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The Future of Civil Society Participation at the United Nations

Documentation of a workshop held at the
ACUNS annual meeting 6 June 2008



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Introduction

Having seen dynamic developments in the 1990s, relations between the United Nations (UN) and civil society are now at a critical stage. The number of private actors participating in international negotiations has been increasing and led to a more extensive involvement of these actors in global policy processes. But all attempts to extend formal participatory rights for Non-Governmental Organizations (NGOs) in the UN have failed so far. Some governments have responded rather defensively to the increasing (quantitative) presence of non-state actors in the UN, warning against the “flooding” of the world organisation with NGOs. But even governments who have been traditionally more open to NGO demands have held back in the current reform debates on the issue.

Given the impasse over further participatory rights, increasing numbers of governments, UN institutions and even some NGOs favour a more informal form of co-operation within the framework of “multistakeholder initiatives” and “partnerships” between public and private actors.

In the light of these trends, the following gloomy scenario appears plausible for the future relations between the UN and civil society: On one side, intergovernmental negotiations and decision-making processes will shift away from world conferences and Special Sessions of the General Assembly with active NGO participation, and towards basically “NGO-free” spaces, such as informal consultations of the General Assembly. On the other side, multistakeholder initiatives, involving only selected NGOs which have demonstrated their willingness to enter into dialogue and co-operation with governments and business, will gain increasing importance.

With the growing role of civil society organisations and the trend towards new forms of global governance, the accountability of these actors and institutions have become a major concern, as in the words of Jan Aart Scholte, accountability is crucial to the establishment and maintenance of the

effective and legitimate global governance that the present-day world vitally needs.

Against this background, the Foundation for Environment and Development North-Rhine-Westphalia and the Global Policy Forum hosted a panel workshop at the ACUNS Annual Meeting 2008 in Bonn on “The Future of Civil Society Participation at the United Nations”. Among other things we discussed there were the following questions:

- What are the current trends and future perspectives in the relationship between the UN and civil society?
- What reform proposals for “expanding and deepening” the UN-civil society relations have been put up for negotiation?
- How does the trend towards “multistakeholder partnerships” affect the legitimacy and accountability of the UN?
- In what ways and to what extent do civil society organisations provide a channel of accountability in respect of global governance institutions?
- What are elements of a future research program on non-state actors and global governance?
- And finally, what concrete conclusions for the reform of global governance institutions and the UN can be drawn from this discussion?

The following compilation contains the papers by Tanja Brühl, Jan Aart Scholte and Christer Jönsson presented at the workshop. We were asked by many participants of the workshop to make them electronically available to a broader public and, by this, to contribute to the ongoing discourse on the democratisation of the UN and global governance.

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Another Quiet Revolution?

New Governance Forms in the United Nations System

Introduction

Ten years ago, the former Secretary-General of the United Nations, Kofi Annan (1998), published an article entitled “The Quiet Revolution”. After the end of the Cold War, he argued, the fundamental transition of the global order brought a widening gap between aspiration and accomplishment of the United Nations. Therefore, the organization had to undergo a fundamental reform (Annan 1998: 128). Annan highlighted institutional reforms of the UN secretariat that he had launched with the beginning of his term of office in 1997. His efforts focused on reorganizing the management of the Secretariat’s work program around five areas, thereby founding the Department of Economic and Social Affairs, creating the post of a Deputy Secretary-General who is responsible for the management of the UN, setting up his own cabinet and dismissing about 1,000 staff posts in the UN.

Today, another “quiet revolution” is taking place within the UN. The formerly intergovernmental organization is inviting a growing number of non-state actors¹ to play a part in its work. The increase in the number of private actors participating in international negotiations is going hand in hand with a more extensive involvement of these actors in the policy processes (Brühl 2003). Whereas most of the 20th century private actors only tried to influence agenda-setting processes by lobbying states at the national level and/or the international institutions at the international level, they now are involved in agenda-setting, norm formulation,

monitoring, and even in norm implementation processes of the world organization.

The extensive role of non-state actors in the United Nations is part of a more encompassing trend of including private actors in international relations. Today, private actors play a more prominent role in world politics than ever before. Thus, international relations are no longer the exclusive domain of states. This observation is at the core of the global governance discourse.

Formulated from a global governance perspective, the starting point of this paper is the assumption, that non-state actors play an important role in international relations and that their impact will even increase in the next years. Since the global governance discourse does not differentiate between issue-areas (the common hierarchy between “low and high politics” is neglected), one could expect that non-state actors are and/or will be included equally in all international political processes. We disprove this assumption by analyzing the roles that private actors play in different issue-areas of the United Nations’ work. We demonstrate in this paper that the roles non-state actors play vary tremendously. The extent of the private actors’ involvement depends on the stage of norm evolution (we distinguish norm setting, norm implementation, and norm enforcement) and the issue area. A more coherent inclusion of NGOs can be detected in the early phases of norm setting processes and in low politics, such as human rights, development issues and environmental policy. In contrast, private actors play a minor role in issue-areas that are conceptualized as high politics such as security policy or disarmament affairs, and norm enforcement. One shortcoming of the global governance discourse is the fact that no note is taken of these differences; accordingly, no explanations are offered. In addition, we argue that “mainstream

¹ In this paper we will use the terms non-state actors and private actors interchangeable. This group of actors consists of two sub-groups, non-governmental organizations (NGOs) and business actors. Whereas NGOs are active partners in the UN since being founded in 1945, business actors are accepted as partners in public private partnerships since the 1990s.

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IR theory” does not have satisfactory explanatory power in regard to the varying levels of inclusion of non-state actors in norm processes. Whereas IR theory would predict differences in the extent of non-state actors' inclusion in regard to the issue-areas, it cannot explain the variations concerning the stages of norm evolution.

To develop this proposition we proceed in three steps: In a brief overview on global governance discourse (section 1) we define our understanding and our use of the term global governance. Following that, we compare the roles non-state actors play in different issue areas as well as the different phases of a norm setting and implementation. Thereby we sketch a picture of different roles non-state actors play in the United Nations system (section 2). In the next section, we discuss some theoretical explanations as a first attempt to clarify the variations in terms of opening up negotiation for non-state actors (section 3). Since traditional IR theory fails to explain the complex empirical picture, we suggest some questions for further research (section 4).

1. Global Governance: a “catch-all” term?

Global governance is a buzzword (Benz 2004) that is used in numerous IR articles and books (e.g. Sinclair 2004). Even beyond academia, the term global governance is widespread. Politicians for example use it in order to highlight the interconnectedness of world politics and the necessity of finding better ways of governance. Talking about *one* global governance discourse is, however, misleading since this concept is used in very different ways. As it is true for every term used extensively, no consensus definition exists on global governance. Whereas some authors make use of the term global governance in an analytical perspective, e.g. to shed light on the growing roles non-state actors play in world politics (so-called diffusion of actors), others prefer a normative approach. They emphasize the deficits of existing governance forms and point out that new and better governance forms, encompassed by the term global governance, should be implemented.

Although these two strands differ in regard to their aims – on the one hand analyzing governance structures by using new categories and on the other hand evolving alternatives to the existing governance systems – they share some assumptions: Firstly, both strands agree that the Westphalian System and its categories are old-fashioned and no longer appropriate to describe the international system. It is argued that globalization has altered the

relationship between state and market on the national as well as on the international level and thereby has undermined the concept of territoriality. Therefore, other forms of international regulation need to be implemented. In this perception, globalization and global governance are going hand in hand (Fuchs 2006: 147).

Secondly, all global governance scholars draw attention to the increase in the number of non-state actors as well as the extensive role these actors play in IR. Both types of non-state actors, non-governmental organizations (NGOs) and business actors, have tried to gain influence on political processes for decades or even for hundreds of years. However, the interaction of state and non-state actors has reached a new quality since the 1990s. This finding is related to two developments: On the one hand, one can observe an increase in the number of non-state actors – the majority of NGOs was founded after 1970 and at least one third of the members joined the organizations since the 1990s (van Rooy 2004: 13) which might result from the fact that regulation takes more and more place at the international level. Therefore private actors have “discovered” the UN as a channel to exert influence. On the other hand, international organizations have opened up their formerly inter-governmental negotiations to non-state actors. Private actors are allowed to participate in international negotiations and are also involved in the norm setting processes by establishing public-private partnerships whose number has increased tremendously during the last decade (e.g. Brühl 2007, Schäferhoff et al. 2007).

Due to the new interaction between states, inter-governmental, and private actors, the modes of governance are undergoing a change. With an increasing number, political outputs are a result of less hierarchical, more horizontal governance processes. According to the literature on global governance, different actors are involved in governance processes at various political levels. Multi-level governance is the predominant way of governing, meaning that governance does not only take place at the national and international level, but also at the subnational, regional, and local levels.

Although these four assumptions are shared by all authors contributing to the global governance discourse, the discourse itself is very heterogeneous. We already mentioned the main reason: Global governance is used in two different connotations. On the one hand, global governance refers to existing governance systems. Until the 1990s, these governance systems, comprising of states and intergovernmental organizations, were labeled as international governance. Due to globalization, the

end of the Cold War and the technological revolution the number of non-state actors involved in governance systems has increased tremendously. At the same time, international governance systems have opened up their deliberations for non-state actors to narrow existing governance gaps. By including non-state actors in governance systems, deficits in terms of effectiveness and legitimacy should be reduced. The term global governance is used in this perspective to shed light on the new composition of actors in international relations and its implications, like less hierarchical governance systems that go hand in hand with the diffusion of actors. This strand of global governance literature can be labeled as the empirical global governance discourse.

In contrast to this understanding, global governance is sometimes conceptualized in a normative way. This strand of global governance agrees with the empirical one insofar as it accepts that some adaptations in the governance systems have taken place. But it does not stop with describing the changes. Rather, it sketches ways how the governance systems should look like, for instance what kind of new governance forms should be implemented (e.g. establishing a Council on Development issues in the UN) and which existent governance systems should be reformed (e.g. the UN Security Council). Some of these normative suggestions are very precise, like the mentioned reform of the Security Council, whereas others are more vague, treating global governance as a *Leitbild* (model) for “good global governance”.

The existence of the two global governance strands can be explained by at least two different arguments. Firstly, the discourses have developed in specific fora, such as an academic discourse on changing governance systems or a political discourse of (former) statesmen, like it went on in the Commission on Global Governance (1995). It is of interest that the geographical context seems to exert influence as well: The normative global governance strand seems to be predominant in the German context, whereas the empirical one exists especially in the Anglo-American context. Secondly, the heterogeneity of the global governance discourse might result from the fact that the notion of governance is not very concise, either. According to one widespread definition by James Rosenau (1992: 5) “governance is order plus intentionality”, it is the “capacity to get things done” (Czempiel 1992: 250). Thus, governance refers to purposive systems of rules or normative orders apart from the regularities (natural orders) that are emerging from unrestricted interactions of self-interested actors in a state of anarchy (Brühl/Rittberger 201: 5). Since

governments have the power to allocate values authoritatively, governance was closely associated with government until a short time ago. Today, this formerly close connection becomes weaker, so governance might be by, with, and without governments (Zürn 1998).

To summarize the paper so far: We argue that the inclusion of non-governmental organizations and business actors in processes of norm setting and implementation is at heart of the discourse on global governance. In this paper, we use global governance in its empirical notion. We are interested to know whether or to what extent global governance moves into the United Nations, e.g. what kind of interactions take place between non-state actors and the UN. From our point of view, studying the changes in the UN system is of utmost importance since the UN is treated as a black box by other global governance literature. In comparison, we are interested in possible changes in the governance modes in the UN system itself.

2. Non-state actors and norm evolution at the UN

In the following part of our paper we will present some trends concerning the prevalence of new modes of governance in the UN. We will compare the different stages of norm development in the United Nations (norm setting, norm implementation and norm enforcement) in five policy areas (peace and security, arms control, human rights, development and environment) and thereby take into account the institutional mechanisms of norm setting, implementing and enforcing. We will focus in particular on the actors involved in the respective processes, in particular their diversity and the amount as well as forms of participation granted to them. We distinguish five groups of actors taking part in UN processes: Representatives of UN member states (using the organization as an arena for policy coordination), the UN (as independent actor), non-governmental or governmental experts being members of panels, commissions or working groups, non-governmental organizations and private business actors – in this paper, we are concentrating on non-state actors, that is, NGOs and business.

As a general finding, we can conclude that global governance has definitely moved in the UN. Yet a closer look reveals substantial differences between the policy areas on the one hand and between the different norm stages on the other: A high diffusion of actors and dense institutional mechanisms are important features where states do not consider it as painful – namely, in areas of low politics such as

environmental policy and during the phase of norm setting. The harder the policy field, the higher the degree of legal commitment of the norm and the further the norm stage, the more reluctant are states to involve other actors in decision-making procedures, to accept being monitored by them or to establish mechanisms to enforce norm compliance. This argument will be illustrated empirically in the following sections along the three stages of norm development.

2.1 Setting the Norms

Deliberating, negotiating and formulating global norms belong to the main functions of the United Nations. They are fulfilled in a number of fora: Besides the deliberative main organs General Assembly and ECOSOC, UN member states also present their positions in various treaty negotiations, conferences and commissions. At the end of such processes, the opinion of the international community on specific problems is laid down in resolutions, outcome documents, programs of action or reports. But before the results can be fixed in this way, a number of other actors, additionally to the states, contribute in various ways to the norm setting processes. This makes this norm phase to the one with the highest diffusion of actors across all policy fields. Their involvement mainly takes place through conference participation; the other – still quite rare forms – are permanently institutionalized links to UN organs or so-called liaison offices.

NGOs at UN Conferences

Compared to the United Nations, the civil society's commitment to the creation of global norms is a rather old phenomenon in the major policy fields: Predecessors of modern NGOs were societies promoting the abolition of slavery, first of whom were created by the end of 18th century; in the 19th century peace societies warned about the dangers of armaments for peace and stressed the humanitarian aspects of warfare; also, first human and labor rights organizations were founded around the same time (Karns/Mingst 2004: 419f, Atwood 2006: 6, Deile 1998: 104). At the founding conference of the United Nations in San Francisco in 1945 a number of NGOs had participated as observers² and subsequently, the possibility to "make suitable arrangements for consultation with non-governmental organizations" had been laid down in the UN Charter (Article 71). Already in 1946, ECOSOC granted consultative status to the first NGOs. Despite these early developments, the trend of creating broader participation opportunities for non-state

actors began in the late 1960s/early 1970s with UN World Conferences in the fields of human rights and environment: The Conference on Human Rights in Tehran (1968) was attended by some 50 NGOs; at the Conference on Human Environment in Stockholm (1972), already over 250 NGOs were accredited as observers and several hundreds conferred in the so-called parallel forum (Brühl 2003: 58). The unique series of World Conferences in the first half of the 1990s, all linked to development, experienced a real NGO boom with numbers reaching thousands of NGO representatives as official participants and ten thousands in parallel NGO summits: The UN Conference on Environment and Development (UNCED), also called the Earth Summit which took place in Rio de Janeiro in 1992 with 20,000 participants and the 1995 Fourth World Conference on Women in Beijing with over 30,000 participants still belong to the largest conferences ever. The trend of increasing NGO participation was reflected in arms control conferences, even though in significantly lower numbers varying from circa 30 at the chemical weapons convention review conferences to 150 at the Nuclear Non-Proliferation Treaty (NPT) review conferences. The numbers from latest big summits indicate fluctuating levels of civil society participation: While The Rio+10 Summit in Johannesburg in 2002 again reached the dimensions of 1992 and the two World Summits on Information Society (WSIS, Geneva 2003 and Tunis 2005) had 11,000 and 20,000 participants including representatives from 500 NGOs, the Financing for Development Conference in Monterrey in 2002 was attended only by some 800 delegates including representatives of 75 NGOs.

The assessment of these conferences as the high time of the global civil society (Messner 2001: 17) is not only due to the quantitative aspect but also to the new modes of participation for NGOs at international negotiations, which allow them to exercise a greater influence in norm setting. One critical condition for that was the decision not to conduct the summits as special sessions of the General Assembly, since the latter would have meant exclusive intergovernmental sessions without direct access of the civil society – the General Assembly's Rules of Procedure do not envisage the possibility of non-governmental observers.

Exactly this observer status has become a basic, sector independent and taken for granted right. It can also be obtained by NGOs without consultative status with ECOSOC through open accreditation procedures where the applying organizations usually must prove their interest and/or expertise for

² Their exact number is unclear; data vary between 160 (Seary 1996: 25f) and 1,200 (Willets 1982: 11).

the topics under discussion.³ Some events, like the conferences of the parties of the chemical weapons convention do not have an open accreditation procedure, but the member states decide yearly, whom they would like to invite. The accreditation warrants give access to the conference buildings and allow NGO delegations to be present at the plenary conference meetings – even though, being present in the same room literally does not necessarily mean to be at an equal level with the state representatives, since observers are often assigned marginal seats in conference rooms, or they are located in balconies with separate entrances (like in the Conference on Disarmament (CD), where observers are only allowed to stay on the public gallery together with journalists). Or they are not allowed to have placards or badges identifying them, like at the chemical weapons conferences. That the value of mere presence should not be underestimated but already is a concession of the member states becomes clear when taking into account that this presence is limited to plenary meetings and thereby to very early stages of negotiations or rather general discussions. NGOs are regularly excluded from participation in informal negotiations in working groups, which are exactly the arenas, where the “real” decisions – e.g. concerning the measures to be undertaken to solve a problem – are made. However, exceptions to this practice exist as well: At the recent WSIS conferences, NGOs were admitted to working groups and other informal meetings where they could follow negotiations between government representatives.⁴

But the involvement of NGOs begins already before the conferences, since they can also become active in the so-called Preparatory Committees (Prep-Coms), which usually meet several times prior to the summits. The main field of NGO activity there is agenda-setting which they pursue by directly approaching the government delegates, distributing information material and position papers or, with the consent of the committee’s chair, by giving speeches – all with the purpose to make sure that their topics are included on the agenda of the upcoming conference.

Furthermore, another function of PrepComs is to draft potential outcome documents in advance. One example of far-reaching NGO involvement in this area was the City Summit Habitat II in Istanbul 1996, where NGOs were members of the editorial

committee and accordingly had notable influence on the text of the later adopted Istanbul Declaration on Human Settlements (Siebold 1996: 228). However, this remains an exception, since during other preparatory procedures the competencies of NGOs are cut the further the work proceeds and the less procedural and more substantive the discussions become: As long as primarily procedural questions were raised during the first sessions of the PrepCom for the Beijing Conference, NGOs were present as observers and even allowed to submit written and oral statements. But when the committee arrived at formulating the agenda, NGOs were excluded so that the states’ positions on substantial questions could remain covert (Clark et al. 1998: 17f). Other forms of including NGO positions in the conference preparation are written consultations, which are conducted either via questionnaires where NGOs can state their preferred topics and their opinion on topics under discussion prior to the conference or via Calls for Papers which are issued by the conference secretariats to gather the NGOs’ knowledge and expertise.⁵

During the conferences, NGOs have different opportunities to bring in their views by delivering written and oral statements. In the whole field of multilateral arms control and disarmament policy, they enjoy very limited participation rights – in the Conference on Disarmament. But the member states’ willingness to expand rights of observers increases gradually: Currently, NGOs are not entitled to address the CD orally; the member states solely receive a list of submitted written NGO statements and working papers which can be distributed by demand of the states. In 2004, the delegates discussed the involvement of the civil society in the work of the conference and decided to make official conference documents available for NGOs, and to allow NGOs to display information material in the foyer outside the conference room. An important change of the right to speak was envisaged as well: As soon as the CD will be able to adopt a program of work, there will be an informal plenary meeting, where NGOs will be granted the right to address the committee. In the years 2006 and 2007, for the first times in the history of the CD, NGO statements were read out in a plenary meeting – though not by the authors of the papers but the president of the CD. However, this little step and the intended NGO hearing sessions indic-

³ Though usually, accreditation is available for all applicants, since the examination of their eligibility would be too costly.

⁴ <http://www.itu.int/wsis/basic/multistakeholder.html>, 08.03.2008.

⁵ The former method was chosen for the financing of the development conference in Monterrey 2002 (Martens 2000: 100), the latter for the First (2003) and Second (2008) Review Conferences of the Chemical Weapons Convention, where NGOs handed in position papers concerning the convention’s implementation and concerning topics like non-lethal weapons (Höhl/Kelle 2003: 25f.).

ate a tentative opening of this disarmament organ towards them. In the case of chemical weapons, the situation is similar, though not the same: While there is no formal right to speak as well, the secretariat of the *Organization for the Prohibition of Chemical Weapons*, OPCW which organizes the Conferences of the Parties, describes the normal conference practice as follows: „they [NGOs, TB/ER] are sometimes granted an opportunity to address the conferences in the conference hall, either individually or collectively, at a time specifically set aside for that purpose.“ The speaking arrangements at the review conferences of biological weapons convention are also only informal (but meanwhile more habitual): Since 1996, the member states appoint special session breaks during which they remain in their seats and NGOs are granted the floor. During the PrepCom for the Sixth Review Conference in 2006, the committee’s president announced that this practice will be applied again, though not without emphasizing that this is an informal rule, which will not be included in the final report (Pearson 2006a: 12). Even if this rule is not codified in the rules of procedure and the member states’ consent is needed for each conference anew, it would nevertheless be difficult to abandon it due to the established tradition. As a complementary activity during the conferences, NGOs are allowed to organize workshops or so-called “lunch-time seminars” where they have the opportunity to disseminate their expertise and to direct the attention of government representatives to neglected issues of the topics under discussion (Pearson 2006b, Guthrie 2007).

What still seems to be out of reach in the disarmament area, has already been accomplished at the beginning of the nineties at the World Conferences, with the UNCED in Rio in 1992 as a pioneer: Here, NGOs had the opportunity to give their statements during plenary sessions – though not individually, but as representatives of thematic groups (“major groups approach”). Therefore, they were divided into different sectors according to their thematic focus by the conference secretariat and asked to choose representatives who would present the “opinion of the civil society” to the committee. Although being better than nothing, this practice of group statements was criticized by the NGOs, since they perceived their role as being reduced to distributors of information (Brühl 2003: 60f., 98f.); furthermore, a homogeneity of interests of the civil society seems to be assumed which is not necessarily the case. While this practice of group statements was applied at other World Conferences, too, NGOs were granted the right to individual statements during plenary debates at both World Summits on Information Society. A difference to

the major groups approach was that NGOs were asked to build the groups and to merge their statements only if the number of potential speakers was too high; furthermore, they could decide themselves to which group they belonged instead of being assigned by the conference secretariat.

Whereas NGOs still lack the right to speak during formal sessions – like in the General Assembly or, for example, during the review conferences of the Non-Proliferation Treaty – another form of NGO involvement is emerging: Special sessions for NGOs or hearings. In advance to the General Assembly’s Millennium Summit in the year 2000, a series of two days regional hearings was convened where representatives of the civil society had the possibility to address the government representatives. The results of these meetings were submitted to the Secretary General and included in his preparatory report for the summit. Since then, the instrument of hearings seems to have become institutionalized: At the NPT conference in 2000, the member states decided to hold special NGO sessions for upcoming PrepComs and review conferences which would last several hours and consist of individual NGO statements; in 2001, the same arrangement was adopted for the conferences on Small Arms and Light Weapons. In 2002, before the Monterrey-Conference on Financing for Development, also several regional hearings were held by UNCTAD and regional economic commissions, additionally to two hearings which took place in New York. At the Millennium+5-Summit, for the first time also the General Assembly held a two-day NGO session, at which 304 NGO (178 from them belonging to the South) took part.⁶ Surely, hearings are a progressive development of the GA procedures, but the participation opportunities of NGOs in the General Assembly still remain far below the standard of the World Conferences, which is why hearings are deemed to be a consolation for NGOs excluded from the real negotiations (Leininger 2005: 20).

One rather new concept applied at the UN is the stakeholder approach which stands for the efforts to involve as many actors as possible interested in and capable of solving a problem in norm setting processes (Hummel 2004: 34). One possibility to put this idea into practice was demonstrated at the Monterrey conference, where in addition to the common conference structure consisting of formal and informal sessions, twelve round table discussions took place. Four groups of actors – government representatives, NGOs, business actors and representatives of international organizations – participated. By abandoning traditional speaking

⁶ For a comprehensive overview see Leininger 2005: 21f.

and negotiating procedures, the focus also shifted away from statements by the states, so the state-centric character of the conference dwindled in general (Martens 2002: 116). However, the states were vastly over-represented at the round tables having more than twice as much participants as the other groups altogether.⁷ The stakeholder approach was also chosen for the WSIS conferences: Round tables and panels were part of the informal conference proceedings; NGOs and other non-state actors could propose discussants who were finally chosen by the conference secretariat (Kleinwächter 2006).

NGOs and UN Organs

Though conference participation is the primary opportunity for NGOs to exercise substantial influence on norm setting, it is not the only one available to them. In the fields of human rights and the environment they also enjoy a close institutional link to the respective organs: Especially in the Commission on Human Rights (CHR), whose very creation was attributed to the initiative of NGOs participating at the UN founding conference (Opitz 2000: 332) and in its successor, the Human Rights Council, NGOs have played and continue to play a major role as actively participating in these organs' work (Ramcharan 2007: 451, Weiss et al. 2001: 182). Several hundreds NGOs holding a consultative status with the ECOSOC are present as observers during the sessions on a regular basis, where they have no voting rights, but the right to distribute information, to deliver written statements and oral presentations and to participate in discussions (Schaefer 1998: 57). The human rights treaty bodies allow NGOs to propose items to be set on the agenda and invite them to participate in thematic discussions to further develop the norms included in the documents and encourage them to hand in alternative drafts (Mertus 2005: 93, Steiner/Alston 2000: 980); in some committees (e.g. the Committee on Economic, Social and Cultural Rights), one day of the session is reserved for NGO statements (Riedel 1998: 46).

When working groups of the committees are conducting surveys on human rights of specific groups (like e.g. of disabled children), NGOs do not only have the possibility to comment on the reports and add what they think is missing, but they are also included as working group members (Mertus 2005: 96f.). Although being still excluded from the procedures of the Security Council, they have managed to indirectly influence its work through the Commission of Human Rights: In 1994, the CHR estab-

lished a working group with the task to draft a protocol on the Involvement of Children in Armed Conflicts – the drafting process was also open for NGOs, whose lobbying and campaigning efforts for children's rights are deemed to be one factor which contributed to the fact that in 1999, the Security Council adopted a number of resolutions on this topic (Mertus 2005: 135ff.). Another successful coalition was that of the Food and Agriculture Organization of the United Nations (FAO) and NGOs which in 2004 achieved that states adopt guidelines on the implementation of the Right to Food.⁸ The United Nations Development Programme, UNDP, cooperates with a number of civil society organizations, too; since 2000, there is even a special organ coordinating common activities, the UNDP *Civil Society Organizations Advisory Committee*, consisting mainly of southern representatives of civil society. Its task is to advise the senior management of the UNDP on its political direction and to identify common development strategies and programs for the UNDP and the civil society.⁹

Another important form of institutionalized cooperation between the UN and the NGO community are liaison offices. One such example is the UN NGO Committee on Disarmament established more than 30 years ago and located directly at the UN Headquarters in New York; its counterparts in Geneva are the disarmament committee of the NGO network CONGO and the NGO liaison of the UNOG Director General. These committees have some sort of hinge function between the UN, its member states and the international NGO community, which means that they provide information in different directions: On the one hand, they serve as contact points for other NGOs and keep them posted on current norm building and negotiation processes. On the other hand, the committees act as allies of the global disarmament movement and aim at transporting its interests and positions to decision-makers in UN fora by lobbying on-site. The UN organs, especially the department for public information and the Department for Disarmament Affairs¹⁰ cooperate with the NGO committees by planning and implementing common activities like workshops.

Business actors and the UN

After the NGO boom, which started at the beginning of the nineties, with the new millennium, formal participation opportunities increasingly have been established for a second type of private actors

⁷ 48 government representatives, 7 NGOs and 7 business representatives, 8 representatives of international organisations.

⁸ http://www.fao.org/tc/NGO/index_en.asp, http://www.fao.org/tc/NGO/rtf_en.asp, 06.03.2008.

⁹ <http://www.undp.org/partners/cso/>, 06.03.2008.

¹⁰ Since 2007 Office for Disarmament Affairs.

– business representatives. Surely, business actors had interacted with the UN in previous decades, too: Many trade associations, like the International Chamber of Commerce and the International Organization of Employers received consultative status as NGOs with the ECOSOC very early. More characteristic than that was the confrontational relationship between the private sector and the UN. Since the 1970s, transnational corporations (TNCs) have faced criticism in the UNCTAD, where mainly developing countries were denouncing the exploitation of natural resources and workers by TNCs without sharing the high profits with the country and creating wealth for its inhabitants. After the efforts to adopt a code of conduct, which would have obliged TNCs to comply to certain standards (like refraining from tax fraud, price agreements or cartelizing), failed, the abandoning of the *Centre on Transnational Corporations* (it had been tasked with drafting the code of conduct) by Secretary General Boutros Boutros-Ghali in 1992 proved that the UN had given up hope to regulate the activities of TNCs on the international level and was willing to end the confrontation (Hummel 2004: 28). The change of attitude was underlined by the fact that in the final document of the Earth Summit, the positive contribution of TNCs to development was stressed (Martens 2004: 151). What had begun under Boutros-Ghali was fostered under Secretary General Kofi Annan who decidedly moved towards the private sector with the aim of entering into a dialogue with them and to convince them of common interests and of the interdependency between the UN and the economy sector. Annan hoped to weaken the anti-globalization movement if he succeeded to establish cooperative relationships with the private sector, since implementation of self-regulatory instruments was expected to mitigate the negative effects of neoliberal policies (Klee/Klee 2002: 43). Therefore, at the very beginning of his term of office he arranged a meeting with representatives of the International Chamber of Commerce and participated at the World Economic Summit in Davos. Following these contacts, the communicative system WELCOM was installed in Annan's office which allowed him direct dialogue with economic leaders (Paul 2001: 114f.). One major result of Annan's efforts is the Global Compact (GC) – a voluntary agreement between a number of corporations, few NGOs and the UN, in which the former declare their willingness to comply to nine fundamental UN norms in the field of human rights, core labor standards and environmental protection; meanwhile fighting corruption was added as the tenth principle.¹¹ In return, the

UN proposed to stop its criticism of the neoliberal economic order and to focus on creating a corporations-friendly environment in developing countries. Furthermore, the GC members were allowed to use the UN emblem.¹² Today (as of March 2008), about 3,700 corporations and some cities have become members of the GC. Since the Compact's idea was to create a learning platform and an action network (according to the UN Global Compact coordinator, George Kell, see Kell 2005: 72), no monitoring mechanisms exist to review the corporations' performance. Rather, the agreement aims at creating a framework where TNCs can exchange their views on the interpretation and their experiences with implementation of the principles in order to identify a set of best practices (Ruggie 2003: 301).

Beyond addressing TNCs through normative frameworks like it is done with the Global Compact, there are decisive changes concerning the access and participation of the private sector in processes of global norm setting taking place at UN conferences. In 2002, individual corporations were granted observer status for the first time, to take part at the Financing for Development Conference. This practice was continued at the Rio+10-Summit in Johannesburg and the World Summits on Information Society in Tunis and Geneva – thereby, TNCs were granted the same rights as NGO delegations and could participate at the Round Tables or make oral statements during plenary meetings.

2.2 Implementing the Norms

In the stage of norm implementation, the UN incorporates private actors primarily to fulfill two tasks: Monitoring the implementation of international agreements and carrying out the projects in the field. The latter mainly happens in development policy where the UN subcontracts the projects to business actors and NGOs. Monitoring compliance with global norms is a function performed by UN organs all over the policy fields, while business actors are not involved except in self-monitoring (by handing in reports about their own performance). NGOs play a major role in the monitoring procedures of UN human rights organs, but contribute little to other policy areas – with the monitoring of the Landmines Convention as a prominent exception.

This treaty is special in several respects: Already the norm setting process took place outside the UN framework, pushed by a coalition of NGOs and like-minded-states being disappointed by the imple-

¹¹ <http://www.unglobalcompact.org/AboutTheGC/TheTenPrinciples/index.html>, 06.03.2008.

¹² However, the use of the UN logo is restricted to cases directly linked to UN aims and activities; it cannot be used for advertising purposes only (Klee/Klee 2002: 41).

mentation deficits of the Landmine Protocol belonging to the Convention on Certain Conventional Weapons. Their joint mobilization campaign led to a unique success and resulted in the first total and legally binding ban of a conventional weapon. The implementation of the treaty is not monitored by an UN organ or an associated inter-governmental organization like in case of other disarmament treaties where the IAEA or the OPCW bear this responsibility – instead, in the treaty member states decided to entrust a Geneva-based NGO with monitoring: The Implementation Support Unit (ISU) is part of the *Geneva International Centre for Humanitarian Demining* and has the function of a secretariat. The ISU is responsible for the budget and the organization of review conferences; beyond this, it documents the implementation process and keeps the stakeholders informed about the progress achieved.¹³ In part, the implementation of the norm even proceeds on the transnational level: First fully civil societal monitoring trips to different parts of the world did already happen – carried out by the Swiss NGO Geneva Call which aims at obliging armed non-state actors using landmines to comply to the ban (Gebauer 2005: 186).¹⁴

The fact that the treaty implementation body in this case is an NGO's does not mean that the UN is an irrelevant actor with regard to landmines. On the contrary, the essential contribution of the organization is made by its engagement in the field, where several UN organs are the core actors: The *United Nations Mine Action Service* plans and coordinates mine clearing activities; the UN Children's Fund is engaged in education programs informing about the dangers of landmines; the World Health Organization takes care of landmine victims. These field activities give important impulses for further advancement of the norms, whereby the UN cooperates with humanitarian NGOs to develop *Mine Action Standards* including criteria for the protection of mine clearers or to adopt *Gender Guidelines for Mine Action Programs* stressing gender aspects of the landmine problem.¹⁵

As already stated, the strong reliance on NGOs in case of landmines is unique in the field of disarmament. In the field of human rights, NGO efforts

were not only crucial for the norm setting, like the inclusion of human rights provisions in the Charter at the very beginning, (Kedzia/Jerbi 1998: 92). Protection and the promotion of human rights largely depend on the civil society, which is also involved in the development of methods of implementation and contributes in various ways to monitoring and the implementation itself.

Since the UN has very limited capacity to collect its own information, the most important part of the civil society's contribution is providing information and expertise for UN human rights organs (it is estimated that 80 percent come from NGO sources, Karns/Mingst 2004: 437). In the Commission on Human Rights or the Human Rights Council, respectively, and the treaty bodies like Human Rights Committee or the Committee on the Convention on the Rights of the Child, NGOs are mainly involved in the reporting procedures, though to a varying degree:¹⁶ Although being excluded from the official dialogue with the states whose report is under scrutiny before the committee, NGO information, together with information from other UN organs, is included in the so-called core document which serves as the basis for this dialogue (Riedel 1998: 39). NGOs are involved in fact-finding missions and on-site visits to gather information (Mertus 2005: 62) and are also encouraged to hand in their findings in "shadow" or "parallel" reports which provide an indispensable alternative view to the states' reports which tend to be too positive and partial (Karns/Mingst 2004: 439). For the monitoring committee, they are an "independent tool to assess and describe a government's accountability in fulfilling its obligations to promote and protect human rights, to monitor actions, to honor commitments made in treaties or at world and regional conferences, and to put political pressure on States Parties through publicity and education" (Mertus 2005: 84). Apart from providing information, NGOs play a role in the complaint procedures of the Commission of Human Rights/the Human Rights Council: Since the 1970, most of the complaints have been handed in by NGOs (Norchi 2004: 92). After a petition concerning concrete human rights abuses is received, it is either dealt with under the public 1235 or the confidential 1503 procedure; the former allows international and national NGOs as well as

¹³ http://www.icbl.org/3msp/final/annex_ii.html, 16.11.2007.

¹⁴ According to the Geneva Call's annual report of 2006 more than 30 non-state groups (including the Western Saharan Polisario Front, the Kurdistan Workers Party and the Sudan People's Liberation Movement/Army) have signed a declaration stating their adherence to a total ban on anti-personnel mines (Geneva Call 2006: 44f.)

¹⁵ http://www.mineaction.org/section.asp?s=how_its_done, 16.11.2007.

¹⁶ While the cooperation is close and regular with the Committee on the Rights of the Child, the Committee Against Torture tends to involve NGOs on an ad-hoc basis; the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) does – at least formally – not rely on NGO information (Karns/Mingst 2004: 439).

world media to participate in the examination process (Norchi 2004: 94).

Additionally to the activities with the human rights institutions, NGOs are increasingly active in the field human rights work, where they provide human rights education, assistance to the victims of human rights abuses and refugees, or focus on training and capacity building within national institutions to enable states to comply with human rights norms (Kedzia/Jerbi 1998: 92, Mertus 2005: 6, Weiss et al. 2001: 188).

Development assistance on the ground is another major and genuine area of operational NGO activities. In the field of development, the UN strive to involve local NGOs – as experts or executive partners – in different phases of project development and implementation for several decades. The UN development organs maintain close relationships to NGOs and cooperate in a variety of fields: The International Labour Organisation includes relevant organizations on a Special List¹⁷ since 1956 and implements common projects (e.g. to combat child labor) with NGOs in developing countries. In the fight against global hunger, FAO cooperated with the civil society in its „*Global Freedom from Hunger Campaign*” launched in 1960; recently, FAO has begun to work with local partners like fishers’ and farmers’ unions on implementing new agricultural techniques.

Operational cooperation with business in form of public-private partnerships carrying out development projects and initiatives dramatically has increased in the last years. While the Global Compact surely is the most popular joint project between the UN and the private sector, a number of other initiatives, aiming less at binding corporations to certain norms than to carry out joint projects, have been launched by UN organs. When Kofi Annan took office, he called upon the UN organs and agencies to open up towards cooperation with business – shortly after, the UNCHR, UNESCO, the UNDP and the WHO reacted and announced such initiatives, so we have seen a real partnership boom meanwhile. In such PPPs, private economic actors in the first instance appear as financiers of projects in the health, education or telecommunication sector: Examples are the *Global Alliance for Vaccines and Immunization*, whose major donor is the Microsoft Foundation, or computer equipments for schools paid by Coca Cola (Martens 2004: 153, Zammit 2004: 57ff.). The increase of partnerships is also considered to be in part a result of the extended conference participation rights of the private

sector described above which boosted so-called *Type-II-Outcomes* – conference output other than the usual declarations and final documents. Such outcomes include joint policy initiatives of public, civil society and economic actors, which are also known as multi-stakeholder initiatives. To promote the initiation of joint projects, six partnership events were held at the Rio+10 Summit in Johannesburg encompassing topics like water and sanitation, and biodiversity. 250 partnerships with diverse aims like the promotion of solar-driven heating systems or expansion of sustainable tourisms were announced there.¹⁸ The main goal of policy networks established at the WSIS was the closure of the digital gap, for example by providing telephone and internet access in remote regions or by equipping public education, administration or health institutions with information technologies.¹⁹

Critical aspects of the involvement of private actors

Neither the increased participation of NGOs nor that of the private sector remains free of criticism. To be sure, NGOs have contributed to the change of the character of UN conferences from rather functional events where diplomats and experts exchanged information and negotiated, to public-oriented and publicized events of global norm setting (Fomerand 2004: 171). That the NGO euphoria has declined is surely due to the fact that NGOs participation has revealed and created problems. Especially in the field of development policy, the civil society’s role is ambiguous: On the one hand, it supports the requests of the developing countries for a just economic order, on the other hand, NGOs hold a number of positions which are perceived contrary to the interests of the developing world. Among the most relevant are the feared conflicts between economic interests and ecological issues as well as labor standards. By being committed to ecological and human rights issues NGOs can become allies of the industrialized countries which also support standards in these fields. But developing countries tend to assess such requirements as protectionist, fearing them to have the effect of trade barriers blocking market access (Kahler 2003: 153, Singh/Zammit 2000). Whereas

¹⁷ <http://www.ilo.org/public/english/bureau/exrel/civil/ngo/index.htm>, 06.03.2008.

¹⁸ The partnership database can be found at: <http://webapps01.un.org/dsd/partnerships/public/welcome.do>, 08.03.2008.

¹⁹ Nokia, for example, had announced to build a mobile phone network in villages in Rwanda and Uganda and to offer “affordable” telephone services. Intel has proposed to donate hundreds thousands computers to schools in developing countries and to offer special education courses for teachers. Microsoft runs some programs aiming at improving the use of modern technologies in the health sectors. For the partnership database see: <http://www.itu.int/wsis/stocktaking/scripts/search.asp>, 08.03.2008.

western countries are less in numbers in the UN at the governmental level, the civil society is largely represented through western, in part powerful and established NGOs which creates a North-South tension between NGOs, too: While it is mainly western NGOs that obtain accreditations for conferences where they can lobby for their goals, NGOs from the South tend to gather in parallel summits, where networking and not lobbying is the primary goal. This division of labor was described concisely in an NGO newsletter: “the Africans were watching, the Asians listening, the Latin Americans talking while the North Americans and Europeans were doing business” (cited in Clark et al. 1998: 12).

In the field of arms control, the heterogeneity of civil society’s interests is also striking; the term civil society can by no means be taken as a synonym for humanitarian and disarmament ambitions like the first conference on Small Arms and Light Weapons has shown. There, the gap in the NGO community was between humanitarian NGOs lobbying for strict control of small arms transfers on the one side and the firearms lobby (including small arms producers, sport shooters associations and organizations promoting the individual right to bear arms) on the other.²⁰ Apart from the heterogeneity, the role of disarmament NGOs is criticized in a more fundamental way: Some authors hold the view, that NGOs have become too moderate and the motor of disarmament progress is less than like-minded-states (Krause 2004: 34). In the SALW process, NGOs are characterized as actors evaluating and commenting governmental positions instead of making their own suggestions; they seem to be mainly occupied with „listening and organizing, not innovating and broadcasting“ (Karp 2002: 180). Similar allegations are raised with regard to the last NPT Review conference: The behavior of NGOs is considered to have contributed to the “biggest failure in the history of this Treaty” (Müller 2005: 1). Although they had a critical mass on their side – about 40,000 people demonstrated for disarmament at the beginning of the conference – NGOs failed to scandalize the foreseeable unsuccessful end of the meeting. Instead of professional coordination and creative actions, they used the special session for long individual statements leaving no time for discussion and continued with their routine program of workshops, flyers and networking with other delegates (Müller 2005: 14.). This habitualized distribution of roles and institutionalized forms of cooperation, but also a missing joint NGO position allowed for

the weakening of the NPT without an appropriate outcry of the civil society.

These developments can be understood as the shady side of the ritualized inclusion of NGOs in conference proceedings. Their growing numbers have the disadvantage that the consultative status becomes inflationary; the right to speak granting NGOs the opportunity to publicly raise their voice in UN organs is not purely positive, but also means that the debate becomes very crowded, the time for the single speeches very short and “that NGOs are frequently allotted the least popular time, late at night, when there are few government delegates to hear or respond to them“ (Steiner/Alston 2000: 980). Some NGOs cooperate willingly with the governments and do not consider themselves as opposition, since they prefer acting in the center of politics instead of at their margins – but the price for their increasing influence even in high politics is an increasingly moderate and pragmatic position and therefore, the abandonment of extreme standpoints and activism, which might be “ugly, but [...] uniquely fertile” (Karp 2002: 180ff.).

At the operative level, NGOs find themselves competing with each other for financial resources provided by governments, international organizations or private donors. Especially when it comes to humanitarian assistance, NGOs act in a highly canvassed market with a variety of actors seeking for contracts. Due to the logic of the market and the uncertainty accompanying their work, we can assume that self-interests do matter for the organization of work and for example let cooperation with other actors appear less attractive, although it might be adequate (Cooley 2003: 674f.). Another problematic point is the independence of NGOs, which might be impaired by governmental or inter-governmental project invitations – to receive funding, NGOs would have to work in the regions and sectors being regarded as interesting by governments and international organizations; less popular locations or smaller projects are in danger of being unattended (Ludermann 2001: 188). Finally, it is obvious that the dependency on external financing is not without effects on the critical attitude of NGOs.

The participation of the private sector is all but less problematic. This emerging power in the UN system is an important counterbalance to NGOs (Zumach 2002: 4), undermining their interests in many different fields (like the wish for a binding regulation of corporations). Although TNCs surely lack the moral power usually attributed to NGOs, they possess the power of financial capital. The latter is desperately needed by the UN and indeed, at first glance, few points speak against corporate fin-

²⁰ It is the success of the latter group that the rights of gun owners and the legal trade in small arms are not mentioned in the Programme of Action (Mason 2002: 203f.).

ancing of health and ecological projects, which could not be implemented without this contribution. For individual cases, some authors admit that initiatives of the private sectors can actually contribute to Global Governance and strengthening of the UN in a positive way (Hummel 2004: 23). Nevertheless, the long-term consequences of the private financial flows need to be taken into account – one fear is that governments get used to private financing and decrease their own financial contributions to the UN budget (Bennis 2001: 136). Furthermore, ad-hoc-partnerships and donor financing lead to insecurity and undermine long-term strategies. Also, the question arises, which projects will be financed by corporations interested in a positive impact on their image; it may be doubted whether needs assessment will be the basis for their decision – rather, one can assume that high-visibility projects will be chosen (Bennis 2001: 137). Other concerns refer to the cloudy wording, like the positively connoted term “partnerships” which suggests equality and harmony of interests (Zammit 2004: 44). This is not the case with the UN and the private sector, too obvious is the profit orientation of corporations and their aim to gain as much influence as possible in the UN to block any initiatives which may harm them. The UN, by promoting the interests of the private sector, cause harm to their own (Zammit 2003: 2). On the contrary, TNCs enjoy a number of privileges by cooperating with the UN: They can improve their image by using the UN emblem symbolizing universal values (“blue-washing”) or by presenting themselves as environmental good guys (“green-washing”) (Global Policy Forum 2001, Bruno 2002, Mimkes 2002). Furthermore, enterprises gain access to new markets, if topics corresponding to industrial interests gain special attention – like in the case of the digital gap which means lucrative contracts for the IT sector (Paul 2001: 119f., Zumach 2002: 4). Finally, from the perspective of legitimacy, it seems awkward that profit-oriented economic actors lacking any kind of democratic legitimacy have a share in the genesis of global norms addressing and affecting much more actors.

2.3 Enforcing the norms

While the UN has a number of established procedures for norm setting and mechanisms for monitoring norm implementation, the organization is very weak when it comes to norm enforcement. Nevertheless, except in the field of development policy, some tools are available in all fields: The strongest tools surely exist in the field of peace and security with the Security Council as legitimate instance to enforce norms by mandating arms embargoes, eco-

nomic sanctions or even military operations. Arms control norms have been enforced by the Security Council only twice, both times in Iraq, with the Missions UNSCOM and UNMOVIC authorized to destroy Iraqi weapons and weapons facilities (Croft 1996: 176, Krause 2007: 297) – but verification and sanctioning competencies remain one major problem of arms control treaties. Further enforcement instances are the ad hoc tribunals and the International Criminal Court, whose formation substantively strengthened investigation and prosecution of crimes against humanity, genocide, war crimes and crimes of aggression, and expressed the notion that exemption from punishment for war criminals belongs to the past (Goldstone 2007: 477). Also both of the largest environmental regimes – ozone protection and climate protection – possess sanctions committees enabled to impose a penalty over rule breakers. Given the little capacity the states grant to the UN to enforce compliance with global norms, it is little surprising that private actors do not play any role here at all.

3. Some Theoretical Explanations

Investigating the inclusion of non-state actors in the UN system leads to a heterogeneous picture. On the one hand, we have demonstrated that the UN has opened up towards private actors thereby establishing elements of global governance in the formerly (almost) pure intergovernmental organization. However, the diffusion of actors is higher in the stage of norm formulation than in the implementation and enforcement of norms, and higher in low than in high politics. This result challenges both mainstream IR theories and the concept of global governance: While the former fail to offer a satisfying explanation for the very involvement of non-state actors in intergovernmental politics, the trend of diffusion of actors is – as we already mentioned – at the heart of the discourse on global governance. However, this debate provides few clues for explaining the variations regarding the norm stage (norm setting, implementation, and enforcement) and for the differences between the different issue areas. In the following part of our paper we will present some tentative explanations of this uneven trend.

Starting with classical theories holding a traditional notion of state sovereignty, it seems little surprising that non-state actors have no authority to make or even enforce any decisions, since states would be expected to be rather anxious to preserve their influence on the processes of policy-making. Consultations with non-state actors could be assessed as rather symbolic acts, lending a semblance of legitimacy and democratic representation to polit-

ics, as long as they happen at the deliberative level mainly and cease when it comes to binding commitments. It can be argued further that the involvement of non-state actors as experts, donors or contractors is not puzzling from a rationalist perspective, too – using their knowledge, financial resources and labor is consistent with the cost-benefit calculations of the states and/or intergovernmental organizations. According to this argument, the states would have realized the insufficient effectiveness of national and international (i.e. intergovernmental) management, that is, their failure to attain the traditional goals of governance (such as security, legal stability, the development of a common identity and participation, and welfare, see Zürn 2001: 53). Neither do they seem to respond appropriately to new challenges and transnational problems (e.g. environmental pollution, migration, smuggling of nuclear materials or terrorism, see Jachtenfuchs 2003: 496ff). International organizations, or states as their principals, hope that this lack of problem-solving capacity can be reduced by cooperation with private actors. New forms of regulation, especially networks between non-state actors and the UN, thus serve to maintain or even expand the capacities for state action (Benner et al. 2004). However, participation in networks can also aim at extending one's own financial resources or control over specific (development) projects (see Dingwerth 2004: 78). For the UN, for instance, Jan Martin Witte and Wolfgang Reinicke attest that partnerships have become a necessity "in order to get the »job done«" (Witte/Reinicke 2005: ix). Intergovernmental organizations can thus benefit from a diffusion of actors since these non-state actors cost-efficiently deliver the required resources named above (Brühl 2003).

However, the picture is more complex. First of all, opening up deliberations is at the same time costly for states and international organizations, both in terms of financial resources (larger rooms, more copies, more personnel etc.) and in terms of negotiations (duration of the negotiation processes, transparency of the negotiations). Thus, the trend of the diffusion of actors as well as the issue-area specific and norm stage relevant variations can be explained by concepts that are based on resource-exchange (demands and supply of resources). This would mean that more resources are needed in the stage of norm setting than in norm enforcement, which is why non-state actors' possibilities to participate in this norm stage are rather low. However, this concept cannot explain the differences between the already mentioned five issue-areas, since there is no reason to assume that the importance of expertise and finance vary between them. Secondly, we observe puzzling deviations in some cases, in

particular in the case of human rights monitoring as well as with the monitoring of the landmine convention, where non-state actors play an extraordinary role. To be sure, the cost-efficiency argument counts for both cases from the perspective of the UN – but that states accept to be monitored by non-governmental organizations which can be expected to be more critical remains interesting. Thirdly, we understand the processes of norm diffusion as long-term processes with a high potential of self-dynamics, where influence can be exercised in a diffuse way. One indicator that states are aware of the influence of non-state actors is the fact that they still try to exclude them from or limit their competencies in international processes (Weiss et al. 2001: 215f).

4. Summary

In this paper, we started with a review of the global governance discourse and identified the assumption of a diffusion of actors as its core idea. In the second, empirical section, we examined this diffusion in two respects – first, by comparing different stages of norm development processes and second, by comparing five policy areas. Our finding is, that though a general trend of increasing participation of non-state actors in global politics exists and new modes of governance emerge in the UN, they are implemented in an uneven with regard to both norm development stages and policy areas. We have shown that classical theories and rationalist approaches may explain that only partly. On the other hand, the literature on global governance contributes to an understanding of the general trend of including these actors in the UN. However, the global governance discourse can neither explain the variations regarding the norm stage (norm setting, implementation, and enforcement) nor the differences between the different issue areas. To answer remaining questions would be a task for further research on global governance.

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Global Governance, Accountability and Civil Society

Introduction

As an initial step in exploring the relationship between civil society and accountability in global governance it is important to clarify the core terms. Each of the principal elements in this equation is subject to multiple and often conflicting interpretations. The point of this opening chapter is not to resolve these theoretical and political disputes with definitive definitions. Such an aim is neither achievable nor – from the perspective of creative democratic debate – desirable. Hence the following discussion only sketches broad conceptions and concerns in order to provide a starting framework of analysis for the subsequent case studies. Individual authors will in those chapters elaborate their particular understandings of the general issues in relation to specific global governance arrangements.

The present chapter has three parts that successively address the three central concepts in this study. The first section below identifies ‘global governance’ as *a complex of rules and regulatory institutions that apply to transplanetary jurisdictions and constituencies*. In line with globalisation as a major general trend of contemporary history, global governance has grown to unprecedented proportions and significance in recent decades. The second part of the chapter discusses ‘accountability’ in terms of *processes whereby an actor answers for its conduct to those whom it affects*. Shortfalls of accountability (especially democratic accountability) in respect of global governance agencies constitute a major challenge to the delivery of effective and legitimate public policy today. The third part of the chapter introduces ‘civil society’ as *a political arena where associations of citizens seek, from outside political parties, to shape societal rules*. The present enquiry considers the ways and extents that civil society activities can contribute to greater accountability in global governance.

Global Governance

Globalisation is one of the most striking broad trends of contemporary history (Held *et al.*, 1999; Scholte, 2005). Over the past half-century the collective lives of human beings have acquired much larger planet-spanning (or ‘transplanetary’) dimensions. All manner of flows connect people with one another wherever on earth they might be located: through communications, merchandise, microbes, migrants, money, organisations, pollutants, weapons, and more. Although global-scale exchanges have transpired for many centuries, transplanetary social relations have today reached unprecedented and qualitatively larger amounts, ranges, frequencies, speeds, intensities and impacts. Concurrently, society today is also marked by greater global consciousness: that is, people have acquired heightened awareness of planetary realms as a significant aspect of their social existence. Indeed, many individuals have oriented their cultural identities and political solidarities partly to global spheres, as witnessed with phenomena like so-called ‘world music’ and humanitarian relief programmes. Materially and ideationally, therefore, contemporary society operates substantially through global frames alongside (and in complex interrelations with) social spaces on other scales such as neighbourhood, province, country and region.

Like all realms of social relations, global social relations require governance: that is, an array of rules along with regulatory institutions to administer those norms and standards. As any arena of human collective life becomes significant – be it a locality, a country or whatever – frameworks of governance develop to bring a certain order and predictability to that sphere. Rules are set, maintained, adjusted and enforced. The rules may be strict or loose, formal or informal, permanent or transitory, enabling or oppressive. But even if it is softly

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applied and barely perceptible, regulation of some kind will transpire if a given social space is to have any stability and longevity.

So it is with global domains also. The intense globalisation of recent history has entailed, as part of the process, increased governance of transplanetary affairs as well. Much of this regulation has developed through pre-existent institutions such as nation-states and local governments. In addition, however, growing needs to govern global matters have prompted the establishment and expansion of many suprastate regulatory arrangements. Some of these new apparatuses like the European Union (EU) operate in respect of regional jurisdictions, while others like the United Nations (UN) govern in respect of transplanetary jurisdictions. The latter type of regulation – namely, rules and administering agencies that apply to places and people spread across the earth – can be termed ‘global governance’.

The phrase ‘global governance’ first surfaced in the late 1980s in connection with the Commission on Global Governance, which reported in 1995 on various challenges of regulating a more global world (Carlsson *et al.*, 1995). Twenty years later the vocabulary figures in the titles of textbooks and countless other publications. A journal by the name *Global Governance* was launched in 1995 and quickly became a significant outlet in its field (Carin *et al.*, 2006). More than a dozen universities across the world now house research centres specifically dedicated to the study of ‘global governance’. Indeed, a number of recently created regulatory arrangements with a planetary scope have incorporated the adjective ‘global’ into their name, rather than the previously favoured term ‘international’. Examples include the Global Environment Facility (launched in 1991), the Global Reporting Initiative (1998), the Global Compact (2000), and the Global Fund to Fight AIDS, Tuberculosis and Malaria (2002).

Like any key concept, the notion ‘global governance’ can be problematic if it is invoked loosely and uncritically (Hewson and Sinclair, 1999; Sinclair, 2004; Grugel and Piper, 2006; Soederberg, 2006). However, if used with precision and vigilance this idea can open important insights into contemporary politics. In particular, the newer term ‘global governance’ is arguably more exact and revealing than the older label ‘international organisation’, which dates from the early twentieth century. ‘Global’ specifically designates activities and conditions on a planetary scale, whereas ‘international’ covers any circumstance (bilateral, regional or global) that extends beyond the confines of a country-nation-state unit. Moreover, ‘global’ suit-

ably highlights planetary realms as having become significant social domains in their own right, while ‘inter-national’ (as well as its cousin ‘trans-national’) still frame phenomena with primary reference to country arenas. Meanwhile, the word ‘organisation’ in ‘international organisation’ could encompass any association, whatever its activities, whereas ‘governance’ specifies the regulatory character of the circumstances in question. Furthermore, ‘international organisation’ has usually been understood in terms of relations among nation-states, while contemporary ‘global governance’ involves not only nation-states, but also other types of actors such as business enterprises, civil society associations, local governments and regional agencies. Finally, in contrast to the traditional conception of international organisations as being wholly and solely the servants of states, contemporary global governance institutions are to some extent also players in their own right: they influence states (and other actors) at the same time as being influenced by states (and other actors).

Global *governance* is not the same thing as global *government*. To speak of global governance is not to suggest the existence, emergence or goal of a world state. Global-scale regulation can operate in the absence of a centralised, sovereign, public entity that is elevated from a national to a planetary scale. After all, governance has historically taken many forms. Societal regulation has occurred not only through states, but also through empires (e.g. Byzantium, Inca, Songay), corporations (e.g. the Dutch and English East India Companies), and diffuse networks (e.g. medieval Europe). Thus global governance need not, does not, and in all probability will not take shape as a nation-state writ large.

Instead, contemporary global governance transpires through a complex array of numerous and diverse institutional mechanisms. Broadly speaking six different types of global regulatory bodies might be distinguished in contemporary society: intergovernmental, transgovernmental, interregional, translocal, private, and public-private hybrids. The first of these categories, intergovernmental agencies, covers the conventional multilateral institutions that operate through state-based ministers and diplomats supported by a permanent suprastate secretariat (Diehl, 2005). Examples include the International Monetary Fund (IMF), the Organisation of the Islamic Conference (OIC), and the World Trade Organisation (WTO).

Transgovernmental networks lack the formal character of intergovernmental institutions. In these cases senior and middle-ranking civil servants from multiple states jointly pursue governance of common concerns through informal collaboration by

conferences, memoranda of understanding, etc. (Raustiala, 2002; Slaughter, 2004). Examples of transgovernmental regulation include the Competition Policy Network, the Group of Eight (G8), and the Nuclear Suppliers Group. The Organisation for Economic Cooperation and Development (OECD) also operates largely through transgovernmental committees and working groups. Although transgovernmental networks lack a basis in international law and have no distinct permanent institutional expression, they perform important regulatory tasks in areas such as crime prevention, disease control, environmental protection, financial supervision, human rights promotion, and trade policy.

Less extensive to date, but potentially more important for the future, is global governance through interregional arrangements (Hänggi *et al.*, 2005). In these cases, regulation of global issues is pursued among several macro-regional groupings of states. So far interregionalism has mainly occurred through EU relations with other regional institutions including the Southern Common Market (MERCOSUR) and the Association of South East Asian Nations (ASEAN). The Asia-Europe Meeting (ASEM) is the most developed interregional arrangement (Gilson, 2002). This multilateralism of regions could well spread worldwide in years to come as regionalism consolidates in areas outside Europe.

The future may also bring increased global governance through translocalism. In such arrangements substate municipal and provincial authorities from across the planet collaborate directly, without the mediation of nation-states, in the regulation of common problems. Examples of translocal global governance include United Cities and Local Governments (UCLG), with several thousand members in 127 countries, and ICLEI-Local Governments for Sustainability, which links some 500 substate authorities across 67 countries to pursue improvements in global environmental conditions.

Still further expansion of global governance has transpired in recent decades through private mechanisms with a transplanetary extent (Cutler *et al.*, 1999; Hall and Biersteker, 2003). Contrary to widely held assumptions, societal regulation does not per se have to occur through public-sector bodies. Instead, business consortia and/or civil society associations can construct and administer governance arrangements for various aspects of global affairs. The many examples of private global governance include the Forestry Stewardship Council (FSC, to promote ecologically sustainable logging), schemes for corporate social and environmental responsibility (CSER), the International Accounting Standards Board (IASB, to improve and harmonise

modes of financial reporting), and the International Fair Trade Association (IFAT, to advance the position of poor producers in global commerce).

A final category of growing global governance in contemporary history crosses the public-private divide with hybrid arrangements (Bull and McNeill, 2007). These constructions, which have mainly arisen during the past decade, involve global regulation through institutions that combine public, business and/or civil society elements. Examples of these public-private hybrids include the Internet Corporation for Assigned Names and Numbers (ICANN) and the Global Fund to Fight AIDS, Tuberculosis and Malaria.

Given this sixfold variety of forms, contemporary global governance could be described as comprising multiple multilateralisms. Old-style 'international organisation' involved just one kind of multilateralism, namely, intergovernmental arrangements. Thus the architects of 1945 envisioned that global governance would entail the United Nations system plus several intergovernmental institutions for finance and trade. In contrast, sixty years later global regulation in addition encompasses transgovernmental, interregional, translocal, private, and hybrid multilateralisms. Rather than being an umbrella for the whole of world order, the UN has become one site among many for planet-spanning governance.

The studies in this book examine cases of each of these diverse types of global governance, with the exception of translocalism. The first six chapters concern more traditional intergovernmental apparatuses (UN, World Bank, IMF, WTO, Commonwealth, OIC). Then two chapters examine cases with significant transgovernmental qualities (OECD, G8). The ninth chapter considers ASEM as an interregional arrangement. In the final four case studies, CSER in respect of climate change and IFAT involve private global governance, while ICANN and the Global Fund illustrate the development of public-private combinations. The question of course arises whether some institutional forms of global governance are more amenable to positive civil society influence than others, a matter which is addressed in the conclusion of this volume.

Appearing in these diverse manifestations, global governance is a growing reality of contemporary society. The number of regulatory agencies with planetary jurisdictions and constituencies has proliferated over the past hundred years and at a generally increasing rate, especially in recent decades. Moreover, most global governance bodies have expanded over time in terms of their mandates and

resources. Today global governance arrangements figure significantly in every area of public policy, including the most politically charged matters such as human rights, migration, money, policing and military affairs.

Not all governance in contemporary society takes place through regulatory agencies with a planetary reach, of course. Global governance for the most part complements rather than cancels regulatory arrangements on regional, national and local scales. In particular there is no sign that growing global governance entails a contraction, let alone demise, of the nation-state. On the contrary, territorial states generally remain as robust as ever in today's more global world, if not more so (Weiss, 1998; Sørensen, 2004). The major national governments in particular nearly always figure as highly influential players in respect of global public policy concerns. Thus it is not a question of contemporary societal regulation occurring through global regimes *or* regional institutions *or* national governments *or* local authorities. Rather, the operative conjunction is 'and'.

Thus governance of any public policy issue today involves a multifaceted trans-scalar network of institutions. In regard to trade, for example, IFAT and the WTO operate on a global scale, while close to 300 inter-state trade agreements concluded since 1945 relate to regional domains (Cosbey *et al.*, 2004: 2). In addition, states continue to act on trade in respect of national realms, and municipal and provincial governments regulate trade as it impacts their respective jurisdictions. Similar trans-scalar complexes of governance apply to any other area of contemporary public policy: communications, education, employment, environment, finance, health, migration and so on. In all of these cases, global regulatory agencies do not stand alone, but are encompassed within larger poly-centric governance networks (Reinecke, 1999-2000; Scholte, 2005: ch 6; Scholte, forthcoming).

Yet, although global-scale rules and regulatory institutions form only a part of the whole, they are a vital and indispensable aspect of contemporary governance. A more global world of the kind that has emerged over the past half-century requires some significant measure of planet-spanning governance arrangements for the provision of global public goods (Kaul *et al.*, 1999, 2003; ITFGPG, 2006). For one thing, global regimes of technical standardisation are required to make possible transplanetary communications, disease control, production processes, etc. In addition, significant elements of global-scale coordination are required for effective responses to matters such as global ecological changes, global financial crises, global

criminal networks, global arms proliferation, and more. To be sure, there are strong arguments to embrace a principle of subsidiarity, whereby regulation should be devolved to the smallest possible scale. For both technical effectiveness and democratic legitimacy, governance generally works best in the closest possible connection with the affected persons. Yet even if global rules and regulatory institutions were pared down to the minimally required proportions, planet-spanning arrangements would still remain an important feature of governance in the more global society that people now inhabit. The question is therefore not whether global governance will exist in the years to come, but what forms and proportions it will take, and what policies and outcomes it will promote.

Of course global governance arrangements rarely have total planetary coverage, in the sense of affecting – or affecting to equal extents – every person at every spot on the earth. 'Global' (spread across the planet) can therefore be distinguished from 'universal' (encompassing the whole planet). Indeed, some global governance instruments like the Commonwealth, la Francophonie, and the OIC only aim at some rather than all people and countries across the globe. A global regulatory apparatus need not reach everywhere and evenly across the planet, just as a nation-state usually does not touch every inhabitant and locale in a country to the same degree.

Finally, as should be apparent from the tone of this discussion so far, the term 'global governance' is not invoked here in any particular normative sense. To speak of global governance is not to assume anything – either positive or negative – concerning the effectiveness and legitimacy of the arrangements in question. Global governance is not inherently functional or dysfunctional, equitable or inequitable, democratic or undemocratic, culturally homogenising or culturally pluralising, imperialist or emancipatory. Global governance is not intrinsically a good or a bad thing. This book neither applauds it nor decries it as such. The analysis merely recognises that global-scale regulation exists as a functional necessity of a more global world. Moreover, the phenomenon will in all likelihood continue to grow – and grow very substantially – as further globalisation unfolds.

Whether global governance has beneficial or harmful effects depends on how it is practiced. The compelling need is therefore to do global governance well. Positive accountability processes can help to that end. Indeed, critical investigations of accountability – such as undertaken in this book – could contribute to the construction of alternative and better global governance in the future.

Accountability

As noted in the introduction to this book, accountability is crucial to the establishment and maintenance of the effective and legitimate global governance that the present-day world vitally needs. In the absence of suitably accountable global-scale regulation, humanity today suffers major deficits in the provision of global public goods such as communications infrastructure, ecological integrity, financial stability, good health, peaceful dispute settlement, and potable water. Thus accountability is not an optional extra in planet-spanning governance institutions, but goes to the heart of providing decent human lives for all in the more global society that has emerged over the past half-century and looks very likely to develop further in the decades to come.

Yet what, more precisely, is entailed by ‘accountability’; and how does it relate more specifically to global governance agencies? For what are these institutions accountable? To whom are they accountable? Over what time frame does their accountability extend? By what means do global governance organisations practice accountability, and how adequate are the existing instruments? These questions are examined in turn below.

Ahead of that more detailed discussion it should be stressed from the outset that this book approaches accountability with a critical democratic purpose. That is, accountability is understood here principally as a means to constrain power and make it responsive to the people that it affects, including in particular people who tend otherwise to be marginalized and silenced. This emphasis on *democratic* accountability contrasts in particular with a widespread contemporary discourse of so-called ‘good governance’, in which accountability often figures primarily as a means to promote financial responsibility and efficient performance. Of course these more technical aspects of accountability are also important for policy success, and when well integrated with other concerns can complement and further democratic ends. However, as many painful historical experiences have shown – including such extremes as the slave trade and concentration camps – a fixation on efficiency can sideline and undermine democratic values, with potentially dire consequences. Given that prevailing approaches to political economy have in recent times tended to overplay efficiency aspects of accountability, it is important that other analyses such as those collected in this volume give due emphasis to democratic concerns.

What is ‘accountability’?

In spite of contrasting notions regarding the purpose of accountability, orthodox and alternative perspectives can concur on its broad nature. Across the diverse conceptions there is general agreement that accountability is a condition and process whereby an actor answers for its conduct to those whom it affects. In a word, if A takes an action that impacts upon B, then by the principle of accountability A must answer to B for that action and its consequences. In elaborating this starting point different notions of accountability have contrasting ideas about who ‘B’ is, what kinds of impacts must be answered for, and how ‘A’ should answer for them. However, all approaches to accountability embrace the broad principle that actors should be answerable for their actions (and sometimes also inactions).

Accountability can be understood to have four principal aspects: namely, transparency, consultation, evaluation, and correction. These four general qualities apply whether the accountable agent is a global governance institution or any other kind of actor, be it a state, a corporation, a political party, a civil society association, or an individual. Other analysts have developed other fourfold conceptions of accountability on broadly similar lines, albeit with some different emphases (Coleman and Porter, 2000; Blagescu *et al.*, 2005; Ebrahim and Weisband, 2007).

With respect to *transparency*, accountability requires that A is visible to B. In other words, the affected constituents must always, from the start to the finish of a given action, be able to see what the affecting actor is doing and how. In a situation of accountability, impacted circles should be able readily to discover what decisions are taken, when, by whom, through what procedures, on the basis of what evidence, drawing on what resources for implementation, and with what expected consequences. Without such information B is left ignorant and cannot effectively scrutinise A; thus transparency is a *sine qua non* of accountability (Holzner and Holzner, 2006; Hood and Heald, 2006). Of course there are situations (such as criminal investigations and advance notice of certain changes to macroeconomic policy) where public interest may require some temporary restrictions on the release of information. However, in accountable governance the default position is timely and full disclosure, and any exceptions to that rule require thorough justification.

With respect to *consultation*, accountability requires that A explains intended actions to B and adjusts plans in the light of information, analysis

and preferences heard from B. In other words, decision-taking is accountable when affected people are incorporated into the deliberations and have opportunities to shape the outcomes. In thorough accountability this participation extends across the policy cycle, from the initial agenda formulation to the final report. The consultation may be direct (involving the affected persons themselves) or indirect (involving mediating parties such as parliaments and civil society associations). In the case of indirect participation the mediating agent should in its turn be accountable to those for whom it purports to speak.

With respect to *evaluation*, accountability requires that the impacts of A's actions on B are thoroughly and independently monitored and assessed. Such evaluations might take the form of academic studies, civil society reports, judiciary proceedings, media investigations, officially commissioned enquiries, parliamentary reviews, or testimonies of the affected persons themselves. Accountability entails an obligation to determine how affected circles have been affected. Impacted persons have a right to know how well the impacting agent has complied with its decisions and achieved the promised results. Stakeholders furthermore have a right to receive tenable explanations when outcomes have fallen short of expectations.

With respect to *correction*, accountability requires that A provides B with redress in cases where A's actions have had harmful consequences for B. This compensation might take the form of apologies, policy changes, institutional reorganisations, staff reprimands and resignations, reparations, or even incarcerations. In a situation of accountability, affected circles must be assured that affecting actors take responsibility for their actions and learn from any mistakes.

Applying these four general points to the issue at hand in this book, a global governance institution would be accountable to the extent that it is transparent to those affected, consults those affected, reports to those affected, and provides redress to those who are adversely affected. Each of the case study chapters in this volume assesses the performance of the global governance agency in question on these four lines and considers in what ways and to what extents civil society activities advance these four facets of accountability.

As diverse experiences across the thirteen cases show, there are multiple ways to practice accountability in global governance. On the one hand, the different institutions adopt different instruments to enact transparency, consultation, evaluation and correction. On the other hand, different constituen-

cies (academe, business, diasporas, faith groups, governments, women, workers, etc.) have different needs and expectations as regards accountability processes that are meaningful to them. Thus accountability is anything but straightforward and on the contrary remains heavily contested. Moreover, while it is important to identify and learn from good practices of global governance accountability, it would be unhelpfully simplistic to hold up certain frameworks as a 'best practice' blueprint that should be followed by all institutions in all circumstances.

Who is accountable?

Are global governance agencies subject to accountability requirements? Do they fit the category 'A' in the general definition above? After all, traditional (often dubbed 'Westphalian') doctrines of international law and international organisation would have it that states are the sole actors in world affairs, with the implication that only national governments would have obligations of accountability in global arenas. Indeed, many state leaders today still insist on old-style notions of 'sovereignty' in their dealings with global governance institutions. Likewise, councils, management and staff of global regulatory agencies – especially the intergovernmental bodies – are often only too ready to absolve themselves of responsibility by attributing all power and accountability in their operations to the member states.

True, fifty years ago few issues of accountability arose in respect of global governance institutions themselves. At that time 'international organisations' were few in number, small in size, and limited in scope. Societal regulation was undertaken more or less wholly and solely by nation-states. Thus accountability for public policy both domestically and internationally could be attached more or less entirely to national governments and key decision-takers within those governments. In this Westphalian world the buck stopped somewhere, and everyone more or less agreed where that was: the sovereign state.

However, contemporary governance has a post-statist character, in the sense that, as seen above, societal regulation now involves multiple kinds of actors in addition to national governments. Governance has become post-sovereign, in the sense that policy processes are institutionally diffuse and lack a single locus of supreme, absolute and comprehensive authority. Today no regulatory body – including a state – constructs public policy on its own. Global institutions, regional agencies, state bodies and substate authorities are embedded together in a host of polycentric networks that oper-

ate in respect of different public policy issues. None of the parties involved holds a clear position of final arbiter.

The relative simplicity of Westphalian accountability equations therefore no longer applies in world politics. In today's polycentric governance apparatus it is well-nigh impossible to link accountability neatly and simply to a single decision point, or even to a single type of actor like the state. Public policy emanates from – and accountability correspondingly applies to – complex networks rather than one or the other player in isolation.

For example, who is accountable in the case of Internet governance? Is it ICANN? Is it parallel private regulatory mechanisms such as the World Wide Web Consortium (W3C) and the Internet Engineering Task Force (IETF)? Is it (and should it be more) the International Telecommunication Union (ITU) as the most relevant public global agency? Is it the United States Department of Commerce as underwriter of ICANN or the State of California under whose laws ICANN is incorporated? Is it other nation-states who acquiesce to these largely privatised arrangements of Internet governance? Is it the software companies, civil society groups and individual programmers who share in the operation of ICANN, W3C and IETF? The obvious answer is that all of these participating actors have a case to answer, both individually and collectively. Yet this principle of multifaceted accountabilities is not easily translated into practice: which parts of public policy networks should be held to account, to what respective degrees, how, and to whom?

Indeed, there is considerable danger that governance agencies exploit these post-sovereign circumstances of diffuse polycentric decision-taking to avoid accepting due responsibility for their actions and omissions. In one recurrent scenario, for example, major states and the UN blame each other for policy failures regarding peace and security. Likewise, client states and the IMF habitually fault one another for flawed macroeconomic policies: the governments complain of imposed conditionalities; and the Fund protests that its role is only advisory. Similarly, protagonists in other policy areas regularly claim that some other agency is responsible for failures: e.g., to deliver essential medicines to AIDS sufferers; to ensure adequate food for all; to take measures against climate change; to halt manipulations of global finance for tax evasion; etc. In situations of polycentric governance where the buck does not stop it is all too easily passed.

It is vital to resist these temptations of finger pointing and to insist on retaining accountability as a

cornerstone of effective and legitimate governance of global affairs. However, to reaffirm accountability in respect of polycentric public policy networks requires a shift in assumptions away from a now obsolete 'sovereignist' mindset that seeks to attach ultimate responsibility to a single highest authority. Instead, accountability needs to be understood and practiced in contemporary governance in a dispersed and shared fashion. All nodes in a given public policy network – including the global regulatory institutions involved – must do their part to deliver transparency, consultation, evaluation and corrective action.

Thus global governance agencies, too, must answer for their actions and omissions, albeit usually as parts of larger regulatory arrangements rather than as players in isolation. The councils, managements and staffs of global governance institutions share in generating the impacts of public policy on contemporary society. The influence of these transplanetary agencies must not be exaggerated, but it must not be denied and ignored either. The corresponding responsibilities cannot justifiably be wholly transferred to states and other parts of the relevant public policy network. Some responsibility – and associated requirements of accountability – lies with the global governance mechanism itself.

Accountability for what?

If global governance institutions need to be held accountable for their share in contemporary societal regulation, for what more specifically is each agency answerable? This question can be treated in terms of the overall purpose of the governance body, as well as the various activities that the organisation undertakes in pursuit of that mandate.

As noted earlier, global governance mechanisms are indispensable to the delivery of many public goods in today's more global society. Each of these regulatory instruments is meant to advance one or several planet-spanning public goods, whether in respect of conflict management, cultural creativity, disease control, ecological sustainability, financial stability or technical standardisation. Often this mandate is expressed explicitly in the constitutional document that established the institution, like the Charter of the United Nations. Instances of informal global governance like the G8 and certain CSER schemes lack a founding legal convention of this kind, and their respective purposes must be deduced from other declarations and actions. In some cases like the OECD the objectives and corresponding activities of a global governance apparatus may range quite widely.

Yet however its mandate is expressed, a global governance institution is first and foremost answerable for the ways and degrees that it does or does not further whatever public good(s) it exists to promote. This accountability can be more specifically assessed in line with the fourfold framework set out above. Thus, firstly, how transparently does the agency in question pursue its delivery of the given global public good? Secondly, how consultative are the institution's policy processes in respect of providing that global public good? Thirdly, how well is the organisation's performance evaluated in regard to furthering that global public good? Fourthly, how well does the global governance actor in question correct its shortcomings in promoting the particular global public good?

To answer this 'accountability for what' question, each of the case studies in this book identifies the general rationale for the global governance institution in question and summarises the various activities that the agency undertakes in pursuit of that *raison d'être*. This specification of mandate is important for the formulation of suitable accountability demands in respect of the organisation. A lack of clarity regarding the objectives and activities of different global governance bodies can lead people to formulate inappropriate calls for accountability and/or to direct them to the wrong places. In this vein, for example, civil society activists have often confused the IMF and the World Bank, which although related have distinct purposes and programmes.

That said, in some instances stakeholders can have understandable grounds to wish that a given global governance body would be tasked with a different mandate than the one that the institution formally holds. For example, some advocates might urge that bodies like the WTO should pursue more ambitious objectives than are set out in their charters in respect of ecological sustainability or social justice. In such cases the resulting demands of accountability will exceed that for which the regulators themselves may feel responsible.

Accountability to whom?

Having established that global governance institutions need to practice accountability, and for something, a further issue arises about the audience for that accountability. Who are the constituents of global regulatory agencies? Who are the stakeholders who have a right to claim accountability from these bodies?

By the general definition of accountability adopted earlier, an actor ('A') is answerable to those whom it affects ('B'). In line with this 'affected principle', a

global governance institution is accountable to those whose lives and life chances it influences. These people collectively form that agency's constituency: its public. As the political philosopher John Dewey expressed it, 'the public' comprises those persons who are affected by a given set of transactions to such an extent that the consequences need to be cared for (Dewey, 1927: 15-16). Thus to determine who has a right to claim accountability of a given global regulatory body (or certain of its actions) one must in each case identify the relevant public.

The contours of this public may vary according to the institution. For example, IFAT addresses a global public comprised mainly of the producers and consumers of fair trade goods. For its part, the OIC in the first place addresses a transplanetary community of Muslims, or *umma*. The Global Fund has as its key stakeholders donors and persons living with the three diseases that it combats. More diffusely, the UN claims in the Preamble to its Charter to serve 'we, the peoples', an umbrella that now encompasses more or less the whole of humanity.

To be sure, the question of constituency in global governance can become complicated, since different stakeholders may have divergent and competing interests in respect of a given regulatory arrangement. For example, in handling matters of Third World debt the G8 has affected creditor institutions, debtor governments, investors in global financial markets, and residents (including many destitute people) in poor countries. How does and/or should the G8 prioritise its accountabilities among these to some extent rival audiences? Similarly, how do CSER schemes related to climate change negotiate the various and sometimes contending claims for accountability held by company shareholders, employees, customers, and persons who bear the brunt of global warming, both now and in future generations?

Thus accountability *to whom* is often a highly charged political matter, in global governance as elsewhere. Depending on which stakeholders are favoured, accountability practices in global governance can either perpetuate or alter existing configurations of power. In some cases, accountability arrangements in global governance may mainly serve constituents who are already strong, such as major governments and large corporations. Alternatively, a global regulatory body may practice transparency, consultation, evaluation and correction in ways that expand political space for marginalized groups such as slum dwellers and indigenous peoples. To put the matter in terms of deeper social structures, global governance accountability can, depending on its design and operation, either

reinforce or counter established hierarchies of age groups, castes, countries, classes, cultures, genders, races, sexualities, and so on.

Hence there is nothing inherently democratising in accountability. On the contrary, certain kinds of transparency, consultation, evaluation and redress can actually widen social inequalities and entrench authoritarian rule. To make global governance more accountable is not in itself a sign of greater democracy. It all depends on which stakeholders are addressed by, and benefit from, accountability processes, and to what relative extents. To ensure that accountability in global governance has democratising consequences it is vital that all constituencies are identified, recognised and answered. To this end, for instance, global governance transparency would need to be practiced in ways that reach all stakeholders, including those who may be illiterate, speak minority languages and lack Internet access. Hence posting technical jargon in English on a website would not constitute effective transparency for many constituents. In addition, accountability processes that are more deeply democratic would need to give particular attention and priority to disadvantaged stakeholders who tend otherwise to remain marginalized. In this vein, for example, case studies in this book show how certain accountability exercises in global governance have enhanced voice for poor producers, women, and citizens of weak states.

A further important consideration when identifying 'the public' in respect of global governance relates to time. The temporal frame for accountability arguably extends for whatever period given global governance actions have significant impacts. Depending on how one measures 'significance', that period could extend anywhere from seconds to centuries. Indeed, contemporary demands for reparations in respect of the harms of colonialism imply that accountability can apply over quite a long term. Likewise, some commentators maintain that today's policymakers are accountable to as-yet unborn future generations for the ecological consequences of current practices. The present discussion is not the place to elaborate on complex ethical issues of responsibility over time. It suffices here to stress that the constituency of a global governance institution has historical as well as social and political parameters.

Accountability by what means?

In order to determine who is and is not being served by global governance accountability it is important to identify and assess the institutional mechanisms that a given agency uses in order to enact transparency, consultation, evaluation and

redress. One of those channels of accountability – relations with civil society groups – is the subject of special attention in this book. However, before exploring this particular angle in greater detail it is helpful to contextualize civil society engagement within the wider array of means that are available to make global regulatory institutions answer to stakeholders.

Regrettably, the review that follows suggests that global governance arrangements in general do not at present operate adequate accountability mechanisms, especially when measured against democratic criteria. To begin with, contemporary global regulatory institutions themselves incorporate very few formal procedures for direct accountability to affected persons. In addition, global governance accountability pursued indirectly through organs of the nation-state tends to be weak as well. Indirect accountability through local, regional and other global regulatory agencies is usually even thinner. Meanwhile informal accountability mechanisms for global governance – for example, as enacted through companies, mass media operations and civil society activities – do not come close to filling the gaps left by formal procedures.

Direct mechanisms

To begin with direct links between the governors and the governed, the constitutions of global regulatory agencies lack the principal instruments of democratic accountability that operate in the modern state. No popular elections are held for global executives or global legislatures, so affected publics do not have this basic means of direct consultation and control. In a singular exception to this rule, ICANN conducted an online general election in 2000 for five 'at large' directors on its board; however, this unique experiment in putative global representative democracy proved highly problematic and has not been repeated since (Klein, 2001). World federalists have proposed various designs of global parliaments (Falk and Strauss, 2001; Monbiot, 2003), but there is at present no particular prospect that such speculations will bear concrete results in the foreseeable future.

Similarly, global governance bodies generally lack their own judiciary processes through which affected constituents might seek evaluation and correction of flawed policies. Such global courts as do exist (e.g. the International Court of Justice in The Hague, the International Court of Arbitration of the International Chamber of Commerce in Paris, and the International Criminal Court in Rome) examine cases related to states, firms and individuals; they do not adjudicate on conduct of global regulatory agencies. Nor is it possible for citizens

to take a global intergovernmental institution to regional, national or local courts for alleged policy mistakes, since the agency and its personnel generally enjoy immunity from prosecution in respect of the official mandate of the organisation. Meanwhile transgovernmental networks like the G8 do not even have legal personality and so cannot be a named party in court.

In a quasi-judiciary construction several global governance institutions have recently established permanent external review bodies that invite testimony from affected stakeholders as part of their assessment exercises. In this vein the World Bank has operated an Inspection Panel since 1994, and the IMF has had an Independent Evaluation Office since 2001. Yet these units are small and can at most conduct two or three enquiries per year, each involving only a handful of public inputs. Moreover, the recommendations that result from these occasional investigations are not binding. Other global governance agencies lack even this modest scale of regularised formal assessment of their policies. At best, bodies like the Commonwealth, the Global Fund, the OECD and the UN commission an occasional ad hoc external review of one or the other of their activities.

In sum, then, the contemporary growth in influence of global governance processes has not been accompanied by a corresponding development of formal accountability mechanisms which link these agencies directly to the publics they affect. The principal emphasis in official accountability procedures for planet-spanning governance remains with indirect processes, where connections between the global agency and impacted circles are forged through the mediation of third parties such as national governments, the mass media and civil society organisations.

Indirect mechanisms: the state

Today, as in the past, nation-states are generally expected to be the main intermediary between global governance institutions and citizens. Indeed, state oversight is built into the heart of the constitutions of many global governance bodies. Global intergovernmental institutions normally have an overseeing organ composed of high-ranking delegates of member states. Examples include the General Assembly of the United Nations, the Board of Governors of the IMF and the World Bank, the WTO Ministerial Conference, the Commonwealth Heads of Government Meeting (CHOGM), the Islamic Conference of Foreign Ministers of the OIC, and the OECD Council. Likewise, certain informal global governance instruments like the Asia-Europe Meeting and the G8 convene periodic summits of

state leaders that confirm principal policy initiatives. Some global regulatory agencies also have organs for day-to-day oversight of their operations by representatives of national governments. In this vein the United Nations has its three Councils (Economic and Social, Human Rights, Security), while the Bretton Woods institutions have their respective Executive Boards. All of this on-site involvement by high-level national ministers and officials keeps global governance agencies of the intergovernmental and transgovernmental kind closely in touch with the views and priorities of their member states.

However, a state-based approach to global governance accountability also has several significant limitations. For example, some global regulatory arrangements like the G8, the OECD and the Bank for International Settlements (BIS) have substantial impacts on countries whose governments are not members. Although some of these excluded states might be informally consulted from time to time, they have no official seat in the institution where they can speak for their populations. Meanwhile, state monitoring is not integrated at all into the procedures of private global governance instruments like CSER and IFAT. State involvement is also marginal in the daily operations of hybrid arrangements like the Global Fund and ICANN.

Even where states are members who have delegates integrated into the institutional operations of a global governance agency, those representatives may in the case of weaker states exercise little effective voice. For instance, how well can the government of Bangladesh make WTO arrangements genuinely accountable to the population of that country? How far can the fragile state apparatus in Sierra Leone provide an adequate check and balance on behalf of the national population vis-à-vis the comparatively formidable World Bank?

To be sure, member states working collectively can today still counter the influence of even the strongest global governance institution; yet it is questionable whether the voices of weaker governments obtain much volume in the overall chorus. A handful of states currently dominate most intergovernmental and transgovernmental arrangements, for example, with permanent membership in the UN Security Council and the largest shareholdings in the Bretton Woods institutions. The same elite of states often also figures strongly behind the scenes in private and hybrid regulatory mechanisms (e.g. the US Department of Commerce in relation to ICANN). In contrast, the scores of other states whose jurisdictions together encompass the large majority of humanity may participate in little more than name. Collective actions by the Group of 77 at

the UN, the Group of 24 at the IMF and the World Bank, and the Group of 90 at the WTO have on the whole accomplished little in altering hierarchies of state influence in those institutions.

Yet in any case accountability to states, whether they be powerful or weak, does not necessarily translate into accountability to (all) affected people. To be successful mediating agents of global governance accountability, states must in turn answer to those for whom they purport to speak. However, it is not clear that, for instance, government ministers at an OIC conference or technocrats in the World Bank Executive Board are particularly attuned to the needs and opinions of various non-state stakeholders in their home countries. On the whole, only extended and weak chains of accountability link state delegates in a global governance arena to the wider publics that those officials notionally represent.

In principle, tighter democratic accountability of global governance institutions through states could be forged with rigorous oversight by national parliaments. After all, parliamentarians have direct links to well-defined popular constituencies, and electoral exigencies compel these legislators to be responsive to their voters. Yet in practice national parliamentary scrutiny of a state's actions in global regulatory arenas has been patchy at best. Indeed, outside North America and Western Europe such oversight has to date barely transpired at all. Global governance issues rarely figure with prominence in national legislative elections anywhere in the world, North or South, and citizens hardly ever take concerns about global governance to their national legislators. National parliaments hold few hearings, let alone full-scale enquiries, into global governance matters. Parliamentary outreach by global regulatory agencies has generally not gone beyond preparing an occasional seminar for legislators. Even more rarely has the director of a global governance body given evidence before a national parliamentary committee.

Developments have been only marginally more promising in respect of actions on global governance taken by international groupings of national legislators. The Inter-Parliamentary Union (in existence since 1889) and the Commonwealth Parliamentary Association (created in 1911) have performed no noteworthy scrutiny of global governance institutions. A somewhat stronger record has come from Parliamentarians for Global Action, a grouping of over 1,300 members from 110 national legislatures that has addressed various United Nations activities since the late 1970s. A Parliamentary Network on the World Bank (PNoWB) has operated since 2000 with an explicit aim to

enhance the accountability of that institution. However, efforts since 2003 to create a similar Parliamentary Conference on the WTO have made less progress, and initiatives of this kind have not arisen at all for other global governance bodies.

Given these and other disappointments, many citizens today have limited faith that their national government (either the executive or the legislative branch) can deliver adequate democratic accountability of any kind, whether in respect of global governance or more generally. High and in many cases rising levels of voter absenteeism are one obvious indicator of this scepticism. Indeed, rather than turn to the state to make global governance more accountable, some citizens today conversely look to global regulatory mechanisms to make their state more accountable. For example, a number of human rights campaigners have sought to counter the democratic failings of their state through UN bodies. Likewise, civil society groups in some countries have used the Bretton Woods institutions to press for greater fiscal accountability in their national governments.

Still another way that states are not adequate by themselves as agents of global governance accountability relates to inadequate representation of political identities. The modern state generally addresses 'the demos' in terms of a national community whose homeland corresponds to the terrain of the state's jurisdiction. However, people in contemporary global affairs hold more complex political identities than their national citizenship alone. For example, many diasporas, faith groups, indigenous communities, peasant circles, sexual minorities, and women's movements do not feel that the government of the country in which they reside 'represents' them sufficiently. Likewise, disabled persons could justifiably complain that states took until 2006 to pass a convention through the UN regarding their specific rights. Various non-national publics therefore seek alternative mechanisms in addition to, or even instead of, the state to obtain fuller accountability from global governance institutions.

In sum, then, while states singly and together can be an important force for accountable global governance, they have proved to be far from sufficient on their own. Many states obtain limited voice in global regulatory organisations or are excluded from membership altogether. Weak states can be in highly dependent relationships to some global governance agencies. National parliaments, both individually and collectively, have comprehensively neglected their potentials for advancing accountable global governance. Many states themselves have poor democratic credentials vis-à-vis all or part of

their resident populations, including significant circles of people who do not turn solely or even substantially to the state to advance their political destiny. Accountable global governance therefore needs more than oversight by national governments.

Other indirect mechanisms

If global governance agencies provide barely any direct accountability to affected persons, and if states provide only limited indirect accountability, what other indirect mechanisms could be available to address the remaining (substantial) democratic deficits? Some of the potential additional channels are official, namely, through governance agencies constructed on other than national scales (local governments, regional institutions and other global regulatory bodies). Further possible channels of indirect accountability are unofficial, including corporate, media and civil society activities.

Given that local and regional institutions operate in contemporary governance with some relative autonomy from national governments, these sub-state and suprastate agencies could in principle extract some supplementary accountability from global regulatory bodies. Indeed, certain global governance instruments like UCLG and ASEM are themselves built around, and direct their accountability in the first place to, local and regional bodies rather than nation-states. Overall, however, translocal and interregional organisations have so far occupied only a tangential place in global governance.

Nor have local authorities appointed significant representations to monitor global intergovernmental and transgovernmental agencies, in the way that municipal and provincial bodies maintain a substantial presence in Brussels to engage the European Union. A few associations of local authorities hold consultative status at the UN, but they play only the most marginal of roles in that institution. Substate agencies are absent altogether in most other global regulatory agencies. Thus while local government may be the scale of governance that generally operates with closest proximity to the everyday lives of most people, at present municipal and provincial authorities generally do little to connect their constituents to global regimes.

As for suprastate regional governance institutions, only the EU at present has the potential to extract much accountability from global regulatory bodies. This significance is particularly striking in the WTO, where the EU rather than its member-states is the principal player. The future may also see an EU seat replace the relevant member-states on the oversee-

ing boards of the Bretton Woods institutions. For its part the EU Parliament (directly elected since 1979 and now counting 785 deputies) has given some, albeit irregular, attention to global governance matters, particularly in respect of trade; however, this scrutiny has not had major accountability effects.

Among regional institutions the EU is an exception in pursuing even limited global governance accountability. Other bodies such as the African Union (AU), ASEAN and MERCOSUR have to date barely made an appearance in global regulatory arenas. They have therefore done nothing of note to advance transparency, consultation, evaluation and redress in global governance agencies. Likewise, other regional parliaments like the Consultative Assembly of the Arab Maghreb Union (launched in 1989) and the Latin American Parliament (operating since 1987) have generally done even less than national legislatures to monitor global regulatory institutions.

Another possible channel of accountability vis-à-vis global governance institutions is among the planet-spanning agencies themselves; yet these relationships, too, have contributed little to date. The United Nations has at times aspired to the status of *primus inter pares* among planet-spanning regulatory institutions, where for example all global economic institutions would report to the UN Economic and Social Council (ECOSOC). However, in practice this wider oversight by the UN is weak. Indeed, many recently created global governance arrangements (especially those of a transgovernmental and private character) ignore the UN altogether. Meanwhile, in the reverse direction other global agencies accomplish little to hold the UN itself to account.

Some degree of informal peer review does operate among global economic institutions. In this vein management and staff of agencies such as the BIS, G8, IMF, OECD, UN, World Bank and WTO through regular contacts critically monitor one another's work. However, this mutual surveillance has a mainly technocratic character, centred on the niceties of macroeconomics, and operates within a narrow and fairly closed circle of global managerial elites. Such processes of professional peer review incorporate little inputs from the experiences and preferences of wider publics and hence do little to strengthen democratic accountability.

Turning to unofficial channels, global governance accountability can be indirectly pursued through corporations, whether as individual firms or as business associations like the International Organisation of Employers (IOE) and the World Econom-

ic Forum (WEF). Corporate lobbies have developed significant relationships with most global regulatory agencies, especially those institutions that work in the fields of finance and trade. Indeed, many private global governance mechanisms like the IASB, the International Stock Market Association (ISMA), and the large gamut of CSER schemes are borne of business initiatives. In addition, corporate philanthropy has become a significant source of financing for much of the UN system as well as a number of public-private hybrid instruments such as the Global Fund. In these different ways business-based pressures for accountable global governance can come with considerable clout.

Yet as and when corporate actors do seek to make global governance institutions more accountable, the crucial questions remain to what end and for whose benefit that accountability operates. The capitalist enterprises that dominate contemporary production normally focus on a 'bottom line' of financial profitability and a corresponding principal concern to advance shareholder interests. That priority does not necessarily further public interests of efficiency and/or democracy. Indeed, it can sometimes lead companies to undermine those goals, e.g., with cartel behaviour and undue influence over political parties. Drives to maximise financial returns may also sit uneasily with other qualities of a good society such as cultural creativity, distributive justice, ecological integrity and peace. Increased accountability to the corporate sector could therefore in some ways actually contradict urgent contemporary needs for more effective and legitimate global governance.

Recognising these tensions, some business circles have in recent times adopted notions of 'corporate social and environmental responsibility' that aim to broaden the accountability concerns of companies beyond shareholder returns alone. However, this promotion of a 'triple bottom line' (financial, social and ecological) has chiefly emanated from larger firms in the Anglophone North. CSER remains a relatively minor trend in overall business circles worldwide. Even among companies that have embraced the principle, many have thus far done so more in rhetoric than in concrete action. Indeed, sceptics worry that CSER is a minimalist exercise whose main aim is to pre-empt a more constraining public-sector regulation of business, including through new planet-spanning bodies like a Global Competition Office, a Global Environmental Organisation, and a Global Tax Authority. In any case, even where promoters of CSER work with the general interest at heart, global governance accountability pursued through companies can at best supplement public mechanisms. No amount of CSER

can adequately reconcile the inherent tensions in privately owned capitalist enterprise between shareholder concerns and the overall public good.

This general conclusion also holds with respect to the specific mass media sector of corporate business. Certainly print, broadcast and internet communications can in principle do much to advance democratically accountable governance, including in regard to global regulatory institutions. For one thing, the mass media can provide important channels to enhance the public transparency of global governance agencies. After all, newspapers, radio, television and websites constitute the main sources of day-to-day political information for most citizens in contemporary society. In addition, mass media reporting of public views regarding a given global governance policy or programme can constitute a sort of indirect stakeholder consultation. Likewise, investigative journalism can serve as an important informal evaluation mechanism in respect of global governance. The mass media can also provide powerful channels through which adversely impacted publics can demand redress from global regulatory bodies. Sympathetic media coverage is now pretty well indispensable to the satisfaction of political grievances. Given this substantial influence of mass communications in contemporary politics, most major global governance agencies have in recent decades devoted considerable attention to media relations, *inter alia* by hiring relevant experts onto their secretariats and by instituting media training for their professional staff.

Yet in practice the mass media have not extracted nearly as much accountability from global governance agencies as might be hoped. For one thing the main print, broadcast and internet outlets have provided at best incidental coverage of global regulatory institutions. Moreover, many journalists are poorly educated on global governance, so that their accounts of these matters are steeped in superficiality and inaccuracy. If affected publics are today largely unaware even of the existence of many global governance arrangements, let alone the modus operandi and policies of those organisations, this ignorance is in good part due to the failure of mainstream mass media to report this information. In most cases the high-circulation outlets tend, particularly with commercial interests in view, to present only those relatively few global governance stories that involve scandal or compelling visual footage. Indeed, the capitalist media conglomerates that dominate contemporary global mass communications arguably have little interest in cultivating large-scale critical public awareness of the prevailing regimes that sustain their power. Alternative outlets such as Indy Media and openDemocracy

provide possibilities to pursue deeper accountability in global governance, but their operations and audiences are small. On the whole, therefore, the mass media do little to fill accountability gaps vis-à-vis planet-spanning regulation.

Mass media, corporate business, and broad networks of governance agencies: both singly and collectively, the various direct and indirect means reviewed above for extracting accountability from global governance arrangements are highly unsatisfactory. The problem is both quantitative and qualitative. Regarding quantity, these diverse channels generate inadequate amounts of transparency, consultation, evaluation and redress from global regulatory bodies. Regarding quality, these channels generally bias the limited accountability that is obtained towards the advantaged and the powerful, in terms of social strata as well as geographical areas of the world.

Civil Society

What then of civil society, the particular concern of this book? In what ways and to what extents do civil society associations provide a channel of accountability in respect of global governance institutions? How far do these citizen action groups make planet-spanning regulatory bodies answer for their conduct to affected people? In particular, can civil society activities bring the required: (a) quantitatively, major increases in overall levels of global governance accountability; and (b) qualitatively, substantial redistributions of global governance accountabilities towards less privileged countries and social circles? The next thirteen chapters explore these questions in relation to a range of global regulatory institutions.

As a preliminary step, however, the present conceptual framing chapter examines the general notion of civil society as it relates to global governance. To that end the discussion below first sets out contrasting definitions of civil society and elaborates on the approach adopted in this book. The discussion then reviews the highly diverse manifestations of civil society that exist in relation to global governance. Further remarks consider the sometimes limited ‘civility’ of civil society and the consequent need for thorough accountability of civil society associations as well as global governance agencies.

General conceptions of civil society

Like ‘global governance’ and ‘accountability’, ‘civil society’ has multiple and deeply contested definitions. These conceptions have also varied widely over time since the Latin term *societas civilis* first appeared more than two millennia ago. Aristotle,

Locke, Ferguson, Hegel, Gramsci, and other political philosophers have meant very different things by the concept (Cohen and Arato, 1992). Different generations and different theories have appropriated the phrase ‘civil society’ differently in accordance with different contexts and different political struggles.

Today as well, notions of civil society arguably require some reinvention in order that they generate maximal insight and maximal democratic gains in respect of emergent conditions of polycentric governance. Modern political theory has generally conceptualised civil society in relation to the state. However, as seen earlier, contemporary governance extends beyond nation-states. In this light it makes sense to think of civil society in relation to a governance apparatus more generically, rather than in connection with the state per se. At an earlier historical juncture, when the mode of governance was statist, civil society engaged the state. However, at the present historical moment, when the mode of governance is shifting towards polycentrism, civil society engages complex regulatory networks that involve multiple types of actors, including global governance agencies. Civil society today relates to transplanetary regulatory institutions directly and in their own right, and not merely as adjuncts of states.

But what, more precisely, is ‘civil society’? Four main contemporary usages of the term might be distinguished. First, for some analysts civil society refers to a general quality of a given human collectivity. From this perspective a ‘civil’ society is one where people relate with each other on a basis of openness, tolerance, respect, trust and non-violence (Keane, 2003). A second type of definition identifies civil society as a political space, an arena where citizens congregate to deliberate on the actual and prospective circumstances of their collective life. This conception overlaps considerably with notions of ‘the public sphere’ (Habermas, 1962). A third general approach treats civil society as the sum total of associational life within a given human collectivity (Tocqueville, 1835). In this case civil society encompasses every nonofficial and non-profit organisation outside the family, including bodies like recreational clubs that lack an overtly political character. This third perspective is also broadly reflected in notions of ‘social capital’ (Putnam, 2000). A fourth formulation, invoked widely in policy circles today, sees civil society as the aggregate of so-called non-governmental organisations (NGOs). On these lines civil society involves a ‘third sector’ (alongside governance agencies and market actors) of formally organised, legally registered and professionally staffed nonprofit bodies

that undertake advocacy and/or service delivery activities in respect of some public policy issue (Salamon *et al.*, 1999).

Needless to say, assessments of the extent and consequences of civil society activities in regard to global governance accountability will vary depending on which of these four conceptions one adopts. Analyses based on notions of 'civil' society, or the public sphere, or social capital, or NGOs will generate very different results. The choice of definition therefore cannot be taken lightly and requires careful justification both intellectually and politically.

The present book draws primarily on the second type of conception distinguished above while giving it some of the emphasis on associational life found in the third and fourth approaches. Civil society is taken here to entail *a political space where associations of citizens seek, from outside political parties, to shape societal rules*. As understood in the analyses that follow, then, civil society activities are an enactment of *citizenship*, that is, they are practices through which people claim rights and fulfil responsibilities as members of a given polity. These initiatives are also *collective*, that is, they involve citizens assembling in groups that share concerns about, and mobilise around, a particular problem of public affairs. In engaging that problem civil society associations are especially interested to affect the *rules* (i.e. norms, standards, principles, laws, policies) that govern the issue at hand. As self-consciously *political* actions, civil society operations are steeped in struggles to affect the ways that power in society is acquired, distributed and exercised. However, civil society efforts to shape governance do not – in the way of political parties – aim to attain or retain public office.

This conception of civil society seems more helpful, both theoretically and practically, than other available alternatives when it comes to assessing the effectiveness and legitimacy of contemporary global governance. The first notion identified above, that of civil society as a quality of civility in society, is a broad descriptor that adds little analytical value in respect of contemporary global social relations. With this approach the concept merely confirms the obvious, namely, that openness, tolerance, respect, trust and non-violence are today largely absent from transplanetary social spaces.

The third conception has, significantly, helped Alexis de Tocqueville and others to see that the collective life of human beings involves more than states and markets. This principle applies as well to global spheres, where many relationships (e.g. among a diaspora or sufferers of a common disease) are not reducible to governmental and commercial logics.

However, beyond this important general insight the concept of civil society as the totality of associational life is too diffuse to offer much guidance in research and policy (Chandhoke, 2003). From this perspective everything from sports tournaments and travel clubs to environmental campaigns and human rights advocacy falls under one roof. More exact parameters are wanted to obtain a more precise assessment of the activities and impacts of civil society.

Going too far in the other direction, the fourth conception, that of civil society as the sum-total of NGOs, is overly restrictive. This definition tends to exclude collective citizen actions, such as found in social movements, which are not formally institutionalised, legally certified and professionally administered. Yet much citizen engagement of governance occurs outside an NGO framework, particularly when it involves non-western political cultures and/or more subversive resistance. Global governance institutions generally favour a concept of civil society as NGOs inasmuch as bureaucracies generally find it more convenient to deal with other bureaucracies. Moreover, NGOs often (though not always) present less challenge to deeper social and political structures than other less bureaucratic forms of civil society organisation (Fisher, 1997). It is important that research and policy considers the full range of possible citizen initiatives in respect of global governance and that the starting definition of civil society does not exclude in advance substantial areas of potentially significant activities.

Indeed, various commentators have come to interrogate the very term 'civil society' as being politically suspect. In a Gramscian vein, some sceptics worry that hegemonic power has promoted 'civil society' (particularly in the sense of an aggregation of depoliticised NGOs) as a way to discipline dissent and promote a false legitimacy for an oppressive capitalist order. In a postcolonialist vein, radical critics also worry that 'civil society' is so steeped in western theory and practice that it invariably marginalizes and silences other political cultures in an imperialist project (Germain and Kenny, 2005).

While recognising these dangers, the present book is not as ready to dispense with a concept that has in many contexts across multiple centuries deepened analytical insight and advanced democratic practice. To be sure, ideas of 'civil society' must be employed carefully and critically so that the activities in question are not captured for hegemonic and imperialist ends – and thereby detract from democratic accountability. However, with vigilance against such cooptation and a determined focus on democratic purpose, it would seem that the particular definition of civil society invoked here

can in fact be politically opportune, helping various subordinated circles in contemporary more global society to gain recognition, resources and influence.

Manifestations of civil society

If civil society is understood to be a political space where citizen groups seek from outside political parties to shape societal rules, what kinds of activities fall within this arena? In particular, what sorts of civil society initiatives might seek to extract greater accountability from global governance agencies? Who in civil society pursues transparency, consultation, evaluation and correction in respect of global regulatory arrangements like the WTO, ASEM, CSER schemes and ICANN?

The one-word answer to these questions is diversity. Civil society actions in respect of global governance vary enormously in size (small to large), duration (ephemeral to long term), geographical scope (local to global), cultural context (diverse modernities to non-modernities), resource levels (destitute to affluent), constituencies (broad general interests to narrow special interests), ideologies (conformist to transformist), strategies (cautious to reckless), and tactics (collaboration to confrontation). With such huge variations it is difficult to draw specific overall conclusions about civil society impacts on global governance accountability.

In terms of issues of concern, the wide spectrum of civil society associations involved in global affairs encompasses animal rights activists, anti-poverty movements, business forums, caste solidarity groups, clan and kinship mobilisations, consumer advocates, democracy promoters, development cooperation initiatives, disabled persons alliances, environmental campaigns, ethnic lobbies, faith-based associations, human rights advocates, labour unions, local community groups, peace drives, peasant movements, philanthropic foundations, professional bodies, relief organisations, research institutes, sexual minorities associations, women's networks, youth groups and more. As this list again emphasises, civil society in the conception adopted here takes multiple cultural forms and extends beyond NGOs to other types of actors.

Regarding cultural diversity, the content and style of civil society engagement of global governance varies greatly between, for example, the actions of pygmy groups in respect of World Bank support of the Chad-Cameroon oil pipeline and Japan-based peace associations advocating a ban on land mines. Religious and secular organisations often co-exist uneasily in civil society relations with the UN. Asia-based and Europe-based civil society initi-

atives bring diverse political cultures to the table at ASEM congregations. Anglophone civil society relating to the Commonwealth is one thing, while Muslim civil society relating to the OIC is quite another. Amazonian groups invoke a discourse of 'florestania' in preference to that of 'citizenship' to convey their alternative more ecologically centred understanding of rights and responsibilities in a polity (GTA, 2005). In short, while notions of civil society were until the late twentieth century long rooted in western political theory and action, contemporary understandings and practices of civil society are most emphatically multicultural (Hann and Dunn, 1996).

Regarding types of actors, the inclusion of business forums in civil society is controversial for some and is indeed rejected by several contributors to the present volume. Usually this exclusion rests on the argument that the business sector aims to advance self-interests of profit maximisation, whereas civil society should promote general public interests on a nonprofit basis. However, a distinction can arguably be drawn between, on the one hand, business forums as civil society associations and, on the other hand, individual companies as market players. As civil society actors, chambers of commerce, employer federations, and issue-based corporate initiatives like the World Business Council for Sustainable Development (WBCSD) are often concerned with more than immediate financial returns for their members. Thus, for example, the Bretton Woods Committee, which assembles 700 members mainly from large corporations, has lent its weight to campaigns for poor country debt relief (Orr, 2002). Meanwhile other business associations that seek to shape societal rules are quite detached from big capital, including alternatively minded groups that promote creative commons licences, fair trade schemes, micro-credits, open source computer programming, and collective action by street vendors. Indeed, other civil society groups such as ethnic lobbies and labour unions can focus on narrow sectoral interests no less than some industry associations. Moreover, many advocacy groups like Amnesty International and Oxfam obtain substantial income from retail sales. Given such considerations the exclusion of business forums from civil society lacks logical consistency. The move is also politically dubious. The heavy weight of big business in contemporary advocacy operations may pose a major challenge to democratic global governance, but this problem is not satisfactorily addressed by wishing business-based citizen associations out of the definition of civil society.

Likewise, analysts disagree on whether political parties should, as in this book, be excluded from the scope of civil society. After all, as members of political parties citizens also openly seek to shape the rules that govern various aspects of social life. However, the position adopted here maintains that an important qualitative difference exists between activities which aim to capture public office and those which keep greater institutional distance. Of course every dividing line blurs in practice, for example, as individuals move between positions in civil society and officialdom. Meanwhile some environmental organisations and trade unions have tight connections with green parties and labour parties, respectively. In addition, fringe political parties may have as little expectation of leading a governance administration as student movements and human rights associations. Nevertheless, the general distinction between political parties and civil society associations identifies a significant difference in emphasis between the logics of plebiscites and representative democracy on the one hand and the logics of deliberation and participatory democracy on the other. Electoral-legislative strategies and civil society operations involve very different (albeit potentially complementary) ways of exacting accountability from governance authorities.

The civility of civil society

While the notion of civil society as developed above usefully highlights a distinctive and significant dimension of political life, the terminology unfortunately carries some potentially misleading normative connotations. In particular, the adjective 'civil' can understandably be read to imply that the actors and activities in question have intrinsically positive consequences for effective and legitimate governance. The name can suggest that 'civil society' is inherently a good thing, promoting openness, respect, tolerance, trust and peace.

To be sure, many civil society initiatives do have positive qualities of this kind. Peace movements have often furthered arms control, non-violent conflict resolution, and intercultural understanding. Human rights advocates have countered arbitrary detention and torture, as well as advanced the dignity of disabled persons, indigenous populations, outcasts, people of colour, sexual minorities, and women. Citizen campaigns for animal rights and ecological integrity have on various occasions raised moral standards in human treatment of the rest of nature. Trade unions have in many contexts promoted decent working conditions. Consumer activists have also 'civilised' market relations after the production phase. Development solidarity groups, religious as well as secular, have frequently

put issues of global distributive justice on the political agenda. All of this is to the good.

However, civil society is not inherently civil. The kinds of beneficial outcomes just described do not flow automatically from collective citizen action outside political parties. On the contrary, these positive impacts result from, and require, deliberate choices and concerted efforts. In other cases civil society initiatives can have negative consequences. These 'uncivil' potentials are most blatant in activities with criminal, fundamentalist, militarist, racist and terrorist qualities. After all, Al-Qaeda, Aum Shinrikyo, Gush Emunim, the Interahamwe, the Ku Klux Klan and global paedophile networks are also 'associations of citizens that seek, from outside political parties, to shape societal rules'. Many other civil society organisations also operate through arrogance, fraud, greed, hatred, narcissism and violence. In such cases of harm rather than good, 'civil society' can seem something of a misnomer (Ahrne, 1998; Chambers and Kopstein, 2001; Kopecky and Mudde, 2002; Kaldor and Muro, 2003).

Civil society associations can also exhibit more subtle democratic failings. For example, many of these organisations are insufficiently transparent regarding their aims, structure, procedures, personnel, and funding. In addition, the group culture of some civil society initiatives may inhibit open and critical internal debate. Some citizen action organisations are captive of a particular business enterprise, family network, governance institution, political party or philanthropist. In many cases a particular civil society body can be difficult to access, even for people whose interests the association claims to promote. Often civil society organisations fail to undertake searching evaluations of their own conduct and offer few if any mechanisms for redress when they err and cause harm.

Given these potential flaws, it is vital that civil society groups diligently pursue their own accountabilities as part of their strivings to improve the accountabilities of other actors. The question of civil society and accountable global governance is therefore partly a question of the accountability of the civil society associations themselves. Some citizen action groups engaging in global affairs have developed laudable good practices in this regard. The International Non-Governmental Organisations Accountability Charter launched in 2006 offers one promising way forward (INGO, 2007). However, much further work is needed to enhance transparency, consultation, evaluation and correction in civil society operations vis-à-vis global governance (Edwards, 2000; Jordan and Van Tuijll, 2006).

In sum, then, this book takes no *a priori* position on the desirability or otherwise of civil society involvement in global governance. The starting point is that global governance suffers major shortfalls in accountability and that civil society could, in principle, help to close these gaps. However, the actual nature of civil society influences on global governance accountability, positive or negative, cannot be established in advance. These assessments require detailed empirical investigations of the sort that are undertaken in the case studies that follow.

Conclusion

If nothing else, this opening chapter has demonstrated that the relationship between civil society and accountability in global governance is anything but straightforward. Each of the three pivotal concepts – ‘global governance’, ‘accountability’ and ‘civil society’ – is subject to multiple and deeply contested interpretations. As emphasised at the outset, the purpose of this chapter has not been to resolve these theoretical and political disputes, but to outline a broad framework of analysis that lends internal coherence to the present collective research endeavour.

This framework is anything but apolitical. The study is unabashedly motivated by deep concern to promote democratic accountability as a cornerstone for effective and legitimate global governance. This chapter has therefore placed explicit emphasis throughout on identifying power relations and ways to democratise them. At the same time the conceptual framework guiding the book is not ideological, in the sense of imposing a particular vision for the future of global governance and the place of civil society within it. Individual authors and readers can and should draw their own conclusions in that regard.

The ensuing more empirical chapters now proceed to assess civil society impacts on the accountabilities of a range of specific global governance institutions. To this end each of the case studies sets out:

- (a) the mandate and activities of the global regulatory apparatus concerned, thereby establishing for what that institution is accountable
- (b) the accountability challenges that the global governance arrangement in question faces, including in particular the shortfalls that remain after considering channels other than civil society (such as governments, parliaments, mass media, etc.)
- (c) the range of civil society engagements of the global governance institution, including diverse

issue foci, organisational forms, ideological positions, etc.

(d) the accountability effects on the global regulatory agency of that civil society involvement, in other words how the citizen group interventions have and have not advanced transparency, consultation, evaluation and redress in respect of the global regulatory agency concerned – and in particular how well civil society involvements have supplemented other accountability mechanisms and filled the gaps left by those other channels

(e) the main circumstances that have helped or hindered civil society contributions to democratically accountable global governance in the case at hand.

The concluding chapter of the book then synthesises these findings and reflects on their implications for future practices of civil society and accountable global governance.

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Democracy Beyond the Nation State?

Transnational Actors and Global Governance

Introduction

The growth of governance beyond the nation state is one of the most distinct political developments during the last half century. The early post-world-war period witnessed the establishment of a large number of influential international institutions, including the United Nations (UN), the General Agreement on Tariffs and Trade (GATT), the World Bank (IBRD), the North Atlantic Treaty Organization (NATO), and the European Community (EC). In recent decades, these state-dominated international organizations have been supplemented with governance arrangements that involve public as well as private actors, or even are organized entirely on a private basis. Global governance has become the favored term for denoting these complex patterns of authority in world politics today, involving a variety of actors and networks along with states and international institutions (Rosenau 1995).

The rationale of global governance arrangements, and their principal source of legitimization, has traditionally been their capacity to address joint problems and generate benefits for states and societies. Yet, in recent years, international institutions and other public arrangements have increasingly been challenged on normative grounds, and found to suffer from democratic deficits (Held and Koenig-Archibugi 2005). Issues that previously were the domain of democratic decision-making at the national level have been shifted to the international level, but the means of decision-making at this level to a large extent remain the exclusive preserve of state officials and international bureaucrats, with limited opportunities for participation by civil society actors.

The legitimacy of global governance is today at the top of the agenda of national governments, international institutions, and civil society organizations – and rightly so. Whereas societies around the world demand that global governance be developed to handle joint challenges, such as climate change and sustainable development, limits in the perceived legitimacy of these arrangements risks undermining their potential to make a difference. Even if most expressions of failing popular support are non-violent, dissatisfaction with the existing institutional order was an integral part of dramatic protests in Seattle, Prague, Gothenburg, and Genoa, in association with meetings of the WTO, G7, and the EU. The beginning of efforts to address these legitimacy problems reflect the realization that global governance, in the long run, can only be effective to the extent that it is also perceived as legitimate by the citizens affected.

The purpose of this research program, which will be undertaken in collaboration between the Departments of Political Science at Lund University and Stockholm University, is to address the role of transnational actors in the process of democratizing global governance. This term is generally used to denote the broad range of private actors that organize and operate across state borders, including multinational corporations, party associations, non-governmental organizations (NGOs), advocacy networks, and social movements (Risse 2002). Increasingly, the latter types of transnational actors are conceptualized as an emerging global civil society, whose participation in international policy-making holds the promise of a democratization of global governance (Scholte 1999; 2007). Transferring models of democracy originally developed for the national context, and developing new models of democracy tailored for the international level,

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normative democracy theorists have advanced blueprints for how global governance arrangements may be reformed to integrate civil society actors and thus meet the standards of democratic decision-making. Meanwhile, international institutions are responding to the critique by gradually and unevenly opening up means of participation for transnational actors, whereas NGOs, advocacy networks, and social movements, for their part, emphasize the democratic merits of enhancing their involvement in global policy-making.

This research program is guided by the overarching question of whether and how transnational actors contribute to a democratization of global governance. We address this question by exploring three scholarly themes: (1) transnational actors and the democratization of international institutions, (2) democracy and public-private partnerships in global governance, and (3) the democratic credentials of transnational actors. Within each of these themes, we identify sub-questions and relate the contribution of the program to specific and ongoing scholarly debates.

The program moves beyond existing research in three prominent respects. First, we combine normative political theory and thorough empirical research. Whereas existing research on global democracy has had a strong emphasis on normative democratic theory, empirical process-oriented studies are still lacking. We have ambitions in both fields. We contribute to the development of normative democratic theory by assessing the extent to which national democratic models are transferable to the international domain, or whether new models of democracy must be developed to fit the conditions of global policy-making. Moreover, we trace the implications of alternative models of democracy for the prospects of democratization through transnational actors. In this context, we also address the broader question of whether democracy is an appropriate ambition and source of legitimization in global governance. Yet most original is the bold empirical agenda of the program, which explores the origins and effects of actual attempts to democratize international institutions, and assesses the democratic credentials of public-private partnerships and transnational actors themselves.

Second, we adopt an ambitious comparative research design. Comparative studies are frequently called for, but less frequently conducted, in the social sciences. The reason is the considerable investment in time and money required for large-scale comparisons. A long-term program of this kind allows for a genuinely comparative approach. As opposed to the limited empirical research on

democracy in global governance, which is heavily dominated by single-case studies, we operate with a broad comparison across issue-areas. We include cases from issue-areas where transnational activity is particularly prominent, such as trade, development, and the environment, but also from issue-areas where state interests circumscribe the room for transnational organization, such as health, security, and migration. Our ambitious comparative design also allows for the inclusion of cases from different parts of the world, hence avoiding the Northern or Western bias that characterizes much previous research on transnational organization.

Third, we include and assess the full spectrum of transnational actors. Whereas existing studies of transnational organization in global governance tend to focus either on non-profit actors (NGOs, movements and networks) or profit actors (multinational corporations), we study processes that involve both categories, and assess the democratic credentials of both categories. It is often assumed that non-profit actors are more conducive to democracy than profit actors. Yet NGOs and social movements confront issues of internal democracy and representativeness as well, and multinational corporations have in recent years adopted codes of conduct and entered into partnerships that demand greater social responsibility.

Identifying the Research Frontier: Three Themes

The frequently used expression global governance is far from uncontroversial. First, is there such a thing as a global realm? Can we posit “the global” as a *sui generis* level of analysis? Most current analyses of global governance view “the global” as the sum total of all levels, from the local to the supranational (for a discussion of this problematic, see Bartelson 2006). In general, the term “governance” implies the formulation, implementation, monitoring, enforcement and review of rules and regulatory institutions. Global governance, in particular, is about coordinating multiple, interdependent actors and refers to the patterns that emerge from regulatory efforts by these actors in the absence of a central authority. It has emerged as a key concept in the vocabulary of international relations, not least in UN circles. Politically, the global governance concept has served as a useful emblem for the program of reforming the UN and other international organizations. In this vein, the Commission on Global Governance understood the concept as “a broad, dynamic, complex process of interactive decision-making” (*Our Global Neighbourhood*

1995: 4). This touches on our first scholarly theme, the democratization of international institutions.

Global governance also implies that states are no longer if they ever were able to monopolize interactions of political significance across national borders. To be sure, state governments are central nodes in global governance systems, as are inter-governmental organizations (IGOs). To that extent, global governance implies a strong element of “governance with governments” (Zürn 2000: 5-6). But it also involves an expanding and variegated community of transnational actors and movements, “activists beyond borders” (Keck and Sikkink 1998), which are often lumped together under the label of non-governmental organizations (NGOs), as well as powerful economic actors transcending national borders. “Epistemic authority,” that is, deference associated with specialized knowledge, along with “marketized institutions,” that is, a tendency to adopt market principles of organization and social intervention, are associated with global governance (Hewson and Sinclair 1999: 17-18). Hence, public-private partnerships represent our second theme.

Democratic values may apply not only to existing international institutions or emerging public-private partnerships, but also to the plethora of transnational actors that form the nodes in networks of global governance. There has been a tendency to idealize “civil society” actors as democratic forces. Yet, as Jan Aart Scholte (2002: 299) has pointed out, “we do well to balance enthusiasm for civil society engagement of global governance with due caution” and “demand of civic associations that they not merely assert – but also demonstrate – their democratic credentials.” An inquiry into the democratic credentials of transnational actors therefore constitutes our third theme.

Transnational Actors and the Democratization of International Institutions

In the complex patterns of actors and networks involved in global governance, international institutions, multilateral conferences and other public governance arrangements are important components, through which states seek to regulate activities in fields such as trade, finance, environment, security, social affairs, and human rights. One of the most profound trends in global governance over the last decade is the growing extent to which international institutions are challenged on normative grounds by both scholars and activists. Critics portray international institutions as suffering from “democratic deficits,” when measured against traditional standards of democracy, such as participation, accountability, and transparency. This debate

first arose in relation to the European Union in the early 1990s, but has since spread to other international institutions, notably the World Trade Organization, the International Monetary Fund, the World Bank, and central UN bodies. According to the critics, effectiveness and problem-solving capacity are no longer a sufficient source of legitimacy for international institutions, but must be supplemented with more democratic procedures of decision-making. Formulated in the frequently used terms of Fritz Scharpf (1999), global governance must rest on input legitimacy as well as output legitimacy.

The Debate. Existing literature on the democratic credentials of international institutions and governance arrangements features a scholarly debate with three main positions. According to the first position, democracy beyond the nation-state will be impossible to achieve, because of the absence of a transnational demos and a coherent electorate (Dahl 1999; Scharpf 1999). Proponents of this pessimistic position urge caution in conferring authority to international institutions, since such delegation is always likely to involve costs to democracy. Advocates of the second position in the debate question the diagnosis of a democratic deficit in global governance, and thus claim that there are few reasons to engage in democratizing reforms of international institutions (Majone 1998, 1999; Keohane and Nye 2001; Moravcsik 2002, 2005; Kahler 2005). These should be compared, not to ideal models of democracy, but to the general practice of today’s advanced industrialized democracies, which falls short of these ideal models. Moreover, international institutions already involve forms of democratic control, notably through national governments. By contrast, advocates of the third position recognize the presence of a democratic deficit, and consider it both desirable and possible to democratize international institutions and governance arrangements (e.g., Held 1995, 2005; Zürn 2000, 2005; Scholte 2002, 2005; Lord 2004; Patomäki & Teivainen 2004; Sjövik 2004). This perspective, which is sometimes referred to as cosmopolitan democratic theory, spans a rich variety of views and standpoints concerning the specific mechanisms through which international institutions can become more democratic.

Our Contribution. This research program departs from the third position in this scholarly debate about the democratic credentials of international institutions. Acknowledging the presence of legitimacy problems in global governance today, this program explores the extent to which transnational actors can contribute to a democratization of international institutions and governance arrangements.

In this process, we aim to move beyond conventional notions of democracy based on the domestic polity, and endeavor to rethink how democratic values of accountability, representation, and transparency may work in the global arena. More specifically, this program addresses three broad research questions.

The first question is normative in nature and pertains to alternative proposals for ways of democratizing international institutions and governance arrangements. How could the involvement of transnational actors help overcome the democratic deficits of international institutions? This question has generated increasing scholarly interest in recent years, and has produced a range of proposals, as noted above. We will depart from the threefold distinction between competitive democracy, participatory democracy, and deliberative democracy, and map how various proposals for the democratization of international institutions relate to these models (Elster 1986; Karlsson 2001). Are democratic models developed for the domestic context applicable and realizable in the international realm, or do we need to conceive of democracy in novel terms, as suggested by proponents of cosmopolitan democracy? How can we conceive of “the people” in global governance (Näsström 2003; Doucet 2005)?

The second research question is positive rather than normative, and addresses actual steps toward the democratization of international institutions, as conceptualized in the different models of global democracy. How can we explain processes of democratization, or their absence, in international institutions? Existing empirical evidence testifies to a general trend toward more transnational participation, but considerable variation across institutions in extent and shape. So far, this question has received limited attention in existing literature (Raustiala 1997; O’Brien et al. 2000; Staisch 2004). Our ambition is to formulate and test a set of alternative explanations, drawing on theories of institutional design in international relations, as well as theories of democratization in comparative politics. Does the increasing involvement of transnational actors in international policy-making reflect a shift in norms about legitimate governance, as constructivists in IR would suggest, or the realization that transnational actors can perform functions that states and international institutions are unable to conduct themselves, as rationalists would propose? To what extent are theories of democratization within states useful in explaining democratizing reforms at the international level?

The third question we address pertains to the consequences of democratizing international institu-

tions and governance arrangements. What are the effects of involving transnational actors in international policy-making for its legitimacy, effectiveness, and distributional implications? So far, this question, too, has been the object of limited systematic research (Kahler 2005; Zürn 2005). Still preoccupied with the diagnosis and potential cures of the democratic deficit in global governance, existing scholarship is rich in assumptions and untested hypotheses, but poor in longitudinal studies of the effects of transnational involvement. Our ambition is to generate conditional answers to this open-ended empirical question of consequences. Do democratizing reforms actually enhance the legitimacy of international institutions in domestic societies, or rather give rise to new legitimacy problems, related to the representative qualities of transnational actors? Does the engagement of transnational actors generate more effective policy-making, or make decision-making more cumbersome and less responsive? How does the inclusion of transnational actors affect the distributional implications of international cooperation, for instance, the division of gains between developed and developing countries?

Democracy and Public-Private Partnerships in Global Governance

Global governance consists not only of international institutions but also of private actors of various kinds. The global regulatory activity in recent years by the non-profit actors of transnational civil society as well as the profit-oriented actors of the global market can be described as a regulatory explosion (Djelic and Sahlin-Andersson 2006; Brunsson and Jacobsson 2000). We are indeed witnessing a “golden era of regulation” (Levi-Faur and Jordana 2005). This has given private actors authority in areas that traditionally belonged to the state and the public sector. A recent development pointing in this direction is the proliferation of partnerships between public and private actors in areas such as human rights, environmental protection and development. The Global Compact is a well-known example of this.

The Debate. Research on private authority in international affairs raises issues of how to conceptualize the kind of influence exercised by private actors, as indicated through categorizations such as “market authority”, “moral authority” and “illicit authority” (Hall and Biersteker 2002). A common point of departure in the literature on private authority in global governance is the notion that authority has to do with legitimized power, which is not monopolized by state actors (Cutler et al. 1999; Hall and Biersteker 2002; Higgott et al. 2000). Regulatory

activity may entail re-regulation of certain spheres that have already been regulated within the nation-state and in international law. Other forms of regulatory activity take the form of an expansion into “virgin territories” (Djelic and Sahlin-Andersson 2006: 3). In other areas, processes of privatization and outsourcing have created an important regulatory space for private actors in matters that used to be a prerogative of the public sector (Rhodes 1997; Drache 2001; Rosenau 2002). Regulatory tools outside the state-centric sphere are not primarily legally binding regulations (hard law), but rather variants of soft law, such as standards, ranking and monitoring frames and codes of conduct (Hood et al. 1999; Mörth 2004). One prominent example is the regulation of the corporate social responsibility (CSR) field, which entails plenty of examples of new modes of public-private partnerships (see, e.g., Haufler 2001; Bäckstrand 2006). In broader terms, the scholarly debate concerns boundary drawing between public and private spheres of responsibility. In short, the distinction between private and public spheres, fundamental in the social sciences and in liberal thinking on democracy, is in flux (Hirst 1997; Weintraub and Kumar 1997).

Our Contribution. Efforts at grasping the character of private authority in international affairs have opened up a range of issues central to the present research program. A principal contribution by this program will be to examine both how transnational actors in public-private partnerships can contribute to a democratization of global governance, and how regulation based on such partnerships and soft law arrangements might challenge democratic values. We acknowledge that public-private partnerships can have both positive and problematic consequences for the transfer of democratic values to a transnational setting, and we emphasize the need for comparisons of different kinds of partnerships in different issue-areas to gain further understanding of this tension. Whereas existing literature is strong in mapping the growth and variety of public-private partnerships, research on the democratic legitimacy of these arrangements is still lacking.

In line with this, we will identify new participatory practices that institutionalize relationships between the state, civil society and the market, and evaluate those practices from the perspectives of democratic theory. Here, the notion of accountability is central to our inquiries. As public and private spheres of responsibility have become more diffuse and interwoven, chains of accountability become more complex. Transnational civil society groups can advance democratic accountability in global governance through increasing transparency, policy monitoring and review, pursuit of redress (to auditors, ombud-

persons, parliaments, courts, media), and promotion of formal accountability mechanisms (Scholte 2004: 217-22). Such potentially democracy-strengthening activities will be analyzed systematically in this program. We will make a contribution by connecting the empirical examination of partnerships involving NGOs, business actors, states and international institutions to normative democratic questions concerning who ought to regulate social and environmental standards in order to safeguard democratic values.

We will also contribute to the study of the democratization of global governance through assessing public-private partnerships in a transnational setting in light of the balancing act between effectiveness and democratic values (see e.g. Held and Koenig-Archibugi 2004: 126). How is the tension between effectiveness, on the one hand, and accountability, participation and deliberation, on the other hand, manifested in transnational partnerships? Such partnerships, we argue, ought to be seen as complementary to interstate organization and regulation, but the nature of this complementary relationship needs to be understood better. Does, for example, the proliferation of partnerships lead to weaker demands on states to fulfil their obligations to protect the environment, human rights and security?

In sum, reconfigurations of public and private in a global governance setting will be examined empirically and normatively in our program. Arguably, on a more overarching level, boundaries between private and public actors are more fluid than ever before. We are interested in the question whether the relationship between public and private actors has evolved beyond an exchange relation between states and markets. Does it make sense to speak of a global public domain – “an arena of social life with its own rules, norms and practices, cutting across the state and market and other public private agencies” (Drache 2001: 4), in which states are embedded in a broader institutionalized arena concerned with the production of so-called global public goods (Ruggie 2004: 500)? Or are the borders between the sectors and the distinction between public ends and private means upheld in interaction between the range of actors participating in global governance arrangements?

Democratic Credentials of Transnational Actors

When analyzing the potential of transnational actors to contribute to a democratization of global governance, it is important to examine the democratic credentials of these actors. To what extent are such actors internally democratic, or account-

able to their constituencies and members? Are there democratic deficits not only in global governance, but also within the transnational actors whose participation in international policy-making is sometimes put forward as a solution to the lack of transnational democracy? Transnational corporations are generally not subjected to demands of democratic governance, but are confronted with issues of accountability in relation to shareholders, which may be perceived as the “demos” of TNCs. Nevertheless many other people are (sometimes fundamentally and in a negative way) affected by the operations of large corporations. Hence, market actors should not be allowed to escape critical evaluations of their democratic credentials, although the criteria for evaluation might be partly different than for other actors. Most research, however, has been devoted to the democratic credentials of transnational civil society actors, which are often perceived as a more democratic type of actor in world politics. Hence, it is especially important to examine to what extent these actors suffer from democratic deficits.

The Debate. Three basic positions in the debate concerning the democratic credentials of transnational (civil society) actors can be identified. First, there has been a tendency, especially in the earlier research on “global civil society” in the 1990s, to portray civil society actors in a romantic way as champions of democracy and other normatively “good” causes (cf. Smith et al. 1997; Keck and Sikkink 1998; Florini 2000). A second position in the debate is represented by those sympathizing with other powerful actors in global governance (such as governments, transnational corporations and multilateral institutions). From this perspective, the legitimacy of transnational civil society actors is questioned, often in a very sweeping and one-sided way (cf. the critical evaluation of NGOs from the perspective of business presented in Doh and Teegen 2003). More constructive criticism comes from a third position, offering systematic analyses of democratic problems and prospects of transnational civil society actors. During the last decade there has been a tendency to pay more attention to democratic shortcomings of NGOs (Fisher 1997; Hudock 1999) and the concept of “uncivil society” (Kopecky and Mudde 2003; cf. Ahrne 1998; Chambers and Kopstein 2001) has been introduced. While there do exist overviews of different aspects of transnational civil society actors’ democratic legitimacy (Van Rooy, 2004; Nelson 2002; Collingwood and Logister 2005; Frangonikolopoulos 2005), there is still a lack of systematic, comparative studies of the democratic credentials of transnational civil society actors.

Our Contribution. Unlike most previous research we will compare the democratic credentials of the whole spectrum of transnational actors. In the discussion of democratic credentials of transnational civil society actors, problems of representation and accountability are central. This is the first major set of democratic deficits that needs to be addressed. Critics of NGOs often point out that their membership might be very limited, perhaps excluding most of the people on whose behalf the NGO claims to speak. The lack of representation within transnational civil society groups may reproduce structural inequalities based on class, gender, nationality, ethnicity, religion etc. (Scholte 1999: 30). This problem of representation will be analyzed systematically across issue-areas.

Furthermore, the internal democracy of transnational civil society actors is often problematic, as formal mechanisms for representation and accountability tend to be lacking. Accountability implies that power-wielders are judged in relation to a set of standards and sanctioned, if those holding them accountable decide they have failed to fulfil their responsibilities (cf. Grant and Keohane 2005; Keohane 2006). One crucial question is: Who is entitled to hold the powerful accountable? NGOs may be accountable to internal as well as external stakeholders (Grant and Keohane 2005: 38; cf. Van Rooy 2004: 73). TNCs tend to be accountable only to shareholders. Within this research program we will make theoretical as well as empirical contributions to the emerging literature on accountability mechanisms in global governance (cf. Grant and Keohane 2005; Held and Koenig-Archibugi 2005; Mason 2005).

However, we will also go beyond this literature and rethink the concept of representation. Margaret Keck (2004: 45) argues that civil society activists in global governance institutions represent “positions rather than populations, ideas rather than constituencies.” This is what she calls “discursive representation.” In a similar argument Jordan and van Tuijl (2000) claim that the terms representation and accountability are not fully applicable to transnational NGOs. A better concept is “political responsibility” (cf. Hudson 2001). Others have identified new “technologies of credibility building” as replacing universalistic mechanisms of representation in global governance (Carlarne and Carlarne 2006). While taking the problems of representation and accountability within transnational actors seriously, we acknowledge the need for conceptual and theoretical innovations that go beyond the conventional framework of a democratic, territorially based state. Hence we ask questions like: What are the specific democratic credentials of dif-

ferent types of transnational actors when it comes to representation and accountability? How do the representativeness and accountability of transnational actors affect the possibilities for democratizing global governance? What forms of representation and accountability are empirically viable and normatively desirable for different types of transnational actors? What re-conceptualizations are needed to better understand the democratic credentials of transnational actors?

The use of allegedly undemocratic methods is another aspect of the potential democratic deficit of transnational actors, on which systematic research is lacking. From the perspective of deliberative democratic theory, the coercive and confrontational methods of the more radical parts of transnational civil society are seen as problematic. The tools of arguing and communicative action are central to the deliberative democratic ideal. The activities of social movements, however, are often confrontational and coercive and, hence, do not fit well within a deliberative democratic framework. From a social movement perspective, the ideal of deliberative democracy can be criticized on the ground that deliberation does not work in societies characterized by structural inequalities. Direct activism and opposition like street-marches, boycotts, or sit-ins are often necessary to achieve social change (Young 2001; Medearis 2004). This tension between deliberation and coercive activism within transnational civil society will be analyzed within this research program.

There is insufficient theoretical understanding of the implications of this tension for the democratization of global governance. There is also a lack of empirical research as to how this tension is played out within different parts of an emerging global civil society. This program aims at filling both these gaps in extant research by addressing the following questions: What is the democratic legitimacy of different methods used by various types of transnational actors? How can deliberative as well as coercive and confrontational methods be legitimated normatively? How does the choice of methods by transnational actors affect the possibilities for democratizing global governance?

Theory, Method and Case Selection

Theoretically, this research program is committed to pluralism, and our ambition is to apply alternative analytical perspectives and test competing hypotheses. More specifically, we intend to draw primarily (but not exclusively) on three bodies of theory, each of which offers a set of alternative perspectives and hypotheses. All three analytical themes in this program raise questions about

standards and conceptions of democracy in global governance. For these purposes, we will draw on normative democratic theory, as originally developed in the domestic context, and more recently extended to the global level. Yet, while helping us to establish standards against which to measure democracy in global governance, normative democratic theory says little or nothing about the processes leading to that goal. For these purposes, we turn to two other bodies of theory: democratization theory in comparative politics, and theories of institutional design in international relations. Together, these two strands offer a rich menu of hypotheses about the driving factors in processes of democratization in global governance.

The comparative orientation of this research program is one of its distinctive marks and strengths. Whereas existing research is dominated by single case studies of transnational mobilization and democratizing reforms in individual areas of global governance, we will generate comparisons across a broad range of empirical fields.

Our choice of comparative case studies as the main methodological approach is a product of the research problems we wish to explore, which require detailed tracing of empirical processes, and the intermediate number of cases at hand, precluding statistical methods. Comparative case studies allow us to engage in in-depth empirical analysis, while simultaneously permitting us to isolate the influence of specific factors across cases through standard techniques, such as structured focused comparison (Mill 1872; Lijphart 1971; George and Bennett 2005).

At the most general level, we intend to map and compare democratization processes (or their absence) in each of our empirical fields. Yet, in practice, our comparative empirical analysis is more fine-grained. Each empirical field contains multiple international institutions, multiple forms of public-private partnerships, and multiple transnational actors. It is only through a careful selection of cases within, and comparison across, these empirical fields that we can generate answers to the research questions specified in relation to our three analytical themes.

We address the first theme of the research program in relation to five empirical referents, drawn from multiple issue-areas: the European Union (regional integration), the World Trade Organization (trade), the World Bank (development), the World Health Organization (health), and the United Nations Environmental Programme (environment). These international institutions display extensive variation in the extent to which they have opened up formal

or informal channels of access and participation for transnational actors. While the EU offers the most highly institutionalized inclusion of transnational actors, the WTO and the WHO have been more restrictive. The World Bank engages in operational collaboration with civil society organizations in the execution of its projects, and consults with representatives of the NGO community in the NGO-World Bank Committee. The UNEP has since its inception offered multiple channels of communication and collaboration with civil society, and the three UN environmental conferences organized since the early 1970s are often referred to as breakthrough events for civil society participation in multilateral policy-making.

We address the second theme of the program by examining the institutionalization of cooperation between public and private actors through public-private partnerships (PPPs). The rapid spread of new global governance arrangements leads to questions on how to secure values such as participation, representation, accountability, and effectiveness (c.f. Lipschutz 2003; Bäckstrand 2006; Chambers and Green 2005). The UN Global Compact is the most high-profile and well-researched public-private partnership to date, involving a wide range of actors and spanning the fields of human rights, labor rights, the environment, and anti-corruption. Other issue-areas of interest include the environment, finance and investment, health, security and armed conflict, and development. We will choose cases to ensure variation across issue-areas, the degree of institutionalization and ambition, and the kinds of actors involved.

In addressing the third theme of the program, we will examine the democratic credentials of those transnational actors which cooperate with the international institutions and take part in the public-private partnerships studied under theme one and two, as well as those which try to promote their version of global democratization from outside, like various global protest movements. In our selection of cases we seek variation in two major respects. First, there should be variation in issue-area. Similar to the other research themes, the intention is to cover a broad range of (partly overlapping) transnational issue-areas. Issues on which we do not expect transnational cooperation are of special interest. Hence, we focus not only on environmental issues and trade and development (where transnational corporations as well as a very large number of civil society actors are active), but also on health, security and armed conflict, and migration – issue-areas in which state interests have tended to dominate over transnational actors.

Second, we will include a wide variety of different types of transnational actors. Transnational corporations as well as transnational civil society actors (including NGOs, social movements, and activist networks) will be analyzed. In addition to case studies of individual actors, we select cases in which several different transnational actors are involved. This will allow for comparisons of democratic credentials of different kinds of transnational actors being active in the same issue-area and interacting with each other.

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The Foundation for Environment and Development North-Rhine- Westphalia

The **Foundation for Environment and Development North-Rhine Westphalia** supports projects of Non-Governmental Organizations in the fields of environmental and development policy in North Rhine-Westphalia with advise and funds. Since its establishment in 2001 the foundation has furthered more than 520 projects with subsidies of about 32 million Euro. Besides the furthering of other actors the foundation realises its purposes by own projects.

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