HIGH LEVEL PANEL ON UN-CIVIL SOCIETY

Civil Society and Global Governance

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1. Citizen participation and the emergence of 'global politics'

We are living in a new world. Today's world order is more open, complex, diverse, interconnected and risky than ever before.

Contemporary global order is increasingly the outcome of multiple, interlocking patterns of transnational interaction shaped both by state and non-state actors. The interaction between civil society and the United Nations can only be properly understood within this broader frame of reference.

Critical problems cut across national territorial jurisdictions and are being debated by a variety of civic associations in a widening public space. Global threats, such as financial volatility, environmental disasters, terrorism, drugs and contagious diseases, affect people's lives everywhere and are of such a magnitude that no country can address them on its own.

Globalization dramatically increases the interrelation of the national and global spheres. But globalization is not only an economic or technological process. It is also a political, social and cultural phenomenon.

It is not only capitals and goods that are being exchanged in the global arena. It is also information, values, symbols and ideas. It is not only markets and financial flows that are increasingly integrated. Flexible partnerships and networks are also enhancing the capacity of civic associations and social movements to participate and influence.

The influence of civil society in the management of global change, in turn, could never have reached their present breadth and scope without the concomitant rise of citizen action. The growth of private action for the public good is a recent, massive, almost universal phenomenon.

The 'global associational revolution' expanded and strengthened democracy at the national level. This was - and still is in many places - a conflictive, uneven process. The trend towards more informed, participatory and responsible societies seems, however, both widespread and irreversible.

Global governance - as well as globalization - is a highly contested process where the space for political action by states and non-state actors is greatly extended. This process is larger than the UN-NGOs relationship.

Hence the question: is the UN system responding to the trends and processes at work in the contemporary international community or is it, to some extent, still captive of the past?

2. The vital role of the UN in the promotion of global governance

The United Nations has played a key role in strengthening global governance by consistently promoting the participation of civil society in the processes of dialogue and deliberation leading to new forms of political regulation.

The end of the Cold War and of the power politics associated with the conflict between two ideological blocks raised great expectations. The winners of the Cold War were the first to announce that the new era would be built with and not without the United Nations. And indeed the agenda of the Organization and its openness to engage with non-state actors were drastically expanded. Transnational issues with direct bearing on peoples' present and future quality of life became the order of the day.

Throughout the World Conferences of the 90´s citizen organizations articulated new ideas and proposals, argued and negotiated, protested and exercised political pressure, thus giving birth to an unprecedented 'public space'. International norms and standards, regulatory agencies and mechanisms were gradually established. The progress achieved in the last two decades in the recognition of basic universal rights and in the prevention of global threats was remarkable.

This on-going process of building a cosmopolitan law represented a great leap towards a world order that is not based on the uncontested will of sovereign states, but on universally agreed principles and norms. In a major break with the past, individuals were acknowledged as subjects not only of national law, but also of cosmopolitan rules, enforceable by transnational institutions.

Human rights lie at the very basis of this cosmopolitan ideal precisely because of their universal validity, addressed as they are to individuals in their human condition, and not in their capacity as citizens of a particular nation state.

Concern for the wellbeing of future generations, embodied in the notion of 'our common future', is another powerful expression of this commitment to universal values to be preserved not only across space but also across time.

Given its intrinsic, constituent diversity of actors, issues and forms of action, civil society is an expression of the social and cultural complexity of the global community and a strong promoter of multilateralism.

In such an inclusive and participatory environment it was only natural that interaction between civil society and the UN system steadily expanded and diversified. The last decade was indeed marked both by an explosion in the traditional patterns of consultation with non-state actors and by the experimentation of innovative forms of partnership and collaboration.

As a result of the growing complexity of this relationship, however, the system that had evolved over several years for facilitating the interaction between the United Nations and Civil Society began to show signs of strain.

There is a growing perception that some processes have run their course. That citizen contribution for global governance must be better understood and valued. That greater consistency and coherence must be introduced in the rules of engagement with civil society.

Secretary-General Kofi Annan stressed that a pause might be useful to take stock of emerging problems and demands, to revisit existing policies and procedures as well as to explore fresh alternatives and opportunities. Questions and challenges of different orders must be addressed for the UN to relate to and link up with the vibrant source of energy represented by citizen participation, giving civil society the respect and the space it deserves.

Many of the practical problems, legal issues and financial implications inherent to the interaction of civil society with the UN system are presented in the background paper on the *UN System and Civil Society: an inventory and analysis of practices*, prepared for the Panel by John Clark and Zehra Aydin.

But there are also questions of a strategic and contextual dimension that have to be taken into account by the Panel. Some of them are linked to the recent geo-political changes and developments.

3. Risks and opportunities of the international scenario

The decade of the 90s' was marked by the enthusiasm generated by the UN World Conferences. Today, however, the perception that significant progress was being achieved has been replaced by a sense of disappointment.

There is an undeniable deficit of political regulation and democratic governance in some key areas of the globalization process. There is in particular a clear discrepancy between economics and politics, between the interdependence of markets and the absence of effective global mechanisms for supervision and control.

The United Nations structures entrusted with preserving peace and security also suffer from deficits of governance.

As a consequence of the difficulties to 'discipline and democratize globalization', the radicalization of the 'anti-globalization movement' led to disruptive forms of public protest and to the questioning by a segment of civil society of the very legitimacy of some multilateral institutions

Many NGOs feel frustrated with the obstacles and barriers to substantive participation in policy decision-making and in the actual implementation of agreed programs. Several of them also react to what they perceive as the risk of being confined to the social and humanitarian field.

Conversely, many governments react to increased interaction with civil society, perceiving their growing influence in the decision-making process as a threat to their national interests and sovereignty. This perception is compounded by the fact that there is a great imbalance in the numbers, capacity to influence and resources between NGOs from the industrialized and the developing countries.

Civil society is not only diverse and complex. It is also deeply divided on its political options and tactical approaches to several issues. This is not in itself a problem, insofar as democracy is, intrinsically, a conflictive space. However, contrary to an often idealized self-image, civil society is not the realm of 'good values and intentions' in contrast to the logic of power and interests ascribed to national states. Civic and community groups may also advocate for causes that are deeply controversial and, in some instances, incompatible with universally-accepted norms and principles.

Of much deeper concern are the dark sides and murky corners of what has been called the 'uncivil society'. Global terrorism and the drug trade are potent expressions of the destructive power of non-state criminal networks and of their capacity to inflict tremendous damage not only to specific countries but to the international order as a whole.

To these problems it is inescapable to add the consequences of the recent upsurge of unilateralist approaches expressed in the decision not to sign or ratify major internationally negotiated agreements. In the aftermath of the terrorist attacks of September 11, 2001, legitimate security concerns led to the much contested military intervention in Iraq without consent of the Security Council.

Given the fact that the only forum entitled to produce rules of universal acceptance is the United Nations, unilateral action taken outside its framework cannot fail to undermine not only the Organization but the whole long and arduous effort of the international community to strengthen global governance.

There is no alternative to dialogue and deliberation in order to produce generally-accepted rules and norms. Ideological or religious definitions by some national states of what is good and of what is evil can always be met by definitions from other states pointing at the opposite direction.

Cosmopolitan law is the very opposite of the imposition by the strong of their particular judgements as absolute paradigms. On the other hand, as most crises do, the current one is also producing new visions and perspectives.

Citizens from all over the world have shown an unprecedented capacity of organization and mobilization, making full use of the information technologies to express their opposition to the war in Iraq. Internet facilitated their networking and 'soft coordination', leading some to see in the emergent global civil society and world public opinion the most effective counterpoint to unilateralist positions.

Civil society's capacity to influence is also reinforced by the impact of the mass media on the conduct of public affairs and the increasing plurality of available sources of information. These converging trends create an environment in which political pressure and social demands are being directly expressed to power-holders, bypassing the traditional structures of political representation.

4. Strategic questions and challenges

Question # 1: how to combine a broad, inclusive definition of civil society with the recognition of its diversity and the need for flexible rules of engagement

The Panel´s terms of reference adopted a broad, inclusive definition of civil society that encompasses a wide variety of non-state actors, including parliamentarians and the private sector. The ways through which civil society interacts with the UN and influences global governance are also diversified, ranging from advocacy and public protest to consultation and partnership with different agencies and programs.

The choice of this comprehensive definition raises a number of questions. Some subgroups - such as the private sector, the media, parliamentarians or local authorities - do not necessarily consider themselves as fitting into the civil society institutional category. Many NGOs, on the other hand, think that the private sector should not be considered as part of civil society.

The goals, motivations and patterns of interaction with the UN of these actors are indeed quite distinctive. The Panel will have to consider under which circumstances it is possible or desirable to propose common recommendations and guidelines for civil society as a whole or whether it is advisable to design multiple strategies capable of eliciting the fullest participation from each one of the potential partners.

Question # 2: how to combine the strengthening of civil society at the national level with the promotion of citizen involvement with global issues

The vast majority of civil society organizations are nationally-based and issue-oriented. In the last decades the number of NGOs with a global outreach increased significantly. Most of them, however, focus their mission on a given

area of interest. These more focused organizations tend to interact with the UN only when the issue on the agenda is of direct concern to them.

Given civil society's wide institutional diversity and multiplicity of areas of interest it is pertinent to ask the classical question as to 'who speaks for humankind' or 'from the point of view of humankind'.

It is also worth noting that democracy has been, in theory and in experience, a national construction. In many countries the strengthening of democracy and citizenship is an on-going process. The patterns of relationship between State and civil society also vary hugely from country to country. In some the question is not even present at the national agenda.

On the other hand, given the interrelation of the national and global spheres as well as the interconnection of issues, citizen initiatives, whatever their scope, if successful tend to go beyond territorial barriers and influence broader processes. Advocacy and political pressure also combine simultaneous levels of action, moving back and forth from the local to the global and vice-versa.

In a complex world, the answer to the question 'who speaks for whom' calls for new perspectives. The legitimacy of civil society organizations derives from what they do and not from whom they represent or from any kind of external mandate. In the final analysis, they are what they do. The power of civil society is a soft one. It is their capacity to argue, to propose, to experiment, to denounce, to be exemplary. It is not the power to decide.

Such legitimacy is, by definition, a work in progress. It is never attained once and for all. It is gained in the arena of public debate and must be continually renewed and revitalized.

This open-ended conversation, involving many actors pursuing different - and sometimes divergent - interests, is more than the sum of its parts. The debate and deliberation generated by civil society is at the heart of contemporary global governance.

The Panel will have to take into account and make sense of this diversity of players and plurality of levels of action. Strengthening civil society's interaction with the UN does not mean acting only at the highest levels of the system.

Concomitant with the trend toward greater citizen involvement is the equally vigorous trend toward decentralization of power and resources to the local level. These processes present civil society with unprecedented opportunities for more horizontal forms of interaction and collaboration with UN programs and local authorities.

Question # 3: how to combine support for civil society's role in global governance with the preservation of national sovereignty and equity in international relations

Civil society has a capacity to act on its own that is not dependent on any authorization or mandate. And yet, given the intergovernmental character of the United Nations, the rules of their engagement with the UN system depend, on the final analysis, on decisions to be taken by the Member States.

There is a growing recognition, based on experience, that collaboration and partnership involving multiple actors increases the available stock of ideas, capacities and resources to deal with a given problem.

The key question, then, is how to overcome still existing mutual prejudices and misconceptions so that governments do not associate greater civil society influence with the undermining of their sovereignty and the widening of the power imbalances between the North and the South.

Enhancing the capacities and resources of Southern civil society is a pre-condition for correcting existing distortions and inequalities. Paradoxically, Northern domination within civil society can only be reinforced by the restrictions imposed by the governments of some developing countries on their domestic civic sector. Hence the critical importance of promoting collaborative patterns of dialogue and partnership between State and civil society at the national level.

Several Member States feel that civil society direct participation in the decision-making process could undermine the intergovernmental process. These concerns must be given careful attention by the Panel. It is absolutely essential to reduce distrust, demonstrate the effectiveness of collaboration and build consensus around a positive agenda for the future.

A vibrant and forceful national civil society, working together with government, far from weakening democracy and good governance, increases the national resources invested in social development and strengthens the country's voice in global issues.

In the same way that civil society can act without asking for any kind of permission or authorization there may also be legitimate limits to their direct participation in the intergovernmental decision-making process. Too much emphasis on gaining power to influence decisions may be counter-productive, generating a backlash.

Not everything has to be regulated to take place and have an impact. Flexible arrangements that enable the UN system to value civil society's ideas, proposals and resources, along patterns of 'variable geometry', may be a more effective

and workable strategy for substantive civil society participation than straightforward political confrontation.

In a forward-looking vision, dialogue with Member States to build alliances with non-state actors and consensus around common action agendas is as essential a dimension of the Panel's consultation process as the interaction with civil society and the UN system.

Question # 4: how to combine affirmation of universal values with the world's social complexity and cultural diversity

Global governance and cosmopolitan law are based on the recognition of universal values. But universal values and norms cannot be imposed unilaterally.

As Habermas puts it, values – including those aspiring to global recognition - do not exist drifting in the air. They do not have the status of products that can be acquired, circulated or exported all over the world. The only way for them to be accepted in different social and cultural environments is through a long process of dialogue and deliberation. Any other procedure amounts to the imposition by some of their particular views and principles upon all the others.

Multilateralism also applies to the process of building values and norms. This process can only unfold if and when the voices of all the segments of the international community are heard on the basis of equality and reciprocity. Conflict and disagreement are inherent to these processes dialogue and deliberation. What is essential to ensure is the democratic character of the process itself.

There is no alternative to democracy. In the same way that democracy was gradually strengthened in the domestic sphere through the interaction of many actors, also at the level of international relations democracy can only be achieved and sustained through argument and debate.

This is exactly what civil society, in its cultural and social diversity, does best. Unilateralist approaches or the clash of opposing viewpoints undermine the United Nations and international law. The risks of division and deadlock within the international system are real.

At this moment in time, the consultation process to be launched by the Panel can be a precious opportunity to strengthen the UN system through the forging of a new consensus on civil society and global governance, involving both governments and non-state actors.

Question # 5: How to relate to the emerging world public opinion and global civil society.

In the last analysis, the will of the people speaks out people's minds. And people make up their mind on the issues that affect their lives, as well as the future of humankind, from the messages and debates that take place in the public sphere.

What characterizes this public sphere in our time is that it is largely dependent on the communication media system, including in it not only television, radio, and the print press, but a whole variety of multimedia, and communications systems, among which the Internet is of increasing importance. As a cheap and scale-free medium, the Internet opened up alternative conduits of news, analysis and mobilization for civil society. To many civic organizations – ranging from the small dot-causes to large NGOs - being able to control their message directly to the general public who access their websites has transformed their ability to shape global public opinion and mobilize people for their campaigns.

These changes represent a shift from a public sphere anchored around the institutions of society to a public sphere constituted around the media system. This has considerable consequences on the practice of democracy, and on the relationship between civil society and the state.

By acting on the media system, particularly by creating events that send powerful images and messages, transnational activists induce a debate on the hows, whys, and whats of globalization, and on societal choices. It is through media politics that non-state actors influence people's minds and foster social change.

Ultimately, the transformation of consciousness does have consequences on political behavior, on voting patterns, and on the orientations of governments. Thus it is essential for state actors, and for intergovernmental institutions, such as the United Nations, to meet civil society not only around institutional mechanisms and procedures of political representation, but in public debates in the global public sphere built around the media communication system.

The series of major conferences that the UN organized in the 1990s were essential in fostering a global dialogue, in raising public awareness, and in providing the platform on which the global civil society could come to the forefront of the policy debate. Therefore, one key mechanism for the UN to meet the demands and projects of the global civil society is to stimulate the consolidation of this public sphere, to stimulate the dialogue with specific initiatives, and to record, on an ongoing basis, the contributions of this dialogue, so that they can inform policy making in the UN itself.

Furthermore, the popularity of the United Nations, and its support to issues that have a broad consensus in the world's public opinion, will provide an additional source of strength and legitimacy to the UN, in the advancement of its policies

towards a more just, and more stable international order. To harness the power of the world's public opinion is as important as to broaden institutional, political participation, in the fruitful, synergistic connection between the United Nations and the global civil society.

This paper was discussed at the first meeting of the High-Level Panel, held in New York, June 2-3, and its final version benefited from the comments and suggestions made by the panel members.