

The United Nations: Its Relations with Its Stakeholders

By John Clark (director of the secretariat for the Panel of Eminent Persons on UN-Civil Society Relations, 2003-2004): Contribution to UN Career Records Project, December 2020

What is a nation? It is a territory of land within a defined boundary; it is the mountains, lakes, rivers, islands and other geographic features of that territory; it is all the peoples who inhabit that territory, as well as their firms, societies, religious institutions and services of all kinds; and it is the governments from the very local to the state level that govern, make laws, protect and provide for the needs of the population. A nation comprises all these things, not just the instruments of the state. Yet since its founding, the UN has been a forum of central governments to deliberate issues of mutual interest to the sovereign states of the world. It would more accurately be called the United States – but that name has been taken.

As he started his second 5-year term as UN Secretary-General, Kofi Annan had a reform agenda he wanted to take forward. During his first term he became increasingly aware of a number of areas in which the UN needed to change; times had moved on and unless the UN adapted to these changes it risked becoming outdated and ineffective. But unlike other intergovernmental organisations – which can adapt more readily, or can be supplemented by spin-off agencies tailor-made for the new situations – the UN is rather a prisoner of its founding Charter which rigidly defines the components of the organisation, the memberships, and how they operate. That charter reflected the world as it was at the time – 1945.

Two particular two sets of reforms Kofi Annan wanted to champion concerned:

- a) the workings of the Security Council – whose membership and ways of working were appropriate for the post World War II world and the Cold War era that followed, but revealed major shortcomings when it came to the 21st Century; and
- b) the rigidity, formality and limited vision of UN discussions and decisions due to their being essentially constrained to national governments and not the other key stakeholders who are both influenced by and have essential knowledge and wisdom relating to those issues.

For both these areas of concern, Kofi established High Level Panels of distinguished people – staffed independently by their own secretariats that answered to the chair of the respective panels – who would analyse the shortcomings and advise on measures for correcting them to build institutions fit for purpose in the present era. This contribution concerns the second of these areas of reform.

The Cardoso Panel

To advise him on how the UN could reform its engagement with “non-state stakeholders”, Kofi invited Fernando Henrique Cardoso, the former President of Brazil, to chair “*The Panel of Eminent Persons on UN-Civil Society Relationships*” with a brief to consider potential key reforms based on best practice within the UN system, other international organisations and wide consultation and to report to him in 12 months.

Kofi was no doubt sincere in his purpose. Indeed, he later commented that “*the rise of civil society is indeed one of the landmark events of our times. Global governance is no longer the sole domain of Governments. The growing participation and influence of non-State actors is enhancing democracy and reshaping multilateralism. Civil society organizations are also the prime movers of some of the*

most innovative initiatives to deal with emerging global threats.¹ In 2005, Kofi also wrote that “the presence of civil society strengthens the legitimacy, accountability and transparency of intergovernmental organisations. ... [States] cannot do the job alone. We need an active civil society and a dynamic private sector. Both occupy an increasingly large and important share of the space formerly reserved for States alone ... I have commended the [Cardoso] Panel’s report to the General Assembly, together with my own observations.²”

The Political Philosophy the Panel Took as its Starting Point

The Panel – widely known as the Cardoso Panel – and its secretariat (comprising 7 staff and interns plus myself as its director) started with a broad view of the evolving theories of democracy and citizen voice. In particular it analysed three key phenomena in today’s globalised world: firstly, a mounting dissatisfaction with “delegatory democracy” and the ascendance of *deliberative* democracy, in which those who are particularly impacted by or with specialist knowledge of a given issue should have the opportunity to be consulted on and influence decisions concerning those issues; secondly, increasing evidence that decisions and processes that are multi-stakeholder are more robust and more widely supported by the public; and thirdly, the increasing importance and democratisation of information in the 21st century polity.

The Panel argued that these trends mean that people are no longer satisfied to select electorally their representatives to speak for them on all issues; they want more direct participation. Moreover, they fuel an increasingly evident lacuna: while much of the substance of politics has been globalized (trade, economics, climate change, HIV/AIDS, the SARS pandemic, terrorism, etc.) the process of conventional politics has not. Its main institutions—elections, political parties, and parliaments—remain rooted at the national level—hence the gap. Civil society, on the other hand, is able to adapt to working in strong global organizations and networks.

From this starting point, three plenary meetings of the panel, a workshop with some panel members and others particularly knowledgeable about multi-stakeholder relationships and wide consultations with civil society leaders in the global South and North, with leaders of businesses and local governments, with UN staff and national delegates to the UN, and other stakeholders, the panel drew up a reform agenda to achieve four objectives:

1. Reinterpret Multilateralism to Mean Multi-constituencies. The way multilateral agenda are shaped has changed—with civil society bringing new issues to the global agenda and governments taking effective actions not by consensus but through multi-constituency coalitions of governments, civil society, and others. Increasingly iterative processes of public debate, policy dialogue, and pioneering action are the way to redress problems. UN should explicitly adopt this important mode of multilateralism, and use its convening power to create multi-constituency forums, open formal UN forums to all actors necessary to solve critical issues, and regularize the use of a range of participatory modes such as public hearings.

2. Realize the Full Power of Partnerships. Multi-stakeholder partnerships have emerged as powerful ways of getting things done and closing the implementation gap by pooling the complementary capacities of diverse actors. Achieving the Millennium Development Goals (MDGs) and other global

¹ Kofi Annan, Sept. 2005, *In Larger Freedom*, address to the UN General Assembly, https://www.un.org/en/events/pastevents/in_larger_freedom.shtml

² 2005 foreword, *People Building Peace: Successful stories of Civil Society*, P van Tongeren et al (eds.), Reinner

targets demands a UN that is proactive and strategic in catalysing new partnerships, incubating emerging ones, and investing in developing necessary staff skills and resources.

3. Link the local with the global. The deliberative and operational spheres of the UN are separated by a wide gulf, hampering both in areas from development to security. A closer connection between them is imperative so that local operational work contributes to the global goals and global deliberations are informed by local reality. The UN needs to give priority to enhancing its relationship with civil society at the country level. On the development side, this implies prioritizing relations in field offices. On the security side, it means strengthening informal engagement of the Security Council with civil society.

4. Help tackle democracy deficits and strengthen global governance. The new configurations of the 21st-century political landscape pose critical challenges for traditional mechanisms of global governance. They demand changes in the UN not just by engaging civil society in policy-making at all levels, but also by enhancing the role of parliamentarians and local authorities in the deliberative process on pressing global issues.

Key Panel Proposals

From these objectives a number of proposals followed, in particular the following:

- **Shift from a “fixed-slate” approach:** The UN has tended, through its emphasis on admitting to its deliberative processes primarily those NGOs that have been accredited by an inter-governmental committee, to prioritize engagement with a fixed set of NGOs on all issues. Instead, it should engage with actors most relevant to the issue in hand (be they NGOs, private sector organizations, local authorities, or others). The responsible stakeholder networks focusing on those issues, rather than inter-governmental committees, should determine who speaks and who attends.
- **Establish a new “civil society and partnership tsar”:** A new high-level bureau should be established in the Secretary-General’s office to help steer the UN’s relations with civil society, parliamentarians, local authorities, the private sector, and others. It would also catalyse institutional culture changes toward an outward-looking organization.
- **Open the General Assembly (GA) and its committees and special sessions to civil society:** At the time, accredited NGOs only had formal rights to engage with the UN’s Economic and Social Committee (ECOSOC). Since the GA is the overarching UN forum it also should be enriched through carefully structured inputs from CSOs and others at preparatory stages before the GA formally debates and decides on issues.
- **Reform and de-politicize the accreditation processes:** Some accreditation process would still be needed but this should be reformed: a) to allow entry to the GA as well as ECOSOC; b) to emphasize the technical merits of those applying, rather than political factors, and c) to become swifter and more transparent.
- **Enhance the UN Security Council’s links with civil society.** The Security Council should expand the growing practice of holding informal “Arria formula” consultations with CSOs, but it should broaden this to include CSOs from the affected countries, not just those based in New York. The practice of Security Council “field missions” should be expanded, and these should always include meetings with civil society.

- **Strengthen links with Parliamentarians:** The UN should convene “global public policy committees” on the most pressing issues to provide a link between Standing Committees relevant to those issues in a wide range of parliaments.
- **Revive multi-constituency forums:** Governments have decided that the big conference has been an overused tool. Perhaps so, but it should not be completely abandoned. Used sparingly, it can help foster global norms on emerging policy issues. Smaller, more politically predictable events – public hearings – can also be staged to bring all relevant stakeholders together for reviewing progress on meeting globally-agreed goals, especially the Millennium Development Goals.
- **Establish a fund to enhance southern civil society engagement.** This would help overcome the heavily Northern domination of UN engagement with civil society.

Response to the Panel’s Report and Proposals

The Panel’s report³, *We the Peoples: Civil Society, the UN and Global Governance*, was presented to Kofi Annan in June 2004. Kofi immediately shared it with UN Member States and in September 2004 he shared his own response to the Panel’s recommendations⁴ observing that “*Through their work, they have already made an invaluable contribution to the strengthening of the United Nations in a world that is remarkably different from the one in which the United Nations was founded.*”

The panel’s report was discussed in the General Assembly (GA) in October 2004, and specific proposals on subsequent occasions. However, this period could not have been a more inopportune time to discuss reforms. The US-led invasion of Iraq without UN approval, the killing of the UN’s Special Envoy for Iraq, Sérgio Vieira de Mello, and the implication of Kofi Annan’s son, Kojo, in malpractice regarding the UN’s “Oil for Food” programme in Iraq all pressed heavily on Kofi and, although he personally was exonerated in the Oil for Food scandal, these events hurt his standing and made it very difficult for his reform agenda to get far.

The report was generally well-received by liberal governments and civil society, although some governments and some NGOs (particularly some of the New York lobbyists) raised objections⁵. Kofi and the UN Secretariat particularly endorsed proposals concerning:

- fostering meaningful engagement of civil society and the private sector in major deliberations of the GA to ensure the UN becomes a more outward-looking organisation;
- reaching out in a more targeted way to engage southern civil society in UN processes to avoid the prevailing domination of Northern actors and to help “connect the global with the local”;
- fostering multi-stakeholder processes to tackle the most vital issues of our times;
- strengthening dialogue of the Security Council with civil society specialists on the issues being addressed, through informal consultations and involving local civil society in its field missions;

Kofi also announced a number of executive decisions he would be taking that didn’t need Member States’ approval including: establishing a Partnership Office in his cabinet to provide institutional

³ [https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/09916F545454357BC1256F5C005D4352/\\$file/A-58-817.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/09916F545454357BC1256F5C005D4352/$file/A-58-817.pdf)

⁴ [https://www.unog.ch/80256EDD006B8954/\(httpAssets\)/F77BEFE7DDC2FB88C1256F5C005D9679/\\$file/A-59-354.pdf](https://www.unog.ch/80256EDD006B8954/(httpAssets)/F77BEFE7DDC2FB88C1256F5C005D9679/$file/A-59-354.pdf)

⁵ These NGOs didn’t like the proposed shift from formal NGO accreditation to ECOSOC for all UN purposes to more selective civil society engagement depending on the issue in question (which, the panel argued) worked well in the case of NGO accreditation to the big UN conferences. They also distrusted the panel’s ideas regarding engaging with the private sector in parallel with civil society – which the panel thought vital in the modern age, especially as this sector is of pivotal importance to the most pressing issues of our times such as climate, the environment, global health threats, globalisation and information technology.

leadership in strengthening relations with non-state actors especially civil society, the private sector, parliamentarians and local authorities; establishing a trust fund to enhance the capacity of civil society in developing countries to engage more systematically with the UN; identifying a civil society focal point person in Resident Missions to coordinate the UN system's work and dialogue with civil society at the country level; and opening a Partnership Office in his cabinet.

Arguably the most significant development following the panel's recommendations relates to the GA. Member States agreed, as a pilot, to hold roundtable discussions with relevant specialists in civil society and the private sector just before its 2005 High-level meeting on HIV/AIDS, and similarly the Assembly agreed, on 17 December 2004, to hold interactive hearings with civil society and others prior to the opening session of the Assembly. These pilots proved successful and subsequently it has proved the norm to have such round-table Hearings prior to major GA meetings on topics such as Non-Communicable Diseases (2011), International Migration (2013), and Sustainable Development (2015), and also it is now practice to schedule a 2-day meeting between Member States and civil society immediately before the opening of the General Assembly with an agenda determined in consultations with NGO representatives.

While the Panel's recommendations have undoubtedly contributed to some opening of UN processes and to some new ways of working, the organisation has changed relatively little with respect to non-state actors compared with other intergovernmental bodies. How much this stems from the tense situation of the UN at the time the Panel made its recommendations, to the straightjacket imposed by the highly prescriptive founding Charter, and to general institutional inertia and complacency is open for debate. As the UN Association of the UK has lamented, "*Reform initiatives such as the 2003-04 Panel of Eminent Persons on UN-Civil Society Relations have yielded some compelling proposals that remain unimplemented, including those relating to coordination across the UN system.*"⁶ However, the current Secretary-General, António Guterres, has stressed that UN-civil society cooperation and partnerships must become "a key element in solving global problems"⁷ – so perhaps he will pick up the challenge presented by Kofi Annan.

Undoubtedly, the coming years will see a growing role for civil society, the private sector, parliamentarians and local authorities in the UN and other forums of global governance. However, this will not be without controversy. Many in civil society resent the growing clout of large corporations – especially as hard-pressed international organizations increasingly seek funding and operational links with major companies. Similarly, governments tend to resist the shifting power towards local authorities (who are preoccupied with very local concerns) and NGOs (who they regard as unelected and unaccountable). And as matters of foreign policy come to dominate politics, parliamentarians resent their relatively weak voice in international forums.

⁶ Ben Donaldson, UNA – UK at: <https://una.org.uk/13-supporting-civil-society-across-un-system-and-beyond?page=2>

⁷ [https://www.unog.ch/80256EE60057E07D/\(httpHomepages\)/2E72458FCDA07B16C1257ED700313B19?OpenDocument](https://www.unog.ch/80256EE60057E07D/(httpHomepages)/2E72458FCDA07B16C1257ED700313B19?OpenDocument)

Composition of the Panel of Eminent Persons on UN-Civil Society Relations

- **Fernando Henrique Cardoso:** two-term President of Brazil (1995 to 2002); before that he was a professor of sociology internationally known for his “dependency theory” and a politician; since 2002 he has been the president of the Club of Madrid (of which he remains a member), founder of the Inter-American Dialogue and board-member of the World Resources Institute
- **Bagher Asadi:** high-level Iranian diplomat, a conspicuous reformist and critic of Iran’s conservatives, for which he suffered multiple periods of imprisonment; he served a term as the director of the D8 group of primarily Muslim developing countries, based in Istanbul.
- **Manuel Castells:** Spanish sociologist most famous for his ideas about the “network society” – within any society individuals are connected by informal networks and these are increasingly important due to Information Technology; he has held distinguished academic positions in many universities and in 2020 was appointed Spain’s Minister of Universities.
- **Birgitta Dahl:** a leading Swedish Social Democrat politician who had been an MP for 33 years and had served as Minister of the Environment, Minister for Energy Affairs and Speaker of the Swedish parliament
- **Peggy Dulany:** notable American philanthropist and daughter of the eldest of the Rockefeller brothers (David); she founded *Synergos*, an NGO that aims to solve complex problems by building bridges between grassroots communities and business and government leadership.
- **André Erdős** High-level Hungarian diplomat who had been the country’s ambassador to France and the United Nations, where he also sat on the Security Council. More recently he has advised the Hungarian Prime Minister on security issues and foreign affairs.
- **Juan Mayr:** Colombian diplomat and environmentalist; has served as Colombian ambassador to Germany, Minister of the Environment, Vice-President of the World Conservation Union and president of the UN conference on Biosafety; winner of the 1993 Goldman Environmental Prize.
- **Malini Mehra;** founder of the Centre for Social Markets, an Indian NGO that initiated India’s national mobilisation on climate change; currently CEO of GLOBE International, the environmental legislators organisation.
- **Kumi Naidoo;** social justice campaigner, CEO of Civicus and former anti-apartheid campaigner in his native South Africa, we went on to become the CEO of Greenpeace International and then Amnesty International; founder of Africans Rising.
- **Mary Racelis;** Filipino social scientist, development worker and academic; had various roles in UNICEF, including Regional Director for Eastern and Southern Africa, was Philippines Country Director for the Ford Foundation and has advised the Philippines government on social issues.
- **Prakash Ratilal;** businessman and government official; former governor of the Central Bank of Mozambique, former Vice-Minister of Commerce, negotiated Mozambique’s entry into the IMF, and coordinated the National Executive Commission of Emergency;
- **Aminata Traoré;** a Malian author, politician, and political activist; was Minister of Culture and Tourism in Mali, has worked for UNDP; currently Coordinator of *Forum pour l'autre Mali*, and serves on the board of the International Press Service.

Secretariat: in addition, there was a secretariat housed in Kofi Annan’s cabinet in the UN New York headquarters; I was its director and there were 2 other full-time staff; two senior advisors connected to President Cardoso; and three interns. Two further consultants helped prepare thought-pieces and moderate a workshop on Multi-Stakeholder Partnerships.