOs, which will be examined in the next section, offer one potential response to these legitimate concerns about the nature of civil society participation within international institutions.

Work on the legitimacy of international institutions has highlighted both "input legitimacy," or democratic accountability, and also "output legitimacy," or successful problem-solving.[68] Rules promoting transparency and public participation in international institutions can be seen as promoting democratic accountability, or procedural legitimacy.[69] However, the extent of this legitimacy depends not only on the representativeness of the non-state actors but also on the scope of actual decision-making, rather than mere consultation, provided to these actors.[70] One important dimension of accountability which is enhanced by the participation of civil society within international organizations is transparency. In fact, NGO participation was found to be a significant predictor or organizational transparency in a recent study across 72 international organizations.[71]

Representation

The most consistent and, in some ways, the most powerful argument against civil society representation in the governance of international institutions is that non-state actors are not representative in the traditional sense because they are not elected to serve as representatives. The most basic version of this argument is the question of "who elected the NGOs?"[72] In the first instance, it is clear that most NGO leaders are not elected and even those who are elected can usually claim to formally represent only a relatively small slice of a given population. These concerns about the representativeness of civil society should be exam-

ined against the backdrop of the representational role of other actors within international institutions.

In the case of some countries, the representation by governments within international institutions does not adequately or effectively reflect the views of its citizens. Some states are represented in international institutions by authoritarian governments which are unlikely to adequately reflect the views of the citizens of the country given the lack of effective democratic processes. In the case of many key international institutions, those living in the poorest countries often have relatively little representation by their government in the formal decision-making processes of these institutions. In both of these cases, where a state may be weakly or not at all represented ,or represented by leaders that were not selected by the people, there is a reasonable basis to consider that non-state actors could make a contribution to raising the concerns and views of these underrepresented populations which would not otherwise be possible.

Another critique sometimes offered regarding civil society involvement in the governance of international institutions is that their involvement in governance can undermine the role and weaken the influence of states. In this way, civil society participation could serve to undermine the more directly representative role played by many state actors. On its face, the participation of non-state actors in the governance of international institutions would seem to dilute the monopoly of state actors over shaping the direction of these institutions. Some observers have suggested that incorporating civil society increases the autonomy and independence of these institutions from key state actors.[73] Others argue that incorporating NGOs in these institutions challenges the fundamental concept of sovereignty itself.[74] However, Kal Raustiala

argues that including NGOs actually strengthens the ability of states to regulate and shape important arenas rather than undercutting the authority of states beyond their borders.[75]

If one of the weaknesses of civil society participation in the eyes of some observers is the independence of non-state actors from the influence of states, a concern on the other side is that their very inclusion in formal governance structures jeopardizes the independence which is so often the comparative advantage of civil society groups. One of the central roles played by civil society groups in relation to international institutions is often as an independent external watchdog of the operations of the institution. As NGOs gain greater influence through formal structures of institutions, such as the U.N., they are increasingly subject to the rules and culture of its bureaucracy.[76] Multi-stakeholder approaches to governance, at their worst, can serve as agents "of co-optation rather than representation."[77] In part, this concern simply reflects the imbalance that sometimes exists within multi-stakeholder governance structures and reflects a challenge for the design of innovative governance structures. Unless one takes the view that any engagement with formal structures inevitably undermines the ability of civil society groups to serve as effective watchdogs, it is plausible to view the expanded access to information and the opportunities for direct engagement with state actors as the basis for enhanced influence for independent actors within the governance of international institutions that are structured in ways to reduce the risk of co-optation.

Deliberation

A number of scholars examining international institutions have argued that including civil society groups in the formal decision-making process of these in-stitutions can lead to more robust deliberation, and thereby contribute to improved decision-making. Looking at the World Trade Organization, Dan Esty suggests in an argument that could easily be generalized to other institutions that: "An NGO-enriched WTO decision process would offer better competition for national governments in the search for optimal policies."[78] The expansion of participation in the environmental arena has been seen to provide particular benefits in policy formulation because of the additional expertise of non-state actors.[79] Another line of reasoning is that civil society actors, less constrained by the demands and limitations of shorter-term political bargaining that governments must constantly engage in, can afford to take a longer-term view of important policy questions: NGOs provide competition for public conscience and prod governments to consider broader perspectives and stay focused on pressing transnational issues.[80]

Civil society can also foster deliberation beyond the boundaries of the boardrooms of international institutions. By communicating with local-stakeholders and shaping global media interest, non-state actors can foster a "'transmission belt' between a global citizenry and the institutions of global governance."[81] Civil society groups can transport issues and concerns from local stakeholders that might not otherwise reach relevant international institutions.[82] However, there can sometimes be a disjuncture between the ability of civil society to bring new views and arguments to bear and the influence that those arguments have in shaping debates within international institutions. Even so, the incorporation of civil society groups in the governance of international institutions potentially offers the opportunity to expand deliberation beyond the exclusive confines of board meetings to a broader array of stakeholders engaged in policy dialogue than would otherwise be possible.

Impact

Another plausible reason to consider including civil society in the governance of international institutions is the possibility that these groups could enhance the impact of a given institution in implementing its programs and advancing its core goals. In the context of increasingly complex global challenges, the capacity for international institutions to solve problems is likely to become an increasingly important test of their legitimacy. Although this is a difficult question to definitively resolve, there is some evidence strongly suggesting that more participatory approaches can yield better results, particularly in the field of development. A 1998 study of World Bank supported projects found that a majority of projects demonstrated "potential for success because their preparation and early implementation . . . were highly participatory."[83] Another study of participatory processes in bank-assisted projects completed in 2001 concluded that "participation of primary and secondary stakeholders (including CSOs) increased significantly during the mid-1990s and the resulting benefits have been significant."[84] A more recent study by the bank found that civil society consultation in the development of country assistance strategies can improve the overall quality of these strategies.[85] Analysis of the World Bank's portfolio performance reports also indicate that NGO involvement can lower the risk of poor performance and suggest that civil society participation can have a significant impact on effectiveness.[86]

Since a strong and engaged civil society has been found to improve the delivery of public services, it is not surprising that more participatory approaches to service delivery often yield substantial improvements.[87] Some of the best aid projects that demonstrate a capacity to improve the delivery of services in the public sector involve civil society participation. According to one recent study looking at projects in 49 countries, projects were successful 62 percent of the time when participation was a goal, but only 10 percent were successful when participation was not a goal.[88] One of the strongest reasons for the inclusion of civil society groups in the governance of many 21st century international institutions is their potential contribution as catalysts of resources for the institution and its core objectives. Many of the institutions with the highest-level of civil society participation in governance, such as those in the global health arena, have been among the most successful in the last decade in mobilizing an expansion of overall resources.

STRUCTURING CIVIL SOCIETY PARTICIPATION IN GOVERNANCE

Current international institutions utilize a broad range of approaches to fostering civil society participation ranging from limited consultation to full partnership. While most major international institutions now provide for some form of consultation with civil society, this role is sometimes extremely limited. If models of consultation were the dominant approach for most of the 20th century, new models that involve full participation in governance are increasingly common in the 21st century. In this section, the diverse models for civil society participation within existing institutions are briefly assessed in order to identify structural features that can foster more deliberative and effective governance within international institutions. In contrast with the limits of many consultative approaches to civil society participation, there is significant potential in multi-stakeholder approaches that incorporate constituency models as a central feature of civil society participation.

While the World Bank in recent decades has expanded its mechanisms for consultation with both international and national civil society groups, the International Monetary Fund has much more limited formal consultation with civil society participation outside of its joint meetings with the World Bank. In both institutions, however, civil society is neither a participant nor even an observer in the deliberations of the institution's governing board or in most major policy decisions.

Within U.N. institutions there is a wide range of approaches to engagement with civil society. While the Economic and Social Council of the United Nations allows for NGOs to attend meetings and make interventions, most other core U.N. structures do not provide for observer status and have not developed a robust process of consultation with civil society. At U.N. operational agencies the role for civil society varies, but there is rarely a regular role for civil society in the governing bodies of these agencies. Thus, for the major international institutions created in the 20th century there remains a tremendous unevenness in the formal capacity of civil society groups to engage and participate in most current structures of international cooperation.

Models of multi-stakeholder governance still vary a great deal from participation in governing boards without voting rights to equal participation in governance, such as the Global Fund to Fight AIDS, Tuberculosis and Malaria. Many governments, some scholars and even some civil society groups traditionally resist the idea of allocating voting status to civil society groups within international institutions. Yet, it is hard to imagine a full partnership in any governing context in which some have voting rights and others do not. There also appear to be inevitable limits to the depth of partnership on the part of governments and the sense of accountability for governance by civil society groups in models in which NGOs serve as observers rather than full participants.

While a number of 21st century institutions allocate just one seat to civil society, even on relatively large boards, an increasing number of institutions now allocate seats both to civil society groups from the global North and South. In addition, some of these institutions designate specific seats for representatives of the communities most directly affected by the work of the institution, as well as representatives from foundations, individual experts and the private sector. The representation of both North and South is significant in the context of concerns that civil society participation in governance simply accentuates the imbalances of representation between different regions of the world.

In institutions such as the Global Fund, civil society representatives are incorporated in a broader bloc with developing countries and other non-donors in order to try to ensure that these voices are given adequate weight in deliberations and decision-making. By creating structures that allow for an independent voice for non-donors, it is often harder for a false consensus to take hold within discussions and decisions. The Global Fund goes a step further to establish concurrent super-majority (two-thirds of each bloc) requirements of support in order to resolve controversial questions. While the concern about such an approach is that it could lead to paralysis, it also has the potential to foster a more genuine consensus by catalyzing the elaboration of different views and bargaining in the shadow of a higher decision threshold in order to reach consensus among those with different points of view.

Models of civil society participation in the governance of international institutions which merely include an individual representative are much weaker at incorporating diverse voices, preventing co-optation and promoting accountability than models of constituency representation. In contrast to a single individual being solely responsible for representing the views of a multifaceted sector, constituency models involve a delegation which jointly makes key policy decisions and which also serves as a forum for learning for future and alternate board members. The degree to which those representing civil society actually encompass the affected population and the existence of accountability mechanisms for leaders are key factors in shaping the contribution of civil society participation.

In the case of the Global Fund and more recently GAVI, the work of the constituency is facilitated by a communications focal point to ensure broad and meaningful participation by various different groups. The

delegation serves as a resource and force-multiplier for a single board member as well as a forum for deliberation and a potential check on a board member who is not adequately representing the views of a diverse cross-section of civil society groups. The constituency model can plausibly be applied to international institutions across a range of sectors as a means of involving non-state actors from non-governmental organizations, foundations or the private sector. Within a given constituency it is important not only that the capacity to facilitate and channel broad participation is in place but also that there exists a mechanism for mutual accountability within the delegation.

The Education for All – Fast Track Initiative (FTI) is grappling with how best to structure a constituency model for different populations including the civil society members of its board. The lessons from other multi-stakeholder institutions suggest that it would be valuable to move toward a delegation structure, rather than having individual civil society representatives, in order to create opportunities for a broader range of stakeholders to be involved in board processes. With three civil society seats on the FTI board, it could also be valuable to extend participation beyond Northern and Southern NGO delegations to explicitly include the most directly affected constituencies. The Global Fund includes a seat for those living with the diseases it is focused on and similarly the FTI could include voices from among teachers, parents and students who will most directly be affected by its work.

If constituency models are crucial to promoting accountability and deliberation within civil society delegations that participate in the governance of international institutions, concurrent majority rules can also be important to fostering accountability and deliberation within a broader governing body. Consultation processes allow for the possibility of

input but usually do little to structure an arena for deeper deliberation or serious negotiation between different stakeholders. In contrast, the combination of constituency models of participation with concurrent majority rules can create an environment in which negotiation is necessary, which often increases the likelihood of deeper deliberation among non-state as well as state actors.

While it is possible to incorporate multi-stakeholder approaches to governance within a wide range of international institutions, it is likely that it will be most successful in those which are focused on specific tangible problems. As with efforts at citizen empowerment at the local level, specific tangible problems make it easier to involve non-state actors in delibera-

tion over the solutions to those problems.[89] For this reason, development institutions are particularly fertile ground for innovations with respect to civil society participation in governance since the focus is so often on the delivery of tangible public goods. At the same time, it would seem to lend itself to many environmental challenges despite the fact that consultative models are more prevalent within global environmental institutions. Although the implementation rationale for civil society participation might be less persuasive in the context of institutions which are not either protecting the environment or the provision of public goods, the deliberative benefits of broadened participation would still be relevant even in institutional settings with less of a problem-solving orientation.

CONCLUSION

The history and evolution of civil society partici-
pation in the governance of international insti-
tutions reflects both an arc toward more inclusive
governance and also the limits of the possibility of
reform within many existing institutions. Change does
not come easily to most international institutions,
especially when it comes to issues of governance.
Debates in recent decades over reforming the United
Nations are just one example of the substantial gap
between the recognition that updating governance
structures is needed and the capacity of existing insti-
tutions to implement a meaningful vision of change.
Similarly, within the Bretton Woods Institutions on-
going debates about reforming the quota structure
to better reflect the current distribution of global
economic power have so far yielded relatively mod-
est changes in the actual governance structures of
the World Bank and the International Monetary Fund
without any move toward including civil society as full
partners in the governance of these institutions.

At the same time, the opportunity for innovation with
a new generation of international institutions seems
much more open-ended. The most participatory
models for including civil society in governance can
be seen in institutions that were established in the
21st century. In most cases, despite initial resistance
among some countries, an alliance between key donor
governments and diverse civil society groups engaged
in establishing the institution in the first place made
it possible to expand the boundaries of participation.
The most successful examples did not merely offer
seats to individual representatives also required that

civil society and other members of key governance
structures be linked to a delegation and held account-
able to broader constituencies to expand the range of
voices included in deliberations.

The core challenge to improving the performance of
international institutions is that most international in-
stitutions are much better at adapting than engaging
in meaningful learning processes: "adaptive behavior
is common, whereas true learning is rare. The very na-
ture of institutions is such that the dice are loaded in
favor of the less demanding behavior associated with
adaptation."[90] The experience of the leading interna-
tional institutions established in the 20th century both
strongly suggest that if the design of these institutions
is not inclusive from the beginning, the opportunities
for transformation of governance within existing insti-
tutions may be quite small. If that is the case, the pres-
sure to innovate and establish new multi-stakeholder
institutions may continue to grow over time.

It is unlikely that states alone will be able to respond
to the greatest challenges of the 21st century. Even
with enhanced cooperation between states, it is in-
creasingly clear that non-state actors are essential
in order to respond to key challenges across a wide
range of sectors. Although it is possible to imagine
expanded cooperation between state and non-state
actors without opening up the governance structures
of international institutions, it is much less likely that
many of these institutions will be successful in the
long run without a shift toward greater multi-stake-
holder involvement in the institutions themselves.

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