

*The* Politics *of*  
Participation *in*  
Sustainable Development  
Governance

*Edited by*  
**Jessica F. Green**  
*and*  
**W. Bradnee Chambers**



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# Introduction: Understanding the challenges to enfranchisement

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*Jessica F. Green and W. Bradnee Chambers*

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## Introduction

The word “participation” is widely used, if not over-used, in current discussions of global governance. Indeed, the word appears frequently in the outcome document of the 2005 Millennium+5 Summit. It is used in conjunction with developing countries, civil society, the private sector, local authorities, women and the general citizenry, always stressing the importance of promoting the participation of these groups. The call for participation is echoed in landmark documents such as the Rio Declaration, Agenda 21, the Johannesburg Plan of Implementation and a host of other international agreements. Attempts to implement the UN’s commitment to collaborative efforts are further seen in initiatives such as the Global Compact, Type II partnerships and agencies such as the UN Fund for International Partnerships.

While these efforts advance, critics argue that they are insufficient. As the *Report of the Panel of Eminent Persons on United Nations-Civil Society Relations* suggests, “[j]ust when more issues demand global responses than ever before, the haphazard processes of global governance seem to generate as many contradictions as complementarities”.<sup>1</sup> Globalisation has greatly enhanced the need for global governance as well as the need for greater decentralisation of that governance.<sup>2</sup> The democratic deficit of global governance persists, and it threatens to undermine the legitimacy of multilateralism.<sup>3</sup> The protests against the WTO in Seattle, Genoa and Cancun, for example, are in effect a call for broader participation.

Though some critics have dismissed these events as the responses of a small minority of anarchists or other equally untrustworthy ideologues, these criticisms cannot be brushed aside forever. Similarly, the breakdown of the WTO negotiations in Doha in 2001 and the subsequent “July package” suggest not only that meaningful engagement with the developing world is needed, but also that it will lead to consensus and progress that will ultimately aid sustainable development.<sup>4</sup> In sum, effective participation of developing countries, particularly delegates, is urgently needed in the current globalised system. Global rules cannot be actively made by some and passively accepted by others.

The question of participation is inextricably linked to sustainable development, for without a plurality of actors and approaches, sustainable development cannot be realised. The importance of broad-based participation, particularly the inclusion of the developing world, has emerged as a consistent theme in many major international agreements – the Rio Declaration, Agenda 21, the Millennium Development Goals, the Monterrey Consensus and the Johannesburg Plan of Implementation. Although participation of diverse groups of actors has been widely accepted and codified as a fundamental tenet of sustainable development, the international policy-making system is still struggling with ways to realise this principle. That is, despite the growing participation of a variety of non-state actors – scientists, business organisations, civil society of all stripes and indigenous peoples – in many cases, there has not been a correspondent growth in their input. Participation is uneven and unequal across and among these groups. Thus, the central challenge of this volume is to understand how these different actors can overcome obstacles to participation and improve the quality of their engagement in sustainable development governance.

This volume contributes to the collective efforts to improve both the levels and the quality of the engagement of various actors in the policy process – with a particular focus on the developing world. Specifically, the goals of the volume are twofold.

- To identify and understand barriers towards enfranchisement that developing countries and non-state actors encounter in international policy-making processes for sustainable development.
- To propose strategies to enhance the engagement of these actors, particularly those from the developing world.

## Understanding enfranchisement

What does it mean to be enfranchised? Alternatively, can we say that representatives of developing countries and civil society actors are cur-

rently disenfranchised from international policy-making? Certainly, different groups vying to have their voices heard could be construed as a simple case of democracy at work. The authors maintain, however, that attempts by both negotiators and civil society actors from developing nations to become more involved and influential in international policy-making is a symptom of a more systemic problem. The current practices, institutional arrangements and political realities have hindered their engagement in international policy-making processes.

In this volume, enfranchisement is defined as the ability to both participate in and influence agenda-setting and decision-making in international regimes for sustainable development.<sup>5</sup> It is important to be clear that both developing country actors and civil society may be considered disenfranchised from multilateral policy-making, but that this phenomenon occurs very differently for each set of actors. Some delegates from developing nations would bristle at the thought of being labelled disenfranchised from international policy-making. These countries are accorded the same rights under international law as their developed counterparts, are recognised as sovereign nations and are free to negotiate agreements with other nations. In some cases, however, they lack the authority to influence agenda-setting or to affect outcomes.<sup>6</sup> As Gunnar Sjöstedt explains in chapter 9, a weak (and often developing) country, may “perform only as a silent observer for long periods of time”. Thus, actors must be able not only to voice their opinions (and have them heard) but also have some influence on the outcomes of the decision-making process. Therefore, a crucial distinction exists between participation and influence; the former is a necessary but not sufficient condition for the latter. This definition of enfranchisement recognises both of these aspects. In considering the concept of enfranchisement, it is also important to note that this is not a dichotomous choice, but rather occurs on a spectrum. Not all developing countries should automatically be considered disenfranchised; the ability to participate and influence can be a matter of degrees, varying by institution, forum and policy.

Thus, according to this construction of the concept, legal rights do not ensure effective participation. Civil society does not, and should not, enjoy the same rights or privileges as states. But rules and practices about their participation are varied and inconsistent, and the ability to influence discussions is often limited to a few groups. Despite these differences, the obstacles to engagement of both state and non-state actors should be considered jointly, because failure to resolve each will have similar consequences for global governance: a heightened legitimacy crisis that will threaten the future functioning and effectiveness of these organisations.

When discussing enfranchisement, it is also important to clarify what is meant by sustainable development governance. Keohane and Nye define

governance as “the processes and institutions, both formal and informal that guide and restrain the collective activities of a group”.<sup>7</sup> According to this definition, governance includes both formal intergovernmental processes as well as “governance from below”.<sup>8</sup> This broad depiction is important because it includes both state *and* non-state actors as well as what Karkkainen has referred to as “post sovereign” forms of governance – those that are not solely organised around and executed by the state.<sup>9</sup> Governance for sustainable development includes those activities related to each of the three pillars of sustainable development – economic, environmental and social. This book 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 (hereafter referred to as the Aarhus Convention). Throughout this volume, 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 majority of the research presented in this book focuses on the formal processes through which international policies for sustainable development are negotiated and implemented, it is important to underscore that enfranchisement need not be restricted to formal institutional processes. The research in this volume distinguishes between institutional and non-institutional pathways for influence. Institutional pathways are defined as the modes of participation sanctioned by international processes and organisations. These pathways can include roles and activities such as proposing policies, responding to policy proposals, voting and membership practices and reporting. Because not all influence is derived from organisational norms and rules of engagement – particularly for non-state actors – the research also examines non-institutional pathways, which are defined as those tactics outside the policy-making arena that actors use to influence policy decisions. Though it appears that non-state actors would be more likely to employ non-institutional pathways because of their observer status, state actors may also use them to increase their leverage, lessen the demand on their resources or simply as another way to be heard.

The framework for examining institutional and non-institutional pathways for participation is a means of operationalising (in a qualitative way) the characteristics of enfranchisement described above.<sup>10</sup> Being able to put forth proposals is one way actors may be able to participate in the multilateral process; this type of engagement might include conducting policy research and development, submitting position papers or comments during negotiations and intergovernmental meetings or con-



tributing to expert panels that may shape future proposals. Similarly, actors may use established procedures to respond to proposals, such as through a public comment period; this practice is especially applicable to civil society. Voting and membership are also critical in exercising influence. The weight and number of votes are an important consideration, as is membership on committees, expert groups and boards. Finally, monitoring state compliance – either through intergovernmental bodies, independent commissions or civil society actors – may be another way to influence the policy process. Exposing non-compliance can serve as an important incentive for countries not wishing to be perceived as laggards. By contrast, countries that lead in implementation or innovation can spur a race to the top.

Since many non-state actors have limited official recognition in international policy-making, it is also necessary to examine the informal ways that they exercise influence through non-institutional pathways. One such example might include creating different organisational forms – such as coalitions or transnational groups – to increase leverage. In chapter 2, John Foster describes the transnational advocacy network that brought together diverse civil society organisations to lobby diplomats in the Financing for Development process. For developing countries, alliances with other nations in negotiating blocs may make for more complex policy positions but at the same time offer the possibility for greater leverage, a tactic often used by the Group of 77 and China, a negotiating bloc representing the majority of the developing world.<sup>11</sup>

Alternatively, actors might try to garner media attention in an attempt to sway public opinion in favour of a certain policy. The media is also an effective way to “sound alarms” about the gravity of a certain problem, the lack of compliance or upcoming decisions about a policy.<sup>12</sup> Agenda-setting is another non-institutional tactic which can put a certain issue in the public eye or into policy discussions. Again, this tactic is often used by civil society organisations. Finally, lobbying and mobilising constituencies are an 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. Though these are some examples of non-institutional pathways, they are not always discrete tactics; they can, at times, blend together.

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”.<sup>13</sup> 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 develop-

ment 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 the research presented in this volume, since it is directly related to issues of accountability and legitimacy. 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.

### Can all actors be enfranchised?

When discussing the issue of engagement, particularly through institutional pathways, a frequent critique of the argument to promote greater inclusion is the fear of being overrun by both people and opinions. Too much deliberation causes paralysis. Consensus is impossible. Such criticisms cannot be ignored. But consider the opposite perspective: how can sustainable development governance be sustainable itself if it is not sufficiently inclusive? Integrating social, economic and environmental concerns will require the involvement of many different types of actors, all of whom approach these three pillars with different attitudes and priorities. Without this input, decision-makers may not be capable of devising solutions to the myriad challenges presented by sustainable development. More importantly, however, policy processes that exclude certain actors – either in name or in practice – risk jeopardising their legitimacy. Legitimacy is enhanced through deliberation and discussion, which bolster the “normative belief by an actor that a rule or institution ought to be obeyed”.<sup>14</sup> Thus, by allowing the input and opinions of civil society and other actors, the policy-making process is perceived to be legitimate. Civil society and other non-state actors also have a growing role in sustainable development governance – including through agenda-setting, developing usable knowledge, monitoring, rule-making (through principled standards), policy verification, enforcement and capacity-building.<sup>15</sup> In addition, these non-state actors are more frequently responsible for policy implementation and service provision on the ground.<sup>16</sup> Their input on how policies may fare on the ground is a vital part of evaluating successes and failures and adjusting policies accordingly.

This volume will argue that delegates from developing countries and a variety of non-state actors must be able to engage meaningfully in sustainable development governance for it to be both legitimate and effec-

tive. At the same time, it is acknowledged that one of the inherent difficulties in elaborating on this problem is defining the appropriate roles and level of engagement for these actors. One cannot simply open the doors to all who wish to voice their opinion. There is no definitive answer to this problem; rather it must be discussed so that some consensus can emerge, or at least a middle ground can be reached. Indeed, some might argue that such an outcome is already emerging: the current rules and practices within the United Nations (and to a lesser extent other international institutions) reflect a norm of public and non-state participation. The current systems do allow and promote participation in specific ways, but they are imperfect in their implementation. Barriers to enfranchisement persist. This book contributes to the larger discussion about the appropriate level of engagement for different actors by first attempting to understand these obstacles and then offering potential solutions.

Given the breadth of sustainable development governance, no work, including this book, could possibly investigate all of the relevant institutions and their practices. This volume casts its net widely, examining the roles of a variety of different actors: delegates from developing countries, civil society actors, scientists, the business community and indigenous peoples. The span is intentionally broad, to try to survey the extent of disparity in engagement across actors and the types of obstacles encountered. It is particularly useful because it pulls together a variety of key actors in sustainable development governance to get a picture of the participatory “landscape”. The disadvantage of this approach is that it makes proposing solutions across such diversity more challenging. However, the final section of this chapter, which gives an overview of the organisation of the book, will provide some insight into how lessons gleaned from this cross-section of actors and regimes can be understood within a larger context of enfranchisement.

### Obstacles to enfranchisement

The discussion thus far has suggested that delegates from developing nations and civil society actors face different types of obstacles to effective engagement with the multilateral arena. Yet increasing engagement is not simply a matter of more training, but also of larger structural considerations. Similarly, engaging civil society actors, particularly those from the developing world, is not just about changing accreditation procedures or other institutional rules, but also remedying the disparity in capacity and representation between North and South. In short, both the structure of international policy-making (including constraints on participation at

the domestic level) and the capacity of the actors have direct bearing on the level of participation and influence that both developing country delegates and civil society actors enjoy.

To gain a fuller understanding of both structure and capacity issues facing these actors, the book is divided into two parts. The first part examines the challenges for specific types of actors, including developing country delegates, non-governmental organisations (NGOs), scientists, indigenous peoples and business. Each chapter makes recommendations specific to each set of actors. The second half examines specific regimes and institutions to see what lessons can be gleaned from them. That is, these chapters focus on different structures to see if they can serve as models for enhancing engagement at the international level.

### *Developing country delegates*

Developing countries face a distinct set of barriers to enfranchisement. All delegates have equal rights of participation. Thus, delegates representing developing nations have the right to address the floor, introduce proposals and negotiate text. However, due to their individual capacities, 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. Often this disparity falls along North-South lines; countries with economies in transition commonly encounter similar obstacles as countries from the developing world. On the macro level, the obstacles that developing country delegates encounter more frequently than their developed country counterparts include the following.

- Small or one-person delegations – precludes attendance at multiple, simultaneous sessions in one meeting, or sending delegations to different meetings that occur at the same time.<sup>17</sup>
- 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. In-

creasingly, both raw data and analysis of specific issues are available on the internet, so lack of internet access (or poor-quality connections) can create serious obstacles to participation. Access to information technology such as the internet improves access not only to information, but also to other people who can serve as information resources and provide contact with social networks.

- Lack of expert knowledge – means that developing countries send diplomats to international negotiations while developed 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 state capitals. Without a clear understanding of desired outcomes, developing country negotiators are left to decide what policies would be most beneficial and how to negotiate this position effectively. An absence of instruction can also lead to what Gupta, in chapter 1, terms “a hollow mandate”, where developing countries have a bare skeleton of ideas that lean heavily on other national positions. 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, which may simply reflect domestic 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. Alternatively, because domestic discussions evolve at differing paces and timeframes, some developing nations may not have arrived at the conclusion that a particular issue merits national-level debate. In either case, states may remain marginalised *because* they are marginalised; with other nations driving the international agenda, they may be ill-equipped to influence the multilateral discussion, thus perpetuating the problem.

On the micro level, that is, among actors within a given group, one of the main obstacles to enfranchisement identified by contributors 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 largest of which is the G-77 and China. However, some have criticised this on the grounds that, despite consultations among all the members, the agenda is often skewed toward the most powerful countries within the G-77.<sup>18</sup> Some of the smaller countries may sign on to G-77 positions because it is their best opportunity for some degree of influence, 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.<sup>19</sup> The G-77 also illustrates obstacles to enfranchise-

ment on the macro level. The G-77 often reverts to a defensive position, spending 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.

In chapter 1, Joyeeta Gupta delves into the problems that developing negotiators are facing through a case study of the climate change regime. She reaffirms many of the problems outlined above, but also points to a more serious trend. She argues that the playing field is likely to continue to be skewed and uneven, particularly as the current trend for law-making speeds up. This expansion and acceleration of international law-making for sustainable development will place further pressure on developing countries to understand their relevance for their national positions. If the trend is sustained in the long run, and the disadvantages viewed by developing country negotiators are not addressed, then there may be implications for the legitimacy of international law itself.

### *Non-state actors*

#### *Civil society*

There is a similar disparity of power between developed and developing countries among civil society actors. Often, civil society organisations (CSOs) from the developed world have more staff, funding and experience with international policy-making than those from the developing world. Although this is a general characterisation 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 bear this out: in 2004 almost 70 per cent of NGOs in consultative status with the UN Economic and Social Council (ECOSOC) were from North America and Europe, and only 17 per cent were from Africa, Latin America and the Caribbean.<sup>20</sup> Thus, the level of development of civil society on the national level may not be reflected in the international arena.

The disparity of participation and influence 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*.<sup>21</sup> Moreover, the fragmentation of formalised accreditation processes makes it difficult for civil society actors to participate in different realms of policy-making. There are other logistical difficulties, including:

- number of intergovernmental meetings;
- cost of attending these meetings;
- difficulty in procuring visas, and the frequency of meetings held in the developed world;
- limited ability to participate in some forums due to forum-specific rules and practices.

Lack of capacity is particularly applicable to CSOs 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. CSOs may be unable to participate on the international level; without access to drafts and documents it is difficult both to lobby and to offer proposals.

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.<sup>22</sup> 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, particularly for small, understaffed and underfinanced NGOs. Consequently, the accreditation of NGOs is skewed to those who have the resources; often groups based in North America and Europe. Access to meetings of other international institutions is even more restricted, as Kevin Gray points out in his discussion of the World Trade Organization in chapter 6.

Even for those NGOs that are accredited, some argue that this institutional pathway affords them participation, but little to no influence. As Barry Herman points out in chapter 7, follow-up roundtables in the Financing for Development process offered ample opportunity for interaction between civil society and policy-makers – except that during this part of the process, fewer policy-makers showed up.

In addition, there are a number of more substantive political obstacles that limit the participation and influence of a variety of civil society actors. For instance, 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 their purported constituents. This self-selected group is not accountable, and thus many have argued that there are serious and credible concerns about their legitimacy.<sup>23</sup>

In chapter 2, John W. Foster looks generally at the political terrain

that has led to increased tension between civil society groups and the multilateral system. He uses what he calls the atypical case of the negotiations of the Free Trade Area of the Americas (FTAA) to examine the institutional and non-institutional pathways of civil society and compares these in a number of categories, such as the ways in which CSOs are able to respond to proposals made by governments, to make policies and proposals themselves in the negotiations, the reporting processes and the voting they use and membership and procedural rights of CSOs. Foster then turns to more systemic issues of macro-economic policy, Financing for Development and the development framework for the Millennium Development Goals to make a similar comparison. He argues that though there are several good examples of how multilateral processes could be improved, and civil society is offering useful proposals, he is concerned that these will not be effective until the United Nations creates a “strategic process” or an “occasion” for these changes to be adopted.

#### *Business*

Given the enormous power the business sector can exercise in lobbying and influencing sustainable development governance, the challenge for this group is to envision ways they can credibly and effectively collaborate with other actors. For example, UN Secretary-General Annan’s initiative for broadening UN-business partnerships through the Global Compact elicited criticism from civil society and calls for a legally binding framework to govern corporations – viewing this as the only way to rein in what civil society perceives to be undue influence on international policy-making. Civil society did not achieve its desired outcome, but these objections contributed to the creation of the High Level Panel on UN-Civil Society Relations. Since corporate social responsibility is quite firmly on the agenda of the Global Compact and many other advocacy networks for sustainable business, the question is no longer whether business will be involved, but how its involvement can promote sustainable development and the enfranchisement of other actors. These networks now endeavour 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 which ensures 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 an appropriate balance of influence between business, government and civil society actors.

In chapter 3, Mikoto Usui discusses the nuances between state regulation and self-regulation, and some of the main hurdles that must be overcome in order to forge a more legitimate relationship between what



he defines as the business sector and civil society in sustainable development governance processes. He finds that most pathways for bringing business into the realm of global governance are non-institutional (or what he terms quasi-institutional pathways), which is quickly becoming the more common route for participation under current models of governance. But unlike civil society, the business sector places much less emphasis on formalising these pathways. In the wake of mounting pressure to create legally binding rules of corporate conduct, business has preferred to adopt what it views as concrete actions by agreeing to greater corporate responsibility through voluntary action. This area, which Usui describes as a “subtle combination of ‘confronting’ and ‘conflating’ the engagement between business and CSO leaders”, still requires further research and understanding; nevertheless, there is an interesting policy space between a *laissez-faire* approach and that of binding regulation. This scope exists in areas of corporate social responsibility that could be further operationalised through a standardised code of conduct and by mainstreaming corporate responsibility into international and national policy- and decision-making.

### *Scientists*

Scientists are not often regarded as directly involved in the multilateral process, and their neutrality has necessitated that they play a role from afar as independent observers. Yet this distanced and impartial role is no longer possible. Because the scientific issues surrounding sustainable development are complex and require high levels of expertise, and because uncertainty over the facts has led to major debates over scientific evidence, scientists must be involved in the policy-making process. Increasingly, they are conducting assessments and voicing their opinions as experts in international policy forums. This raises questions of legitimacy, balance and the role that scientists should play. For example, the Millennium Ecosystem Assessment launched by the United Nations in 2001 was formed in large part by concerned scientists who believed there was a real need for an integrated assessment that offered a global picture of the state of the earth’s ecosystems. To undertake such a study as a strictly intergovernmental process would have been a much more difficult endeavour. But where are the boundaries between agenda-setting and advocacy? If science is important to policy-making, how can it be made more salient? Is science really neutral or does perspective (i.e. gender, culture, developing or developed) matter and affect research priorities? And how can decisions be taken when the science remains uncertain? In chapter 4, W. Bradnee Chambers explores these and other questions by looking at formal assessment processes and scientific mechanisms directly linked to

policy-making and through informal or non-institutionalised pathways, in the form of social networks and epistemic communities.

*Indigenous people*

As holders of traditional forms of knowledge, and important actors in the preservation of this knowledge, indigenous peoples must be included in international policy-making for sustainable development. The creation of the Permanent Forum on Indigenous Issues (PFII) in 2000 has underscored the growing recognition of the role they must have. 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”.<sup>24</sup> Despite this new institutionalised pathway for input, there is a long path to 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 recognised as having international standing. In chapter 5, Leanne Simpson argues that 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 for influence. For example, although a number of nations invite indigenous representatives to sit on their delegations, in some cases they may not have any real input into the state position. This reduces indigenous participation to 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 criticised for its lack of impact on sustainable development policy and governance. Thus, this is not a problem that is singularly applicable to indigenous peoples, but, as interventions are 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. The importance of traditional knowledge to the achievement of sustainable development is signalled by international agreements such as the Convention on Biological Diversity and the Desertification Convention, and processes and forums within these conventions such as the Working Group on Article 8(j) of the Convention on Biological Diversity on traditional knowledge, innovation and practices. These have considerable participation and buy-in from indigenous peoples, yet Simpson argues that their recommendations often miss the target of where effective

change can be made. Traditional peoples are willing to use their knowledge to protect the environment and work towards sustainable futures, but they also want to protect this knowledge from commercial exploitation and receive due recognition of the origin of the knowledge. These concerns cannot be achieved effectively through multilateral environmental agreements (MEAs), but require protection through *sui generis* systems created in intellectual property agreements under the World Intellectual Property Organization and enforceable in the Trade-related Intellectual Property Agreement of the WTO. Representation and access to these processes by indigenous groups, however, is much less, and in some cases, such as the WTO, virtually non-existent. Even after many years of lobbying by indigenous groups to get the traditional issues on the WTO Ministerial agendas, the Doha Round is likely to finish without any significant progress made on recognising that traditional knowledge does not fit into the existing intellectual property rights system and may require tailored measures for its adequate protection.

The second half of the book begins with Kevin Gray's examination of the current engagement of civil society within the WTO. He notes that both institutional and non-institutional pathways for influence are minimal within the WTO. Thus, the NGO community involved in trade-related issues has tried to forge its own pathway by submitting *amicus* briefs to the dispute settlement body, yet even this practice has proven to be contentious. He notes, however, that the increased pressure brought to bear on the WTO regime by civil society has, to some extent, prompted the institution to begin to allow limited interaction through public symposia, its website and, at times, observer status at committee and council meetings. Gray's chapter thus demonstrates some tactics that have been useful in starting the process of enfranchisement through the creation of basic mechanisms for participation. In chapter 7, Barry Herman explores how developing countries were effective at influencing the debate surrounding the Financing for Development process. He demonstrates the ways that developing countries involved in the discussion were able to reshape the debate and create more favourable conditions for exercising influence through non-institutional pathways.

The final two chapters examine ways that both civil society actors and developing countries can enhance their influence through already established institutional pathways for participation. Marc Pallemmaerts describes the precedents in public participation mechanisms established by the Århus Convention, the "first multilateral treaty on the environment whose main aim is to impose obligations on states in respect of their own citizens". These citizens' rights are of a procedural nature and thus have the effect of codifying institutional pathways for both participation and influence of civil society. Gunnar Sjöstedt examines ways to improve the

capacity of developing countries in the climate change regime to enhance their ability to influence the formal negotiating process. The concluding chapter by Jessica F. Green offers some conclusions and recommendations for promoting enfranchisement.

## Notes

1. United Nations (2004) *We the Peoples: Civil Society, the United Nations and Global Governance*, A/RES/58/817, para. 178.
2. Slaughter, A. M. (2004) *A New World Order*, Princeton, NJ: Princeton University Press.
3. See, for example, O'Brien, Robert, Goetz, Anne Marie, Scholte, Jan Aart and Williams, Marc (2000) "Contesting Governance: Multilateralism and Global Social Movements", in Robert O'Brien, Anne Marie Goetz, Jan Aart Scholte and Marc Williams, eds, *Contesting Global Governance: Multilateral Economic Institutions and Global Social Movements*, Cambridge: Cambridge University Press, pp. 1–23.
4. See *July Package*, available from [www.wto.org/english/tratop\\_e/dda\\_e/draft\\_text\\_gc\\_dg\\_31july04\\_e.htm](http://www.wto.org/english/tratop_e/dda_e/draft_text_gc_dg_31july04_e.htm).
5. This definition was first used in the framework document for this project: Green, J. (2004) *Engaging the Disenfranchised: Developing Countries and Civil Society in International Governance for Sustainable Development*, UNU-IAS report.
6. Najam, A. and Robins, N. (2001) "Seizing the Future: The South, Sustainable Development and International Trade", *International Affairs* 77(1): 49–68.
7. Keohane, R. and Nye, J. (2002) "Governance in a Globalizing World", in R. Keohane, ed., *Power and Governance in a Partially Globalized World*, London: Routledge.
8. Appadurai, A. (2001) *Globalization*, Durham, NC: Duke University Press.
9. Karkkainen, Bradley (2004) "Post-Sovereign Environmental Governance", *Global Environmental Politics* 4(1): 72–96.
10. The authors acknowledge different uses of the word institution, which tends to be defined broadly as a "persistent and connected sets of rules and practices that prescribe behavioural roles, constrain activities and shape expectations" (Keohane, Robert O., Haas, Peter M. and Levy, Marc A. (1993) "The Effectiveness of International Environmental Institutions", in P. Haas, R. Keohane and M. Levy, eds, *Institutions for the Earth: Sources of Effective International Environmental Protection*, Cambridge, MA: MIT Press, p. 5). In this volume, the term is used more narrowly to distinguish between those processes and practices sanctioned by international organisations and intergovernmental rule-making, and similar activities which occur *beyond* this context. Although this is not the traditional use of the word, as invoked by institutionalists, it is felt that it is important to distinguish between insider and outsider approaches to engagement.
11. Najam, Adil (1995) "An Environmental Negotiation Strategy for the South", *International Environmental Affairs* 7(3): 249–287.
12. Mazur, Allan and Lee, Jinling (1997) "Sounding the Global Alarm: Environmental Issues in the US National News", *Social Studies of Science* 23(4): 681–720; Raustiala, Kal (1997) "States, NGOs and International Environmental Institutions", *International Studies Quarterly* 41(4): 719–740.
13. *Webster's Revised Unabridged Dictionary*, Webster-Merriam, 1998 edition.
14. Hurd, Ian (1999) "Legitimacy and Authority in International Politics", *International Organization* 53(2): 379–408.
15. Haas, Peter, Kanie, Norichika and Murphy, Craig (2004) "Institutional Design and In-

- stitutional Reform for Sustainable Development”, in Norichika Kanie and Peter Haas, eds, *Emerging Forces in Environmental Governance*, Tokyo: United Nations University Press, p. 267.
16. Tussie, Diana and Riggiozzi, Maria Pia (2001) “Pressing Ahead with New Procedures for Old Machinery: Global Governance and Civil Society”, in Volker Rittberger, ed., *Global Governance and the United Nations System*, New York: United Nations University Press, pp. 158–180.
  17. These obstacles have been discussed elsewhere, not only in the research agenda for this project, “Engaging the Disenfranchised: Developing Countries and Civil Society in International Regimes for Sustainable Development”, UNU-IAS, February 2004, but also in Chandhoke, Neera (2002) “The Limits of Global Civil Society”, in M. Glasius, M. Kaldor and H. Anheier, eds, *Global Civil Society*, Oxford: Oxford University Press, pp. 35–53; Clark, A. M., Friedman, E. and Hochstetler, K. (1998) “The Sovereign Limits of Global Civil Society: A Comparison of NGO Participation in UN World Conferences on the Environment, Human Rights and Women”, *World Politics* 51(1): 1–35.
  18. Discussion at “Engaging the Disenfranchised” meeting, Laxenburg, Austria, 22 June 2004.
  19. Najam, Adil (2004) “Dynamics of the Southern Collective: Developing Countries in Desertification Negotiations”, *Global Environmental Politics* 4(3): 128–154.
  20. UN DESA, NGO Section. “NGOs in Consultative Status with ECOSOC, 2004”, available from [www.un.org/esa/coordination/ngo](http://www.un.org/esa/coordination/ngo).
  21. Gemmill, Barbara and Bamidele-Izu, Amibola (2002) “The Role of NGOs and Civil Society in Global Environmental Governance”, in Daniel Esty and Maria Ivanova, eds, *Global Environmental Governance: Options and Opportunities*, New Haven: Yale School of Forestry and Environmental Studies, pp. 77–101. See also Oberthur, Sebastian, Buck, Matthias, Muller, Sebastian, Pfahl, Stefanie and Tarasofsky, Richard (2002) *Participation of Non-Governmental Organisations in International Environmental Governance: Legal Basis and Practical Experience*, Berlin: Ecologic.
  22. United Nations (2004) “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.
  23. Fox, J. A. and Brown, L. D. (1998) *The Struggle for Accountability: The World Bank, NGOs and Grassroots Movements*, Cambridge, MA: MIT Press; Edwards, Michael and Gaventa, John (2001) *Global Citizen Action*, Boulder, CO: Lynne Rienner Publishers.
  24. “Permanent Forum: Origin and Development”, available from [www.un.org/esa/socdev/unpfi/aboutPFII/mandate\\_home\\_2.htm](http://www.un.org/esa/socdev/unpfi/aboutPFII/mandate_home_2.htm).

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# The Politics of Participation in Sustainable Development Governance

Edited by Jessica F. Green and W. Bradnee Chambers

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To be effective and legitimate, the governance of sustainable development requires the participation of a diverse set of actors ranging from transnational civil society groups to indigenous peoples. This book explores the extent to which the current system of governance allows for the participation of diverse actors, and finds that there are still many obstacles impeding the inclusion and influence of a number of different groups.

Written by leading experts and practitioners in the field of sustainable development, this book examines the obstacles to effective participation, and how they can be overcome to improve both the quality of engagement and the resulting systems of sustainable development governance. The authors offer a working definition of engagement, and describe formal and informal methods that actors may use to participate in and influence global policymaking. They examine a number of current policymaking processes, draw lessons from successful examples, and provide recommendations for future improvements in the governance of sustainable development.

As a thorough examination of the challenges of participation, this book is a useful resource for academics and policymakers, as well as groups seeking greater input into sustainable development governance.

**Jessica F. Green** is a doctoral candidate at the Woodrow Wilson School at Princeton University and a visiting researcher at United Nations University-Institute of Advanced Studies. **W. Bradnee Chambers** is a Senior Programme Officer at United Nations University-Institute of Advanced Studies.

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