

How NGOs Shape Global Governance

Written by Molly Ruhlman

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MOLLY RUHLMAN, SEP 9 2020

Global governance is a complex ecosystem of formal and informal institutions. It is formally the domain and responsibility of sovereign nation states, and traditionally studied with a microscope on national interest and state power. Non-sovereign nations and other organizations and associations lack full international legal personality. They are in many ways marginal to central decision-making, diplomacy and negotiation in formal intergovernmental organizations (IGOs). But global governance is much bigger than formal IGOs, and indeed is increasingly composed of multi-stakeholder, complex governance institutions and informal “soft law” agreements. Even within the confines of formal IGO structures, where sovereign nation-states negotiate and decide, nongovernmental organizations (NGOs) play an important role.

There are many kinds of organizations within civil society, and we can use many names to reflect their variety – private associations, grass roots organizations, civil society organizations, nongovernmental organizations. The term nongovernmental organization is written in the UN Charter, and will stand as a general term in this article, though broader labels like civil society organizations and other stakeholders are often employed by UN institutions today.

In accordance with the power and interests of the United States, there was a dramatic expansion of formal structures of multilateralism following the Second World War, accompanied by a trend of codifying customary international law. While the formal plans of intergovernmental structures have been designed by sovereign states, private associations have regularly pushed and pulled the architects to the drafting table.

Although private associations have always interacted with diplomats in and around international organizations, as the post-war formal rules shifted their role was institutionalized and certified by the formal recognition that they were granted in the UN Charter. Article 71 of the Charter invites the Economic and Social Council to establish consultative relations with nongovernmental organizations, formalizing what was an informal but regular experience in the League of Nations. The formal mechanisms of participation in international institutions provided an opportunity for mobilization and expansion of organizations meeting the definition of an NGO that sought accreditation by IGOs. The rules, though, are not always indicative of an expanded ability to influence decision-making. As we study the roles and influence of NGOs in global governance, we have several distinct things to observe and explain. Only one of these is the formal set of rules for participation of NGOs within the structure processes of IGOs. Influence within and without institutions is a related but distinct matter.

Since 1950 there has been an expansion of institutionalized opportunities for civil society participation in multilateral organizations (Tallberg et al 2014), though not in a uniform way, and not to the same extent across all subjects of governance. Today it is broadly expected that NGOs (or other non-state actors) are recognized by international organizations and provided at least some means of participation in the institution.

The points of expansion for participation opportunities have been greatest in stages of implementation (Shapovalova 2016) and monitoring (Vabulas 2013), and most fully in subjects of environmental governance and human rights (Ruhlman 2019). Decisions that have expanded participation opportunities have increasingly been administrative rules made by secretariats of IGOs (the bureaucracy of institutions, charged with implementing decisions of nation-states) and less often by member-states directly (Tallberg et. al 2013).

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Most sources of IGO institutional design have explained the presence of participation opportunities for NGOs through a rational resource exchange model, where demand by IGOs for resources that NGOs hold broadly explains variation in participation rules. There arguably has also been an expanded norm of recognizing civil society participation as necessary for IGO legitimacy, pressing institutions to change. Bureaucracies of IGOs in particular have a resource-demand incentive to engage with civil society organizations, which can bring not only information and expertise on issues, but also the ability to connect with publics. Civil society organizations are uniquely linked to grassroots communities, and therefore hold a power to mobilize publics in support of goals.

Raising support may lead to raising funds. Implementation of global goals often requires local support, and therefore bringing NGOs in as a conduit to local institutions and publics can be essential for success. The benefits of grass roots mobilization of course depend on the type of agreement and goal that is being implemented. A nuclear arms agreement is implemented by sovereign governments, but progress on the Sustainable Development goals, in comparison, will depend on local governments, the private sector, and publics more broadly. Accordingly, environmental governance, human rights, and economic development are all subjects with significant institutionalized participation mechanisms for NGOs and civil society organizations.

When opportunities for participation are broad, then that participation is often organized in a way that requires collaboration among the many diverse voices of civil society. For example, the Sustainable Development Goals process, since the 1992 UN Conference on the Environment and Development, has followed what is now called the Major Group and Other Stakeholders (MGOS) system. This organizes non-state actor participation into 13 coalitions of voices, self-organized by participants. When the rules of participation allow broad engagement of the more than 5,000 organizations in consultative status with ECOSOC (and more), collaboration is key. Numerous working groups, on subjects like Mining and Homelessness, bring together large numbers of organizations to work collectively. The opportunities for civil society participation in other institutions, like the Security Council, are less broad and rely on a selective process for participation of individuals and NGOs with significant expertise and strong reputations.

Rules that shape opportunities to participate matter. As the modern parable says, if you are not at the table you are on the menu. But NGOs have never relied upon formal inclusion in intergovernmental organization decision-making to be influential or effective.

This year I have been interviewing a number of representatives of NGOs that are very engaged in the UN system. Several have described perceiving a “shrinking space” for civil society at the UN. They have identified specifically a decline of general support from several governments. For example, the NGO Liaison position in the US mission to the United Nations (USUN) has not been filled since 2016; a change that has resulted in a perceived drop in general communication with, and fewer open invitations for, civil society organizations to attend meetings and trainings hosted by USUN. But not all representatives of NGOs in the UN ecosystem expressed experiencing a shrinking of civil society space. General support for civil society, measured by quantity of messages and invitations coming from the USUN Mission, for example, is less impactful for individuals and organizations that have developed a pathway of direct access to diplomats and secretariat officials built through years of relationship and reputation building.

Influence, impact and effectiveness are not only shaped by the formal rules governing accreditation and mechanisms of participation for NGOs in conferences and meetings. They also depend on the NGOs themselves and the resources that they have. Those with deep pockets of power – financial resources and reputational power – hold the attention of publics, international bureaucrats, and diplomats without utilizing formal IGO accreditation and intra-institutional mechanisms of dialogue. These “leading NGOs” (Stroup and Wong 2017), have the greatest name recognition amongst the general public and have the potential of shaping agendas from outside formal multilateral process. Other NGOs are masters of the multilateral institutions. These organizations have smaller budgets and less broad public recognition than the leading NGOs, but they have deep pockets of institutional knowledge and long-fostered relationships with secretariat officials and diplomats that are built on well-crafted reputations of expertise. Their budgets are big enough to designate significant staff for IGO representation, and to have reputable sources of research and knowledge.

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These multilateral masters are able to wield influence outside of the institutionally organized mechanisms for civil society dialogue. Because of their well-cultivated relationships, skill and reputation, they enjoy direct links to government missions and UN staff. There are also innumerable NGOs, civil society organizations, private associations and other stakeholders that are not in either of these clubs. Voluntary organizations with small budgets work largely through coalitions and working groups to have a voice large enough to be heard by IGOs. These organizations depend more directly on the participation rules of the system and institutionalized mechanisms of participation such as conferences, civil society dialogues, support from the Department of Economic and Social Affairs and the missions of supportive governments. Representatives of organizations in this category are the ones who have reported feeling the “shrinking” of space for civil society and who are, for example, most likely to Peggy Kerry in her role as NGO Liaison for USUN.

The ecosystem of NGOs has benefited from formal recognition, institutional invitations to become accredited and register for events, and an open political structure that has expanded their opportunities to participate. But even if there is shrinking of space in global governance and a general decline in support of civil society participation from the sovereign great powers, NGOs in their many manifestations will continue to be deeply engaged in global governance through their direct relationships with decision-makers, and by shaping publics and social movements outside of the formal institutions, as private international associations have always done.

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