Can you hear me?
A Comparative Analysis of Civic Space in Global Policy Making and Civil Society Participation at the
United Nations

by

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NOTE TO READERS

While this is an academic thesis, it is hoped that the results will be of particular interest and use for United Nations (UN) staff, civil society representatives, and government delegates with a working knowledge of UN negotiations. While some background information is provided to newcomers to the UN, it will most easily be understood by people who have previous experience attending UN meetings. A list of acronyms is provided after the table of contents, and the most used acronyms will be the different UN institutions being compared and their respective governing bodies and meetings (mostly the meeting of the Conference of Parties or COP). Do feel welcome to reach out to the author for additional explanations.

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

LIST OF ACRONYMS

CAN   Climate Action Network
CBD   Convention on Biological Diversity
CFS   Committee on Food Security (of the FAO)
CSM   Civil Society Mechanism (for the CFS of the FAO)
COP   Conference of the Parties (usually referring to the event)
CSOs   Civil Society Organizations (will be used interchangeably with NGOs)
CSW   Commission on the Status of Women
DESA   Department of Economic and Social Affairs
DSD   Division of Sustainable Development (under DESA)
ECOSOC   Economic and Social Council
FAO   Food and Agriculture Organization
IASC   Interagency Standing Committee (of OCHA)
ILO   International Labour Organization
MGoS   Major Groups and other Stakeholders (will often be referred to as 'Major Groups')
NGOs   Non-Governmental Organizations[1]
OCHA   Office for the Coordination of Humanitarian Affairs
SDGs   Sustainable Development Goals (will refer to the DESA DSD process)
UN   United Nations
UNEA   United Nations Environment Assembly (of UNEP)
UNEP   United Nations Environment Program
UNFCCC   United Nations Framework Convention on Climate Change
UNISDR   United Nations International Strategy for Disaster Risk Reduction
WHO   World Health Organization

Other terminology notes:

Youth   *will usually refer to the constituency of children and youth*

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[1] Will be used interchangeably with CSOs. It will refer to civil society in general as opposed to the NGO Major Group or constituency unless otherwise specified.

ABSTRACT

Civic space is tightening across the globe, particularly for civil society participation in global policy-making at the United Nations. Existing literature has often focused on looking at participation in only one or two UN institutions. This paper expands the scope of citizen participation to almost a dozen UN policy processes in order to compare best practices in civic space design, through different stakeholder engagement models, as well as in civic space usage, through the tools and tactics employed by civil society to influence negotiations. I triangulate interviews, literature reviews and ethnographies for this analysis. While the majority of UN processes use a token model of engagement for civil society input that is neither fully fair nor competent, precedents of more progressive practices exist across different UN institutions that should be replicated in both regressive and progressive engagement models. The variety of tactics and tools employed by civil society to influence policy is not determined by how participatory a process is, but by civil society sharing said tools and tactics across processes. However, effective usage of these tactics is reliant on good coordination among civil society.

1 INTRODUCTION

In the past few years, human rights and citizen organizations have been sounding off the alarm regarding the shrinking space of civil society (Malena, 2015) (Heinrich Böll Foundation, 2016). This is particularly alarming considering increasing threats of climate change and political instability, all of which threaten current and potential future global progress on sustainable development. In recent months, particularly in the United States following the 2016 presidential elections, we have seen how policies intended to support sustainable development can be rejected by ascendant politicians. But, for those who understand the parameters of sustainable development policy, the belief is that while bad policy will destroy lives, good policy can save lives and improve quality of life. However, such good policies that result in a fair outcome to all can only come about through adequate and fair citizen participation, especially as one hopes that the primary purpose of policy is to protect and improve people's lives. While many politicians may have good intentions, good policy is only effective if it reflects the realities of every citizen. Participation is recognized as a right under numerous international treaties, such as under the Aarhus Convention (UNECE, 1998) and under Article 25 of the International Covenant on Civil and Political Rights (UN General Assembly, 1966). In a world that still lacks adequate representation of women, youth, minorities, and other vulnerable groups among the ranks of decision makers, improved mechanisms for more diversity in participation are therefore critical.

"Civic space" is taken to be the literal or functional space within which civil society can participate in public decision-making. As will be further explored later, a critical dimension of civic space is citizen participation, especially in terms of policy making (Malena, 2015). At the global level, the primary forum for policy making, particularly around sustainable development, is the United Nations (UN). As an international development studies and geography student, I was interested to learn about studying civic space, how governments and institutions shaped space, but also how in turn civil society would use that space. While literature abounds on NGO participation in the UN system, most reports and papers focus on a single case study and on a single dimension of participation, such as how the engagement structure is developed but not how it is used.

To address this gap, this project intends to compare studies and evaluations of public participation and activism targeted towards global sustainable development policy. I focus on participation mechanisms and practices in different UN agencies and bodies, mostly those dealing with

sustainable development issues such as the environment and climate change. This project tries to identify best practices in stakeholder engagement mechanisms, as well as successful ways in which activists organize themselves to engage with these mechanisms. Understanding and sharing such practices are important to avoid regressive stakeholder engagement practices in an era of shrinking civic space, and allows citizens to organize more effectively in order to ensure fair participation in policy design. This project addresses the following research questions in terms of civic space at the United Nations:

1. How do different UN institutions shape stakeholder engagement mechanisms?
2. How does civil society organize itself to influence policy-making?

This thesis is organized into 7 chapters. Following the introductory chapter, I outline the methodology I used to review and compare public participation practices through academic and grey literature review, supported by semi-structured interviews and ethnographies. I then continue by providing a theoretical framework on civic space, public participation and activism in policy that supports the background of this paper, followed by a contextual paragraph summing up the different UN bodies I will be covering. Chapters 5 and 6 cover the design and use of civic space, based on the analysis of the literature review and the interviews. Finally, I conclude the paper with a discussion on applications of the participation practices identified.

1.1 SCOPE

I should first clarify what this paper does try to do, and what it does not try to do. Many reports and studies looking at stakeholder engagement in the UN already exist. As mentioned above and noted by Clark *et al.* (The sovereign limits of global civil society: a comparison of NGO participation in UN world conferences on the environment, human rights, and women., 1998), these studies are limited to a particular process. The advantage of this paper is that it looks in detail at more than seven different UN processes, and references in total almost a dozen processes regarding their practices to identify as many best practices as possible. The scope of this paper is quite narrow: I am looking at stakeholder participation in global policy-making, the main forum for which is the United Nations. It should be noted that the United Nations and its various bodies do not only engage in policy-making. The UN does a great many other things such as policy implementation, peacekeeping, and development, but those are beyond the scope of this paper, which looks specifically at the UN's engagement with civil society in the context of policy negotiations and decisions. An important part of policy negotiations is that it is

composed of numerous steps and venues of engagement. Similar to the way we would be concerned if a politician deemed that democratic participation is sufficient through voting once at each election cycle, it would be inconsistent to limit the practice of civic participation and our consequent study of it to the big UN world conferences, while ignoring input at other stages of policy development. I strive to balance looking at stakeholders' participation at these various stages of negotiations, from intersessional meetings to online submissions to the world conference. However, for a number of institutions, I also end my evaluation of the UN institution at the time of the world conference because that is where the policy-making process concludes. This will be the case for the Sustainable Development Goals process, limited to the preparations to the Rio+20 conference and the subsequent Open Working Groups, and for the negotiations of the UN International Strategy for Disaster Risk Reduction up until the conclusion of the Sendai Framework. In both these cases, after the adoption event, these processes moved into either implementation or review and the stakeholder engagement model changed subsequently. This study will also focus on the global[2] aspect of UN policy making. Some regional UN processes have notably more competent stakeholder engagement structures compared to their global counterpart. While these will be referenced when relevant, for the sake of comparing apples to apples, the paper will limit itself to looking at the global process for negotiations.

This thesis examines both the structure and the use of mechanisms for civic engagement, as studies tend to consider only one or the other. I look at how the UN institution and governments design the stakeholder engagement process, thus establishing the formalities of civic space. However, civic space by nature is meant to be used by civil society, and so I also look at how stakeholders engage in the process and shape the space through their participation.

What this paper does NOT focus on is effectiveness of engagement, in other words, how effective civil society is in influencing policy outcomes. The objective of this study is to compare the mechanisms across agencies, and assess the way the mechanisms are used. Assessing the impact of civic engagement on the substantive policy outcomes in particular agencies is beyond the scope of this study. Many studies have already covered this topic in different processes, and a framework for such an assessment has already been offered by Betsill and Corell in their paper 'NGO Influence in Environmental Negotiations: A Framework for Analysis' (2001).

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[2] Note that 'global' in this context does not *ipso facto* mean all countries included; not all countries are parties to every process covered in this paper, such as the US not having ratified the Convention on Biological Diversity.

2   METHODOLOGY

My comparative analysis triangulates three research methods: literature review, interviews and participant observation[3]. The original design called for basing the analysis on literature reviews and interviews, but upon noticing substantial gaps in information and context, I added my own personal experience participating in various UN conferences and negotiations to complement the acquired data.

2.1   CASE STUDIES

The case studies for the analysis were initially identified through the author's experiences. The first cases were the UN processes that I had engaged with or was somewhat familiar with. Additional case studies were collected through snowballing, either by finding reports or studies about the UN process or discussing the research with colleagues who then pointed out other UN bodies to look at. All UN processes in this study are listed and elaborated on in the 'Context' chapter further in this paper.

2.2   LITERATURE REVIEW

My literature review analyzes both academic and grey literature, including: peer-reviewed studies and journal articles; books; university papers; newspaper articles; civil society reports, publications, and press articles; reports and papers from or commissioned by governments or the United Nations; online submissions to the United Nations; and negotiation documents. The academic literature was collected either through a scoping review in online academic collections such as Google Scholar and Academia.edu, or by asking colleagues who had worked on similar topics to send their papers in for review. The remaining grey literature was collected on UN websites, NGO websites, or through email lists circulating various reports. A few documents were also collected through the questionnaire I developed as detailed in the following section. Given my desire to cover as many UN processes as possible, I was quite liberal with the search criteria. Documents span across a significant timeline. While a number of documents were published in the last few years, some date to the 1990s, which is quite late for older institutions such as the ILO while at the infancy of other institutions like the UNFCCC.

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[3] Otherwise known as ethnographies

2.3   KEY INFORMANT SURVEYS AND INTERVIEWS

While I initially expected the literature review to provide me with most of the information I needed for the comparative analysis, I ended up getting a lot more out of the interviews than initially anticipated. In fact, a significant amount of research went into identifying relevant information for the context section. It was notably difficult to acquire information on the institutional composition of various UN institutions. Even contacts from UN staff were at times unclear on technicalities and policies of their respective process, or admitted that their websites were notoriously confusing to navigate and acquire the information one was looking for. These interviews were therefore important to get a better sense of how stakeholder engagement actually worked when the process was not explained on the UN institution's website, or when practice differed from official modalities.

Informants were drawn from contacts I had already met or worked with previously and were selected to represent both civil society organizations and staff of different UN institutions' civil society liaison units. All interviewees had experience in and had attended at least two of the UN processes selected for the analysis, with some interviewees familiar with 4 or more processes. Due to the length of the interview process, most interviewees only answered questions for 1 or 2 processes. This was sufficient to cover 8 UN processes. All interviewees had also attended multiple negotiation sessions of the process they were being interviewed for to ensure they were familiar with the entire negotiation and participation process. Interviewees were specifically selected for their familiarity and experiences with multiple UN processes and familiarity with the stakeholder engagement mechanism in the negotiations they had been involved in. Ultimately, 12 informants participated in the interviews and key informant surveys.

This project received ethics approval by the McGill Research Ethics Board. Written informed consent was received from all participants for all formal interviews. Interviewees were first asked by email or an instant messaging applications (Skype, WhatsApp or Facebook Messenger) if they wished to participate in the study. If they accepted, they received an email explaining the interview steps, along with the participant consent form and a briefing note explaining the purpose of the study and the theoretical concepts used. Participants were then directed to an online survey in Google Form where they answered questions about how stakeholder engagement worked in their UN process, how they

would rank it based on the various models of the theoretical framework, and what tools and tactics civil society used the civic space at the UN meeting. Participants were then asked follow-up and clarification questions by email or through a Skype call.

2.4   PARTICIPANT OBSERVATION

Upon the realization that there were still many contextual data and anecdotal information missing from the literature review and interviews, I decided to add ethnographies to complement the analysis. While this research project officially started in the spring of 2016, my ethnographies are based on my personal experience, observations, attendance at various meetings, conversations with other colleagues and conference attendees since I started attending UN conferences from the Rio+20 summit in 2012 onwards. My participation in these meetings was in various roles ranging from NGO representative, delegation coordinator, constituency focal point, operations administrator, and governance facilitator. Details are provided in the results section. UN processes I am therefore familiar with include meetings for UNEP (United Nations Environment Program), UNFCCC (United Nations Framework Convention on Climate Change), UNISDR (United Nations International Strategy for Disaster Risk Reduction), and the Sustainable Development Goals (SDGs) process. I also attended limited meetings for the Convention on Biological Diversity (CBD) and for the World Humanitarian Summit as convened by the UN Office for the Coordination of Humanitarian Affairs (OCHA). My attendance at these meetings inevitably means a bias of additional information for UNEP and UNFCCC since I spent much more time involved with these agencies. While I never attended these meetings with the sole purpose of doing research, I was necessarily alert to both the mechanisms available for civic engagement, and the strategies that were used to engage in the policy process.

3 THEORETICAL FRAMEWORK

3.1 CIVIC SPACE

White literature on civil society abounds, oddly, the literature on civic space in terms of freedom and participation of citizens is surprisingly limited. The limited literature that does exist on the topic of civic space often focuses on architecture and physical geography, therefore interpreting the concept of "space" as physical place (Thrift, 2009). For example, in his analysis of civic space in Pacific Asia, Douglass defines civic space as "inclusive social spaces with a high degree of autonomy from the state and corporate economy" (2008, p. 2).

In establishing my theoretical framework on civic space in terms of public participation, I will rely on the expertise of various non-governmental organizations and institutions working on civic participation. 'Civic space', as defined by the Transparency and Accountability Initiative, is "the freedom and means to speak, access information, associate, organise, and participate in public decision-making" (Malena, 2015, p. 7). In her report "Improving the Measurement of Civic Space", Carmen Malena (2015) proposes 5 dimensions and 16 sub-dimensions of civic space (Figure 3-1).

Figure 3-1 Five proposed dimensions (and 16 sub-dimensions) of civic space

3.2 PUBLIC PARTICIPATION

Quite similarly to the literature on civic space and its interpretation in architecture, literature on public participation is shaped around project planning and conflict resolution. One of the original models of public participation is proposed through Sherry Arnstein's "Ladder of citizen participation" (1969) (see Figure 3-2).
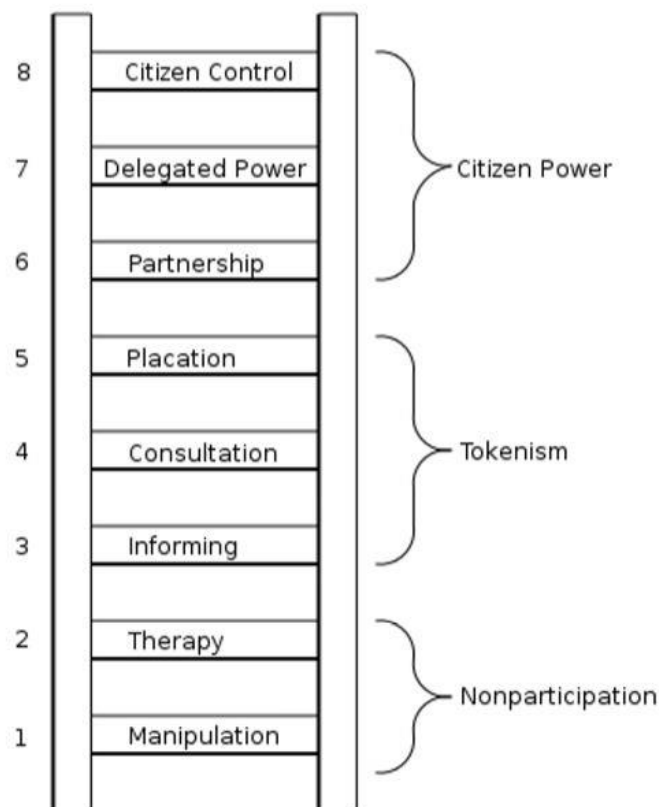
Figure 3-2 Eight rungs on Arnstein's ladder of citizen participation

Arnstein's ladder has received a fair number of critiques (Collins & Ison, 2006). While many of those critiques are fair, their alternate models are usually designed for a specific issue, or cannot be generalized to broader policy-making. I use Arnstein's ladder to measure how participatory and consequently how democratic different stakeholder engagement models are. Since Arnstein provides examples but does not specifically define the rungs on her ladder, I attempt to define each ladder rung based on summarizing, quoting from and paraphrasing of Arnstein's writings (A Ladder of Citizen Participation, 1969). These definitions were provided to interviews before they answered the questionnaire.

1. **Manipulation**: In the name of citizen participation, people are placed on rubberstamp advisory committees or advisory boards for the express purpose of "educating" them or engineering their support. Officials educate, persuade, and advise the citizens, not the reverse.

2. **Therapy**: Citizens are engaged in extensive "participation" activities, but the focus is on curing them of their behavior rather than changing the root causes of poor citizen conditions that have led to such behavior. One example could be conducting workshops to educate indigenous groups on water treatment rather than enacting policy to prevent companies from poisoning the water.

3. **Informing**: A one-way flow of information from officials to citizens.

4. **Consultation**: Invitation of citizens' opinion. This method often offers no assurance that citizen concerns and ideas will be considered.

5. **Placation**: Hand-picked citizens are placed on the board of the decision-making body. However, there is either no accountability of the citizen representatives to the constituency, or traditional power elites hold the majority of seats and can outvote or outfox citizens. Citizens have some degree of influence but tokenism is still apparent.

6. **Partnership**: Partnership enables citizens to negotiate the sharing of planning and decision-making responsibilities with traditional power holders through such structures as joint policy boards, planning committees and mechanisms for resolving impasses.

7. **Delegated Power**: Citizens have achieved dominant decision-making authority over a particular plan or program. Citizens have a clear majority of seats and genuine specified powers. At this level, the ladder has been scaled to the point where citizens hold the significant cards to assure accountability of the program to them. A citizen veto in the event of disagreement is also a form of delegated power.

8. **Citizen Control**: Citizens can govern a program or institution, be in full charge of policy and managerial aspects, and negotiate the conditions under which "outsiders" may change them.

Another model to evaluate public participation is offered by Renn, Webler and Wiedemann (1995), in their book "Fairness and competence in citizen participation: Evaluating models for environmental discourse". While Arnstein's model measures how participatory a process is, the model developed by Renn *et al.* attempts to measure the fairness and competency of the process.

EVALUATION FRAMEWORK				
FAIRNESS	**NEEDS**			
ACTIVITIES	Attend	Initiate	Debate	Decide
AGENDA AND RULE MAKING	A1, A2, A3	A1	A2	A3
MODERATION AND RULE ENFORCEMENT	B1	B1	B2	B3
DISCUSSION	C1	C2	C2	C3
COMPETENCE	**NEEDS**			
ACTIVITIES	Access to Knowledge		Best Procedures	
EXPLICATIVE DISCOURSE	D1		D2, D3, H1, H2	
THEORETICAL DISCOURSE	E1, E2, E3		E5, E6, E7, H1, H2	
PRACTICAL DISCOURSE	F1, F2, F3, F4		F5, F6, F7, F8, H1, H2	
THERAPEUTIC DISCOURSE	G1, G2		G3, G4, G5, H1, H2	

Figure 3-3 Evaluation framework showing relationship between sub-criteria identified in Fairness and competence in citizen participation and the metacriteria of fairness and competence

Renn, Webler and Wiedemann's model (Figure 3-3) is not entirely applicable in this project, as it is intended for the micro level in supporting project-specific decisions. Because this paper focuses on macro-level public participation in shaping policies rather than projects, I will borrow several elements from the model rather than the entire framework. As illustrated in Figure 3-4, the questionnaire I developed for the interviews used a simplification of the above framework by evaluating fairness based on agenda-setting, discussion moderation, and deciding on the policy outcomes, whereas competency was evaluated based on validation of background information provided to policymakers. Each criterion was ranked according to how much input or control civil society shared with officials or governments.

Fairness and Competence

	Civil society has no input or control.	Civil society has limited input or control.	Civil society has shared input or control with officials/governments.
Agenda-setting of the policy discussions	○	○	○
Validating background documents and information informing policy-makers	○	○	○
Discussion moderation	○	○	○
Policy outcomes	○	○	○

Figure 3-4 Fairness and Competence matrix used in the interview questionnaire

3.3 ACTIVISM AND POLICY

In 2006, a report was released for the Canadian environmental organization Équiterre to analyze tactics used by environmental organizations to influence the 5th UNFCCC Conference of the Parties in Montreal (Spitzberg, Moffatt, Brewer, Füleki, & Arbit, 2006). The tools compiled by this report, "Influencing Climate Change policy", form the framework of my assessment of stakeholders' use of civic space across the UN. I have added and adapted the list of tools, especially in the age of Web 2.0 where Facebook and Twitter are key tools for virtual mobilization. The new list of tools and tactics developed for this paper are presented in Figure 3-5, and the surveyed results are outlined in Table 6-1.

Tools and tactics

Tools and tactics for organizing, policy participation, raising public awareness and/or media attention at the United Nations

*This list is not meant to cover participation rights granted to civil society, such as co-chairing meetings or agenda-setting. Furthermore, it is normal if some tools/tactics are similar or identical to others.

1. Actions and Demonstrations (authorized)
2. Actions and Demonstrations (unauthorized)
3. Advising and personal meetings with decision makers
4. Blogs
5. Capacity building and training sessions
6. Conferences or side-events
7. Conference calls
8. Coordination meetings across multiple constituencies
9. Coordination meetings within a group or constituency
10. Courses and classes
11. Email communications
12. Email newsletters
13. Establishing working groups
14. Facebook
15. Face-to-face meetings
16. Funding and travel support
17. High-Level Meetings
18. Instagram
19. Interventions in breakout group
20. Interventions in plenary
21. Listservs
22. Marches
23. Naming and Shaming (e.g. Fossil of the Day)
24. NGO allies on party badges
25. NGO Party
26. Online archives
27. Online submissions
28. Parallel NGO conference
29. Podcasts
30. Preparatory conference preceding the main UN conference
31. Presentations and speeches to target audiences
32. Press and media contacts
33. Press conferences
34. Press releases
35. Public events
36. Publishing online reports and newsletters
37. Publishing printed newsletters (e.g. ECO)
38. Publishing printed reports
39. Skype
40. Singing
41. Slack
42. Television or Radio Interviews
43. Twitter
44. Visual broadcasting (e.g. banners)
45. Webcasting and livestreaming
46. Webinars
47. Websites
48. WhatsApp
49. Workshops
50. Written press Op-eds

Figure 3-5 List of tools and tactics for organizing, policy participation, raising public awareness and/or media attention at the United Nations

4 CONTEXT

This section provides a brief overview of each United Nations agency or body covered in the analysis, including a brief description of the institution, its governance, and its stakeholder engagement model.

4.1 UNITED NATIONS INSTITUTIONS

The United Nations is not a single entity, but rather a collection of multiple programmes, funds, and agencies which are collectively known as the "UN system". Specialized agencies have a particular space within the UN system:

> The UN specialized agencies are autonomous organizations working with the United Nations. All were brought into relationship with the UN through negotiated agreements. Some existed before the First World War. Some were associated with the League of Nations. Others were created almost simultaneously with the UN. Others were created by the UN to meet emerging needs. (United Nations, n.d.)

Organizations are listed in alphabetical order per their acronym.

Note: to simplify citations, all the following information was pulled directly (verbatim) either from the UN's main website, the website of the UN body, or through interviews, unless otherwise indicated through footnote.

UN system chart: http://www.un.org/en/aboutun/structure/pdfs/UN_System_Chart_30June2015.pdf

Overview of institutions:
- CBD: Convention on Biological Diversity
- CSW: Commission on the Status of Women
- DESA: Department of Economic and Social Affairs
- FAO: Food and Agriculture Organization
- ILO: International Labour Organization
- UNEP: United Nations Environment Program
- UNFCCC: United Nations Framework Convention on Climate Change
- UNISDR: United Nations International Strategy for Disaster Risk Reduction
- UNOCHA: United Nations Office for the Coordination of Humanitarian Affairs
- WHO: World Health Organization

Commission on the Status of Women (CSW)
Type: Commission under ECOSOC
Formation: 1946
Headquarters: New York, USA
Brief: The Commission on the Status of Women (CSW) is the principal global intergovernmental body exclusively dedicated to the promotion of gender equality and the empowerment of women.[4]
Governing body: The Commission
Governing body membership: Forty-Five Member States of the United Nations serve as members of the Commission at any one time. The Commission consists of one representative from each of the 45 Member States elected by the Economic and Social Council on the basis of equitable geographical distribution.[5]
Stakeholder engagement process: nonexistent – attendance at open meetings only
Constituencies: n/a
Stakeholder engagement policy: http://www.unwomen.org/en/csw/ngo-participation
Civil society unit staffing: *undetermined*

Convention on Biological Diversity (CBD)
Type: Convention
Formation: 1992
Headquarters: Montreal, Canada
Brief: CBD is a global agreement addressing all aspects of biological diversity: genetic resources, species, and ecosystems.[6]
Governing body: Conference of the Parties (COP)
Governing body membership: 196 parties, including most countries except for the United States
Stakeholder engagement process: Observers
Constituencies: Indigenous peoples caucus, women's caucus, NGOs (CBD Alliance), youth (Global Youth Biodiversity Network).
Stakeholder engagement policy: Rules of procedures (section on Observers)[7]
Civil society unit staffing: *undetermined*

Department of Economic and Social Affairs (DESA): Division for Sustainable Development (DSD)*
*Looking specifically at the process leading up to the creation of the Sustainable Development Goals with Rio+20 and the Open Working Groups
Type: Department under the Secretariat
Formation: 1948
Headquarters: New York, USA
Brief: Based at UN Headquarters in New York, UN DESA holds up the development pillar of the UN Secretariat.
Governing body (SDGs process): Open Working Group[8]
Governing body membership: 30 Member States

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[4] UN Women (link)
[5] CSW – Member States (link)
[6] CBD website (link)
[7] CBD COP Rules of Procedures (link)
[8] Open Working Group (link)

Stakeholder engagement process: Major Groups and other Stakeholders
Constituencies: 9 Major Groups and other stakeholders of Agenda 21
Stakeholder engagement policy: Agenda 21
Civil society unit staffing: 2 to 4[9]

Food and Agriculture Organization (FAO): Committee on Food Security (CFS)
Type: Specialized agency
Formation: 1945
Headquarters: Rome, Italy
Brief: The Food and Agriculture Organization leads international efforts to fight hunger. It is both a forum for negotiating agreements between developing and developed countries and a source of technical knowledge and information to aid development.
Governing Body: The Conference
Governing Body Membership: FAO has 194 Member Nations plus one Member Organization, the European Union and two Associate Members, The Faroe Islands and Tokelau.[10]
Stakeholder engagement process (CFS): Civil Society Mechanism (CSM)
Constituencies: Smallholder farmers, Pastoralists/Herders, Fisherfolks, Indigenous Peoples, Consumers, Urban Food Insecure, Agricultural and Food Workers, Women, Youth, Landless, NGOs. Forest dwellers are often taken into account as an additional category.[11]
Stakeholder engagement policy: Internal Guidelines and Terms of Reference (link)
Civil society unit staffing (CSM): 3
Additional information:
http://www.csm4cfs.org/wp-content/uploads/2016/03/Proposal-for-an-international-civil-society-mechanism.pdf
http://www.csm4cfs.org/the-csm/

International Labour Organization (ILO)
Type: Specialized agency
Formation: 1919
Headquarters: Geneva, Switzerland
Brief: The International Labor Organization promotes international labour rights by formulating international standards on the freedom to associate, collective bargaining, the abolition of forced labour, and equality of opportunity and treatment.
Governing Body: The Governing Body
Governing body membership: 56 titular members (28 Governments, 14 Employers and 14 Workers) and 66 deputy members (28 Governments, 19 Employers and 19 Workers)[12]
Stakeholder engagement process: *undetermined*
Constituencies: There are three different categories of international NGOs in consultative status. The first includes international NGOs with major stakes in a wide range of the ILO's activities that are granted either general or regional consultative status. A second category, the Special List of Non-Governmental International Organizations, was set up by the ILO Governing Body in 1956 with a view to establishing working relations with international NGOs, other than employers' and workers'

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[9] Interview
[10] Governing and Statutory Bodies Web site (link)
[11] Interview
[12] Composition of the ILO's Governing Body (link)

organizations, which also share the principles and objectives of the ILO Constitution and Declaration of Philadelphia. There are currently about 160 NGOs on the Special List, covering a wide variety of fields, such as the promotion of human rights, poverty alleviation, social security, professional rehabilitation, gender issues, youth matters, etc. In a third category, the ILO Governing Body extends invitations to international NGOs which meet certain established criteria to attend different ILO meetings for which they have demonstrated a particular interest.[13]

Stakeholder engagement policy: *undetermined*
Civil society unit staffing: *undetermined*

United Nations Environment Program (UNEP)

Type: Programme
Formation: 1972
Headquarters: Nairobi, Kenya
Brief: The United Nations Environment Programme established in 1972, is the voice for the environment within the United Nations system. UNEP acts as a catalyst, advocate, educator and facilitator to promote the wise use and sustainable development of the global environment.
Governing body: United Nations Environment Assembly (UNEA)
Governing body membership: All 193 UN member states
Stakeholder engagement process: Major Groups and stakeholders
Constituencies: [9] Major Groups
Stakeholder engagement policy: Handbook for stakeholder engagement at UNEP (link)
Civil society unit staffing: 3.5 staff + 2 UN Volunteers + interns
Additional information: http://web.unep.org/about/majorgroups/modalities/overview
http://web.unep.org/about/majorgroups/engage-us/uneps-stakeholder-engagement-policy

United Nations Framework Convention on Climate Change (UNFCCC)

Type: Convention
Formation: 1992
Headquarters: Bonn, Germany
Brief: The UNFCCC is a "Rio Convention", one of three adopted at the "Rio Earth Summit" in 1992. Preventing "dangerous" human interference with the climate system is the ultimate aim of the UNFCCC.[14]
Governing body: Conference of the Parties (COP)
Governing body membership: 197 Parties (196 States and 1 regional economic integration organization)
Stakeholder engagement process: Observers – Non-government organization constituencies
Constituencies: [9] Business and Industry, Environmental NGOs, Local government and Municipal Authorities (LGMA), Indigenous Peoples Organizations (IPO), Research and Independent NGOs, Trade Unions, Women and Gender, Youth, Farmers.
Stakeholder engagement policy: Code of conduct (limited)
Civil society unit staffing: 2 permanent + additional temporary staff during events[15]
Additional information:
https://unfccc.int/files/parties_and_observers/ngo/application/pdf/constituencies_and_you.pdf

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[13] ILO Civil Society (link)
[14] UNFCCC – The Convention (link)
[15] Interview

United Nations International Strategy for Disaster Risk Reduction (UNISDR)*
*Looking specifically at the negotiations leading up to the Sendai Framework
Type: Other Entities
Formation: 1999
Headquarters: Geneva, Switzerland
Brief: The United Nations Office for Disaster Reduction serves as the focal point in the United Nations system for the coordination of disaster reduction.
Governing body: UN General Assembly[16]
Governing body membership: All 193 Member States
Stakeholder engagement process: Observers – Major Groups structure of Agenda 21
Constituencies: [9] Major Groups
Stakeholder engagement policy: Major Groups structure of Agenda 21
Civil society unit staffing: 2+

United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA): Inter-Agency Standing Committee (IASC)
Type: Office
Formation: 1991 (IASC in 1992)
Headquarters: Geneva, Switzerland
Brief: The Inter-Agency Standing Committee (IASC) is a unique inter-agency forum for coordination, policy development and decision-making involving the key UN and non-UN humanitarian partners.
Governing Body: Inter-Agency Standing Committee
Governing body membership: The members of the IASC are the heads or their designated representatives of the UN operational agencies (UNDP, UNICEF, UNHCR, WFP, FAO, WHO, UN-HABITAT, OCHA and IOM). In addition, there is a standing invitation to ICRC, IFRC, OHCHR, UNFPA, the Special Rapporteur on the Human Rights of IDPs and the World Bank. The NGO consortia ICVA, InterAction and SCHR are also invited on a permanent basis to attend. The IASC is chaired by the ERC.
In practice, no distinction is made between "Members" and "Standing Invitees" and the number of participating agencies has expanded since inception of the IASC in 1992.
In fact, the strength and added value of the IASC lies in its broad membership, bringing together all key humanitarian actors.
Stakeholder engagement process: n/a
Constituencies: n/a
Stakeholder engagement policy: n/a
Civil society unit staffing: undetermined

World Health Organization (WHO)
Type: Specialized agency
Formation: 1948
Headquarters: Geneva, Switzerland
Brief: The World Health Organization is the directing and coordinating authority on international health within the United Nations system. The objective of WHO is the attainment by all peoples of the highest possible level of health. Health, as defined in the WHO Constitution, is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

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[16] UNISDR Assessment (link)

Governing body: World Health Assembly (WHA)
Governing body membership: All 194 Member States
Stakeholder engagement process: *None*
Constituencies: None[17]
Stakeholder engagement policy: *None*
Civil society unit staffing: *Undetermined*
http://www.oneillinstituteblog.org/how-to-follow-the-2015-world-health-assembly/

4.2 COMMENTARY ON UN INSTITUTIONS

Looking at all these UN institutions, we can see that they are quite different. This context is therefore important. Some institutions, such as the ILO formed in 1919, predates the United Nations itself, the latter created in 1945.

These institutions are also notably different in their natures and structures. For example, whereas UNEP and UNFCCC are both connected to an environmental theme, UNEP is a Programme with a large variety of operations and activities, whereas the UNFCCC itself is a Convention, in other words, an agreement between countries. In theory, UNEP has a more complex and better supported structure than UNFCCC. This can be seen by UNEP's civil society liaison unit having larger staffing capacity compared to UNFCCC.

As I move into the analysis in the following sections, it is important to note that the governance body of most of the above UN institutions usually refers to both the governing body itself and also a recurring meeting of that meeting. For example, the COP, the UNEA, and the WHA refers to both the governing body of their respective UN institutions but also the annual or biannual meeting of that governing body.

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[17] Interview

5   DESIGN OF CIVIC SPACE

5.1   OVERVIEW OF STAKEHOLDER PARTICIPATION MECHANISMS

The stakeholder participation mechanisms are actually quite similar across most of the UN processes in this analysis. DESA DSD, UNEP and UNISDR all use the Major Groups and other Stakeholder system. UNFCCC uses a comparable system with nearly identical constituencies, whereas CBD uses a similar constituency system with slightly different constituencies. The Major Groups system was officially formalized through Agenda 21 in 1992 and consist of the following sectors (United Nations, 1992):

1.   Business and Industry

2.   Children and Youth

3.   Farmers

4.   Indigenous Peoples

5.   Local Authorities

6.   Non-Government Organizations (NGOs)

7.   Scientific and Technological Community

8.   Women

9.   Workers and Trade Unions

Some processes such as UNISDR use verbatim procedures of MGoS as written in Agenda 21, but most UN institutions have adapted the process. Stakeholder engagement can even change over time as a negotiation process evolves. Some interviewees have stated that the MGoS system used for the SDGs process was most effective and participatory under the Commission for Sustainable Development (CSD) until Rio+20 in 2012. On the other hand, UNEP has its own stakeholder engagement policy for the way Major Groups operates, with the interesting addition of a Major Groups Facilitating Committee (MGFC) and officially designated Regional Representatives. The latter two are further elaborated on later in this section.

In terms of the participation itself, civil society can "participate" in several ways. Most processes will ask civil society for written inputs, submissions or comments ahead of a negotiation session, often in an online publicly available forum. During the meeting, in theory, civil society can observe sessions and can make interventions. While some processes such as the SDGs during CSD ensured this was a right and ensured all Major Groups could make an intervention, other processes will take a much more flexible

approach such as only allowing interventions from civil society if there is time remaining (the latter of which is quite rare). All interviewees have noted though that the strongest influence from civil society comes from building relationships with negotiators.

Three UN institutions in the analysis have more innovative mechanisms for civil society engagement in policy-making: The Committee on Food Security (CFS) of the Food and Agriculture Organization (FAO), the International Labour Organization (ILO), and the Interagency Standing Committee (IASC) of the Office for the Coordination of Humanitarian Affairs (OCHA). Of the three, the FAO CFS is the most similar to the other UN institutions above in that it is an intergovernmental process, where governments are the members of the governing body making decisions. The CFS underwent a deep reform in 2009 following the world food price crises of 2007-2008 and "became the foremost inclusive platform with a particular openness to the participation of civil society" (CSM4CFS, n.d.), establishing the Civil Society Mechanism (CSM) in 2010. The CSM is particularly interesting because it recognizes civil society as "participants" rather than observers and grants them enhanced rights such as to "submit and present documents and formal proposals," many of which are not officially recognized or practised in the other UN institutions.

The ILO uses a unique tripartite governance structure where governments, business and labour have an equal say (but also a de facto veto) at negotiations, although other civil society organizations not recognized as labour members are designated as observers similar to other UN processes. The IASC under OCHA is peculiar because while part of its mandate is policy-making, its direct membership is only composed of UN agencies (whose memberships are composed by governments) and humanitarian NGOs. Unlike any of the other UN institutions in this analysis, IASC is the only institution without governments in its governing body, although it appears their policy authority is limited to the humanitarian applications of their member organizations.

As captured in the Context section, almost all UN civil society liaison units identified had approximately 2 to 4 staffers, with some having additional temporary staffers assigned during conferences or assisted by interns or volunteers. While this may give the impression that civil society support capacity is similar across all UN bodies, interviewees were quick to note this was not the case. As will be explored in Section 5.4 'Civic Space Dimensions,' capacity not only includes Secretariat staff but also financial resources to support participation of civil society and the capacity to offer more inclusive resources to include minors (under 18), people with disabilities, or people whose first language is not English. Indeed,

only a limited number of UN bodies provide travel funding for civil society participants. Furthermore, while UNFCCC and UNEP may have a comparable number of staffers, it was noted that the scale of participation differs greatly. The UNFCCC climate conferences garner significant participation interest from civil society, and every year the Secretariat needs to manage the participation of thousands of participants. By comparison, civil society participation at UNEP and CBD conferences typically reaches several hundred participants at most. Some offices can also receive additional support from other departments during conferences. For example, UNEP has a division called 'Tunza' which oversees UNEP's external youth engagement. While the Tunza program focuses primarily on external partnerships, it has also played a role in supporting youth participation at UNEP meetings.

5.2 LADDER OF PARTICIPATION

Using Arnstein's Ladder of Citizen Participation to measure the level of participation in each process based on documentation from the different UN institutions and subsequent validation by informants in the surveys and interviews, we see that most UN stakeholder engagement models fall somewhere between Rungs 3 (Informing) and 4 (Therapy) as depicted in Figure 5-1.
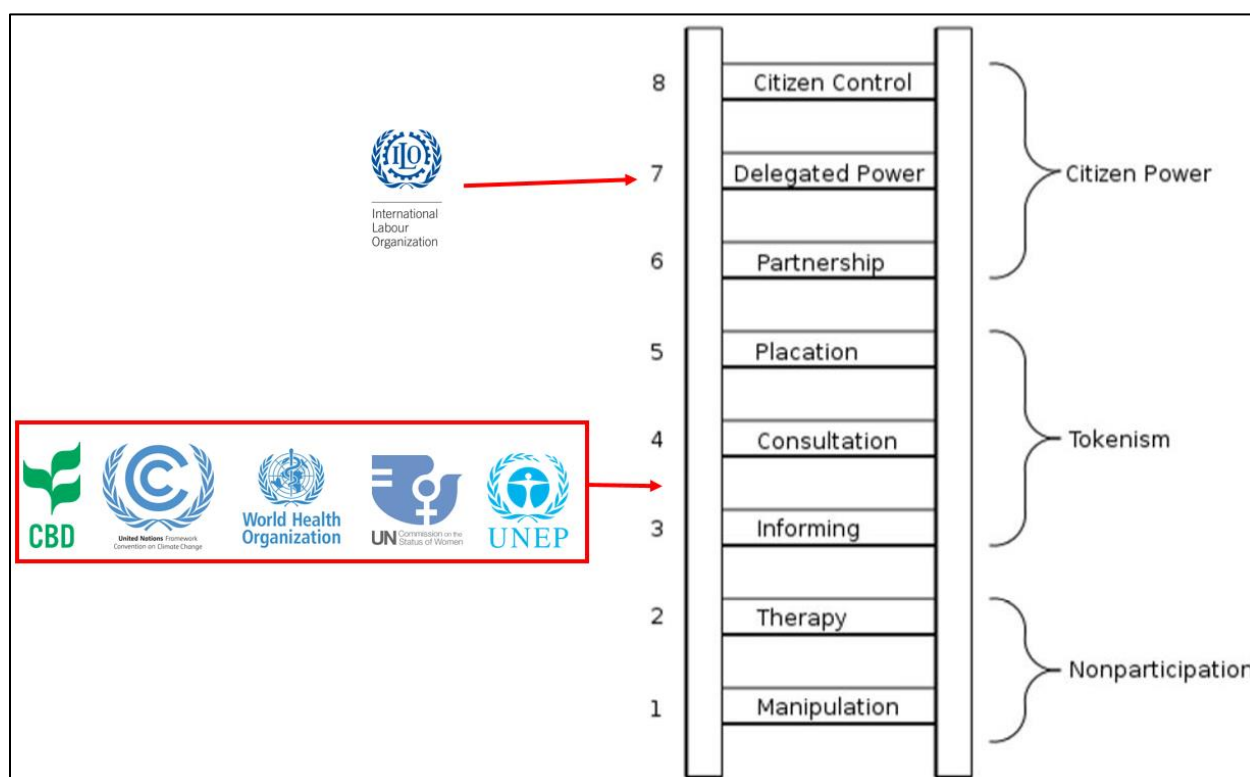

Figure 5-1 Ranking different UN stakeholder engagement mechanisms on Arnstein's ladder

This is true for most constituency-based systems, a ranking agreed upon by both civil society representatives and UN staff. While NGOs thankfully have a more active role than simply being 'informed' by governments as official observers, the stakeholder engagement mechanism only allows them to make formal statements in plenary often at the discretion of the meeting chair, usually at the end, unfortunately when there is no more time or after most member states have spoken and have left the room. It would be difficult to justify such a practice to the standards of the more familiar public consultations. The irony here is that NGOs participating in DESA and other processes connected to the UN General Assembly are known as having 'consultative status' with ECOSOC. The fact that these models aren't even consultations and simply allow stakeholders to speak is problematic, because absent from granting decision-making rights like in rungs 6 to 8, there is no guarantee that the governments will actually listen to the input civil society provides. Instead, the ability of civil society to influence the process through official channels (as opposed to informal channels such as lobbying) is limited by the culture of engagement in each process. For example, because the CBD allows some civil society groups to present on expert panels (Betzold & Flesken, 2014), civil society participants feel more confident they are being listened to, whereas in other processes many feel their interventions are being outright ignored.

While this model of participation between rungs 3 and 4 is the general trend in the above-mentioned institutions, these processes do also have instances of more democratic and participatory engagement mechanisms, such as instances of co-chairing by civil society explained in the following section.

However, discounting instances where civil society is completely barred from observing or speaking at sessions, there are also more regressive and token practices within these same institutions. Many interviewees were particularly critical of high-level events organized by the UN where civil society speakers were hand-picked by the UN. This form of 'engagement' was a notable feature in certain events of the SDGs process, and absent in most other processes due to civil society pushback. However, a similar format did start appearing at the UNFCCC with new high-level segments at COP23 in Marrakech. Participants were concerned this resulted in a much less transparent process. They were also concerned that many selected civil society speakers had no prior or future engagement with the negotiations, leading to a one-off input from a person selected by the UN or the meeting's presidency, but with no further active engagement on the policy outcomes nor any accountability or mandate to their constituency. This

practice fits straight into Arnstein's definition of placation, minus any decision-making-related power conferred to a board position.

The only UN institutions where one could consider a ranking of "citizen power" as opposed to "tokenism" is at the ILO and at the OCHA IASC due to the respective compositions of their governing bodies. While many civil society observers would agree that this is a better solution than a token model of engagement, some important questions on fairness and representation remain. Indeed, most of these civil society members at the ILO and the OCHA IASC are large NGOs or trade unions. How representative are these organizations of everyday people, and most importantly, how accountable are they to ordinary citizens? To be fair, this question should also be asked of any other civil society organization speaking at the UN, but also to all the UN member states, many of whom have dictatorships or simply democratic governments that do not adequately consult with their own citizens. Some interviewees have noted that some delegates of these larger NGOs relish their privileged positions of access to power and have opposed granting more access to other stakeholders through the constituency system, notably in the DESA DSD and WHO processes.

5.3 FAIRNESS AND COMPETENCE

Similar to data on participation, the responses to fairness and competence (Table 5-1) are based on documentation from UN institutions and responses from informants in the surveys and interviews. The question on fairness and competence was more complicated to answer for a number of reasons. First, for a question on fairness, it seemed inappropriate to rank the stakeholder engagement model based on the general practice but completely ignore more progressive practices in certain processes WITHIN a UN institution. For instance, while in general civil society has no role in moderating the discussion, there are some occasions where it has been practiced. Under the CBD, some meetings involving traditional indigenous knowledge was co-chaired by a person from the indigenous caucus (Betzold & Flesken, 2014). While this is a somewhat isolated practice, it does show there is precedent and logic to having civil society co-moderate sessions. Using the CBD experience as an example, the Indigenous Peoples Platform was able to secure additional sessions that were co-moderated by their representatives at the UNFCCC on a session about traditional knowledge. A similar practice was used for a session on Action for Climate Empowerment at the UNFCCC as well.

The results in Table 5-1 are the generally established and procedurally recognized practice within each UN process. This means that the results present what is formatted at the meeting, but not necessarily what is unofficially recognized as happening in the meeting. For example, most researchers (and informants in this research as well) will argue that civil society has an unofficial impact on the policy outcomes through lobbying, but an official role to decide on the policy outcomes is only officially recognized at the ILO.

The discussion moderation component is important, because the chair decides when civil society speaks, and sometimes even if civil society is allowed in the negotiation room.

Table 5-1 Evaluating Fairness and Competence

		CBD	CSW	DESA DSD	ILO	UNEP	UNFCCC	UNISDR	WHO
Fairness	Agenda-setting of the policy discussions	🟡	🔴	🟡	🟢	🟡	🔴	🟡	🔴
	Discussion moderation	🟡	🔴	🔴	🟢	🔴	🔴	🔴	🔴
	Policy outcomes	🟡	🔴	🟡	🟢	🔴	🔴	🔴	🔴
Competence	Validating background documents and information informing policymakers	🟡	🟡	🟢	🟢	🟡	🟡	🟡	🟡

Table legend:
🔴 Civil society has no input or control.
🟡 Civil society has limited input or control.
🟢 Civil society has shared input or control with officials/governments.

On competence, interviewees recognized the ability for civil society to provide expert knowledge among other experts before each session to policy makers during the Open Working Group meetings leading up to the SDGs, allowing for conversations grounded in data and science. One participant noted the irony that the UNFCCC has a dedicated scientific body on climate change, the Intergovernmental Panel on Climate Change (IPCC), but the latter did not come to sessions to present prior to the climate negotiations, resulting in discussions that were disconnected from the scientific evidence and urgency.

5.4 CIVIC SPACE DIMENSIONS

In responses for civic space dimensions, interviewees responded that in theory, all 5 civic space dimensions were respected in each UN process. In practice though, there were several important exceptions that indicated not all dimensions were entirely respected. While the participation ladder and the fairness and competence matrix are important in measuring participation, the civic space dimensions are arguably the most important because they assess basic freedoms and human rights, with the fundamental understanding that participation is in itself a human right.

5.4.1 Freedom of Information and Expression

Access to information is an issue in almost every single process, and perhaps the largest concern in the alarm from civil society in shrinking civic space. NGOs have expressed repeated concerns that many negotiations have moved into increasing informal settings where they are shut out from the room. This has even been noted in CBD negotiations, which of all the constituency-based UN processes, is noted to be one of the more transparent institutions, especially compared to the UNFCCC (Betzold & Flesken, 2014, p. 77).

While the UNFCCC will allow negotiators and civil society to receive updated negotiation text at the same time, some UN processes such as the CSW will only provide negotiation documents to governments and not provide any to civil society at all.

Separately, some UN processes have started webcasting their meetings, including but not limited to DESA DSD, UNEP, UNFCCC, and WHO. While this helps create transparency, none of these webcasting systems are as advanced as the system used at the Human Rights Council, which breaks down interventions by country. This is very helpful if one is trying to track statements from a particular country and eliminates the laborious need to listen through hours of recordings.

5.4.2 Rights of Assembly and Association

Despite New York being the headquarters of the United Nations Secretariat, it ironically also appears to also be the most restrictive to the Freedom of Assembly. Numerous interviewees have

expressed dismay that actions and protests are not allowed inside the United Nations Headquarters in New York, even when permission has been requested. This mainly applies to negotiations for CSW and the SDGs process. One interviewee has even noted that UN security services had removed all NGO participants from the UN building without providing a cause at the last CSW meeting in 2017. Some participants have recognized the UNFCCC's openness for civil society actions, although only when permission has been granted by UN security, and that it has served as a point of reference for other conferences. Although the UNFCCC COP conference tends to move to a different country each year, actions are still known to be allowed (with permission) in other UN offices, such as in Bonn or Nairobi. While UNEP in theory allows actions at its Nairobi headquarters during UNEA meetings, at the last UNEA in 2016, civil society organizers had to present their action as a side event in order to get it approved under increasing pressure from government delegations to restrict space for stakeholders.

I also cover funding for participation in this section, as CSO funding is a sub-dimension of the dimension on rights of assembly and association. Almost every interviewee mentioned funding issues as a barrier for participation. UNEP is noted to have some funding for civil society representatives of each constituency. This is quite meaningful because UNEP has one of the most developed constituency coordination mechanisms. All its Major Groups operate under the civil society-led Major Groups Facilitating Committee (MGFC), which includes Regional Representatives as observers, the latter of whom are equally funded, helping guarantee regional representation at every meeting.

More limited funding for civil society participants is also granted through UNISDR. A participant mentioned there was also funding available through the CBD process, but it was unclear if it came directly from the CBD or if it came through other programs. Betzel and Flesken note the existence of the 'Voluntary Trust Fund to Facilitate the Participation of Indigenous and Local Communities in the Work of the Convention on Biological Diversity', although as its name implies, the fund only supports indigenous participants (2014, p. 78). DESA DSD used to provide funding in the past, and some participants appreciated that that funding provided them flexibility to not only fund participants to go to meetings but also work on a variety of deliverables, from submitting inputs to creating capacity building material for attendees. CSW, UNFCCC and WHO notably did not provide any funding for civil society participation. To compensate for this, some constituencies have set up funding initiatives to support some of the participants. For example, YOUNGO, the youth constituency under the UNFCCC, had established a Global South scholarship to support participants from developing countries, as youth participants tend to

predominantly come from the Global North (Thew, 2015). A similar more formalized system exists under the CBD, arranged separately for the CBD Alliance and for Indigenous Peoples. Unfortunately, unlike UNEP's financial support mechanism, civil society led funding initiatives are unable to cover participation for all the different constituencies. Interestingly, the lack of available funding for civil society in the UNFCCC process is deeply tied with the geopolitics of the negotiations. Many Parties have argued that the current voluntary trust fund is barely sufficient to help support official party negotiators from developing countries, and therefore should not be open to civil society as well. Indeed, UNFCCC negotiations see quite dramatic disparities between country delegations. More resourceful countries like the USA and China have traditionally sent delegations of over 100 delegates, whereas many poorer countries can only afford to send a handful of delegates (McSweeney, 2015), leaving them at a significant strategic disadvantage to follow multiple negotiations processes. The overall argument is somewhat ironic because smaller states rely heavily on NGO expertise as a result of their smaller delegation (Betzold & Flesken, 2014, p. 80).

Delegation composition is another issue. While this paper is focused on civil society participation, one of its objectives is to support policy decisions that are more sensitive to the diversity of needs and rights of the populace. One way to achieve that is a government, and consequently government delegation, that is more representative of your people. As reported by WEDO (Women's Environment and Development Organization), women account for only a third of national Party delegates, with women's representation even worse in Global South regions (Burns & Andre, 2014). To increase gender balance in party delegations, WEDO, with the support of the government of Finland, established the Women's Delegates Fund (WDF) in 2009, to enhance women's participation in the climate negotiations through travel support, capacity building and networking, and helping with outreach and advocacy.

5.4.3   Citizen Participation

This dimension was largely overlooked by most respondents, although some did note the importance of the United Nations allowing civil society to run their own elections and selections process.

5.4.4   Non-Discrimination/Inclusion

The only case of noted active discrimination appears to take place at the UNFCCC, where minors (children under 18) are barred from attending under NGO accreditation. Despite having similar staffing numbers to other UN institutions, the UNFCCC Secretariat says it lacks the human resources to deal with

the participation of minors, arguing that civil society participation at UNFCCC meetings, particularly at COPs, number in the thousands compared to the few hundred observers at other UN meetings. Nonetheless, children are understood to be welcome in all other UN processes in this study.

Several different UN institutions have also taken steps to make their meetings more inclusive, including offering translation services and for larger conferences transcription or sign-language interpreters for the visually impaired. While the UNFCCC is the only noted case of targeted discrimination, interviewees have noted some progressive steps in the UNFCCC as well. For example, with limited resources to translate all website and conference information to all 6 UN languages, the UNFCCC secretariat has resorted to increasingly use infographics and flow charts to explain information to participants, understanding that English is not the first language for many of them. While this was not in my interview questions, from my own experience, the UNFCCC also has the strongest handling of sexual harassment cases at their meetings with its zero-tolerance policy on sexual harassment introduced by former Executive Secretary Christiana Figueres, quickly disciplining offending security guards and investing other cases.

5.4.5   Human Rights / Rule of Law

No particular points were raised by participants on this dimension, although many noted human rights transcended all the above dimensions.

5.5   BEST PRACTICES IN CIVIC SPACE DESIGN

Interviewees noted the following best practices in institutionalizing stakeholder engagement mechanisms. All of the following have been highlighted by at least two interviewees.

Coordination calls: DESA and UNEP hold coordination calls throughout the year between Secretariat staff and civil society representatives. This helps keep civil society informed on policy preparations and occasionally allows civil society to feed in to those preparations.

Evidence-based policy: Interviewees were particularly appreciative of negotiations grounded in science and data, helping shape both an evidence-based and morally based policy conversation. Such formats were noted for the CBD and the SDGs process during the Open Working Groups. Many expert panels also

tend to include civil society speakers, which is encouraging when there are no designated seats for civil society interventions when there should be.

Infrastructure and space provided to civil society participants: As will be indicated in Table 6.1 in Chapter 6.2, press conferences are used by civil society in 5 of the 7 UN processes surveyed. However, the table does not show that press conferences at the UNFCCC are used at a much higher frequency and magnitude compared to the other processes. This is because for every COP, the UNFCCC offers the same infrastructure and services to accredited civil society organizations as they do to governments. Media rooms, audiovisual equipment, livestreaming service and technical staff are provided at no cost to participants wishing to hold a press conference. This contrasts with other UN meetings, where infrastructure and space offered to civil society is much more limited. Either there is no room or equipment available to do press conferences, or booking space and equipment for a press conference is prohibitively expensive (notably at the UN Headquarters in New York) and requires a member state or a UN agency to sponsor the event. Despite frequent frustrations at the quotas the UNFCCC secretariat puts on the number of civil society attendees at COPs, recognizing the limited venues of engagement for observers, the UNFCCC secretariat also caps the number of side events governments can hold, balancing out side-event distribution to ensure civil society is able to use these side events to influence the conference and negotiations. UNEP does something comparable, hosting a Global Major Groups and Stakeholders Forum (GMGSF) before each UNEA session for civil society to prepare and share their positions. However, as one interviewee pointed out, these events are only effective if governments show up to them.

5.6 INSTITUTIONAL OBSTACLES

Many of the institutionalized obstacles to civil society participation that were highlighted in reports and interviewees, notably funding for participation, were already noted in above sections. I touch here on other barriers to participation not yet covered.

The overall obstacle is the intergovernmental nature of the UN. The final decision is taken by governments (Betzold & Flesken, 2014, p. 69). However, as this paper shows, not all UN processes are dominated by governments, as in the case of the ILO. The case of the OCHA IASC itself demonstrates that policy-making can be done without governments.

The second most mentioned barrier to participation cited by interviewees was the culture of engagement. Interviewees have noted that some processes such as the CBD have a strong culture of engagement with civil society, whereas in the UNFCCC this culture is dominated by fear and mistrust of civil society. The latter results in increasingly closed doors for civil society. The situation is even worse in the WHO, where modalities only exist on, if there are any, on ad hoc basis for civil society participation. In many UN processes, efforts to strengthen stakeholder engagement are blocked by countries with more authoritarian regimes.

5.7 OTHER STAKEHOLDER ENGAGEMENT MODELS

Many interviewees shared stakeholder engagement models or processes that set higher standards for engaging civil society. While I did not include them in the full analysis because they did not fit all the criteria for comparison (notably being a global process as opposed to a regional process), these still should be considered in future research:

- Arctic Council
- Aarhus convention for the UNECE (UN Economic Commission for Europe)
- Regional CSO Engagement Mechanism of the Asia Pacific Region, which engages on different processes including SDGs and UNEP.

6 USE OF CIVIC SPACE

After understanding how civic space is designed by different UN institutions and its Member States, it is only appropriate that we now look at how civil society in turn utilizes the space available to them to engage in the policy process.

6.1 PRESENCE

I look here at the fundamentals of using civic space at the UN. Based on the literature review, my own experience, and informal discussions with colleagues, I answer "who uses the space and how."

Across most UN processes, two constituencies are often credited of being particularly organized and prepared for negotiations: the women's constituency and the youth constituency. Neither interviewees nor anecdotal conversations have provided any indications why this seems to be the case, but I offer some theories here. The key pillar of civil society participation is coordination. The NGO constituency could be assumed to have the most difficulty coordinating because of its clustering of NGOs of so many different interests and consequent collective action problem. This has certainly been the case in processes like UNEP and DESA DSD, although it has been improving in the latter. In theory, women and youth each 'represent' half of the global population, based respectively on sex and age. What this essentially means in practice is that newcomers to the UN will statistically be more likely to join either of these constituencies, forcing them to have a more democratic and open structure to integrate new people. The youth constituency in particular, which depends the most on volunteers and suffers from a high turnover rate due to its age limit (Thew, 2015), relies on the collective contributions of all its individual members, as opposed to other constituencies that can benefit from the leadership of single-issue-based organizations. This situation therefore forces the women and youth constituencies to have more structured coordination mechanisms. Furthermore, being open to younger members allows both constituencies to quickly adopt new collaborative technologies such as co-authoring documents (e.g. Google Docs) and group instant messaging applications (e.g. WhatsApp) that increases their ability to coordinate and collaborate.

This theory helps explain in part some variations in participation in different UN processes. While indigenous peoples' participation is quite limited at UNEP and the UNFCCC[18], it is very strong at the CBD. Betzold and Flesken attribute this to a keen concern from indigenous groups between about negotiations on biodiversity and their direct effects on their livelihoods (2014). This strong interest in turn fosters participation and a need for better coordination which makes their participation more effective. One can see a similar phenomenon at the UNFCCC with the ENGOs (Environmental NGOs). One particular coalition, the Climate Action Network (CAN) has and continues to play a fundamental coordination role in influencing the UNFCCC, despite NGOs in general in other constituencies having difficulties with coordination (Holz, 2012). The UNFCCC offers the ability for these NGOs to focus on climate change and reduce difficulties in scope to a certain extent.

6.2 TOOLS AND TACTICS

Participants found the offered list of 50 tools and tactics to be mostly complete. A participant did point out a glaring omission: I had forgotten to include collaborative working applications, notably Google Apps (including Google Docs, Spreadsheets and Drive), as well as scheduling applications such as Doodle. The irony was that I had helped introduce these tools to some of the participants. Another interviewee mentioned 'messaging via animation', or using visual aid to explain concepts, either through animations, flow charts, or infographics. While Google Docs and Doodle were included in all interviews as it was flagged early in the interview phase, the last one was unfortunately left out as it was only flagged in the later interviews.

Responses were obtained through both questionnaires and interviews for 7 UN processes: CSW, CBD, DESA DSD, UNEP, UNFCCC, UNISDR, and WHO. It is unfortunate that responses were not secured for the other processes which have notably different stakeholder engagement models such as FAO CFS and ILO[19]. Results are presented in Table 6.2.

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[18] Although indigenous peoples' participation at the UNFCCC has started to increase with REDD negotiations. (Betzold & Flesken, 2014)
[19] One response was finally provided for the ILO which is referenced later in the paper, but at which point it was too late to modify the result tables.

Table 6-1 Tools and tactics used by civil society across UN processes

		CBD	CSW	DESA DSD	UNEP	UNFCCC	UNISDR	WHO
Number of respondents:		1	2	3	3	4	2	1
	TOTAL	**36**	**41**	**42**	**44**	**52**	**35**	**26**
1. Actions and Demonstrations (authorized)	3	x		prior	x	x		
2. Actions and Demonstrations (unauthorized)	2		x	prior		x		
3. Advising and personal meetings with decision makers	7	x	x	x	x	x	x	x
4. Blogs	7	x	x	x	x	x	x	x
5. Capacity building and training	7	x	x	x	x	x	x	x
6. Conferences or side-events	7	x	x	x	x	x	x	x
7. Conference calls	7	x	x	x	x	x	x	x
8. Coordination meetings across multiple constituencies	7	x	x	x	x	x	x	x
9. Coordination meetings within a group or constituency	7	x	x	x	x	x	x	x
10. Courses and classes	3				x	x	x	
11. Email communications	7	x	x	x	x	x	x	x
12. Email newsletters	6	x	x	x	x	x	x	
13. Establishing working groups	7	x	x	x	x	x	x	x
14. Facebook	5		x	x	x	x		x
15. Face-to-face meetings	7	x	x	x	x	x	x	x
16. Funding and travel support	6	x	x	x	x	x	x	
17. High-Level Meetings	6	x	x	x	x	x	x	
18. Instagram	4		x	x	x	x		
19. Interventions in breakout group	7	x	x	x	x	x	x	x
20. Interventions in plenary	6	x		x	x	x	x	x
21. Listservs	6	x	x	x	x	x	x	
22. Marches	4		x	x	x	x		
23. Naming and Shaming / Booby Prize (e.g. Fossil of the Day)	2	x				x		
24. NGO allies on party badges	5	x	x	x	x	x		
25. NGO Party	2	x		prior	prior	x		
26. Online archives	4		x	x	x	x		
27. Online submissions	6	x	x	x	x	x	x	
28. Parallel NGO conference	3	x			x	x		
29. Podcasts	1					x		
30. Preparatory conference preceding the main conference	7	x	x	x	x	x	x	x

Tool/Tactic	Total							
31. Presentations and speeches to target audiences	**6**		x	x	x	x	x	x
32. Press and media contacts	**5**	x	x	x	x	x		
33. Press conferences	**5**	x		x	x	x	x	
34. Press releases	**7**	x	x	x	x	x	x	x
35. Public events	**6**		x	x	x	x	x	x
36. Publishing online reports and newsletters	**6**	x	x	x	x	x	x	
37. Publishing printed newsletters (e.g. ECO)	**2**	x		prior	prior	x		
38. Publishing printed reports	**7**	x	x	x	x	x	x	x
39. Skype	**7**	x	x	x	x	x	x	x
40. Singing	**1**					x		
41. Slack (application)	**1**					x		
42. Television or Radio interviews	**5**	x	x	x	x	x		
43. Twitter	**7**	x	x	x	x	x	x	x
44. Visual broadcasting (banners)	**6**	x	x	x	x	x	x	
45. Webcasting or livestreaming	**5**		x	x	x	x	x	
46. Webinars	**6**		x	x	x	x	x	x
47. Websites	**6**	x	x	x	x	x	x	
48. WhatsApp	**6**		x	x	x	x	x	x
49. Workshops	**7**	x	x	x	x	x	x	x
50. Written press Op-Eds	**5**	x	x	x	x	x		
Google Docs	**6**		x	x	x	x	x	x
Doodle	**6**		x	x	x	x	x	x

* prior: indicates that the tool has been used in the past, but not in recent years.

As the total indicates, many of the tools and tactics are used across all seven processes. This should not be surprising as many of these tools and tactics are now taken for granted in our everyday workflow, such as emailing coworkers or meeting face-to-face with a decision maker. It should be noted, however, that this table does not capture frequency of use despite being commonly practised across the different processes. This is the case for '*coordination meetings across different constituencies*' (#8 with 7/7). For example, while Major Groups at UNEP have a scheduled daily coordination meetings in the morning in a designated room with other constituencies (with a similar process for DESA DSD), this tactic is only present on an ad hoc basis in the UNFCCC. The most common occurrence is when an individual or group decides that an issue such as human rights needs greater cooperation among constituencies, and will convene a meeting or email list with participants from different constituencies to coordinate efforts on that issue.

One explanation provided for the lack of more modern tools used in the CBD was that participants in the CBD were from a much more tight-knit conservation community from an older generation.

In interviews, participants shared the following tools and tactics that they found to be particularly effective.

- **Face-to-face meetings and direct relationships with negotiators:** This is to be expected as the more traditional and time-tested form of lobbying. However, despite arguable being the most effective methodology to influence the process, it is also a significant barrier of entry for new or less-resourced stakeholders who do not have the capacity to engage over multiple years (Caniglia, Brulle, & Szasz, 2015). One particularly preferred appreciated methodology to develop relationships is the hosting of social events where negotiators and stakeholders can interact on a more social level. While the UNFCCC has its well-renowned NGO party, similar social events are organized by the UN at the CBD and UNEP, albeit on a lesser scale.

- **Naming and shaming**: Also known as a 'booby prize', this tactic takes the form of a regular publicized event where civil society awards a prize to the country or countries that have done the most to block progress in the negotiations. It is known as the 'Fossil of the Day' organized by CAN at the UNFCCC COP, and the 'Captain Hook awards' at the CBD. While this tactic is almost unique to the UNFCCC (as it is only occasionally used at the CBD), it has also been cited as one of the most influential tactics, as media quickly picks up on the prize and embarrasses the 'winning' government at home. Paradoxically, this tactic is heavily used because of poor civil society access at the UNFCCC, but its increased use creates increasing distrust by government who in turn are warier of opening access to civil society, resulting in a vicious cycle.

- **Printed newsletter**: CAN also circulates daily a printed editorial newsletter called ECO that is distributed to negotiators to set the tone of civil society expectations and reactions of the negotiations. ECO is also released at CBD negotiations by the CBD Alliance.

6.3 KEY CHALLENGES

Most of the challenges faced internally by civil society identified in interviews were common across all processes. Excluding structural barriers such as access to negotiations which is determined by the UN and member states, participants have mostly highlighted capacity, including financial costs such as travelling and human capacity in terms of dedicating time and resources to different issues. Inclusiveness

was also reported as an important internal challenge, with stakeholders facing difficulties such as the predominance of English, dominance of NGOs from the Global North, and transparency issues within stakeholder constituencies (Adams & Pingeot, 2013).

An important concern that was shared by interviewees who did coordination work for civil society was that civil society groups were overall weakened if organizations did not show interest in the process and would consequently not commit time and resources to engage with it. With large political agreements having passed such as the Paris Agreement, many negotiations have become increasingly technical, requiring more expert consideration and input. Few organizations have such capacity to engage at this more technical level.

This is an especially acute concern at the UNFCCC, where the sheer number of civil society participants has created an involuntary competition for the limited opportunities available for engagement. This is worsened by the fact that UNFCCC negotiations have become increasingly political, dragging in both political leaders like heads of states or ministers and consequently more advocacy-oriented NGOs. This has reduced the space for more policy and technical-oriented NGOs to contribute. The politicized nature of the UNFCCC has led to important conflicts within the NGO community (Nguyen, 2016). On one hand, the expansion of civil society in the lead-up to the disastrous COP15 climate conference in Copenhagen resulted in a split in the movement, pitting organizations who worked with the policy process against those who opposed it (Fisher, 2010). On the other hand, environmental NGOs at the UNFCCC COPs have had to constantly counter "alternative facts" (Conway, 2017) presented by business organizations with vested interests in the status quo (Betsill & Corell, 2001), even though this tension has gradually decreased over the last years (Hanegraaff, 2015) (Holz, 2012). Such tensions are virtually non-existent at the UN Convention to Combat Desertification where the issue of desertification is more tangible than climate change (Corell & Betsill, 2001), nor in the CBD where business and industry are not particularly active.

6.4 BEST PRACTICES WITHIN CIVIL SOCIETY

Coordination (within a constituency): As mentioned in the first section of this chapter, internal coordination is critical for effective engagement of civil society. In its best form, stakeholder organizations have created their own staffed Secretariats to facilitate and coordinate the work of their member organizations at the UN, under the form of the Climate Action Network (CAN) at the UNFCCC and the CBD Alliance at the CBD for the NGOs constituency. Other constituencies have delegated similar coordination or secretariat functions to existing organizations, such as the women's constituency with WEDO (Women's Environment and Development Organization), and CIVICUS for the NGOs in New York. Strong coordination that exists under CAN and the CBD Alliance allows constituencies to develop and maintain the more effective tools that were highlighted previously in this chapter, such as producing a regular editorial newsletter and organizing actions such as Fossil of the Day. Participants have also noted that inter-constituency coordination and information sharing was also a valuable practice.

Inter-constituency coordination: While inter-constituency coordination is institutionalized and frequent practice at UNEP under the form of the Major Groups Facilitating Committee (MGFC) and under the DESA DSD through the Major Groups and other Stakeholders Coordination Mechanism (MGoS CM), it is also done on an ad hoc basis in other processes like the UNFCCC where constituencies will coordinate on shared points on mutually agreed-upon topics for lobbying such as human rights.

7 DISCUSSION AND CONCLUSION

7.1 PRINCIPLE FINDINGS AND DISCUSSION

Overall, most UN processes use a token engagement mechanism that falls somewhere between 'informing' and 'consulting' stakeholders. In these same UN processes, the mechanisms are not quite fair nor competent, as they only provide limited opportunities for civil society to validate information or to influence the policy discussions. There are a few notable exceptions both in other UN processes and within regressive UN processes that provide precedent for increased control and input by civil society.

One of the expectations I had as I started this research was that the amount and creativity of tools and tactics used by civil society would correlate negatively with how open and participatory a UN process was. This initial hypothesis was shared by some interviewees. My presumption was that if a process was more regressive and restrictive for civil society to engage, civil society would become more belligerent and find increasingly unique and creative ways to influence the policy process. This turned out to not be entirely correct. Participatory design and access does have a certain level of influence. As one interviewee pointed out, many of the NGO actions are done because of poor access. However, diversity and creativity in tactics and tools by civil society seems more likely to be determined by civil society exchanging practices and methodologies. In other words, rather than dispersion of tools and tactics occurring reactively based on a regressive stakeholder engagement mechanism, dispersion of tools and tactics occurs because they are shared from one process to another. In practice, if one person familiar with using listservs[20] initially worked at the UNFCCC but has now been assigned to follow the SDGs process under DESA DSD as well, that person will likely share that tool (listservs) with other stakeholders in that process. CSW, DESA DSD, UNEP and UNFCCC all have at least 40 or more tools and tactics used out of the 52 in the survey. This does not surprise me as I have seen familiar faces working across all 4 of these processes. The other institutions (CBD, ILO, UNISDR, WHO) all have fewer than 40 tools and tactics, which again is not quite surprising as their stakeholder communities tends to be more isolated, as has been previously noted for the CBD.

This dispersion causation also explains why the UNFCCC process sees the use of so many tools and tactics. As mentioned in the previous chapter, the UNFCCC has become a highly politicized process and has therefore drawn in more activism-oriented NGOs. These NGOs have in turn brought their own

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[20] Otherwise known as 'email mailing lists'

familiar tools and tactics such as actions, marches, and social media, tools that are usually outside the usual bag of tricks of NGO delegates focused on policy.

The results from the tools and tactics survey also show that civil society is highly adaptive to emerging technologies. Many new Web 2.0 technologies have emerged since the original list was used in 2005, and civil society in over half of the UN processes have already integrated them to their arsenal to influence the policy process.

7.2   CONCLUSION AND FUTURE RESEARCH

This paper does not do justice to the thousands of pages and hours poured in by academics, delegates, staffers, and volunteers to understand and strengthen civil society participation. Instead it merely scratches the surface and invites researchers and practitioners to dig deeper to uncover the wonderful fruits available as we look around the global policy-making process of the UN system. I established in the scope in the first chapter that I wanted to make an effort to "compare apples to apples" by identifying similar UN institutions. However, the end goal was to take a step back from looking too closely at two nearly identical products, and then to acknowledge and appreciate the wide variety of existing institutions and models. I have shown the new possible varieties across the orchard. This paper demonstrates that precedents for more progressive practices are available in other institutions at different scales. It is now time to take our shovels and dig deeper into each process to unearth more concrete and additional best practices for both institutional and tactical change for a more democratic global policy-making.

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