UNU-IAS Report

Promoting Enfranchisement: Toward inclusion and influence in sustainable development governance

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List of Abbreviations

CBD   Convention on Biological Diversity
CSO   Civil society organization
DPI   UN Department of Public Information
ECO   Environmental citizen organization
ECOSOC   UN Economic and Social Council
FfD   Financing for Development
G-77   Group of 77 and China
IFI   International financial institution
MA   Millennium Ecosystem Assessment
NGO   Non-governmental organization
PFII   Permanent Forum on Indigenous Issues
WTO   World Trade Organization

Foreword

In February 2004, United Nations University, Institute of Advanced Studies (UNU-IAS) released a research agenda entitled *Engaging the Disenfranchised: Developing Countries and Civil Society in International Governance for Sustainable Development*. The report set forth a framework for investigating the problems and questions surrounding the participation of state and non-state actors from developing nations in regimes for sustainable development. Following the release of the report, UNU-IAS convened a group of scholars and practitioners to present work related to issues of disenfranchisement and to discuss potential remedies. In collaboration with the International Institute for Applied Systems Analysis (IIASA) and with support from the Austrian Ministry of Foreign Affairs, this group identified the major challenges and developed recommendations for improving the engagement of a variety of state and non-state actors. It is thus with great pleasure that we are able to present this report as a joint publication of UNU-IAS and IIASA. We gratefully acknowledge the support of the Austrian Ministry of Foreign Affairs in making this meeting possible.

Sustainable development will require expanding both the breadth of actors involved in creating and implementing policy, as well as the depth of their involvement. The report, entitled *Promoting Enfranchisement: Toward Inclusion and Influence in Sustainable Development Governance*, will be a useful contribution to our collective thinking about how to achieve these goals. It offers a careful analysis of the obstacles facing both state and non-state actors from developing nations in their efforts to participate in the policy-making process. Of particular use to policy makers, civil society and others involved with sustainable development governance, the report also proposes concrete measures to help remedy this problem.

It is particularly appropriate that UNU-IAS, an advanced studies institute mandated to focus on the challenges facing developing countries, should undertake research on engaging disenfranchised actors in international governance for sustainable development. UNU-IAS is one of the thirteen research and training centers that comprise the United Nations University. It contributes creative solutions to key emerging issues of global concern by providing neutral policy analysis and intensive capacity development. This report is just one example of these efforts.

-- A.H. Zakri
Director, UNU-IAS

The International Institute for Applied Systems Analysis (IIASA) is a nongovernmental research organization whose strategic aim is to conduct interdisciplinary scientific studies that provide timely and relevant information to policy makers addressing critical matters of global change. Located near Vienna, Austria, IIASA is sponsored by an international consortium of National Member Organizations (NMOs) and supported by the governments of its member countries.

The 33-year journey from the first United Nations World Summit on Sustainable Development in Stockholm in 1972, via Rio de Janeiro in 1992 and Johannesburg in 2002, has put the world on notice that achieving sustainable development in the twenty-first century is not an option but an imperative. Such a goal cannot be achieved, however, without a global partnership between the spheres of environment and development.

The holistic, multidimensional research carried out by IIASA focuses on three themes that are at the very core of sustainable development: environmental and natural resources, population and society, and energy and technology. Moreover, IIASA hosts the Process of International Negotiations (PIN) Network that brings together practitioners and analysts to work on concepts related to the field of negotiation. The critical consideration here is the way in which scientific analysis and problem solving can facilitate and enable navigation of the political channels of give-and-take bargaining, positive-sum solutions, and other successful forms of negotiation that lead to implementation.

Knowledge such as this can empower both state and non-state actors, particularly in the developing countries, to progress toward a sustainable and a secure world. Let us hope that this report, produced by the United Nations University, Institute of Advanced Studies in partnership with IIASA, is a first step on the road of policy-relevant research toward enfranchising those who participate in multilateral negotiations and empowering them to pursue and achieve their goals.

-- Professor Leen Hordijk
Director, IIASA

1 Executive Summary

"Better governance means greater participation, coupled with accountability. Therefore, the international public domain—including the United Nations—must be opened up further to the participation of the many actors whose contributions are essential to managing the path of globalization." [1]

-- UN Secretary General Kofi Annan

In his Millennium Report, *"We the Peoples,"* the Secretary General affirms that globalization has changed the nature of global governance, and the requirements for its success. A new approach to multilateralism is emerging, one that must include a variety of actors, and especially those from the developing world. This report, *"Engaging the Disenfranchised: Toward inclusion and influence in sustainable development governance",* endeavors to advance the discussion about participation and engagement, overcoming its obstacles, and promoting the full enfranchisement of both state and non-state actors. This report details research about disenfranchisement conducted by the United Nations University-Institute of Advanced Studies (UNU-IAS) over the past year and a half. It surveys the challenges encountered by the developing world in their attempts to participate in international policy-making for sustainable development, as well as the obstacles faced by different types of non-state actors. UNU-IAS, together with the International Institute for Applied Systems Analysis (IIASA) convened researchers and practitioners from around the globe to discuss this issue and propose potential solutions. This report is a synthesis of its discussions and findings.

Guided by a research framework entitled *"Engaging the Disenfranchised",* the project began with a detailed exploration of the obstacles faced by developing country delegates and a variety of non-state actors, including NGOs, transnational civil society coalitions, protesters, scientists, indigenous peoples and business groups. This report traces these investigations, and proceeds in four parts.

The first section defines disenfranchisement, and its associated characteristics. Disenfranchisement generally refers to the deprivation of the right to vote. But it can also be understood as *"being deprived of a legal right, or of some privilege or immunity."* [2] In the context of UNU-IAS's work, disenfranchisement refers to the marginalization of developing country delegates and non-state actors in multilateral regimes for sustainable development. It is defined as: *"being deprived of the ability to participate and influence agenda-setting and decision making in international regimes for sustainable development."* [3]

Both states and non-state actors can be disenfranchised, albeit in different ways. There are several considerations that must be highlighted in order to understand what full enfranchisement might look like. First, as noted in the definition above, there is a difference between participation and influence; enfranchisement requires both. While participation (also referred to as voice) is a necessary precondition of enfranchisement, it is not sufficient. Second, enfranchisement can occur on different scales – both at the *"macro"* scale, where a group of actors is able to participate and influence other groups within the policy-making process, and at the *"micro"* level, where each member within a given group has the ability to participate and influence the discussion. Finally, it is critical to note that while an actor or set of actors may be effectively engaged within one forum, this influence may not parlay to other parts of the multilateral system.

The second section sets forth the research framework that guides the inquiry, distinguishing between institutional and non-institutional pathways for exercising voice and power. These two types of pathways are meant to address both the structural context of the multilateral arena, as well as the capacity issues that facilitate or impede actors from participating and influencing policy discussions (see Table 1). Institutional pathways are defined as the modes of participation that are sanctioned by international processes and organizations. Non-institutional pathways—particularly important for non-state actors—are those tactics outside the formal decision making process that actors employ to influence policy decisions.

The third section summarizes the main challenges to engaging disenfranchised actors, and the final section offers recommendations for enfranchising them. Briefly, for developing countries, these recommendations include:

- Halt negotiation proliferation.
- Change make-up of executive bodies.
- Create *"defensive"* power through negotiating blocs, and *"offensive"* power through like-minded groups.
- Improve staff support for the G-77 offices, and the communication between them.
- Greater use of regional fora to promote exchange of views and coordination and lessen demands on human resources.
- Create new fora for negotiating issues.
- Better instruction from capitals.
- Facilitated negotiations and coaching to reduce the constraints on developing countries that lack capacity.
- Extensive consultation and exchange of views before drafting.
- Flexibility and ambiguity in the process to hold interested parties together as consensus is being developed; this tactic is also important for involving multilateral institutions.

- Capacity building to improve negotiation performance in specific, recurring types of interactions.

- Technical cooperation from civil society to developing country missions to enhance knowledge, strengthen negotiating positions.

- More developing country input into the creation of scientific knowledge and consensus.

- Leadership and perceived support of developing country missions and governments.

For non-state actors, possible actions to promote enfranchisement include:

- Expanded, simplified accreditation processes (i.e. beyond just NGOs).

- Amended rules of procedure.

- Institutionalized and innovative funding.

- Increased involvement with parliamentarians.

- Coalition and policy coordination to elaborate policy positions through multiple actors.

- Extensive consultation and exchange of views before drafting.

- Greater use of regional meetings for coordination and advocacy.

- Protest.

- Technical cooperation to developing country missions to enhance knowledge, strengthen negotiating positions.

- Greater interaction and influence with other fora working on the same issues.

- Regional standards and law-making efforts based on Principle 10.

- Coalition building outside the multilateral process, including civil society and business actors.

2 Introduction

In February 2004, United Nations University, Institute of Advanced Studies (UNU-IAS) released a research agenda entitled *Engaging the Disenfranchised: Developing Countries and Civil Society in International Governance for Sustainable Development*. The report set forth a framework for investigating the problems and questions surrounding the participation of delegates from developing nations, civil society and other non-state actors—particularly those from the developing world—in regimes for sustainable development. Following the release of the report, UNU-IAS convened a group of scholars and practitioners to present work related to issues of disenfranchisement and to discuss potential remedies. In collaboration with the International Institute for Applied Systems Analysis (IIASA) and with support from the Austrian Ministry of Foreign Affairs, this group identified the major challenges for improving the engagement of a variety of state and non-state actors and developed recommendations for achieving this goal. This report documents these discussions as well as the project's findings and proposals.

UNU-IAS's research on disenfranchisement seeks to:

• Understand the sources of the power differential between developed and developing countries in international policy-making processes, and propose remedies to lessen this gap;

• Distinguish between non-state actors that already exercise voice and power in the multilateral arena, and those which remain disenfranchised;

• Propose mechanisms to enhance the engagement of disenfranchised actors, particularly those from the developing world.

The project proceeds from the premise that the growing participation of a variety of non-state actors—scientists, business organizations, civil society of all stripes, and indigenous peoples—has not been equally distributed among all these actors, nor has it been accompanied by a correspondent growth in their influence. This disconnect is problematic for those actors who wish to insert their views into policy discussions; for them, participation may be in name, but not in practice. However, this feeling of marginalization does not apply to all cases; there are some non-state actors who are successfully influencing international policy-making for sustainable development. However, the disparity between those who are successful and those who are not may undermine the legitimacy of the process. In addition, since many obstacles to engagement—that is, the ability to both participate in and influence the policy-making process—are often constrained by a lack of human and financial resources, a disproportionate number of the disenfranchised come from the developing world.

Disenfranchisement is not restricted to non-state actors; even representatives of the state may be marginalized from international policy-making. Though not deprived of the right to vote, as one author puts it, a weak (and often developing) country, may "perform only as a silent observer, for long periods of time." [4] Thus, the challenge of this project is to understand how these disenfranchised actors can overcome obstacles to engagement to enable full participation in the multilateral arena—which includes the ability to exercise influence. For global governance to be sustainable and its policies effective, changes must be made to accommodate a wider variety of actors in the international policy-making process, and to ensure that their engagement is meaningful. To investigate this problem, the research carried out in this project examines both structural obstacles, in the rules, practices and institutional arrangements within the intergovernmental sphere, and the issues of capacity that impede engagement. In its recommendations, the research proposes both institutional and non-institutional pathways for influence, which will be described more fully in the following sections.

The report will proceed in five sections. First, it will define disenfranchisement and explain some of the main policy challenges of engaging disenfranchised actors. Second, it will describe the political and policy context that surround discussions of disenfranchisement. Third, it will outline the research questions of the project, and the framework devised for addressing those questions. Fourth and finally, it will present the findings of the project, offering recommendations for enhancing the engagement of these actors. Ultimately, these proposals aim to improve the global governance of sustainable development by promoting the meaningful engagement of a variety of actors.

3 Understanding Disenfranchisement

Some critics assert that sustainable development is an empty phrase because it can mean all things to all people. Despite different approaches and interpretations, there are certain elements of the concept that are agreed upon—among them is the principle of participation. This consensus is codified in a number of major international agreements related to sustainable development, including the Rio Declaration, Agenda 21, the Johannesburg Plan of Implementation and the Millennium Development Goals. Most recently, the Johannesburg Declaration on Sustainable Development states, "We recognize that sustainable development requires a long-term perspective and broad-based participation in policy formation, decision-making and implementation at all levels." [5] Thus, securing broad-based participation must be one of the first steps in promoting sustainable development, and this process must begin by better including a variety of actors, both state and non-state, and particularly those from the developing world. The Johannesburg Declaration further acknowledges that "unless we act in a manner that fundamentally changes their lives, the poor of the world may lose confidence in their representatives and the democratic systems, seeing their representatives as nothing more than sounding brass." [6]

The work of UNU-IAS examines the challenges enumerated in the Johannesburg Declaration, and addresses one of the most worrisome effects of the disenfranchisement of this diversity of actors—a loss in confidence in multilateral governance for sustainable development. This report summarizes the research and findings of the project and suggests how to promote the enfranchisement of developing countries and civil society actors in international regimes for sustainable development.

3.1. Defining Disenfranchisement

But what does it mean to be disenfranchised? To be disenfranchised generally refers to the deprivation of the right to vote. But it can also be understood as *"being deprived of a legal right, or of some privilege or immunity."* [7] In the context of UNU-IAS's work, disenfranchisement refers to the marginalization of developing country delegates and non-state actors in multilateral regimes for sustainable development. It is defined as: *"being deprived of the ability to participate and influence agenda-setting and decision making in international regimes for sustainable development."* [8] As will be explained further in subsequent sections, disenfranchisement occurs on a spectrum, and will occur differently for different actors. Ultimately, the project for this research is to promote enfranchisement, and greater equality of engagement between developed and developing country state actors, and among civil society and other non-state actors.

It is important to clarify some of the terms that are used in this definition in the context of disen-

franchisement. First, disenfranchised actors tend to be (though are not always) from the developing world. At this point, there is no UN-wide definition of developing countries. These definitions vary by regime. Thus, in the context used here, "developing country" is an ideal type. In reality, this term masks a very wide range of diversity from the least developed countries to those with economies in transition; from very small, geopolitically marginalized nations, to very large, populous and economically powerful ones.

When discussing disenfranchisement, it is also important to clarify what is meant by sustainable development governance. Governance can be broadly understood as "the processes and institutions, both formal and informal, that guide and restrain the collective activities of a group." [9] In this definition, then, governance includes both formal intergovernmental processes, as well as "governance from below." [10] This broad depiction of governance is important because it includes both state and non-state actors as well as what one author has referred to as "post sovereign" forms of governance—those that are not solely organized around and executed by the state. [11] Governance for sustainable development includes those governance activities related to the three pillars of sustainable development—economic, environmental and social. This study examines a range of actors and regimes for sustainable development, including the World Trade Organization, the Framework Convention on Climate Change, Financing for Development and the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (henceforth referred to as the Aarhus Convention). Throughout this report, international policy-making and the multilateral arena will be used to refer to the sites and processes where sustainable development governance takes place.

Although the research of the disenfranchisement project focuses primarily on the UN system, the problem is by no means limited to this set of institutions. Generally speaking, the international financial institutions (IFIs) have a longer way to go to effectively enfranchise the developing world, and in particular, non-state actors involved in the policy-making process. [12] Thus, the project addresses some of the issues of disenfranchisement outside of the UN system, and considers the interface between these two areas of multilateral governance for sustainable development. The relationship between the UN and the IFIs has been taken up extensively, particularly in the realm of trade and environmental law. [13] It is an important part of understanding disenfranchisement, and one that is only briefly explored in this study.

3.2 Power vs. Participation
Although this is a useful departure point for understanding disenfranchisement, further elaboration is needed to discern when actors are successfully

enfranchised in global governance for sustainable development. Simply ensuring the right to participate in policy-making is necessary, but not sufficient for enfranchising actors. They must also be able to exercise influence. In this sense, participation should be viewed as a prerequisite to enfranchising actors, not as an end in itself. This distinction is critical. As more actors of all types have become involved in international policy-making, the rhetoric surrounding inclusion and participation has also increased dramatically. Yet, the findings of the Disenfranchisement project indicate that simply opening the doors more widely will not adequately solve the problem of engagement. Rules and practices, both formal and informal, must be both crafted and exercised in a way that ensures that all actors have both a voice in the process, and the power to influence it.

This distinction becomes clear when considering the enfranchisement of delegates from developing countries. As representatives of states, delegates from all nations have the legal right and standing to participate in all aspects of policy-making. Thus, they cannot be considered disenfranchised in the strictest sense of the definition cited above; they have not been deprived of their right to vote. However, enfranchisement should also be understood as the ability to exercise rights that have already been granted.[14] To the extent that developing country actors lack the capacity to exercise the rights accorded to them to influence policy-making, they can be considered disenfranchised.

Thus, participation (or voice) does not necessarily result in influence, but it is a necessary precondition. These separate considerations are often conflated for political reasons. It is relatively easy to grant and ensure disenfranchised actors the right to participate without changing the balance of power. With both developing countries and civil society actors, the defense of the status quo is predicated on the fact that both groups have the ability and right to participate. Thus, the question of power need not be debated. With respect to developing countries, some might argue that because decisions are most often made by consensus, and each country has an equal vote, equal participation is tantamount to equality of power. Similarly, since NGOs have the right to participate in UN discussions about sustainable development through accreditation with ECOSOC, one could argue that they all enjoy equal levels of participation. However, there is consensus that larger, more professionalized and older NGOs tend to dominate these discussions.[15] Furthermore, many of these organizations tend to come from the developed world.[16] Hence, despite the assertion by some states that current practices afford ample opportunity for civil society participation, these practices have effectively disem-

powered a large swath of the targeted population. Participation cannot be equated with power, and any changes to rules of participation for civil society and other non-state actors must address this critical issue of representation. Thus, the challenge for enfranchising all of these actors is not simply to allow them more voice in policy discussions, but to ensure that that voice is qualitatively better, and empowers them to influence the process.

3.3 Scale

A second important point in understanding how actors are enfranchised in the multilateral arena concerns the issue of scale. According to the definition of Webster's Revised Unabridged Dictionary, to enfranchise is "To incorporate into a body politic and thus to invest with civil and political privileges."[17] Extrapolating from this definition, enfranchisement takes place on two levels – within the body politic, and within each group that interacts with the body politic. In the context of sustainable development governance, an actor can belong to a group that is enfranchised, and/or that actor can himself be enfranchised, by exercising voice and power within his group. Enfranchisement on the "micro" level, of actors within a group, is an important component of this project, since it is directly related to issues of accountability and legitimacy.

For example, in the research surrounding the role of scientists in sustainable development governance, one major finding is that "globalized" science, from scientific bodies such as the Intergovernmental Panel on Climate Change and the Millennium Ecosystem Assessment, is disproportionately composed of scientists from the developed world. In addition, many participating developing country scientists are often based in the developed world. Thus, although scientists as a group are gaining voice and power in international policy-making,[18] the subset of developing country scientists is still disenfranchised. This is just one example of how scale is essential to understanding the nature of disenfranchisement and its remedies. As will be explored in the following section, the issue of scale is also important vis-à-vis actors' perceived legitimacy; if it is known that there are disenfranchised actors within a group, then the validity and legitimacy of its views may be called into question within a larger discussion of the body politic.

It is also important to consider improved engagement at the "macro" level, which must include the global and regional levels. There can be simultaneous efforts to increase the amount and quality of voice systematically on the micro level, while lessening broad disparities in power among different groups. That is, policies to promote engagement will vary depending on the level at which they are targeted. Problems

at the global level have already been discussed; in large measure, more influence, not more participation, is needed. On the regional level, by contrast, the researchers' consensus is that greater participation is needed, in part as a way to improve influence at the global level. More participation at the regional level would promote greater coordination among actors to prepare for global meetings. With more clearly elaborated positions, and perhaps regionally-based coalitions (in the case of non-state actors) or negotiating blocs (in the case of states), the capacity to participate and exercise influence can only increase.

Finally, policies to promote engagement on the regime level may differ from those at the global or regional levels. For instance, the active participation of indigenous peoples in the Convention on Biological Diversity's (CBD) Working Group on Article 8(j) has been a successful way to insert indigenous concerns and perspectives into the CBD's decision making about the protection and governance of traditional knowledge. Article 8(j), notes that: "Subject to its national legislation, [the Parties shall] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices." [19] Thus, it is appropriate that indigenous peoples should play a prominent role in the Working Group.

However, the relationship between the CBD and the World Intellectual Property Organization became an important issue in parlaying the participation and influence of indigenous actors into larger multilateral fora.[20] Thus, this direct participation in the Working Group has been a successful policy to promote indigenous influence within the CBD, but not necessarily beyond it. Similarly, capacity building and training on regime-specific issues such as climate change may be helpful in enhancing their skills with respect to those negotiations, but not necessarily others.

3.4 Forum
The example of the Working Group on Article 8(j) raises another important consideration in understanding disenfranchisement and its potential remedies: the forum in which policy discussions take place. Whereas indigenous peoples could be considered highly engaged in the Working Group, this influence does not translate to other forums, even those that deal with the same issues. Both with respect to non-state actors especially, but also of developing countries, the Bretton Woods Institutions have been criticized by

many for their lack of transparency and imbalance of power.[21] The Financing for Development Process (FfD) is a telling example of how the choice of intergovernmental forum can impact the level of engagement. The case study on FfD illustrates how a core of developing countries was able to shape the agenda and influence donor countries in securing commitments to funding for development and to opening the debate on the governance of Bretton Woods Institutions.[22]

4 The Research Framework

Current political discussions within the United Nations and other intergovernmental institutions underscore both the importance and timeliness of UNU-IAS's work on engaging these actors. The recent convening and report of the Secretary-General's Panel of Eminent Persons on UN-Civil Society Relationships chaired by former Brazilian president Fernando Henrique Cardoso (henceforth, the Cardoso Panel) renewed political discussions about the appropriate role of civil society in UN policy-making, and the mechanisms needed to improve its input. Created by Secretary-General Kofi Annan, the Panel served the dual function of catalyzing a broader conversation about the changing role of civil society (very broadly construed by the Panel to include business and parliamentarians[23]) in global politics, and proposing policies to enhance its engagement with UN policy-making. It made some thirty recommendations, some of which will be explored in greater detail in this report.

The Cardoso Panel is one example of the growing recognition of the importance of new governance arrangements that pair state and non-state actors, and North and South together in transnational collaborative efforts for sustainable development.[24] Global public policy networks, Type II partnerships—multi-sectoral efforts to implement the Johannesburg Plan of Implementation drafted at the World Summit on Sustainable Development—and other public-private partnerships underscore the need to understand the dynamics of inclusion, participation and power among new and diverse groupings.

Member states have remained hesitant to begin an earnest conversation about the changing role of civil society, for fear that these actors will gain too much access and influence in what they believe to be the sole domain of states. UNU-IAS recognizes that this is a politically sensitive issue, and affirms that the project should not be construed as justification for elevating their legal standing in international policy-making. Rather, the research framework acknowledges that some civil society actors are already active participants, with considerable voice and power. Thus, the task is not to augment its legal standing, but to enhance its functioning; this is, in essence, a pragmatic approach. Civil society, as well as other non-state actors, already play a significant role in global governance. A pragmatic approach simply recognizes this fact, and argues that as a result, procedural provisions should be made to enhance accountability, and to lessen the disparity between the participation of these actors from the developed and developing worlds. As highlighted by the discussion of the definition of governance, redress for this disparity need not be confined to formal intergovernmental processes—though these reforms should comprise some part of the solution. Research in the Disenfranchisement project also envisions less formalized approaches that allow civil society actors to exercise greater power.

The research framework detailed in this section was developed to explore the questions outlined above. The commissioned research was designed to analyze two main characteristics of disenfranchisement: structure of the multilateral arena and capacity of the actors involved. The obstacles faced by delegates and civil society can be roughly divided between these two themes. Few analyses have explicitly ascribed both sets of problems—structure and capacity—to both sets of actors. That is, most of the treatment of developing country participation has focused on improving capacity.[25] Yet increasing engagement isn't simply a matter of more training, but also of larger structural considerations. Similarly, engaging civil society and other non-state actors is not simply about changing rules to allow greater participation, but also of remedying the disparity of capacity and representation between the developed and developing worlds.

To gain a fuller understanding of both structure and capacity issues facing disenfranchised actors, the research is divided into two parts. The first set of works examines the challenges for specific types of actors, including developing country delegates, NGOs, transnational civil society, scientists, indigenous peoples, and business. Each paper makes recommendations specific to each set of actors. The second set of papers examines specific regimes and institutions to see what lessons can be gleaned from them. That is, this set of papers focuses on different structures, to see if they can serve as models for empowering this variety of disenfranchised actors.

All of the papers consider both the *institutional* and *non-institutional* pathways for exercising voice and power. These two types of pathways are meant to address both the structural context of the multilateral arena as well as the capacity issues that facilitate or impede actors from participating and influencing discussions (see Table 1). The structural elements which impact participation include a variety of considerations—both on the international and domestic levels. On the domestic side, these can include actors' preferences, the domestic political regime, national policies and positions, and the presence and strength of lobbyists or other interest groups. Internationally, this structure can include alliances with other actors, the frequency and location of meetings, the complexity of issues under discussion, as well as the structure of meetings, voting procedures and informal rules and norms.

Institutional pathways are defined as the modes of participation that are sanctioned by international processes and organizations. These pathways can include roles and activities such as proposing policies, responding to proposals, voting and membership practices, and reporting. Putting forth proposals may include conducting policy research and development, submitting position papers or intervening during

negotiations, or contributing to expert discussions that may shape future proposals. Actors may also respond to proposals through institutional pathways, such as through a public comment period—a practice often used by civil society to insert its views into a discussion. Voting and membership are also critical in exercising voice and power. The weight and number of votes can be an important tool, as can membership in committees and expert groups. Finally, monitoring state compliance, either through intergovernmental bodies or independent commissions, can be another important means of using formal avenues to influence policy-making. Institutional pathways for influence apply primarily to the international level, but also to the regional level, where intergovernmental policy-making also takes place.

Non-institutional pathways for exercising voice and influence are particularly important for non-state actors, especially non-governmental organizations (NGOs), since their ability to participate officially is limited by the rules of ECOSOC accreditation, or, in some cases, the rules established by a given process. However, state actors may also use non-institutional pathways, to increase their leverage, lessen the de-

mand on their resources or simply, to make themselves heard more effectively. These non-institutional pathways for influence may include creating different organizational forms—such as coalitions and transnational groups—to increase leverage. For example, developing countries may enter into alliances with other nations to enhance their power, such as the Group of 21, the G-77 and China or issue-based groups such as the Like-Minded Megadiverse Countries of the CBD. Transnational advocacy coalitions (TANs) of civil society actors have also emerged as an important organizational form to enhance civil society power in international policy debates.[26] Attracting the attention of the media may be another effective non-institutional pathway, allowing actors to shape public opinion or get a particular issue on the agenda. Finally, lobbying and mobilizing constituencies is another important pathway for exerting pressure on the domestic level, either to influence local or national policies, or to try to influence a state's position on international policies. These are just some examples of types of non-institutional pathways; it should be noted that these are not always discrete tactics, but sometimes can be used in combination.

Institutional pathways	Non-institutional pathways
• Proposing policies	• Shifting organizational forms
• Voting/Membership	• Agenda setting
• Responding to proposals	• Garnering media attention
• Reporting	• Lobbying/Mobilizing Constituencies

Table 1: Institutional and Non-Institutional Pathways for Exercising Voice and Power

5 Findings: Challenges for engaging disenfranchised actors

Before any credible proposals for engaging disenfranchised actors can be considered, a clear understanding of the obstacles they face is needed. Some have been alluded to more generally in the previous sections. This section reviews some of the barriers to engagement that each set of actors encounters.

5.1. Developing Country Delegates

First, to be clear, developing countries and non-state actors are disenfranchised from international policy-making in different ways. As state representatives, all delegates enjoy the legal rights and standing to participate in international policy-making. Yet, different intergovernmental bodies have different voting practices, with some more inclusive than others (however, this is becoming an increasingly contentious issue among states). The five permanent members of the UN Security Council (all developed countries, except Russia, whose economy is in transition) for instance, enjoy greater power over Security Council matters than the ten rotating elected members, given their ability to veto any resolution that comes before the Council. In this instance, developed countries have clear control over the decision making process. By contrast, the 'double majority' voting practice of the Global Environment Facility requires each decision to receive a 60% majority of the total contributions, as well as a 60% majority of the participants, represented by the Council. Since the majority of the Council is comprised of developing countries, the voting procedures ensure some measure of power (if only veto power) to the developing countries.

Irrespective of voting procedures, delegates will always have the right to address the floor, introduce proposals and negotiate text. However, due to the individual capacities of delegates from developing countries, these same delegates may be unable to exercise power or influence the discussions of multilateral policy-making. This may be because it is not their area of expertise; because they have an extremely large and varied portfolio, or because they have been recently assigned a new one. The result is a significant disparity in power between developed and developing countries. On the macro level, the obstacles that developing country delegates encounter more frequently than their developed country counterparts include:

- Small, or one-person delegations – Precludes attendance at multiple, simultaneous sessions in one meeting, or in sending delegations to different meetings that occur at the same time.[27]

- Lack of knowledge of English – Although plenary sessions are translated into the six official languages, small contact groups and late night sessions are often not.

- Lack of funds to travel to meetings – Makes it costly to attend the numerous meetings held each year, particularly when no financial support is available. It should be noted here that the uniform designation of developing countries could obscure which ones are in most need of financial aid.

- Lack of experience in multilateral negotiations.

- Lack of technical knowledge about the issues being discussed – Can be further exacerbated by scarce access to information technology. Increasingly, both raw data and analysis of specific issues is available on the Internet, so lack of Internet access (or poor quality connections) can create serious obstacles to participation. Information technology such as Internet access cannot only improve access to information, but also to other people who can serve as information resources, and provide access to social networks.

- Lack of expert knowledge – Developing countries often send diplomats to international negotiations while developing countries have a team of experts negotiating. Developing country delegates may thus be outnumbered, as mentioned above, or may experience difficulties in communicating about technical or scientific issues.

Another obstacle identified includes the lack of instruction from capitals. Without a clear understanding of desired outcomes, developing country negotiators are left to decide what policies would be most beneficial, and to negotiate this position effectively. An absence of instruction can also lead to what Gupta terms "a hollow mandate", where developing countries have a bare skeleton of ideas that lean heavily on other national positions.[28] These ideas may not necessarily be well suited to the regime at hand. In addition, a lack of instruction from capitals may arise because there is insufficient discussion at the national level; this may be a simple matter of policy priorities. If the international agenda is being driven by other nations with different priorities, the issue being discussed may not overlap with domestic policy objectives. Thus, a lack of instruction may be a reflection of the fact that the issue is not an important one for a given nation. Alternatively, because domestic discussions evolve at differing paces and timeframes, some developing nations may not yet have arrived at the conclusion that a particular issue merits national level debate. In either case, states may remain disenfranchised because they are disenfranchised; with other nations driving the international agenda, they may be ill equipped to influence the multilateral discussion, thus perpetuating their disenfranchisement.

On the micro level, that is, among actors within a given disenfranchised group, one of the main obstacles identified by project researchers was the potential "hijacking" of a coalition agenda. For example, to increase their influence, developing countries have joined together in a number of different negotiating blocs, the most notable of which is the G-77 and China. However, some have criticized that despite consultations among all the members, the agenda is often skewed toward the most powerful countries within the G-77.[29] Some of the smaller countries may sign on to G-77 positions because it is their best opportunity for some degree of participation and power, even if they have been relatively

uninvolved in the formulation of the negotiating positions. In some cases, there may be deal-making within the G-77, so that while certain nations may not endorse the overall package, the side payments are sufficiently attractive to secure their support.[30] The G-77 also illustrates disenfranchisement on the macro level. The G-77 often reverts to a defensive position. Thus, some have pointed out that the G-77 spends more time opposing than proposing. At best, this defensive strategy will allow them to block policies to which they object, but not implement those from which they would benefit.

5.2. Civil Society and other Non-State Actors

There is a similar disparity of power between developed and developing countries among civil society actors (other non-state actors will be taken up in subsequent sections). Often, civil society organizations (CSOs) from the developed world have more staff, more funding and more experience with international policy-making than those from the developing world. Although this is a general characterization of the problem, the numbers confirm there is more than a little truth to the statement. Despite the dramatic increase in civil society actors active in international governance for sustainable development, a disproportionate number of civil society groups are from the developed world. Indeed, statistics from the UN Department of Public Information (DPI) bear this out: only 251 of the 1,550 NGOs associated with the DPI come from the developing world.[31] In 2004, almost 70% of NGOs in consultative status with ECOSOC are from North American and Europe, and only 17% are from Africa, Latin America and the Caribbean.[32]

The disparity of voice and power between the developed and developing worlds is further exacerbated by civil society's still-evolving role in the multilateral process. Indeed, some scholars have argued that civil society participation in sustainable development governance remains, in many ways, ad hoc.[33] Moreover, the fragmentation of formalized accreditation processes makes it difficult for civil society actors to participate in different realms of policy-making. There are other logistical difficulties:

- The number of intergovernmental meetings;

- Cost of attending these meetings;

- Difficulty in procuring visas, and the frequency of meetings held in the developed world;

- Limited access afforded to civil society in some forums;

In addition, there are a number of more substantive political obstacles that limit the participation and influence of a variety of civil society actors. First, many states are wary of allowing an expanded role for civil society, and they often use the obstacles listed above to reaffirm that civil society is not necessarily representative of its purported constituents. This self-selected group is not accountable, and thus many have argued that there are serious and credible concerns about their legitimacy.[34]

Even when civil society actors are participating in the multilateral process, as the following discussion will illustrate, their participation may be in name only. A number of papers identify this type of "tokenism" as a legitimate obstacle. Some civil society actors may be permitted to attend, observe and even intervene in sessions, but their remarks are not seriously considered. This problem will be taken up in greater detail throughout the discussion.

5.2.1 Transnational civil society actors

As with other civil society actors, one major obstacle faced by civil society actors is their lack of access to policy meetings pertaining to sustainable development. This is particularly true of the WTO, the international financial institutions and global summits such as the G8.[35] All three have sparked protest, and in some cases, violence, in part due to the fact that civil society actors are not permitted inside the meetings.[36] Thus, on a macro level, these anti-globalization protesters can be considered disenfranchised. Their inability to insert their views about globalization elsewhere into the policy discussion forced them to the streets to protest the decisions being taken.

Because transnational civil society actors are generally a collaboration between many different groups on the local, national and international level, scale can have an impact on each actor's level of engagement. That is, disenfranchisement can occur on the micro level—within a transnational civil society organization, network or campaign. For instance, Jordan and Van Tuijl cite the campaign of the Huaorani against Conoco drilling in Ecuador. The Hauorani were committed to preserving the environmental integrity of their land and their right to manage it. A number of US and European NGOs also targeted Conoco, but they were willing to make agreements with Conoco that would undermine the Hauorani objectives.[37] In this example, the Hauorani can be considered disenfranchised from the very coalition that purported to represent their interests.

Perhaps less dramatic but also illustrative, is the example of the recent anti-war movement opposing the US invasion of Iraq. Research for the Disenfranchisement project concluded that protesters at a number of anti-war rallies and marches were not simply opposed to the war in Iraq, but in fact, many were active more broadly in the anti-globalization movement: "The coalitions of organizations involved in the anti-war movement have capitalized on the political crisis that has emerged in the wake of the September 11th attacks, to bring together the most diverse coalition possible."[38] This sentiment is echoed by Sidney Tarrow who notes that globalization provides an excellent opportunity to bridge frames, thus bringing together an array of civil society actors to mobilize around a number of different positions, all of which fall within the rubric of the anti-globalization movement.[39] Thus, as with the example of the Hauorani, these protesters and other social movement actors may have very different policy objec-

tives from the stated goals of the coalition with which they are involved.

5.2.2 NGOs

The majority of the discussion about civil society involvement in UN processes focuses on NGOs, as evidenced by the Secretary General's recent report in response to the Cardoso Panel's findings. Though the Panel was charged with examining a number of different types of civil society actors, the Secretary General's report focuses almost exclusively on NGOs.[40] It is thus critical that any discussion about engaging civil society in international policy-making pay particular attention to NGOs; at the same time, it is important to underscore, as this report does, that civil society is a much more diverse sector than just this one organizational type.

Like other civil society actors, NGOs face the same logistical barriers described above. Lack of capacity is particularly applicable to NGOs of the developing world. For many, effecting influence is beyond the scope of reasonable expectations; simply participating—finding the financial and human resources to attend meetings and follow policy processes—is the first order of business. Limited access to the proceedings of a particular process can be doubly problematic. NGOs may be unable to participate on the international level; without access to drafts and documents it is both difficult to lobby and to offer proposals. In addition, the opacity of some multilateral regimes may even keep parliamentarians in the dark. NGOs may resort to lobbying on the national level, asking their representatives to speak on their behalf. However, if these representatives also have difficulty obtaining information, the premise of representative governance can quickly become completely undone.

Access to UN discussions can also be difficult. NGOs can be accredited to participate in intergovernmental meetings through ECOSOC; moreover, they can gain access to information and to UN headquarters through accreditation with the Department of Public Information. However, as noted by the High Level Panel on UN-Civil Society Relations, this process is fragmented, complex and often overwhelming.[41] At times, accreditation can also be a political procedure, since states have the final say in who is approved. It can be a difficult process to navigate, again, particularly for small, understaffed, and underfinanced NGOs. The consequence of this obstacle is clear: the accreditation of NGOs is skewed to the developed world, particularly North America and Europe.

Even for those NGOs that are accredited, some argue that this institutional pathway affords them participation, but little to no influence. As pointed out in the case study on FfD, follow up roundtables offered ample opportunity for interaction between civil society and policy makers—except that during the follow up process, fewer policy makers showed up.

Finally, the question of accountability is at the fore of discussions about NGO participation. There has been a

recent expansion in the UN lingo, referring not only to NGOs, but also GONGOs (government-oriented NGOs), DONGOs (donor-oriented NGOs), QUANGOs (quasi-NGOs) and BONGOs (business-oriented NGOs). [42] The terminology, though perhaps a bit laborious, underscores the potential difficulties of NGO participation. As unaccountable actors, NGOs can represent whatever constituency they like.

5.2.3 Scientists

A number of global environmental problems—climate change, ozone depletion, air pollution, chemical management and the conservation of biological diversity—have underscored the need for scientific understanding and input to feed international decision making on these topics. Consensual knowledge is a key precondition for political agreement; thus, the role of science in policy-making for sustainable development is indispensable. There have been the beginnings of a shift toward greater involvement of scientists, but more needs to be done. Future efforts and policies to incorporate scientific findings into policy discussions must be cognizant of how scientific input is now incorporated into the multilateral process and the current shortcomings of this configuration.

There are two primary institutional pathways that enable the participation of the international scientific community. First, social networks, sometimes referred to as epistemic communities, are transnational networks of scientific, policy or other experts who share common normative, cause and effect and policy prescriptive views about a specific issue or problem. [43] These communities afford scientists an informal, though clearly established mechanisms for informing policy makers on the national level; their transnational connections, this can translate into an international consensus on scientific knowledge.

Scientific assessments are a more formalized approach to involving scientists in international policy-making. These include the Intergovernmental Panel on Climate Change, as well as the more recent Millennium Ecosystem Assessment (MA), which aims to provide an assessment of the impact of human activity on ecosystem services. Although the MA suggests that assessments are becoming more prevalent, the multilateral sector has been slow to institutionalize science and view it as an important part of the policy-making process. Thus, scientists need greater voice relative to the other actors. This creates a difficult dilemma: scientific information must be "useful" in order to be taken into account in decision making, but then runs the risk of being in service to the policy-making process. There is a struggle between ensuring the demand for scientific knowledge, thus promoting the engagement of scientists, and providing neutral, credible information.

In addition to their relative position of weakness vis-à-vis the larger multilateral community, there are scientists who are relatively disenfranchised from the larger group, mostly from the developing world. There is a lack

of scientific capacity in the developing world, due in part to the dearth of institutions to train future scientists. This lack of capacity has a number of effects in the international policy-making process. First, because there are fewer scientific institutions, the developing world remains at a disadvantage in being able to build up its scientific capacity in the long term. Often, this means that developing country scientists relocate to the developed world to pursue their professional development. Second, since scientists create consensual knowledge, and scientists from the developing world are under-represented, there is a developed-country bias to that consensual knowledge. It is thus legitimate to ask if this knowledge is really consensual. Finally, the lack of developing country scientists in turn creates a disadvantage at negotiations where the developed world is dominant in its scientific knowledge. This can result in scientific experts negotiating for the developed world while the developing world has diplomats representing its interests. As one Ambassador noted, developing countries have less expert advice available to them, and thus are not in an equitable position to negotiate with developed country experts. This "diplomats vs. experts" juxtaposition may work favorably for scientists.

5.2.4 Indigenous People

The recent creation of the Permanent Forum on Indigenous Issues (PFII) has underscored the growing recognition of the role that Indigenous Peoples must have in international policy-making for sustainable development. The Forum is charged with, among other things, "providing expert advice and recommendations on indigenous issues to the Council, as well as to programmes, funds and agencies of the United Nations through the Council." [44] Despite this new institutionalized pathway for input, there is a long path to full enfranchisement, and indigenous people continue to encounter a number of obstacles to achieving this goal.

First, as is evidenced by the PFII, Indigenous Peoples are not recognized as sovereign entities. As one researcher argues, such recognition must be the end result of indigenous enfranchisement in sustainable development governance. In the interim, there are institutional pathways available, but they sometimes offer participation without any real opportunity to influence agenda-setting or decision making. For example, a number of nations invite indigenous representatives to sit on their delegations, but they may not have any real impact on the state position. This reduces indigenous participation to a sort of tokenism, which is used to enhance the image or credibility of the delegation. A similar phenomenon of "participation in name only" can be seen in the Commission on Sustainable Development, where Indigenous People are one of the nine major groups. However, their participation is often reduced to brief interventions, in a body that has been criticized for its lack of impact on sustainable development policy and governance. This criticism of official Major Group involvement has been leveled elsewhere, as have the questions about the CSD's effectiveness. [45] Thus, this is not a prob-

lem that is singularly applicable to indigenous peoples, but as one of the main institutional pathways available to them, it is an important one.

A corollary to the problem of participation without influence is the lack of inter-institutional (and even intra-institutional) exchange. For example, while the aforementioned Working Group on Article 8(j) of the CBD has considerable participation and buy-in from indigenous peoples, their recommendations must be adopted by the Conference of Parties, the supreme body of the Convention, in order to be carried into a larger arena. Indeed, the role of indigenous or "traditional" knowledge has become a particularly important issue both within the CBD, and with other regimes dealing with intellectual property and patents, such as the World Intellectual Property Organization and the World Trade Organization. Some have claimed that the emergence of traditional knowledge on the international agenda has separated indigenous knowledge from indigenous interests; in this view, only full enfranchisement—the ability to influence these discussions—would correct this imbalance.

Lack of capacity and funding have been identified, both by this report and elsewhere, as recurring problems for almost all actors, particularly those in the developing world. With respect to indigenous participation, the need for capacity building and more funding not only limits participation, but also the opportunities for broader consultation among other indigenous actors. This consultative process is an important step in rendering representation of indigenous interests at the international level more accountable, and thus, credible and legitimate.

5.2.5 Business

Perhaps one of the largest obstacles in engaging "the disenfranchised" is the enormous power the business sector can exercise in lobbying and influencing the process of public policy-making, local, national or international. Secretary-General Annan's initiative for broadening UN-Business partnerships through the Global Compact elicited criticism from the civil society, and calls for a legally binding framework to govern corporations as the only way to reign in their influence on international policy-making. The protest has resulted in the creation of the Cardoso Panel aimed for enhanced UN-Civil Society interactions. Nevertheless, corporate social responsibility is quite firmly on the agenda of the Global Compact and many other advocacy networks for sustainable business. These networks now endeavor to include or enfranchise more of the weaker segments of their stakeholders – particularly small and medium sized enterprises in the developing world. A key challenge is to create a policy environment ensuring that business leaders and civil society activists can collaborate credibly to consolidate and implement internationally acceptable standards for corporate social responsibility, and thus to maintain a right balance of power between business, government and civil society actors.

6 Recommendations: Enfranchising Actors for Sustainable Development

Thus far, this report has detailed the major obstacles faced by a number of state and non-state actors—delegates from developing countries, NGOs, transnational civil society actors, indigenous peoples, scientists and business actors. Clearly, all are able to participate in international policy-making for sustainable development, but the obstacles to enfranchisement range along a spectrum. As has been demonstrated, some of these actors are able to participate, but not influence, policy discussions, while others even struggle to participate on the most basic level. Finally, there are instances of full engagement—where certain actors are able to influence agenda-setting and decision making, but these are often a select number of actors within a larger group, raising questions about their accountability and legitimacy. Thus, the proposed solutions, detailed in this section, acknowledge that there is a broad range in the level of disenfranchisement among different actors, and that overcoming barriers to engagement must occur on both the micro and the macro levels, and through institutional and non-institutional pathways. The challenge, then, is to find policy reforms that will invest these actors with civil and political privileges, as denoted by the definition of enfranchisement above.

Developing Country Delegates

6.1.1. Voice

As explained earlier, participation is the first step in engaging disenfranchised actors. This means that actors must have access to policy discussions, the information required to understand and to monitor these discussions, and have some degree of voice in them. This basic level of participation can be achieved through both institutional and non-institutional pathways, yet since developing country negotiators are agents of the state, proposals to enhance their participation are focused on institutional pathways – ways to improve their voice via modes that are sanctioned by international processes and organizations. To achieve this goal, the project offers the following proposals:

1. Halt Negotiation Proliferation. The rapid growth in international meetings surrounding issues of sustainable development puts additional strain on what are generally scarce human and financial resources. Treaty negotiations, subsidiary bodies and ad-hoc working groups are just some of the meetings that require state participation, which in turns means preparation, allocation of human resources, and travel to meetings. Back-to-back scheduling of meetings

could, at the very least, reduce travel costs, but ultimately, reduction of the number of intergovernmental meetings will be required to lessen demands on developing country negotiators. Moreover, as Gupta points out in her research on developing country interests in the climate change regime, "the law on the climate change is continuously being revised, and not just at discrete moments such as at the negotiation of the Convention and the Protocol."[46] Thus, continuous attention to the policy-making process is required; again, this fact bolsters the argument that halting negotiation proliferation would go a long way toward easing demands on the diplomats of the developing world.

Another proposal to lessen negotiation fatigue is to halt the renegotiation of text – a frequent occurrence when there is a lack of consensus or willingness to move forward. This could be achieved through a specialized commission to codify principles so that they are not reinterpreted and re-negotiated in different processes. It is worth noting, however, that some forums, such as the Commission on Sustainable Development, do indeed defer to agreed language. This however, can lead to another dead end; simply re-citing previously decided text in a new forum does not constitute forward progress.[47]

2. Change the make-up of executive bodies. Herman's analysis of the Financing for Development process underscores the recognition by the International Monetary Fund and the World Bank that developing countries had to have more voice and representation in their decision-making processes. At the same time, the political reality of this proclamation was that some of the smaller developed countries would have to step aside to allow more developing countries seats on the Executive Boards of these institutions. Although this proposal has yet to be implemented, the FfD process was able to raise the issue as one that needed to be addressed. As Herman notes, "It is impossible any longer to justify the informal arrangements by which a European is always elected Managing Director of IMF and a US national always heads the World Bank."[48]

3. Improve the workings of the G-77. Despite being one of the main engines of a unified developing country perspective, the G-77 is a very small administrative organ. It has a small staff in New York and Geneva, and small chapter offices in Rome, Nairobi, Geneva and Vienna. Greater support for these offices would not only provide more staff, but more importantly, greater coordination between the offices. For example, the New York and Geneva offices have different chairs, and there is minimal coordination be-

tween them. Better communication between these offices could promote the circulation of information among them on various intergovernmental processes, to craft positions that are coherent across issues. Stronger organization of the G-77 can only enhance its ability to set forth positions in a myriad of international forums.

4. Greater use of regional forums. Although the G-77 has proven an important vehicle to ensure that the voices of developing countries are heard, irrespective of their differences in capacity, other institutional pathways can also achieve this effect. Expanding the use of regional forums is one way to increase the number of forums available to developing countries for pursuing their agendas. In this way, the same issue will be taken up in different processes. In addition to improving developing country participation through more institutional pathways to the same discussion, simply expanding the number of forums will also go a long way to improving developing country voices. Although some might criticize for redundancy and overlap, it also gives greater opportunity for discussion, and may allow circumnavigation of political obstacles that impede dissension in their forums. In addition, coordinating positions among developing countries before they move to the multilateral arena allows issues to be discussed informally, and consensus to be reached before the pressures of drafting a text. This is not to say that there will always be uniformity of views among developing countries, but to the extent that there is a consensus among some subset therein—such as the Like-Minded Megadiverse Countries—opportunities to coordinate and develop joint positions can help increase voice.

5. Create "defensive power" through negotiating blocs and "offensive power" through like-minded groups. As indicated by the discussion above, the G-77 is an imperfect instrument, particularly on the micro-level, for the empowerment of smaller states. However, in considering strategies to ensure the participation of developing countries on the international level, negotiating blocs such as the G-77 can be a useful starting point. It can provide resources and information to "lonely" and inexperienced diplomats, who may lack the capacity, training, or simply the person-power to participate in all of the discussions at a given meeting.[49] On the opposite side, like-minded states can align themselves around a specific issue, and may be able to exercise considerable power. For example, Benin, Burkina Faso, Chad and Mali, joined together and enlisted the aid of a number of NGOs to put the issue of American cotton subsidies on the map. The $3 billion that goes to subsidize cotton farmers in the US renders African cotton producers unable to compete with low US prices,

they asserted, and was crushing their already feeble industry. Although they were unsuccessful at getting developed countries to reverse their subsidies, this like-minded group was extremely effective in putting the issue of cotton subsidies on the agenda, and transforming the issue into a symbolic discussion about the extent to which the Doha round was focused on the poor.

6.1.2 Power

Although the recommendations listed above are an important first step toward enfranchising developing country voices in international policy-making for sustainable development, they must be accompanied by efforts to improve their influence in these discussions, that is, to restructuring the balance of power between developed and developing countries. Of course, the line between enhancing developing country voices and effecting greater influence may be blurry at times. For example, improving support for the G-77 can certainly help them insert their views into more sustainable development related processes, but in the end, a stronger G-77 secretariat may have more staff and resources to consult with members, develop proposals and cultivate alliances. The net result would be greater influence. Thus, the recommendations below are principally aimed at improving developing country influence, but at the same time acknowledge that the distinction between voice and influence is not always clearly delineated.

1. Create new forums for negotiating issues. As suggested in the recommendations above, utilizing regional meetings as a way to enhance interaction, develop positions and cultivate consensus or proposals on particular topics is a first step to improving voice. Creating new forums, or moving existing discussions to different forums is another way to achieve this end. As demonstrated in the FfD process, shifting discussions about economic policy from the international financial institutions to the United Nations was an important tactic in recalibrating the power dynamics on development policies. Despite the limited power of the CBD's Working Group on Article 8j, the forum change has had a similar effect – engaging indigenous actors where it was not possible in the trade regime.

Although the tactic of changing forums was recognized as a potentially effective one for enfranchising developing countries, it was also noted that this might be the case because the institutions are themselves disenfranchised from the larger multilateral system. That is, although the FfD process may be counted as a success in terms of the

process of engaging developing countries – affording them both voice and significant amounts of power (particularly in relation to similar discussions within the international financial institutions) – success in terms of measurable outcomes has yet to be demonstrated. In fact, as Herman notes in the conclusion of his paper, this is now the main test for the FfD. The underlying assumption here is that despite moving this process from one forum to another, the power to impact outcomes still rests with other multilateral institutions. Although this may seem to be beyond the scope of this project, it is quite germane. Eventually, full enfranchisement must occur across multilateral institutions; otherwise, the potential to relocate decision making to less hospitable venues will always exist.

2. Better instruction from capitals. There is consensus that the lack of capacity among many developing country delegates is often exacerbated by a lack of clear instruction or established negotiating position from the capital. Though this link is well understood, it is less clear what measures should be taken to remedy it. One recommendation is to encourage states to ensure greater continuity of diplomats on specific portfolios. Frequent changes not only demand that newly-assigned diplomats assimilate large amounts of information in short periods of time, but also, it undermines a sense of history of negotiations within a particular area or regime.

In her treatment of developing country disenfranchisement in the climate change regime, Gupta cites the "hollow negotiating mandate" as a key obstacle to developing country power. That is, developing countries may be unsure which ideology should undergird their policies and how to incorporate the many aspects of sustainability into this viewpoint. Moreover she points out that the agenda is often set in the developed world, which may result in failure to fully engage in discussion on the national level in the developing world, since many issues are not necessarily perceived as a priority. These problems, in addition to a number of others that occur on the national level, give rise to a hollow negotiating mandate: "a bare skeleton of ideas that leans heavily on the national position in other areas."[50] Better instructions from capitals must begin with a clear understanding of the hollow negotiating mandate, and be followed by efforts to overcome it, such as those listed above.

3. Extensive consultation and exchange of views before drafting. Similar to the idea of facilitation, extensive consultation, before the drafting of any text, has been identified as a successful institutional pathway for developing country influence. In this way, both developed and developing countries can exchange views and move toward consensus (or a mutually agreeable outcome) without the political constraints of a negotiating environment. Certainly, there may be other political constraints, but this type of exchange not only facilitates consensus, but also, a final agreement to which countries are more fully committed.

4. Flexibility and ambiguity. In addition to informal consultation and exchange of views, more generally, flexibility in the process and its goals can be a key element in keeping communication lines open, in the face of potentially controversial topics. For example, Recommendation 3 underscores the merits of informal discussions to build consensus and commitment before the drafting process begins. In instances where there is a lack of consensus, diplomats often stall for time, or recycle previously agreed upon language. This is a waste of the time, energy and funds that are expended, and may yield little or no forward progress. Instead, flexibility and open-endedness can avoid the traps of "premature specificity" that can put parties and other stakeholders on the defensive. Flexibility has the advantage of building on the momentum of sympathetic parties, as consensus is being developed; this tactic is also important for involving multilateral institutions. Flexibility can also be construed as the ability to move policy discussions from one forum to another, or between forums. This fluidity can also help reconfigure constraints in the debate.

5. More effective use of regional meetings for coordination and advocacy. Just as use of regional forums can help enhance developing country voices in international policy-making, so too can it improve their level of influence. Regional forums can provide an additional space for discussing specific issues; they can also allow developing countries to coordinate positions before taking them to the international level. Regional meetings can serve as a useful venue for setting the agenda in global meetings, as was the case with the World Summit on Sustainable Development. Finally, intra-regional meetings such as those between the European Union and the African, Caribbean and Pacific (ACP) Countries facilitate North-South dialogue, again without the constraints of a negotiating atmosphere. In addition, the EU provides funding for the ACP countries to meet among themselves.

6. Capacity building and coaching for specific, recurring types of interactions. In his analysis of the empowerment of developing countries in the climate change talks, Sjostedt points out that negotiations entail five types of negotiation games, and that meaningful participation requires developing capacity and capability in all of them. These five different patterns of interaction—issue clarification, substantive problem solving, bargaining, final decision-making and debate—mean that capacity building efforts

must acknowledge that performance requirements will vary by pattern, and may change during the course of an evolving negotiation.[51] Thus, capacity building efforts should be closely targeted to each of these different patterns, and to developing an understanding of what types of negotiation outcomes correspond to which pattern of interaction. For example, the creation of consensual knowledge, which serves as the basis for a future course of action, often takes place through the process of issue clarification. In the climate change talks, this was a "knowledge game'', with deep involvement of scientists in the Intergovernmental Panel on Climate Change." [52] Therefore, in this example, capacity building might be focused on developing country scientists and institutions to enhance their participation.

When capacity building is not possible or practical, "visiting" experts can also help boost developing country influence. Along these lines, experimenting with the use of coaches is recommended. Countries could compile and maintain a roster of experts on specific issue, who could help advise delegations during negotiations. Coaches, or guides, could provide neutral negotiation support. They could be especially useful, for example, in instances where diplomats are called upon to participate in negotiations beyond their expertise, or that require in-depth scientific knowledge that they may lack. This has already happened in a number of limited occurrences. The Foundation for International Environmental Law and Development (FIELD) has sat on a number of developing country delegations in the climate change negotiations, notable the Alliance of Small Island States. In this capacity, FIELD lawyers assist by "providing briefing materials on the legal and political issues at stake, informing and training AOSIS members between negotiating sessions, assisting with the drafting of submissions and interventions, supporting delegations during the negotiations, and, when requested, intervening on their behalf." [53]

7. South-South technical cooperation and consultation. Though it was acknowledged during the course of the project that there is no agreed-upon definition of the global South, at the same time, many agreed that it is an empirical reality. The developing world, state and non-state actors alike, both experience marginalization and a lack of influence in global policy-making. In this sense, close collaboration between civil society actors from the developing world and state actors is a way to promote mutual empowerment. Technical cooperation provided by civil society actors can enhance knowledge and strengthen negotiating positions. At the same time, increased interaction between the two groups promotes greater exchange of views, and increases the voice (if not the influence) of civil society actors in the formulation of developing country positions and strategies. Finally,

enhanced technical expertise of developing country actors helps to address the imbalance of knowledge when experts negotiate with diplomats.

Not only can civil society and other actors offer technical cooperation, but they can also help legitimate developing country negotiating positions. Through consultation with non-state constituencies, developing country governments can demonstrate that they have (at least) considered a variety of viewpoints in formulating their positions. Pressure from non-state actors can force states to invest more time and effort in deliberations over their position, thus lessening the trap of the *"hollow mandate"* described earlier. That is, civil society and other non-state actors can either help facilitate through cooperation, or force through confrontation, that governments expend time and energy in considering the policy problem before them.

8. More input into the creation of scientific knowledge and consensus. As noted earlier, the underrepresentation of developing country scientists in global assessments, and in other international networks that promulgate the creation of consensual knowledge raise legitimate concerns about the extent to which this knowledge is globally consensual. Thus, an important avenue for increasing developing country influence is enhancing their involvement in shaping global scientific knowledge. There are several reasons why this is the case. First, involving developing country scientists in global scientific networks (particularly those based in the developing world) is an important part of their professional development, and in turn, to increasing the research and teaching capacity on the national level. Second, developing country participation may increase legitimacy of the knowledge generated, both on a global and national level. Nationally, policy makers may be more likely to take note of scientific knowledge created by one of their own. Finally, some advocates, particularly from the developing world, argue that greater participation of the developing world in the international scientific community would result in different scientific priorities.[54]

To ensure greater participation of scientists from the developing world, there must be greater capacity on the national level to produce and train these actors. Graduate programmes in the methodology and processes of conducting interdisciplinary scientific assessments are needed. Moreover, greater incorporation of traditional knowledge into scientific assessments and globalized science will help insert a developing country perspective. This will require greater formalization of traditional knowledge forms. To better bridge scientific information and the policy process, capacity development for policy makers should focus on how to use science, understand risk and uncertainty and use assessments in their work.

9. Facilitation in negotiations. Another suggestion to empower developing countries is "facilitated negotiations" to reduce the constraints on them. Instead of enhancing the capacity of developing countries to improve their performance, facilitation aims to loosen the constraints of a demanding negotiating environment. One example is the repeated request from many developing countries to hold the number of parallel sessions to a minimum so that those with small delegations can attend all of the meetings. Another example would be to reduce the number of negotiating parties, so that particularly contentious issues can be discussed in a less politicized way, perhaps through a temporary and flexible representation system. This is concept is not a new one. Yet, when conceived as a strategy to promote substantive debate in a way that developing countries may perform better in spite of capacity constraints—rather than as a way to expedite a decision—facilitation can be understood as a useful tool for promoting influence.

10. Leadership. Although leadership cannot substitute for an absence of power, effective leadership can help developing countries "punch above their weight."[55] That is, there are circumstances under which developing country missions may be able to exercise considerable influence, despite past marginalization. Generally, this level of influence requires that the negotiator have the backing of his or her ambassadors as well as of the capital. Once this support is in place, or perceived to be by other negotiators, developing country leaders may be able to negotiate deals more effectively. Thus, it is not simply the effective leadership of developing countries, but the perception of leadership that can help empower developing country delegates.[56]

6.2 Civil Society and other Non-state Actors

In his response to the Report of the Cardoso Panel, Secretary-General Kofi Annan's report illustrates the political difficulty of engaging a variety of non-state constituencies. He stresses that "the United Nations should become a more outward-looking organization, making more of its role as a global convener of diverse constituencies…[F]acilitat ing their input into relevant debates of global significance can only enhance the quality and depth of policy analysis and actionable outcomes."[57] At the same time, the report emphasizes that "it is important to stress that the United Nations is and will remain an intergovernmental organization at which decisions are taken by its Member States."[58]

Thus, the recommendations outlined below aim to tread between these two constraints: on the one

hand, enhanced participation must be meaningful, improving both the voice and the influence of these constituencies. On the other, in order to be implemented, these changes cannot be perceived as supplanting state involvement. Thus, the challenges of enfranchising civil society and other non-state actors are equally challenging but substantively different from state actors of the developing world. The recommendations discussed below offer some first steps toward a much larger project, which has been elaborated by many including the Secretary General, to reconceptualize global governance to include non-state constituencies from the transnational to the local levels.

There are a number of institutional pathways for non-state input into policy-making processes. Indeed much of the Cardoso Panel focused on this aspect of participation. Thus, the recommendations begin with suggestions of how to improve official avenues for engagement through institutional pathways, both to improve their levels of participation (voice), and to enhance their influence in policy discussions (power).

Additionally, enhancing the power of non-state actors does not mean a) that their input should be on a par with nation states, nor b) that those non-state actors already deeply engaged in policy debate should be granted further privileges or power. Rather, enhancing power is about evening the playing field between all non-state actors; none should be significantly more influential, since all are equally unaccountable. This is particularly important given the current imbalance in the participation and influence of civil society and other non-state actors from the developed and developing worlds. Second, as a pre-emptive rejoinder to those who object to the idea of increasing the say of non-state actors, both participation and influence of these actors is absolutely critical, not only to solving the complex problems of sustainable development, but also to maintaining the legitimacy and credibility of the multilateral system.

6.2.1. Voice

1. Expanded, simplified accreditation processes. One of the main focal areas of the Cardoso Panel was on ways to improve the accreditation process for civil society actors. They made several suggestions, including consolidating fragmented processes into one centralized procedure (Proposals 19, 20 and 21); focusing on reaching out to different constituencies through a variety of forums (Proposals 2, 5, 6, 9); and making changes in UN staffing and management to support these innovations (Proposals 24, 25, 28). The Secretary-General, in turn, supported a number of these proposals.[59] Changing the accreditation process is thus the first step in easing entry barriers to participation, particularly for non-

state constituencies from the developing world for whom extensive accreditation procedures can be particularly onerous.

Another option for amendments to the accreditation processes can be drawn from the Aarhus Convention, which allows all "relevant non-governmental organizations, qualified or having an interest in the fields to which the Convention relates" to participate in the proceedings of any meeting, unless at least one-third of the Parties present objects.[60] In essence, this loosens the accreditation process even more, allowing all those non-state actors who wish to observe the proceedings, provided that they notify the Secretariat. In the case of the Aarhus Convention, this practice also extends to members of the public who wish to observe. While this latter practice may be too problematic in a larger global meeting, the former is a viable proposal. Despite concerns that such a permissive practice would flood the meeting halls, this has not proven to be the case. [61]

2. Amending rules of procedure. As noted earlier, among those NGOs that do participate in intergovernmental proceedings, many complain that the quality of their input is limited by the rules and informal practices of the meeting. As such, a number of proposals were made to amend them to allow more opportunity for input by non-state actors. Some of these suggestions are drawn from the rules of procedure of the Aarhus Convention of

the Economic Commission for Europe. First, take speakers in the order they raise their flags, instead of relegating non-state interventions to the last few minutes of discussion. The Aarhus rules of procedure state that this practice should be the norm, though the Chairman may choose to call upon Parties before observers at his or her discretion.[62] Second, allow non-governmental actors to observe the meetings of the Bureau and be named as friends of the Chair. Third, allow communications from the public and observers to trigger compliance mechanisms. This is another innovative practice of the Aarhus convention worthy of note.[63] This practice may not be appropriate for those agreements where non-compliance brings sanctions, but it is a way to for non-state actors to get their views on the record.

3. Institutionalize funding. Funding is another major factor in determining the participation of civil society and other non-state constituencies.[64] The limited budget of civil society organizations, particularly small groups, is a considerable impediment to their participation; this problem has been widely acknowledged. The Secretary-General has proposed creating a new trust fund to support the participation of non-governmental actors from the developing world.[65] This is an important start. Yet more steps should be taken to institutionalize funding for non-state actors from the developing world. Other proposals that could help address this problem could be to institutionalize funding within the intergovernmental process. For example, the

Institutional pathways

Power

- Create new fora for negotiating issues.
- Better instruction from capitals.
- Extensive consultation and exchange of views before drafting.
- Flexibility and ambiguity in the process to hold interested parties together as consensus is being developed; this tactic is also important for involving multilateral institutions.
- More effective use of regional meetings for coordination and advocacy.
- Capacity building and coaching to improve negotiation performance in specific, recurring types of interactions.
- South-South technical cooperation and consultation to enhance knowledge strengthen negotiating positions.
- More input into the creation of scientific knowledge and consensus.
- Facilitation in negotiations.
- Leadership and perceived support of developing country missions and governments.

Voice

- Halt negotiation proliferation.
- Change make-up of executive bodies.
- Improve the workings of the G-77 offices, and the communication between them.
- Greater use of regional fora to promote exchange of views and coordination and lessen demands on human resources.
- Create "defensive" power through negotiating blocs, and "offensive power" through like-minded coalitions.

Table 2: Recommendations for Enfranchising Developing Countries

Climate Action Network suggested that a portion of the monies that host countries contribute to support the Conference of the Parties of the UN Framework Convention on Climate Change be earmarked for travel costs for civil society from the developing world. The Aarhus Convention has taken a similar, where funds to support CSO participation are provided by member governments, and apportioned through the Secretariat.[66]

4. Coalition and policy coordination. There are two primary strategies for coordinating activity among civil society actors that proved effective in exercising voice in various multilateral discussions. First, as demonstrated by NGO networks involved in the FfD process, coordination can be an important tool for targeting one message and elaborating on it through a variety of actors. In this instance, several NGO networks converged in their views, and together elaborated a "detailed critique of the dominant Washington/Monterrey Consensus and various aspects of neoliberal approaches to development."[67] Thus, it was a key tactic in promoting coherent input into the negotiations and pre-negotiations consultations processes.

Second, coalition coordination can be an important tool for self-regulation. The European ECO forum, active in UNECE's Aarhus process, has been an important umbrella group, which has engaged very effectively with the Secretariat. Moreover, as an informal, but widely recognized liaising point between environmental citizen organizations and the Aarhus Secretariat and negotiations, it has gained credibility and legitimacy from both sides.[68] Its membership is open to whomever wishes to join, and it has been characterized as "self-policing", again, reinforcing its perceived legitimacy from both sides. The ECO Forum was the recipient of funding from member governments, which in turn enabled greater participation in meetings and negotiations.[69] Both of these aspects of coalition coordination, it should be noted, are ways to improve exchange and communication with Secretariat staff, which can be an important tactic for influencing discussions.

5. Linking local and transnational civil society actors. The discussion of the impacts of transnational advocacy networks abound in the academic literature. The case study of the Financing for Development process adds yet more evidence for this strategy of enfranchisement. It can be an important strategy for gaining credibility and legitimacy within policy discussions, for those civil society actors participating demonstrate the backing of local and grassroots groups, social movements, and other non-state constituencies. Moreover, such linkages can promote influence through non-institutional pathways. As Foster points out, the Mexican host NGOs at the Financing for Development Conference in Monterrey, Mexico, did an effective job of reaching out to domestic media, and raising concerns about the social and economic effects of globalization.

6. "Technical teams" to interpret proposals and decisions for non-expert civil society actors. In the campaign against the Free Trade Agreement of the Americas, a transnational coalition of civil society actors used their "insider" members, those with expert knowledge, who were often serving on delegations, to relay information about the progress of the discussions, and the potential consequences of various proposals.

7. Increased involvement with parliamentarians. In some senses, engaging with elected officials at the national level is obvious avenue for civil society to voice their opinions. Civil society pressures elected officials to adopt their position, and then because they have drawn attention to the issue and mobilized constituencies, these officials may be compelled to take these positions as their own. However, parliamentarians should also be viewed as a potential conduit for civil society voices on the international level; this is especially the case in those regimes that still have relatively restrictive rules with respect to the access of non-state actors' access. Rather than a combative relationship, where civil society pressure compels parliamentarians to adopt their position, civil society actors should examine the potential for collaborative relationships. This can be viewed as a coalition building process, where parliamentarians reinforce the strength of their views through broad coalitions between government and civil society.

8. Protest. When interaction with parliamentarians fall short of desired outcomes, protest can be an important way for civil society (and in some cases, other non state actors) to exercise their civil and political voice. Indeed, in those states where protest is not permitted, would-be protesters can be viewed as being deprived of their right to participate in political discussions. Though the debate about the potential for protesters to influence policy-making remains unresolved, there are some instances where they have had a sizable impact. The riots at the 1999 Ministerial Conference of the World Trade Organization were sufficiently disruptive as to force the suspension of the meeting. More recently, protests in Spain following bombings in Madrid contributed to the outcome of the Spanish election, and in turn, the decision to withdraw Spanish troops from Iraq.[70] Thus, in some cases, simply exercising one's right to protest can have influence over policy outcomes. In this instance, the line between exercise voice and exerting power is blurry; protest can be considered a tactic for both outcomes.

6.2.2 Power

1. Extensive consultation and exchange of views before drafting. This strategy was highlighted as an effective one for developing country actors in the FfD process, and has proven similarly useful for civil society actors in the Aarhus Convention. Several participants involved with the Aarhus process described the involvement of the European ECO Forum, an informal umbrella group of environmental organizations. Their participation has been a particularly useful way to channel the views of a number of organizations to the Parties and the Secretariat. Even in times of disagreement, this has fostered trust and a sense of bottom-up legitimacy to the process. Importantly, these environmental citizen organizations (ECOs) were involved at very early stages of the negotiations process, which ensured that preliminary draft decisions addressed almost all the issues considered relevant by participating ECOs.[71] It is important to note, that although this consultative process has intrinsic value, it does not necessarily lead to identifiable impacts. As one author notes, "If one of the marks of successful policy consultation is that the parties can identify what impact they have had, the FfD follow-up process still has a good distance to go."[72]

It is also worth noting that in some cases, there appears to be a positive feedback system as the quality of participation improves. For instance, in the case of the Aarhus Convention discussions, as ECOs perceived that their input was being taken into account, their input became increasingly more constructive. That is, when civil society actors feel that their voices are being heard, they are more likely to respond positively. The opposite is also true, as demonstrated by research on protesters: When citizens feel that they are being ignored, they participate through protest and dissension. They are frustrated, and in some cases, violent.[73]

2. Greater use of regional meetings for coordination, advocacy and exchange. The Johannesburg Plan of Implementation underscored the need for reform of the institutional structures that underpin efforts to implement global policies for sustainable development. As a result of this and other similar policy discussions, there is increased focus on the potential role of regional institutions. In terms of enfranchising civil society, regional meetings can offer the opportunity for building coalitions, networks, and consensus in a smaller arena. Tarrow has noted that international meetings can serve as a *"coral reef"* for civil society actors working on international policy problems, where they can gather and network. The same is true for regional meetings. In addition, smaller inter-regional meetings, such as the EU/ACP sessions mentioned earlier, can foster exchange between civil society actors from the developed and developing worlds.

3. Technical cooperation to developing country missions to enhance knowledge, strengthen negotiating positions. South-south cooperation can work both ways, to help enfranchise both state and non-state actors of the developing world. NGOs from the developing world can provide knowledge and expertise, thus aiding states to develop their positions and represent themselves more effectively. Second, greater contact and exchange between the two groups of actors can only improve the personal relationships that thus far, have proven to be a key element in successful lobbying at negotiations. Finally, such cooperation needn't be restricted to the expert communities of the developing world, but can also include grassroots organizations, social movements and other "implementing" actors, including business. These can help provide knowledge of conditions at the sub-national and local levels, key knowledge in understanding the effectiveness of current policies, and in informing the design of new ones.

4. Greater interaction and influence with other fora working on the same issues. This is a key issue that was identified by a number of the researchers in the project. Empowering indigenous peoples through active engagement in the Working Group on Article 8(j) is an important step in the right direction, but is not sufficient for ensuring their influence on outcomes of laws and policies governing traditional knowledge in the multilateral system writ large.[74] This example raises a number of issues that go beyond the scope of the project of enfranchisement, but are still critical to its success. There must be greater understanding of the power dynamics between multilateral institutions, beyond the simple recognition that they exist. Further investigation into this area of inquiry should also examine the different institutionalized pathways that exist and are available to developing countries and to non-state actors of the developing world. Because of the scope of this project, there are no specific recommendations about how to remedy this issue, beyond the recognition that it is a significant one that should be examined.

5. Regional standards and law-making efforts based on Principle 10. The Aarhus Convention has been highlighted as a potential model for codifying citizen rights of participation and access to information and justice. Similar efforts are underway through interregional efforts by the Asia-Europe Meeting (ASEM), which has initiated research on public participation practices in environmental matters, and consistently placed the matter on the agenda. There are a number of other examples of guidelines and practices surrounding public participation – in the 1995 amendments to the Barcelona Convention for the Protection of the Marine Environment, and

the African Union's recent African Convention on the Conservation of Nature and Natural Resources. The increasing appearances of procedural rights for public participation indicate the possibility of a larger normative shift toward these institutional pathways becoming standard. Such a change, though still a considerable way off, would constitute an important opportunity for enhancing both the voice, and potentially the influence of civil society and other non-state actors.

6. Coalition building outside the multilateral process. The previous section discusses how civil society actors can enhance their voice in international policy-making through closer coordination of coalitions. This may also be a viable strategy for enhancing their influence. Joining civil society actors together under an "umbrella" that spans across myriad issues can be an effective strategy for mobilizing large numbers of people. Although this may often be a temporary confluence of interests, it can be an important tactic for marshalling media attention or getting items on the policy agenda, or creating norms through voluntary standards and guidelines.[75]

	Institutional pathways		Non-institutional pathways
Power	• Extensive consultation and exchange of views before drafting. • Greater use of regional meetings for coordination and advocacy. • Technical cooperation to developing country missions to enhance knowledge, strengthen negotiating positions. • Greater interaction and influence with other fora working on the same issues. • Regional standards and law-making efforts based on Principle 10.	**Power**	• Coalition building outside the multilateral process. • Protest. • Self-regulation of coalitions to promote coherent input into negotiations processes.
Voice	• Expanded, simplified accreditation processes (i.e. beyond just NGOs). • Amended rules of procedure. • Institutionalized funding.	**Voice**	• Increased involvement with parliamentarians. • Coalition and policy coordination to elaborate a policy position with a unified voice, and to self-regulate membership to promote coherent input into negotiations processes. • Linking local and transnational civil society actors to gain credibility and to reach out to broader audience. • Technical teams to interpret and share knowledge of official policy processes. • Protest

Table 3: Recommendations for Enfranchising Non-State Actors

7 Conclusion

Wolfgang Reinecke explains how globalization contributes to diminished ability of states to exercise operational sovereignty as global markets increasingly operate within their borders. Ultimately, Reinecke argues this weakening of sovereignty means that despite the persistence of democratic institutions, "the power of the influence of [the citizen] vote in shaping public policy has decreased" which will ultimately lead to "a questioning of the institutions and processes of democracy itself."[76] Without a functioning multilateral system, the international community will not be able to address the environmental, social and economic challenges of sustainable development. Eventually, new governance forms may be required; in the interim, however, it is critical to find effective ways to enfranchise the diverse array of actors now present and active in international policy-making for sustainable development.

By rethinking the meaning of participation, and the level of influence required for legitimate and effective multilateral governance, UNU-IAS and IIASA aim to contribute to larger discussions about improving sustainable development governance through enhancing the breadth and quality of input. The research has examined how to improve developing countries' ability to influence policy-making, and ways to ensure that the engagement of civil society and other non-state actors is more equitable, representative, and able to effect substantive policy changes.

With this understanding, the research offers recommendations and proposed reforms to improve the participation and influence of developing countries and a variety of non-state actors in decision making processes for sustainable development. In turn, it is hoped that these reforms will catalyze more fruitful multilateral discussions, and in the end, promote the implementation of policies that move closer toward the goals of sustainable development.

Endnotes

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[5] Johannesburg Declaration on Sustainable Development, paragraph 26.

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[20] Bridges, Trade BioRes, ICTSD at http://www.ictsd.org/biores/03-12-15/story2.htm.

[21] Kevin Gray discusses these critiques in his paper, "Civil Society and the World Trade Organization," UNU-IAS Working paper, 2004.

[22] Though Barry Herman's paper, "The Politics of Inclusion in the Monterrey Process" makes a compelling argument about developing countries' influence on the process leading up to the Monterrey Agreement, he finds that the results are mixed when considering the discussions that followed the Agreement.

[23] See Terms of Reference, Panel of Eminent Persons on UN-Civil Society Relations. Accessed at HYPERLINK "http://www.un.org/reform/pdfs/refterms.pdf" http://www.un.org/reform/pdfs/refterms.pdf, 19 October 2004.

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[41] "We the Peoples: civil society, the United Nations and global governance. Report by the Panel of Eminent Persons on UN-Civil Society Relations" A/58/817, 11 June 2004.

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[43] P M. Haas, note 18, 384-387.

[44] "Permanent Forum: Origin and Development" Accessed at http://www.un.org/esa/socdev/unpfii/aboutPFII/mandate_home_2.htm

[45] Much of this discussion occurred prior to the reform of the CSD, decided upon at the World Summit on Sustainable Development; see for example, Chad Carpenter, "Strengthening IEG by Reforming Existing UN Bodies", *International Environmental Governance (Gaps and Weaknesses/Proposals for Reform) Working Paper*, Tokyo, UNU-IAS, 2002. Accessible at HYPERLINK "http://www.ias.unu.edu/publications/iegwp.cfm" http://www.ias.unu.edu/publications/iegwp.cfm. It is too soon to say what the impact of this re-structuring will be on the effectiveness of the institution.

[46] See J Gupta, note 27, 12.

[47] Marc Pallemaerts makes the argument that the Johannesburg Plan of Implementation did little for moving international law for sustainable development forward, as much of the text simply "recalled" and "reaffirmed" decisions taken elsewhere in "International Law and Sustainable Development: Any Progress in Johannesburg?" RECIEL, 12, Issue 1, 2003, 1-11.

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[49] See J Gupta, "Tips and Tricks for the Lonely Diplomat", which details how developing country diplomats can cope with the difficulties associated with being the lone representative of a country at a given negotiation.

[50] See J Gupta, note 28.

[51] See B. Herman, note 48, 31.

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[59] See Report of the Secretary General, note 58.

[60] Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. Report of the First Meeting of the Parties: Decision I/1, Rules of Procedure. ECE/MP.PP/2/Add.2, Rule 5, 2(e) and Rule 6, 2. 17 December 2002. See also Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, Article 10, paragraph 5.

[61] C. Pitea, "NGOs in non-compliance mechanisms under multilateral environmental agreements From tolerance to recognition? In T. Treves, M. Frigessi de Rattalma, A. Tanzi, A. Fodella C. Pitea and C. Ragni, eds. Civil Society, International Courts and Compliance Bodies. The Hague: TMC Asser Press, 2004.

[62] See note 61, Rule 27.

[63] See "Report of the First Meeting of the Parties, Addendum", ECE/MP.PP/2 Add.8, Annex, para 18.

[64] This is less a problem for business actors, since most involved represent large transnational business actors or coalitions thereof, and less small and medium-sized enterprises.

[65] See Report of the Secretary-General, note 58, paras. 20-22.

[66] See the Lucca Declaration, ECE/MP.PP/2/Add.1, para 21, and Decision I/13 on Financial Arrangements, para 7.

[67] See Foster, note 12, 11.

[68] Discussion at "Engaging the Disenfranchised" Meeting, Laxenburg, Austria, 20 June 2004.

[69] Of course, one could argue that this funding might compromise their neutrality, but this did not appear to be the case in this instance.

[70] See Fisher, note 38, 18.

[71] Discussion at "Engaging the Disenfranchised" Meeting, Laxenburg, Austria, 20 June 2004.

[72] See Foster, note 12, 9.

[73] See Fisher, note 26.

[74] See discussion of Working Group on Article 8(j) on p. 8 of this report.

[75] M Usui, "Business as Civil Society Actor. Corporate Social Responsibility: The Road Ahead", UNU-IAS Working Paper, November 2004.

[76] W Reinecke, *Global Public Policy: Governing without Government*, Washington DC: Brookings Institution, 1998, p. 69.

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