

CITIZENS AND GLOBAL GOVERNANCE
by
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Governance must respond to the scale at which interdependence operates. Today we speak about global governance because economic, political and cultural linkages between communities cut across national boundaries. An individual's life chances depend not just on what is done in her community or country but also on the policies of other countries. Within the country an individual who lives in a democracy has the opportunity to influence the direction of policy. But there is no such direct influence that she has on the policies of the governments of other countries. There her influence has to operate through her government as it asserts and protects its national interest in global diplomacy.

Domestically governance arrangements have evolved as the sovereignty of princes has given way to the sovereignty of people. Political power has been given a constitutional basis, rather than being simply seen as an absolute monarch's divine right to rule. The principle of people's sovereignty and people's representation has been accepted and reflected in political arrangements, very imperfectly of course in many cases. Domestic politics has evolved. The politics of every country in the world looks different now from what it was just a couple hundred years ago, and in many cases even from what it was fifty years ago.

But the way in which international relations are conducted does not look as different. There are some new institutions, many changes in the actual practice of diplomacy, greater knowledge and greater interaction. But the type of revolutionary transitions that have taken place in domestic governance, from absolutism to peoples sovereignty, or in more recent times, from colonial subjugation to independence, have not taken place in the framework of international relations. The key changes at the domestic level - the development of constitutional rule, sovereignty rooted in law and the principle of citizen representation- do not have any counterpart at the global level.

The institutional and legal arrangements that have been made at the international level are better conceptualised as the analogue of a voluntary association. The principle institution of global governance, the United Nations is founded on a paradox. Its charter begins with the words "We the people... ". But structurally it is not an association of people but a voluntary association of states represented by their executive branch. It is an organisation of nation states that is meant to set standards and constrain the behaviour of these very states towards each other and towards their citizens. And even in this it has a limited impact as is seen in the impunity with member states violate the principles and rules of behaviour incorporated in the Charter – non-aggression, avoiding the use of force except in self-defense, respect for human rights, etc. Could it be that the world today is a

confused mix of empire and a concert of nations with both lacking any agreed constitutional basis, except for an inadequate UN Charter for the latter? Hegemony at the global level encourages regional hegemonies to appear so that a type of global political feudalism is what we are moving to, but a feudalism with very poorly specified rights and obligations, a feudalism that is capricious and unpredictable.

This is clearly not the evolution that we are seeking. What we need to do is to recover the spirit of multilateralism and global cooperation that guided the establishment of the United Nations system. The fundamental goal of reform in the UN and other multilateral bodies must be to institute the changes that strengthen the role of basic constitutional principles and lessen the role of power.

The United Nations as conceived in 1945 and as it operates now is clearly not adequate to provide the type of global institution that we require today. The breadth and depth of interdependence has increased dramatically. New states have emerged with the end of colonial empires and the disintegration of states like the Soviet Union and Yugoslavia. New global actors like multinational corporations and transnational NGO networks are becoming significant players in international relations. Politics is being transformed by the vastly expanded reach of mass media. The internet is connecting people and enterprises on an unprecedented scale. None of these profound changes are reflected in the constitutional structure of the United Nations or in its working practices, except in a superficial and token manner

This has been recognized and a great deal of effort has gone into the current drive for reforms in global governance beginning with the Commission on Global Governance which submitted its report, *Our Global Neighbourhood*, in 1995. Very few of the Commission's proposals have been taken up with any seriousness by the member states of the UN. The one exception is the establishment of the International Criminal Court. The current moves began with the initiative in appointing a High-level Panel on Threats, Challenges and Change, another panel on Civil Society and UN Relationships (the Cardoso Panel) and the establishment of the Millennium Project to produce a plan of action to achieve the Millennium Development Goals by 2015. All of this was the basis for the proposals to the General Assembly contained in his evocatively titled report *In larger freedom: towards development, security and human rights for all*.

The reform agenda is vast and beyond the scope of this address. I want to focus on one crucial aspect – the way in which the voice of the ordinary citizen can be heard more directly in global councils. The individual and her government must both have the means to influence global policies. If the political process in the UN is restricted to the representatives of national governments then its lofty aims are inevitably constrained by the old diplomacy of national interests. That is why it has to reach out to non-state actors to recover its own mission as these actors bring to the table a strong issue interest that cuts across national loyalties.

The need to reach out to civil society was recognized at the very outset. Article 71 of the Charter allows the Economic and Social Council to “make suitable arrangements for

consultation with non-governmental organizations which are concerned with matters within its competence.” This carries over a provision from the League of Nations where non-governmental organisations had played an important role in social and humanitarian work. The focus of Article 71 is largely on economic and social questions. Because the provision did not apply to charter organs other than the ECOSOC, in effect the strong global movements for decolonisation and nuclear disarmament do not have the same capacity to intervene in diplomatic processes as their developmental counterparts. However the expansion of the work of the UN on human rights, did create a window for what could be described as more “political” NGOs.

The big change comes with the UN Conferences of the nineties. Until then the ideological confrontations of the Cold War limited the nature of the development discussions. The human rights debates were also conducted in a low key. The end of the Cold War opened new possibilities for the work of the UN in development and human rights and this led to a cycle of conferences dealing with a wide range of global issues.

Each one of these Conferences started from a specific problem - the condition of children, the persistence of environmental stress, the problem of population growth, the evidence of social stress, the status of women, the abysmal condition of human settlement in many parts of the world, the internationalisation of crime. But all of them had to move beyond the problem to look for causes in patterns of development. This extension of the agenda from the narrower problem to broader issues of development brought into the agenda some core economic issues. In effect a shared framework for development cooperation emerged. This involved elements like ensuring that the international economy widens options for poor households and poor countries; revisiting structural adjustment to take account of its environmental and social effects; the eradication of extreme forms of poverty; an emphasis on health and education expenditures, particularly for women and children; improving the status of women; empowering community organizations. Much of this consensus was crystallized in the Millennium Summit which endorsed what are called the Millennium Development Goals.

However the political impact of the Conferences came from one crucial element- the very visible involvement of NGOs and activist groups, in the preparatory process. In fact the motivation to hold the Conferences also came to a large extent from civil society pressure groups.

Several procedural changes greatly expanded the impact and influence of NGOs on the diplomatic process. To begin with the doors were opened to many NGOs who had not earlier been associated with the UN but who had established their presence in the substantive area covered by the Conference. This opening came at an early stage in the preparations for the Rio Conference. The General Assembly resolution setting up the Conference spoke only of the involvement of NGOs in consultative status with ECOSOC which would have excluded quite a few NGOs who were active on global environmental issues. The negotiations on the terms for NGO participation in the Rio Conference process were difficult but ended with an agreement to open the door to NGOs who did not have any established status with the UN, but with a provision for prior scrutiny of

eligibility. This was a crucial move that affected all future Conferences which provided the door for large numbers of civil society actors to connect with the UN.

Every UN Conference after that involved NGO participation in parallel conferences and meetings, as accredited NGOs influencing the intergovernmental process and as members of official delegations. NGOs became more organized and expanded their influence by forming caucuses of women or youth or faith based groups and so on and speaking as a group on specific issues. Regional caucuses also emerged and over time a certain North-South divide manifested itself.

The role that the NGOs could play evolved over time. At Rio they did not play a very direct role in the negotiating process which was conducted largely in closed meetings. But they learnt how to lobby and influence delegations, providing texts and amendments that the country delegates could pursue. They also became adept at using the presence of the media to good effect. Yet another contribution came from parallel events and seminars that tried to influence delegates. In all of this the central role of civil society is to bring into play a point of view that is informed by principles that cut across national interests. This is a crucial contribution to the world of diplomacy where the currency of debate is often the interplay of national interests. NGOs bring an issue interest like environmental health or women's rights to the table while country delegations project a national or regional position. This alters the dynamic of the negotiation so that success is measured not just in terms of whether the countries agreed on some text but as much by the extent to which the issue interest has been protected.

The conferences also helped the NGOs to connect with each other across national boundaries. New networks emerged and old networks were strengthened by the mission they acquired of helping NGOs to connect with each other to maximize their impact. Several global networks of NGOs like the Women's Environment and Development Organisation (WEDO) developed on the strength of the resources mobilised for their work on these conferences. In some ways, the UN conferences of the nineties helped global civil society to emerge by providing it with a role and a space where its various parts could connect with one another.

The growing connection between the UN diplomatic process and NGOs has been questioned from two sides. Governments which are used to the traditional inter-country diplomacy have questioned the relationship between the UN and NGOs, typically on the ground that it is not clear whom NGOs represent. In reality their real concern is that dissident groups in their countries will find a voice. The engagement has also been criticized by some NGOs who question the wisdom of being "part of the system" and are skeptical about the impact of the UN. This dissident movement was partly reflected in the parallel conferences held along with the UN events and can be seen in full cry at the World Social Forum.

Where do we go from here? One route is that of more formal arrangements like a Peoples Assembly. Several scholars, most notably Richard Falk and George Monbiot have argued for such a deliberative assembly as an expression of global public opinion.

Another route is to bring in civil society as partner in implementation sharing the executive responsibility for action in specific areas. This has of course been very common in humanitarian work but is now finding favour in development advocacy and even operational activities for development. The Johannesburg partnership initiatives are an example. In a few cases the UN is trying to put together structured multi-stakeholder groups involving governments, corporations and NGOs. The most interesting instance of this is the multistakeholder arrangement that was set in place, first for the Working Group on Internet Governance and then for managing the new Multistakeholder Internet Governance Forum. As this marks a new line of development in the engagement of citizen groups and diplomacy, let me say more about our experiences with this process.

The origins of the Internet lie in US defence research. But its subsequent development is a bottom up process as users collaborated to improve and strengthen its capacities as a medium for information dissemination. This led to a unique modality of governance which was open, informal and outside governmental influence or control. The global internet today is managed quite efficiently by a set of private institutions – the Internet Corporation on Assigned Names and Numbers (ICANN) and a host of others.

The Internet today has become an essential part of national and global infrastructure. Many governments depend on its availability and reliability. In developing countries in particular the internet is used more for public service applications and hence there is an even greater desire for engagement among their governments. This is why the central issue is the way in which the management of the internet can be internationalised and how governments can engage more effectively in public policy issues that arise. Apart from the management of core resources to ensure safety, security and fairness in access to core resources, there are other public policy issues which concern governments like spam, cyber security and cyber crime.

This has led to demands for changes that would make the management of the Internet multilateral, transparent and democratic, to use the standard set by the World Summit for the Information Society in its Tunis meeting. The member states of the WSIS were innovative and set up a multistakeholder Working Group to prepare proposals for their consideration. At Tunis, the issue was not fully resolved but the governments decide to continue with the multistakeholder arrangement and set up an Internet Governance Forum which is designed as an open-door process which any stakeholder who fulfils a minimal criteria of relevance can attend. In this sense it does not have a fixed membership. A forty member multistakeholder group advises the UN on organizational issues and the Forum itself is chaired by a representative of the host country. The costs of the secretariat that manages this process and the costs of the forum are met from voluntary contributions.

The process has worked reasonably satisfactorily so far. The multistakeholder Working Group produced an agreed report on the proposals that should placed before governments. (A more detailed assessment of this experience is contained in the piece attached as an Annex to this address). The first meeting of the Internet Governance Forum was held in Athens in November 2006 and the general assessment of stakeholders

was that it succeeded in its primary aim of providing a space for a dialogue and engendering useful partnerships. The IGF has worked because it does not seek to displace anyone from any position of authority. Its value is that it allows people who would otherwise not meet to exchange views and thus influence one another.

The greatest challenge in making hybrid governance work is the culture clash. In the case of the Internet Governance Forum three, possibly four, cultures interact on an equal footing. First there is the world of the U.N. with its diplomatic culture, where countries assert their right to make set piece statement and observe diplomatic niceties particularly when talking about other countries. It is a culture attuned to listening and reacting rather than being very proactive. Second there is the NGO culture which, at least in the U.N. context has been an advocacy culture. This requires these NGOs to state their views strongly, vigorously, perhaps even with a measure of exaggeration. That is the only way they can command attention in the five minutes of air time that they usually get. Third you have a culture of business, which is very uncomfortable with generalities which still prefers to focus on immediate practical partnership type exercises and applications. In the context of the IGF I would add a fourth culture, that of the internet professionals who have developed a rough consensus approach to debate and decision which allows them to ignore extreme positions, something that cannot be done in normal diplomatic practice very easily.

A multi stakeholder forum like the IGF can work if there is a little adjustment in all three cultures. Governments will have to accept that a multistakeholder forum will be a little more frank than a normal diplomatic conference would be and that they have to participate in it in that spirit. Civil society has to accept that if the purpose of this exercise is ultimately to lead to joint action, then a certain degree of restraint is necessary in the expression of disagreement and dissent. Industry has to accept that in a new area like Internet there will be a certain amount of discussion of general principles and demands for voice and influence as new actors appear on the scene. The Internet community must recognize that the Internet is no more a research tool but a vital part of governance, media and commerce and that these powerful interest groups will want greater influence on how the Internet is managed.

One reason why the experiment in hybrid governance has worked is the nature of the Internet itself. The Internet philosophy of bottom-up development, of people of diverse cultures from different countries working together informally in order to make things work somehow seems to have percolated through even into the IGF debates and deliberations. And in many ways, what we are seeing is really one of the great, potentially greatest, impacts of the Internet, the way in which it can bring people together from different parts of the world and make them feel that they are part of a single community.

Let me turn finally to the greatest challenge for civil society and global governance. This is the challenge of systemic reform.

The reform of global governance will not make much progress if it is left to the normal processes of intergovernmental diplomacy. We need a global citizen's movement for a new structure and modality of global governance. This can be done. We have examples like the Jubilee initiative on debt or the movement against land mines as examples. The recent "Stand Up and Speak Out" event against poverty mobilized 38.8 million people in 110 countries. It is true that these movements have a simple easily understood goal. But the logic of their positions leads them to move beyond simple goals into a demand for structural reform, for instance in the way the Bretton Woods Institutions function. The key is their capacity to bring together normally fractious advocacy groups around a shared agenda as their success in being heard attracts others with similar aims into the fold.

There are today many voices asking for change. These voices are not always in harmony, for instance on Security Council reform. But the one thing that everyone is agreed on is that the present arrangements for global governance need to be changed. The movement for the reform of global governance must provide a broad platform so that a wide range of advocacy groups can join. Each group will gain because by coming together they will amplify their voice. The challenge is to aggregate these views so that a political movement for reform takes shape. The model can be the way coalitions develop a common programme in national politics.

A Common Minimum Programme for Global Reform can become a powerful tool for mobilisation in all democratic countries. The issue is not just that of reaching decision-makers. The resistance to change is not limited to the executive branch of government. The nature of the issues is such that the movement has to influence national debates in parliaments, press, think tanks, academic institutions and elsewhere. Only then will it become an influential interlocutor in global debates.

In some ways the juncture we are at is similar to what happened in the transition from oligarchy to social democracy at the national level. Elites were confronted with mass movements that had an agenda for political democracy and social justice. The response was sometimes accommodating and a constitutional path to social democracy was taken. When the resistance to change was stronger, the change came, but with greater disruption.

We must work towards a global social consensus of the sort that underlies social democracy at the national level. It is a consensus that must cover procedural issues of democratisation with substantive issues of social justice. Such a consensus can provide the basis for a new international for the twenty-first century, an international of political and social forces that are willing to work for global social democracy. This the real challenge for citizens and global governance.

ANNEX

FOREWORD

Or, more accurately, an afterword on how we got there

by

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The Working Group on Internet Governance was an experiment which worked. That much is clear from the compliments heaped on its report by the participants in the Preparatory Committee for the WSIS. How did this unlikely combination of forty individuals from very diverse backgrounds, each with strong views on what needs to be done or not done, end up producing a unanimous report? Now that the exercise is over, as the Chairman of this Group I feel more able to respond, at least partially to this question.

The Group was fortunate in that the Office of the Secretary-General allowed it to work without interference. It was also very fortunate to have in Markus Kummer an Executive Coordinator who brought to bear his knowledge of the issue, his substantial skills as a diplomat and his typically Swiss efficiency. All this helped.. But I believe a large part of the answer lies in the sequencing of work and the ease with which those who were not in the group could keep track of and contribute to its deliberations.

The first challenge, was to ensure a genuine dialogue in the group. When a group with very divergent views converses, the greatest challenge is to get people to listen rather than just talk. Ideally one wants a dialogue of good faith which each person joins, not to convert but to be converted. The Group's discussions do not quite meet this standard. But the conversation definitely moved beyond a dogmatic statement of set views. Everyone made an effort to explain the logic behind their view and put their argument in terms that could convince others. To do that they had to listen and respond to the doubts and questions raised. Instead of talking at one another the members started talking with one another.

The members of the group were there as individuals. But they had been chosen to reflect a balance across regions and interest groups. There was always a risk that what any person said would be dismissed on ad hominem grounds – “what do you expect from someone who comes from such-and-such country” or “that person is bound to reflect the views of such-and-such vested interest”. These sentiments may well have been felt but they were never expressed or allowed to distort the basic protocol of treating every argument on its merits.

The primary credit for this constructive protocol for the dialogue within the group rests with the members of the group. I hope that as a chair I helped it along as I asked questions to educate myself about the intricacies of internet governance. I believe that a crucial difference was made by the substantial academic presence in the group, for these members brought to the group the ethic of treating every debater with respect. Of course it made every conversation a little longer than what it would have been in a more business-like group! But as a chair I welcomed that because it reinforced the mutual respect of the group members.

The Group also decided against getting into the difficult issue of recommendations too early. In fact they began their work with a thorough exercise in problem definition. This phase was crucial in creating a sense of joint responsibility. More than that, by deconstructing the problem the Group shifted the terms of the debate away from rhetoric, slogans and simplifications to very precise organizational, institutional or policy issues. For example, the discussion of root zone file changes looked at all the steps involved and focused on the authorisation function. The deconstruction exercise helped greatly in separating public policy functions from operational and technical management issues.

The analysis and deconstruction of the problem was a very collaborative exercise. Group members connected with one another through e-mail and other means and produced group drafts. The analysis was largely factual; but getting people to agree on a description of how things actually work was often enough to resolve differences about how they should work. More than that, the Group members who had put in so much hard work developed a vested interest in the success of the process.

Much of the work done by the Group members on problem definition and deconstruction is contained in the Background Report rather than in the Main Report of the Group. The Background Report is not an agreed report in the sense that every member of the group has not signed off on everything said there. But the report is a product of a collaborative exercise amongst group members. So one may think of it as a report by the Group but not of the Group. It has been made available so that the raw material which was used by the group for its deliberations on its Main Report is widely accessible

The Group had reached this stage of problem definition by February; but it had not yet started any systematic discussion about the recommendations that it would make. This posed a minor problem as the Group was required to submit an preliminary report to the February Prepcom. We did present our assessment of what we saw as the public policy issues, but little or nothing on matters like the definition of internet governance, roles and responsibilities. My job as the chair was to take the heat from the Prepcom and allow the Group to pace its work in a manner that would maximize the chances of a unanimous report.

Throughout the process the Group followed a very transparent process for connecting with the wider constituency outside. Every meeting of the Group included an open consultation. The documents that were to be placed before the group were put on line before the meeting so that all stake holders could send in their comments and many did.

These consultations were part of the original design as they were necessary to meet the concerns of those countries who did not want a small group process but a full intergovernmental meeting. In practice the open consultations proved particularly valuable in affording an opportunity not just to governments but also to other stake holders to find out where the Group was heading and to push it in the directions they preferred. The scale and level of participation in these open consultations was truly extraordinary. I would particularly note the full and committed participation of ICANN, ISOC and other entities involved in Internet management at present, which hopefully reassured both the governments and the private sector.

The openness helped to maintain the interest of the internet community and media outside the Prepcom. It gave them material to report and comment on. I believe it also stimulated academic interest in places like the Berkman centre in Harvard, the Oxford Internet Institute and the Syracuse University Group which works on this issue.

The open consultations had one paradoxical effect – they reinforced the Working Groups sense of self-identity. Group members did refer to the views presented at the open consultations. They were influenced by the weight behind different positions as evidenced in these open meetings. But they became increasingly conscious that their job was to write their report not a report on the views expressed in the consultations.

By April 2005 the Group had started talking about recommendations; but the real discussion was to be at the final June meeting. Usually the Group met in UN premises in Geneva. This allowed a certain amount of informal interaction between the Group members and other stakeholders. However when it came to drafting of the final report a more secluded environment seemed necessary. The Group had in any case shared so much with the stake holders that no surprises were in store. The secretariat arranged to take everyone to a conference centre on the outskirts of Geneva.

When the Group met in Chateau de Bossey in June 2005 it had developed a camaraderie and team spirit. People knew one another and what they could expect in an argument. There was a real sense of ownership and a commitment to get an agreed report despite the differences that remained. The atmosphere in the Chateau helped in promoting a certain bonhomie. The Group members, thrown together not just for the meetings but also for all meals and convivial evenings in the fine garden, became a group of friends who had differences on substantive matters but who were prepared to find a way through out of a sense of responsibility and out of friendship.

The discussions at the Chateau were intense and tempers occasionally frayed. My job as the chair was to keep the process moving, cajole for compromise, lighten the mood when the going got rough and once in a while simulate anger! But the Group members rose to the task and practically everyone pitched in contributing some text to the final product.

The most difficult issue was that about institutional arrangements for global public policy oversight. It soon became clear that a single view would not emerge and would in fact be misleading as it would not reflect the diversity of opinions within the group and in the wider community outside. We correctly decided that we were not a substitute for the political process in the Prepcom and that our duty was to spell out options clearly rather than to find a compromise. Had we presented just a single option, then all those outside who disagreed with that option would have rejected even the rest of the report which contained valuable suggestions.

In the end the Group produced a unanimous report. There is no note of dissent. It is not a report which replaces the need for a broad political process. But it is a report that makes it possible for such a process to start further down the road to the ultimate compromise.

The Working Group began with forty experts often suspicious of one another. It ended as a group of forty collaborators who were convinced that they had fulfilled their duty and were proud of what they had wrought. The challenge now is to reproduce in the wider community the same sense of engagement, dialogue, understanding and constructive compromise.