

RETHINKING GOVERNANCE HANDBOOK:
An Inventory of Ideas to Enhance
Participation, Transparency and Accountability



The University of Victoria's Centre for Global Studies



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RETHINKING GOVERNANCE

International organizations are not what they used to be. They are, not surprisingly, more important as interdependence among nations increases. International organizations are perceived to be more important, having a greater impact on people's lives, so pressures grow for greater transparency, participation and accountability. This trend is occurring at the same time as other significant changes are taking place.

A greater percentage of the world lives in democracies than ever before. Many of those who don't would clearly like to. Information flows more quickly amongst the politically informed as a result of the information revolution. More people are politically active. The fax was one thing, but the Internet and email increase the ease of interconnectedness to an entirely different level.

Globalization benefits many people, but not everyone. Some are falling behind and others just don't like its consequences. The most radical would like to "stop" globalization. Others would like to "shape" globalization. But how?

There are also clearly growing environmental challenges associated with development, and a feeling that there is no system for managing "global public goods." While there are challenges, there are also opportunities. How does one access them?

There are more developing countries than ever before and it is increasingly obvious their interests are far from identical. The G-77 (which involves many more than 77 countries) is hardly cohesive. Often these countries also lack the capacity to analyze their interests and to advance them successfully in complex international negotiations. More must be done to develop these capacities.

It is now widely accepted that developing countries cannot simply be passive objects of the international system but instead are very much subjects. In many cases developing countries are relatively new states; they tend to be much less inclined to accept a formal role for non-state actors than the developed world.

The growing expectation that it is right to be involved in decisions that affect one's future and the increasing knowledge about what is going on are a powerful combination. They lead to the sort of pressure that, if unmet, can and does manifest itself on the streets.

Civil society, in particular the role of non-governmental organizations, is increasingly a player. Transnational corporations are increasingly powerful. Governments and the international organizations governments have created share the stage, if somewhat uneasily, with these non-state actors. Important questions of legitimacy and accountability arise.

The secretariats of international organizations have felt constrained in their response. These organizations are the creation of states and their management is subject, in differing ways but to a significant degree, to their member governments. There has been unease about increasing transparency, doubts about increasing participation of non-state actors and outright opposition to direct accountability to other than the membership (states).

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This is a recipe for frustration at a minimum, and has spilled into anger on a number of occasions. There has been “buck passing”. The very legitimacy of a number of international organizations is increasingly being called into question. The time has come to do something.

The Ford Foundation correctly attaches importance to the changing nature of governance and the role of civil society. Ford has supported an initiative of the Centre for Global Studies (CFGs) at the University of Victoria to address these questions. The principle researchers at CFGs have considerable experience in high level official circles. Prepared to use the resulting access to advance the outcome of the project, we settled on what we believe is an innovative way of proceeding.

We all know the G-7 or G-8 (although maybe not everyone knows the difference between the two). Both of us were very much involved in that world at an earlier stage. So we decided to create a T-7, a consortium of “think tanks” (in civil society) that would be clearly dominated by the South. This ought to provide a different perspective. New voices would be heard.

Indeed five of the members of the T-7 come from developing countries and the sixth from the Czech Republic to ensure we had the perspective of an economy “in transition”, as they are termed.

We felt it could be helpful to produce an inventory of best practices (tested) and innovative approaches (as yet untested) to increase transparency, participation and accountability. We have tried to produce a “handbook”, and what follows reads as such (for better or for worse). We hope it will be useful to “CEOs” of international organizations, old and new, as they look at the challenges to their organizations. While adopting some ideas or good practices would require “shareholder” approval, others would not. We have also included contact points so that further information may be obtained.

Have these innovations worked? In some cases we know, but in other cases we do not know for sure. And in others there is dispute or else the jury is still out. Ideally, this is a work in progress. We would be pleased to take it to another iteration. Above all, our goal is to have produced a product that is useful to the reader (and, of course, to have as many readers as possible!). Our goal is not so much analytic as descriptive of what can be done – a sort of recipe book to inspire both established and new cooks. We stop short of prescription because we would like that to come from “CEOs”, and even “shareholders” of international organizations if they are feeling brave.

But we cannot totally stop ourselves! Below are some of the more interesting innovations and ideas that we hope will serve as appetizers for what follows.

Our primary audience is, to repeat, intended to be current and aspiring architects both of existing and possible new agencies. This effort is not dedicated to those who want to freeze or diminish the role of international organizations. We believe that many critical issues are trans-boundary in nature and must be viewed through a “Managing Interdependence” prism. The appropriate route is to improve the governance of the international system. There is an impressive array of good practices and ideas to emulate and adapt. In this compendium of ideas to improve procedures enhancing participation, transparency and accountability, many of our examples are works in progress. Certainly, they are not without warts. Our hope is that critics of the ideas and practices presented, who agree that effective tools and methods are desirable, will engage in debate to help improve the effectiveness of the ideas.

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Some may be impatient with process, deeming it insignificant, and wish to confront directly substance. In our view, in the medium to longer term, “Process is Substance”. If the range of stakeholders were adequately represented, and if voting and decision-making rules were transparent, we believe accountability would improve. We take as a premise that better accountability will lead to decisions that are fairer and more effective.

We have divided the work into three sections – although in many cases boundaries are permeable. We have appended a list of “sourcebooks” – web sites that describe the various tools, methods and best practices in these areas. Perhaps a new virtual forum will evolve, where methods and practices are described, promoted and critiqued – in open market for governance ideas.

It is not a universal view that consulting with non-governmental organizations (NGOs) and civil society partners promotes effective participation. There will always be concern with legitimacy of the process for selection of the “consultees”, and with the rationing process that inevitably determines the number of organizations to consult. The larger the number of consultees, generally the less substantive the consultation.

That is an unhappy fact of life. There is also an argument that there is a “dark side” to transparency. Effectiveness and privacy issues arise. We have included several entries of best practices in this contentious area.

The International Fund for Agricultural Development (IFAD) deserves a tip of the hat. It appears that from the outset they have devoted time and attention to building transparency and participation. A lot of thought has evidently been invested in applying concepts of fairness and democracy in their processes. They have some exemplary, elegant, simple manuals on improving meeting procedures and decision-making. IFAD knows how to run a NGO consultation.

The UN AIDS Program Coordinating Board has a particularly innovative approach in having NGOs participate in Executive Board meetings. More comprehensive study of the “sociology” of its operation may lead to imitation on a wider basis.

The World Commission on Dams offers a fascinating example of cooperation. It had several innovative dimensions beyond those described in the entry. To keep the twelve-member Commission (itself multi-stakeholder) on the straight and narrow, it had a Forum representing an even more comprehensive cross section of interests and stakeholders. The members of the Forum met at the beginning, in the middle, and at the end of the process – providing an excellent accountability vehicle.

The most difficult nut to crack is decision-making rules. It is clear that the gridlock concerning UN Security Council vetoes and procedures is unlikely to be broken soon. The consensus approach clearly can paralyze an organization. A “shareholder” (weighted) allocation of votes appears fair only to the larger shareholders. The future may be with concepts of qualified majorities. The Global Environment Facility (GEF) system appears ingenious, but has not, to our knowledge, been used – it appears that the threat of a vote drives the process to consensus.

The selection of the first Compliance Advisor of the International Finance Corporation (IFC) / Multilateral Investment Guarantee Agency (MIGA) was assigned to an external search committee,

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with NGO and business representatives. This very noteworthy and innovative practice appears to be a first.

The Internet is a powerful tool which is being effectively harnessed by many organizations. Websites can be very effective and reliable, and save time and resources. The UN's Liaison Service has a state of the art website. The World Bank is exemplary. It provides an excellent staff directory – state of the art in the most elementary step in transparency. Web casts are a powerful outreach tool which will continue to grow in reach – the recent Organization of American States (OAS) web cast of the Quebec Free Trade Area of the Americas (FTAA) is an excellent example.

Electronic Bulletins/Fora, appropriately linked to follow-up activities, can ensure that opinions and concerns expressed by participants are communicated in a timely fashion to decision-makers and the general public. We are impressed with the UN Educational, Scientific, and Cultural Organization's (UNESCO) use of this medium to undertake a comprehensive survey in the literacy area. The World Trade Organization (WTO) should be commended for its electronic bulletin. Similar kudos to the Chief Justice of the British Columbia Supreme Court who set up a personal website, breaking the cocoon that can screen CEOs. If a senior judge can do this, why not others? For an example of a more conventional forum, we included the World Bank's Structural Adjustment Participatory Review Initiative, which demonstrated dialogue is possible on a most contentious issue.

The UK Citizen Space appears very well designed. For those Internet efforts targeted at a special group, we were impressed with UN Children's Fund (UNICEF) and UN Environment Programme (UNEP) initiatives to involve youth, and with the UN Women Watch effort.

In the participation area – capacity building for the South appears to be the flavour of 2001. This is a good thing. It is critically important, both for NGOs and for officials of the countries concerned. Capacity building is not cheap, but it is a necessary investment. The costs of not building capacity would be even higher. The WTO approach is promising but, like many other tools, requires adequate funding. The UNEP experience is noteworthy in its attempt at follow-up, rather than relying on one-off events.

Translation is an overriding concern. Codex national contact points, for example, provide service only in English. Translation into local languages is expensive; however, the lack of translation can vitiate efforts at transparency.

It is rarely possible to cut the Gordian knot in one slash. Patient, step-by-step innovations are often effective. The North Atlantic Treaty Organisation (NATO) Parliamentary Assembly is a good current example that has evolved into a very useful means of bridging trans-Atlantic understanding. US Congressmen and women meet with their counterparts in Europe and Canada. There are several calls for a parliamentary assembly for the WTO, and we believe this is a most promising avenue for constructive dialogue. The NATO experience is suggestive as are the examples provided by the Organization for Security and Co-operation in Europe (OSCE) and now the OAS.

The Citizen Initiation Process of the North American Agreement or Cooperation on the Environment (established as a side agreement to the North American Free Trade Agreement, NAFTA) provides the

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basis for an intriguing “moral suasion” approach to publicizing and dealing with complaints. The process is designed potentially to result in publication of a “factual record”, despite the opposition of the government that is the object of the complaint. While the process to date has been slow, and no imaginative remedy is provided, the public “factual record” can be a powerful tool in support of accountability.

The amicus curiae role in dispute settlement addresses a worthy conundrum. Superficially, what could be fairer than allowing an arbitrator, or in the WTO, a Dispute Settlement Panel, access to the best information possible, including submissions from NGOs or from any other source? In fact, amicus curiae is highly contentious in the WTO context. India, supported by members as disparate as Mexico and Australia, amongst others, has led the charge against amicus curiae, pointing out the anomaly that WTO non-members may be treated more favourably than members. An underlying difficulty is the imbalance of capacity between Southern and Northern NGOs, leading to a fear that Northern concerns and values may predominate.

A very curious puzzle is the disconnect between the seemingly unabated vilification of the World Bank and the fact that they say all the “right things” - in fact the Bank has pioneered excellent work in many different areas. The World Bank has state of the art policies. It has exploited several modern and effective techniques. We have included four of their methods to increase participation at the community level. To deal with compliance it has also made structural changes in its organization, adding the Inspection Panel and Operational Evaluation, Environment Department and the Compliance Advisor for IFC/MIGA. The Operation Evaluation Group does detailed and comprehensive work, sometimes with repeated efforts over time on the same sector in a country. The World Bank operates across a wide spectrum and on a very large scale. We think the World Bank deserves more bouquets than brickbats.

It is interesting to analyze the World Bank’s Inspection Panel experience. The Inspection Panel is a failure if it is to be judged solely on the criterion of the Board’s acceptance of its findings. We are optimistic, however, that over time this well designed mechanism will have substantive impacts. For aspiring architects, we believe it provides some useful lessons.

A fascinating phenomenon is the Aarhus Convention. Ratified on 31 October 2001, the Convention grants the right to individuals, or organizations, to apply to the courts to enforce treaty obligations entered into by governments. Moreover, the Aarhus Convention provides a potentially constructive route for the administrative treatment of complaints. We await its development with interest.

Immediately following are three Charts, which display the contents of this Inventory or Compendium. Then comes the Table of Contents of this “handbook” for aspiring architects. The best practices and innovative initiatives are divided, sometimes arbitrarily, into three Chapters – Accountability, Participation, and Transparency. For the still curious, the final entry is our list of source books and digitally stored information in virtual libraries.



ACCOUNTABILITY CHART









