Future of United Nations - Civil Society Relations

257 questions in assessing the Report of the Panel of Eminent Persons in relation to the challenges of the 21st Century

Background

This note is an attempt to highlight dimensions and questions arising from the Panel of Eminent Persons on United Nations-Civil Society Relations appointed by the UN Secretary-General in February 2003, and chaired by Fernando Henrique Cardoso. The Panel Report was presented on 11 June 2004 (A/58/817) [more on Panel website]. The website of the Global Policy Forum (GPF) provides links to a number of documents, notably from NGOs, commenting on the Panel's activities and the challenges. These include earlier comments by the author Response to GPF's Report, "NGOs and the United Nations" (25 June 1999) and a Statement on Secretary-General's Report on NGOs (21 May 1999). Both of these argue strongly in favour of a focus on the value of the web environment in reframing the challenges of UN-Civil society relationships as argued most recently by the author in Practicalities of Participatory Democracy with International Institutions: Attitudinal, Quantitative and Qualitative Challenges (2003). Since that time most active international NGOs now make extensive use of NGOs and seek to make creative use of websites.

The Panel's Report has been followed by:

- Report of the Secretary-General on the implementation of the Report (an unedited advance version)
- Towards a consensus in shaping the future of United Nations - NGO relations: Clarification of some common concerns and apparent misunderstandings (posted on the CONGO website and reflecting an NGO perspective)

The focus of this note is on a broader framing of the report and its conclusions and is not intended as a commentary on the relevance of the conclusions within the frame considered appropriate by the UN Secretary-General and the Panel. As such it follows from earlier comments by the author on earlier efforts by the UN to address, explicitly or implicitly the role of international NGOs in relation to the UN system. (see references below)

In particular this note is concerned with the degree to which the Report responds to the urgency of the challenges facing society and the planet, notably as articulated in the report of a conference sponsored by the Stanley Foundation conference of June 2004 (Updating the United Nations to Confront 21st Century Threats: the Challenge to the High-Level Panel) prepared for a distinct UN High-Level Panel on Threats, Challenges and Change.

Given the concerns in official investigations of the activities of the intelligence community in relation to the threat of terrorism, the focus here is on whether the "global intelligence failure" and "lack of imagination" (identified by a US Senate investigation of the response to terrorism) should not also be recognized in relation to other threats and the appropriate institutional reform. As noted by the chairman of the Senate intelligence committee:

"While we did not specifically address it in our report, it is clear that this group-think also extended to our allies and to the United Nations and several other nations as well, all of whom did believe the Saddam Hussein had active WMD programs," [more]

The point has been made that other organizations, like the intelligence agencies, can suffer from bureaucratic inertia, lack of imagination and simple hostility to unconventional thinking. All institutions have a tendency to the "groupthink", and the tendency to downplay dissenting voices, for which the CIA was criticized.

The note below takes the form of questions through which to reflect on the Panel's conclusions in terms of the adequacy of UN-Civil Society relations to the challenge of the times. The questions, appropriately reviewed, might be considered vital to any balanced evaluation of the Panel's Report on the future of UN-Civil Society relations.

Briefly stated, the Report is an admirable positive articulation of what should have been a reality in the 1990s, if not in the 1980s and the 1970s. However it fails to address the realities of the United Nations' demonstrated inability to give real substance to such aspirations - or to take meaningful account of the information technologies (available for decades) that would make the advocated changes possible in the immediate future. It could be argued that the very political correctness of its positive language precludes its acknowledgement of real challenges. Such complacent denial leaves the United Nations increasingly paralysed and marginalized in the face of the nastiest of threats, such as terrorism. "Terrorism" might even be explored as the consequence of a pattern of past failures in UN dialogue with "civil
society" and its dissident perspectives -- such as those now articulated in the World Social Forum. It could be understood as the failure to come to grips with the survival concerns of peoples who are, faced with this denial, thereby forced to become increasingly "uncivil". This crucial gap in communications is exemplified by the fact that 9/11 occurred in 2001 -- the UN Year of Dialogue Among Civilizations.

The questions below are clustered firstly as a response to the Report's Glossary, its List of Proposals, and then as clusters of questions cutting across the organization of the Report.

**Glossary: definitions**

NGOs are defined in the Report as "all organizations of relevance to the United Nations that are not central Governments and were not created by intergovernmental decision, including associations of businesses, parliamentarians and local authorities". Does this mean that all such organizations that are relevant to the UN are recognized as "NGOs", namely that those not so recognized are irrelevant to the UN? Given the consultative relationship criteria, does this mean that only those accepted as fulfilling UN criteria of representativity are relevant? What kinds of civil society bodies are considered as "non-NGOs"?

Civil society is defined as "associations of citizens (outside their families, friends and businesses) entered into voluntarily to advance their interests, ideas and ideologies...Of particular relevance to the United Nations are mass organizations..., trade unions, professional associations, social movements, indigenous people's organizations, religious and spiritual organizations, academe and public benefit nongovernmental organizations". Does this mean that all civil society bodies are potentially NGOs for which Article 71 allows for consultative relationships? Since the definition is inclusive rather than exclusive, and the UN has traditionally supported liberation movements, does civil society include networks and movements labelled as "terrorist"? What about secret societies with non-pecuniary agendas? If not, how is the exclusion from "civil society" of bodies implicitly defined as part of "uncivil society" achieved? Are such networks irrelevant to the UN?

If the UN Charter derives its mandates from the concept of "We the peoples..." which bodies are irrelevant to the United Nations and how is this decided? What does that imply for the excluded?

To what extent, as argued elsewhere (Public Management, 1995) is such ambiguity being deliberately used as a form of "definition game-playing" and "conceptual gerrymandering" to advance particular interests and to marginalize other interests? Has the UN considered apologizing for its decades-long apartheid-like separatist approach to civil society in which it only recognized certain bodies from civil society as acceptable and of relevance?

Is the relationship to civil society being reframed through the Article 71 relationship to NGOs, or is it bypassing the Article 71 provisions on the Secretary-General's initiative, as with the Global Compact initiative in relationship to multinational corporations?

To the extent that civil society bodies are NGOs, do all civil society bodies (from international to local) now have the right to enter into consultative relationship with the UN and to seek participation in UN meetings? Or is it only some bodies that are distinguished - as NGOs - as having that right? Within what framework does the UN then expand its relationship with civil society?

Is the distinction between "civil society" and "NGOs", from a United Nations perspective, more accurately stated as the distinction between the multitude of bodies representing the interests of "we the peoples" ("civil society") to which the United Nations would, in principle, like to relate and be seen to relate in its public relations initiatives -- as opposed to the necessarily limited number of bodies ("NGOs") to which the United Nations is capable of relating in practice, through its various consultative and other administrative procedures, and taking account of its political and other constraints (see para 44)? Do remarks made with respect to "civil society" mainly reflect a sense of what the United Nations ought to do, and would (to the extent possible) claim to be doing, whether or not this corresponds to the reality in practice?

**List of proposals of the Panel of Eminent Persons**

**Convening role of the United Nations: fostering multi-constituency processes**

*Proposal 1:* Inclusion of "all constituencies relevant to the issue": Who defines what "the issue" is, especially if that process is highly politicised to ensure the marginalization of some issues? Why, in a society recognized as increasingly complex and dynamic, is the focus on a single issue rather than on how emergent networks of actors can better handle networks of emergent issues with networks of emergent strategies? Is there no concern regarding the lead time between recognition of an issue by a civil society body and recognition ("accreditation") of that issue by the United Nations - as with the year-long delay in UN recognition that the invasion of Iraq was illegal? (see para 34) Why is that?

*Proposal 2:* How does the United Nations "embrace an array of forums" when it is has the greatest of difficulty in reconciling the sectoral preoccupations of its different Specialized Agencies - especially when all of them have proven to be inadequately designed to "achieve a specific outcome"? To what extent is the proposed four-step procedure an ideal whose implementation over past decades has proven to be highly unrealistic? Is it possible that the design now envisaged is overly simplistic in relation to the challenge? Might this be deliberate to disguise an intended inadequacy to the challenge? How might such possible inadequacy be determined?

*Proposal 3:* Whilst the recommendations for Secretariat innovation in "networked governance" and experimentation with "Internet agora" are admirable (see para 13), what account has been taken, in making such recommendations, of experience dating back to the 1980s with such technology and the innovations proposed with respect to their use in the future? Is the proposal locked into an overly simplistic understanding of the challenge as exemplified by the hundreds of thousands of civil society bodies that might see their participation in United Nations processes as appropriate? To what extent are more complex forms of mediated interaction required to handle the "diverse backgrounds"? Why is the use of such agora seen only as a means to "survey public opinion" - as in media surveys? Who then frames
the questions? Who selects then the "emerging issues"? Who processes the responses and answers? If the Secretary-General is to "initiate multi-stakeholder forums", how is the perception of cronyism, elitism, non-transparency and corruption to be avoided? If he (or she) is to "feed their conclusions to appropriate intergovernmental forums", what is the track record of this process?

Proposal 4: With respect to the global conference mechanism, what learnings have occurred to ensure that future events are a significant means for processing and interrelating insights of participants rather than costly, tokenistic exercises in public relations with only modest follow-up (para 58)? Especially given the UN's current involvement in the World Summit on the Information Society, why is no mention made of the role of the Internet in ensuring wider participation in such events and enhancing follow-up?

Proposal 5: Whilst the possibility of "multi-constituency processes as new conduits for discussion of United Nations priorities" is admirable, what consideration was given to the highly problematic dialogue issues that are characteristic of such processes - even when participants do not have highly antagonistic agendas? Why is the focus placed on "hearings" without any reference to the immense difficulties experienced by an overloaded Secretariat in processing information without filtering it to a very high degree? Again, why was no reference made to the use of Internet technology to provide multiple channels of interaction, both with the Secretariat, between Secretariat officials, and between those being "heard"? Given their existing overload, what capacity do the "relevant intergovernmental forums" have to process information transmitted to them?

Proposal 6: Who is going to ensure the "carefully planned participation of actors" given the highly politicised nature of such participation? Why is the focus on only inviting contributions from those "offering high-quality independent input"? Who determines high-quality and "independent"? Is it only those who "offer" who are invited - a dependency on well-funded, interested activism as a selection mechanism - or is there some obligation to seek out those who might be able to make such input? How does the United Nations avoid the dysfunctionality of only exposing itself to proliferating lobbyists with funds to promote their narrow agendas where meetings are held? To what extent is the United Nations vulnerable to a form of "cosy", Northern-dominated "grouphink" analogous to that recognized in the official evaluations of the misleading assessments made by the intelligence community in relation to Iraq? (see para 98, 143, 161)

Investing more in partnerships

Proposal 7: How will the "Partnership Development Unit" avoid the political and other challenges that tend to undermine such seemingly reasonable initiatives - especially given their dependence on a political appointee? What lessons were learnt from the appointment of the special advisor to the UN Secretary-General for corporate social responsibility within the Global Compact initiative? [more]

Proposal 8: In pursuing the "partnership" model, to what extent is there any sensitivity to the way in which this reflects a particular mindset that is currently fashionable but may well, like previous management fads, prove inadequate to the challenge (see para 68-70)? To what extent is there a danger that the use of the term may disguise the ineffectual nature of the operational reality behind the term? To what extent is the use of "partnership" dangerously unchallengeable - as with so-called "motherhood statements"?

Proposal 9: What article of the Charter governs does the proposal to "strengthen its relationships with actors in the private sector"? How does the UN ensure that it does not get trapped by commercial decision-making criteria - as with the "votes for cash" scandals of many parliaments?

Focus on the country level

Proposals 10 and 11: How do these differ from initiatives and practices, undertaken or foreseen, by UNDP and its Resident Representatives since the early 1990s? Why is no mention made of the use of Internet technology to facilitate such communication processes and remedy their inadequate performance?

Strengthening the Security Council - role for civil society

Proposal 12: Why is no mention made of the increasingly problematic security provisions (and visa constraints) of the USA governing participation of citizens from large segments of the world's population at meetings in New York (para 144)? Is participation of civil society representatives now conditional on US security provisions regarding suspicion of terrorism? To what extent is the United Nations becoming complicit in processes that are widely recognized as restricting human rights? Why, again, is no mention made of the use of Internet technology to facilitate such communication without exposing invited participants to the risk of being strip searched or arbitrarily held for questioning without possibility of appeal? Why have no provisions been made for the responsibility of the United Nations under such circumstances? How are the civil society interlocutors to be selected so that the process is perceived to be transparent, non-elitist, and beyond the criticism that is so easily levelled (with reason) against current selection procedures? To what extent do Secretariat staff have the requisite skills to facilitate these and other dialogue sessions? How are facilitators and methods of dialogue chosen to avoid the traps of dialogue fads and ensure cross-cultural sensitivity? Why is the formula of an "independent commission of inquiry" not evaluated? Has its track record been adequate to the task? Given the relevance of the claims made by "terrorist" groups regarding United Nations issues such as poverty, human rights, and the like - and irrespective of the violence of their initiatives - to what extent should the Security Council be exploring ways of dialoguing with groups which are currently framed as constituting the gravest threat to international security? Given its experience during the Cold War in reconciling parties bent on mutual annihilation, is there not a case for exploring dialogue with the most extreme forms of "civil society"? Why is there no discussion of the role of dissidence in democratic processes, especially given efforts to confuse it with sympathy for terrorism?

Engaging with elected representatives

Proposal 13: To what extent does this differ from the follow up sought after many major UN conferences and notably that of the Rio Earth Summit in 1992? What is the track record of such processes?
Proposal 14: Do these proposals imply that parliamentarians, as such, are to be considered as representatives of civil society - or only through their association with the Inter-Parliamentary Union? Does this imply a form of double representation in that parliamentarians may act both as government representatives and in their associative capacity (see para 105)? Can an association of Heads of State be considered to be a civil society body entitled to representation as such at the United Nations? What about the Corps Diplomatique as an association of diplomats? How is the representativity of such government-related bodies to be assessed and compared with the challenges to NGO representativity? Are the peoples of the world free to elect other representatives, as in civil society bodies representative of ethnic minorities (as with the Kurds or the Tibetans)? How are the issues articulated through associations of parliamentarians to be distinguished from those articulated through other bodies - especially when the parliamentarians reflect a minority view in their country? Are political coalitions of parliamentarians of regional parliaments (as at the European Parliament) to be included in this process?

Proposal 15 and 16: Given the challenges associated with the effective implementation of these proposals, articulated in the past, why again is no mention made of the new interactive possibilities offered by the Internet -- beyond those of an "information service" -- in by-passing difficulties already experienced?

Proposal 17: How would a "resolution affirming and respecting local autonomy as a universal principle" be related to the preoccupations of groups such as the Basque or the Kurds, for example - especially given the current repression of human rights and the lack of respect for international law?

Proposal 18: Whilst it is admirable that the United Nations should acknowledge the value of particular associations such as United Cities and Local Governments, to what extent does this reflect a mindset of single issue focus (in response to the successful actions of a powerful lobby) as with the Inter-Parliamentary Union? As with parliamentarians, to what extent is the inclusion of local government representatives as civil society bodies indicative of a form of double representation? Are these type-specific approaches indicative of an avoidance of the challenge of addressing the meaning of the existence of a vast network of associations (including the powerful, the weak, and those who alienated by the process)? Is the use of the term "civil society" a means of globalizing an undifferentiated concept to avoid recognition of the networked reality of the psycho-social ecosystems that constitute the fabric of global society? Who promotes this outdated mindset -- especially at a time when security services are highly interested in investigating civil society networks? Why again is the use of the Internet - a technology built upon and supportive of civil society networking to the highest degree - not mentioned in this context?

Streamlining and depoliticizing accreditation and access

Proposal 19: How is the United Nations to "realign accreditation with its original purpose, namely it should be an agreement between civil society actors and Member States based on the applicant's expertise, competence and skills" when no mention is made of "civil society" in the Charter of the United Nations? In what context was the "original purpose" defined? Whether or not this initiative proves to be admirable in practice, does it not constitute a modification of the Charter by subterfuge, as with the Global Compact? How are the useful features of this proposal to be distinguished from the more dubious features - obscured by failure to assess the interface between "civil society" and the "United Nations" other than through the eyes of those who benefit most from the current system and who are most inspired to advance their privileged access even further - notably in those locations in which the United Nations holds the highest proportion of its meetings (at lowest cost to those based there)? Again no reference is made to the manner in which the challenges of this interface could be reframed through more appropriate use of the Internet to allow more effective involvement of many bodies and notably those in countries distant from the meeting location?

Proposal 20: How are such proposals to reconcile the provisions of Article 71, the existing pattern of accreditation, the broader pattern sought, the claims that any civil society body is meaningful to the United Nations, with the restrictive provisions of the accreditation process? Given the challenges in ensuring any form of "system-wide effort" amongst the Special Agencies within the "United Nations system", why is this proposal expected to be taken seriously by those expected to implement it rather than as a cosmetic exercise to dupe a wider audience for public relations purposes?

Proposal 21 and 22: To what extent is the effort to "foster enhanced coordination and support for the accreditation process" designed to create a two-level civil society, replicating the separative thinking of the apartheid mindset? Will the "consultative review" simply institutionalise such separation in a dangerous way? Is there the possibility that many civil society bodies may prefer not to by into such an apartheid process whereby some are defined as "relevant" to the United Nations and its issues - and others are not? Again, why is there no mention made of the use of the Internet to facilitate any such accreditation processes to allow a richer multi-level formula, possibly stressing the multi-faceted nature of civil society bodies rather than institutionalizing an organizational caste system - with its pool of "untouchables"?

Proposal 23: Why is there no concern on the part of the United Nations regarding the civil society bodies that do not get selected by accreditation procedures? Should the United Nations clarify its sense of an "accredited civil society" as distinct from a "non-accredited civil society" or perhaps even a "discredited civil society"? Given the increasing level of distrust of authoritarian structures recognized by the Report (para 7), and the publicized scandals with those most involved, should the United Nations not reflect upon the challenge it faces in renewing its accreditation to "We the Peoples"? Is there no concern that civil society bodies conscripted to provide "quality assurance" may be precisely the bodies with some overt, or covert, motivation to exclude those reflecting alternative perspectives? Does the United Nations have no concerns that it may be reinforcing such oversimplification of the range of civil society interests it is prepared to consider as relevant? Should these matters not be explored at length to avoid creating a non-transparent process that will further alienate many civil society bodies?

What the proposals mean for staff, resources and management

Proposals 24 to 27: Given the extreme difficulties over past decades experienced by the United Nations in managing the interface with the limited number of bodies associated with it through the consultative status or DPI processes, why is it imagined that an administrative
reshuffle will improve matters? And again, why is no mention made of the ways in which the Internet could reframe this challenge, at far lower costs, and ensure a far greater level of interaction worldwide with many bodies concerned with issues recognized by the United Nations?

Proposal 28: Has this effort not featured in United Nations intentions over many years?

Providing global leadership

Proposals 29: Has this effort not featured in United Nations intentions over many years? The question is why has so little been achieved and why is greater success now expected - especially at a time when repressive legislation will increasingly marginalize many civil society bodies?

Proposal 30: Why is no mention made of the initiatives with respect to civil society of regional intergovernmental organizations, notably Europe - reinforcing a pattern of denial dating back through the Cold War years? Is there not a case for avoiding duplication with the initiatives of such bodies and seeking a more fruitful interface with them than one based on denial?

Constitution and operation of the Panel

Question 1: Whose agenda was the report designed to advance? In a period of considerable scepticism regarding the transparency and integrity of international institutions, what information is provided regarding the forces that brought the Panel into being? Is it a cover for some unstated agenda? Is it a manipulative reframing of civil society and the bodies relating to the UN under Article 71. How can the Panel prove the impartiality of its conclusions - or in a time of well-documented, high-order duplicity in the UN Security Council - should its integrity be taken on trust? What is the real story behind the Panel initiative?

Question 2: How transparent was the process of appointing the Panel? Panelists are stated as having been appointed as "independent experts, representing only themselves. The selection ensured balance across geographic regions and genders, and the panel collectively has experience in politics, government, the United Nations, civil society, academe and business" (Preface). What stated, and unstated, influences were brought to bear on its composition? Where is the information indicating how that selection was made? In the light of long-standing UN concerns about NGO representativity, was the Panel and its inputs adequately representative:

- By political tendency?
- By nationality?
- By race?
- By age group?
- By gender?
- By class (and income level)?
- By language?
- By belief system?
- By discipline (sociology, psychology, political science, anthropology, knowledge organization)?
- By mode of action?
- By technology (intermediate, information systems, emergent)

Question 3: What dimensions are inadequately represented by the Panel? Were they deliberately excluded?

Question 4: To what extent was the Panel an exercise in cronyism and how can the contrary be proven to a civil society that has every reason to be suspicious? What did the funders and sponsors get out of it - and how representative were they of the concerns of civil society worldwide?

Question 5: In a spirit of transparency, how did unnamed persons, including support staff and researchers, influence the conclusions - especially given the practice at the United Nations of providing such staff to harmonize the language into a United Nations style report? Who commented on the draft? To what extent did panelists rubber stamp a report written by others?

Question 6: What were the inputs to the Panel? Where are they? How was the commissioning of inputs handled? Who did the commissioning and how was the scope framed? Are they confidential? Why does the document not point to websites from which they may be obtained? Were all submissions acknowledged?

Question 7: How were insights articulated at consultation meetings captured? What happened to those that were designed out of the process? Does the process of invitation, and the treatment of insights expressed, reflect the dysfunctionalities of the outmoded system or recognition of the challenges of the new mode of organizing such relationships? Is it a case of consultative "business as usual"?

Question 8: Who was invited to consultation meetings? By whom? How were they identified? How did the Panel determine whom it was appropriate to consult? Did it only consult those who promoted their own agendas? Who did they decide not to consult? Is this a fundamental metaphor of the United Nations challenge in relating to civil society?

Question 9: What issues raised got excluded and why? What was ignored and under pressure from whom and by what criteria?

Question 10: Was the Panel process monitored and subject to critical evaluation? By whom?

Question 11: Was it based on a token consultation procedure? To what extent is the Panel's processes subject to the criticism that it was simply going through the motions? Does the Report distinguish adequately between genuine consultation and going through the motions?

Question 12: How have the advisors cited, framed and constrained the scope of the report and its conclusions?
Adequacy to challenges of 21st Century

Question 13: Is the Report adequately oriented to future challenges? To what extent might it be understood as a addressing the issues of the 20th century for the 21st century? (see Updating the Nations to Confront 21st Century Threats: the Challenge to the High-Level Panel (Conference sponsored by the Stanley Foundation, June 2004). To what extent are the Report's conclusion too timid? As the Report itself notes with respect to the United Nations: "Is it seizing opportunities or is it a captive of the past?" (para 21)? Does the Report "err on the side of boldness" as suggested by the first recommendation of the Stanley Foundation conference?

Question 14: Does it reflect and reinforce an outdated simplistic vision of civil society?

Question 15: To what extent does the Report take account of the acknowledged global "failure of intelligence" and "failure of imagination" that has characterized intelligence communities at the service of Member States in since 2001? Does it recognize the groupthink tendency, acknowledged in the case of Iraq, to which it may have been subject in reflecting on issues touching on the civil society implications of dissidence and democratic processes?

Question 16: Is the Report excessively characterised by "political correctness" and naive positivism - to the point of being unable to acknowledge what has not worked and may well be unlikely to work? And why it is considered counter-productive to acknowledge this? Is the Report characterized by tired concepts and received ideas - even in contrast to the language of the Stanley Foundation conference report? Is there a serious danger of buying into a process of "more of the same" and "business as usual"

Question 17: Is the report an inspiration for future UN-Civil Society relations? For whom? Given the United Nations increasingly cultivated interface with the agendas of the World Economic Forum (Davos), notably through the Secretary-General and the Global Compact, does the Report effectively engage with the concerns of civil society articulated through the World Social Forum?

Question 18: To what extent does the Report matter? To what extent does it reflect a failure to engage with processes that have already superseded its framework and proposals? Can it be simply ignored?

Conceptual and legal issues

Question 19: Given the much to be appreciated call for a new paradigm, are the conclusions nevertheless trapped in impoverished metaphors? Is the Panel exercise its own metaphor? Where are the new metaphors to carry the collective imagination and ensure comprehension of new opportunities and challenges?

Question 20: Given recognition that "the medium is the message", to what extent does the standard form of a United Nations report preclude the emergence and recognition of new thinking? To what extent are the well-defined norms of the very language of United Nations report writing counter-productive to the articulation and emergence of new thinking?

Question 21: Given the recognition of the challenge of one- and two-dimensional linear thinking, as in the adage "if all we have is a hammer, every problem looks like a nail", how would new thinking emerge in a dynamic and highly diverse networked society "if all we have is a panel"?

Question 22: Does the report effectively address the status of dissidence and its expression in a highly diverse address civil society? Given the UN's traditional support for "liberation movements", why does it fail to address the highly challenging conceptual question of the relation between "freedom fighters" and "terrorists" - in a context in which UN Member States carefully select and define those of which they wish to approve or condemn, whilst carefully avoiding the application of international law to their own initiatives?

Question 23: Is their any detectable influence of cultural and epistemological frameworks other than those acceptable to the dominant western minority? As such, does it represent a change of perspective? Does it present a "new song" - or a renewed effort to get "we the peoples" to sing from the same hymn sheet, as designed by the UN?

Question 24: What consideration was given to the legal status of international civil society bodies, especially subsequent to 9/11? Given the existence and limitations of Article 71, and the failure of efforts to accord any legal status or protection to international NGOs, why is no mention made of this challenge (which has been taken up at the regional level in Europe)? Why does the Report fail to address the legal status of NGOs, notably in relation to the emergence of mercenary "nongovernmental contractors" who could well be defined as "nongovernmental operatives" (NGOs)?

Question 25: Was the Panel trapped into a form of groupthink? How could it prove the contrary?

Question 26: How is the challenge of definitional game-playing addressed? Was there any critical recognition of the extent to which concepts of organizations defined by Article 71 were being manipulated with minimal discussion?

Question 27: How is the inter-sectoral challenge of integrating perspectives envisaged? Given the increasing strategic concerns of management in an era of complexity, to what extent is the challenge of arrays of evolving issues (promoted by a variety of actors) addressed? How is conceptual integration and coherence to be achieved under such circumstances without dangerous oversimplification and reductionism?

Question 28: To what extent are the strategic dilemmas addressed - as exemplified by the dynamic between opposing factions of civil society?

Issues of method

Question 29: How did the Panel identify, recognize and explore the insights and outcome of previous initiatives defining UN-Civil Society
relationships? Or was it starting afresh, free from the constraints of history?

**Question 30:** What learnings from 50 years of consultative status were presented? Where? How was the dynamic amongst civil society bodies in relationship with the UN assessed?

**Question 31:** What questions were asked? What questions were avoided? Did the Panel have a set of specific questions to ask or was it primarily responsive to representations?

**Question 32:** Was there any comparative analysis made of the dynamics in relation to UN (NY, Geneva, or Vienna), other regional UN secretariats, and Specialized Agencies? Were there submissions from such?

**Question 33:** To what extent did the Panel benefit from insights in relation to other patterns of IGO-Civil Society relations: Council of Europe, European Community, OAS, etc.? Were inputs sought - especially given the importance of some of these groupings to new involvement of civil society (eg the European Constitution)? If not why not? How is the relation of the UN to civil society to be integrated into the relation with other IGOs addressing the same issues and having extensively overlapping memberships.

### Self-reflexive issues

**Question 34:** Does it recognize the challenge of ethical issues in UN-designed processes and a degree of complicity in corruption (eg the oil-for-food scandal)?

**Question 35:** How does the Panel address the preponderant influence of business interests through civil society "front organizations" - notably as demonstrated at the World Summit on Sustainable Development (Johannesburg, 2002)?

**Question 36:** Were the implications of increasing electronic surveillance considered, notably in the light of the bugging of delegations and the Secretary-General’s own office? To what extent will the proposals to rationalize relations to civil society facilitate any security monitoring of their activity? How would use of Internet facilities be jeopardized by surveillance of such communications?

**Question 37:** How does the report address accountability in civil society in relation to the accountability of governments in the light of the false information advanced in the United Security Council justifying the invasion of Iraq?

### Issues of democratic process and governance

**Question 38:** Are emerging challenges to democratic processes recognized? How are democratic institutions to handle the thousands of civil society bodies seeking to interact with them in some way? How is provision to be made for substantive interaction with either a single official or with an intergovernmental session? Does the formula of "briefing sessions" completely undermine any sense of "participative democracy"?

**Question 39:** Given that the number, variety and interconnectedness of issues that fall within the mandate of intergovernmental bodies continues to increase dramatically, why is the latest technology not considered to ensure that these can be handled by disparate intergovernmental sub-groups in relation to to concerned civil society bodies, especially when all concerned are overburdened and face scheduling conflicts?

**Question 40:** Are the challenges of insight processing in democratic assemblies and complex networks addressed? Is there an expectation that the most effective method of processing is to filter and limit the "small front door" only occasionally opened with limited reception facilities inside?

**Question 41:** To what extent will governments be increasingly obliged to consider communications from civil society as a form of "democratic spam" (or even "democratic viruses") to be filtered out as efficiently as possible, without or without appropriate messages of courtesy?

**Question 42:** Given the range and number of civil society groups, how is effective participation to be ensured? How is the challenge of physical assembly of membership to be handled in a financially constrained environment? Given the role of the UN in imposing geographical representativity on financially constrained organizations, why is greater attention not devoted to facilitating participation through the Internet, even using local United Nations offices for that purpose?

### Issues of information technology: web and internet

**Question 43:** How is the role, and potential, of information technology for civil society and for UN-Civil Society relations acknowledged? Why does the Report focus on face-to-face meetings (paras 46-7) and convening "hearings" (para 61-63) and ignore the potential of computer-mediated interaction with which so many in civil society are familiar? How can such technology make the follow-up to hearings more transparent rather than, as at present, reinforcing the sense that they merely serve as an innocuous safety valve for some? Is there no suspicion that the United Nations uses its emphasis on face-to-face communication to disguise its lack of ability to make effective use of the modern communications technology increasingly used by young people worldwide and available in internet cafes around the world?

**Questions 44:** Was the use of information technology considered in order to capture ideas, insights and "inputs" considered relevant by some, if not the majority (para 65) - without disrupting formal procedures? Why is the focus on majority opinion when some vital issues may only be comprehensible to specialists?

**Question 45:** Why was no attention given to the possibility of computer (or other) simulations of its proposed innovations to communicate the intentions more effectively and to explore their strengths and weaknesses as a key to further innovation?
**Question 46:** While the emphasis on "networked governance" is admirable (para 53), especially in relation to new understandings of democratic participation, how is information technology to be used to enable such processes to work effectively? Does it offer opportunities for more effective processes that are impossible within non-computer-mediated contexts?

**Question 47:** Given the need recognized by the Report for careful "selection", filtering and planning of participation by civil society representatives and observers (para 67), why is this exceptionally problematic selection process (subject to many unsatisfactory compromises and vulnerable to many abuses) not reframed in the light of electronic inputs?

**Question 48:** Given the difficulties noted by the Report to identify "specialized constituencies" (para 86), why is no consideration given to the manner in which such constituencies can make themselves evident though suitable information systems?

**Question 49:** Given the Report's recognition of the United Nations "misaligned information strategies" (para 88) at the national level, why do its recommendations fail to address this directly? Why is there confusion between interactive use of electronic information technology and the traditional United Nations public information programmes (para 93)?

**Question 50:** In seeking to advance the relationship with national parliaments, why is the potential of internet access between the United Nations and such parliaments and parliamentarians - not effectively and ambitiously addressed (para 115)?

**Question 51:** Given that some United Nations conference rooms have been "wired" for decades to enable official and others to listen in, why is the challenge of extending this facility not considered? Why is the associated vulnerability of enhanced communication to electronic surveillance not addressed?

**Question 52:** Given the politicization of accreditation for physical "access", the associated workload (paras 121-7), and the **cost of $26,000 per accreditation and $1 million per rejection** (para 129), why is no consideration given to avoiding such costs through well-developed Internet procedures and the emerging authentication technology (para 130)? Why was no thought given to the variety of levels of accreditation possible, possibly varying issue by issue in relation to the relevant expertise of the civil society body? Why was no thought given to using Internet technology to integrate accreditation with evaluation by other civil society bodies (as is done in a number of commercial applications)? Would such procedures not offer a suitably "arms-length" means of interrelating accreditation issues of other bodies within the UN system possibly dealing with the same applicant?

**Question 53:** How serious can a report on United Nations - Civil Society relations be taken seriously when "access" is only framed in terms of crowded seating capacity and debating slots (para 140) - in an era of a rich pattern of world wide web facilities in response to the many challenges of "access" to information and interactivity?

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