

establishment of the New Development Bank and the Asian Infrastructure Investment Bank, have appeared in recent years.<sup>17</sup> While a measure of regionalism is inevitable, reforming the processes of global governance should incentivize the continued engagement of the Great Powers and discourage institutional fragmentation and duplication, which would ultimately weaken collective responses to global policy challenges.

## CIVIL SOCIETY REPRESENTATIVE

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In our increasingly globalized world, civilians feel most acutely the impact of conflicts and failures of interstate regulation. Modern conflict has been characterized by states and nonstate actors targeting civilians. One need only look to the offenses committed in Syria and South Sudan to understand the immense toll those conflicts have taken on civilian lives. In addition, failures in interstate regulation, particularly around business practices and climate change, disproportionately affect the world's most poor and vulnerable, as political and economic interests take precedence over the rights of civilians.

In this context, civil society plays an increasingly important role in representing the needs and interests of civilian populations. Civil society advocates for the needs of civilians, including women and marginalized communities. Civil society also plays a watchdog function, overseeing state treatment of civilians and implementation of political and international agreements, and provides substantive expertise on issues of global significance.<sup>1</sup> Despite this critical role, however, civil society stands at the periphery of global governance, limited to advocacy and consultation as a means of shaping global policy in line with global realities. Civil society organizations seeking to participate in UN processes face complex bureaucracies, politicized accreditation processes, and opaque systems for reporting and sharing information.<sup>2</sup> Further, without strong state partners, civil society organizations are often unable to advocate on behalf of their constituents. This conversation offers us an opportunity to rethink civil society's role in the world order, and to ensure that a critical voice—that of the world's civilians—is effectively incorporated into global governance.

Protection of civilians should remain a core component of the mandate of any new global governance organization. This mandate should include peacekeeping and stabilization operations, accountability for international crimes and atrocities, and protection of human rights. It should also include the power to receive complaints and to conduct investigations when rights are violated. Further, the organization should establish stronger processes for maintaining internal accountability, to include stronger, and more transparent disciplinary processes for persons acting on behalf of the organization.

Civil society should be provided a formal role in the operations of any new global governance organization. This role should maximize not only the representative power of civil society in

<sup>17</sup> Miles Kahler, *Global Governance: Three Futures*, 20 INT'L STUD. REV. 239, 240–41 (2018).

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<sup>1</sup> Avaaz.org, et al., *Strengthening Civil Society Engagement with the UN: Perspectives from Across Civil Society Highlighting Areas for Action by the UN Secretary-General*, at 8, available at <https://www.una.org.uk/file/11621/download?token=agw75Vy5>.

<sup>2</sup> See generally International Service for Human Rights, *The Backlash Against Civil Society Access and Participation at the UN* (2018), available at [https://www.ishr.ch/sites/default/files/documents/mappingreport\\_web\\_0.pdf](https://www.ishr.ch/sites/default/files/documents/mappingreport_web_0.pdf).

advocating on behalf of civilian populations and holding states party accountable, but also the expertise maintained by civil society organizations. Powers granted to civil society should include the power to raise issues, call for and support investigations, and review and comment on draft decisions. Critically, civil society should have voting rights on all decisions taken equal to that of states.

Resistance to civil society engagement in global governance stems from both political and practical considerations. States oppose the formal incorporation of potential watchdogs and critics into decision-making processes, thereby decreasing accountability in global governance. The highly politicized accreditation process for the UN Economic and Social Council (ECOSOC) exemplifies this—accreditation is regularly used to exclude civil society voices.<sup>3</sup> Further, civil society generally refers to a large group of stakeholders, encompassing both international and national groups organized by interest, gender, ethnicity, geography, profession, and age, among other characteristics. This diversity makes the logistics of formally incorporating civil society into global governance structures challenging.

Resolving these challenges requires the establishment of a structure that will allow for the participation of civil society organizations free from political influence and capable of managing the engagement of civil society in all its diversity. Civil society participation in a new global governance organization should take place through a permanent, independent civil society committee charged with organizing the participation of civil society actors and representing civil society's interests in decision-making processes. The committee should be granted voting powers equal to that of a state on behalf of civil society, as well as a right of equal participation in all decision-making fora.

The permanent civil society committee should be composed of both international and national civil society organizations, with international organizations chairing the committee and overseeing its work and a permanent secretariat maintaining its core administrative function. The committee would assume responsibility for civil society accreditation processes to minimize potential political influence over the composition of the committee and ensure its independence. Such accreditation processes would allow states party input, but not the ability to control which national civil society organizations receive accreditation. The committee would also manage the participation of accredited civil society organizations in the operations of the organization, connecting interested and/or experienced civil society organizations with committees and states party to share civil society viewpoints on particular issues and/or to provide substantive or technical expertise on an issue being considered. The committee would also serve as a clearinghouse for all civil society monitoring and reporting, ensuring that relevant information on state performance and civil society interests is available to all states and other parties.

The committee should be financed through assessed state contributions, as well as contributions from civil society scaled to their size and ability to pay. Assessed state contributions would affirm state commitments to transparency and accountability in global governance. Assessed contributions from civil society organizations would ensure that they participate in the interest of productively contributing to the mission of the organization.

This discussion has the power to remedy one of the largest oversights in the current global governance architecture—exclusion of civil society and the civilian populations they represent. Formal inclusion of civil society will promote the representativeness, accountability, and effectiveness of a global governance organization in upholding its mandate and meeting the evolving needs of the global population. Further, it will underscore the commitment of global governance to

<sup>3</sup> Melissa Kent, *Politicized UN Committee Using "Repeated and Arbitrary Deferrals" to Block NGOs, Critics Say*, CBC NEWS (Jan. 21, 2018), at <https://www.cbc.ca/news/world/un-ngo-committee-politics-1.4494291>.

effectively responding to the needs of civilian populations and the realities currently facing them, promoting peace, justice, and effective protection of human rights.

### SMALL STATE REPRESENTATIVE

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*By Tafadzwa Pasipanodya*

#### INTRODUCTION

I am honored to be here, in San Francisco, representing a small developing country.

Right from the conception of my state, Small Developing Country X, following decolonization in the 1960s, we have engaged with this whole global project on the premise that there is an ever-increasing economic pie. We have acted on the assumption of the nation-state leading a process of expanding economic and social well-being of its citizens through international cooperation and solidarity. But as we all know, this assumption is under threat today. World economic expansion is under threat. The real wealth of the world, not just the economic wealth, may be shrinking. And, the well-being of our vulnerable populations is becoming further impaired.

In this context, the role of the state is questioned and contested, and the international community is increasingly fragmented. As we heard from Professors Koskeniemi and Orford yesterday, it seems that every day you wake up, another state is withdrawing, or exiting, or unsigned something.

But, as a small state, we can withdraw sometimes from some things, but we cannot withdraw from all things, all of the time. The global is everywhere within our local context. Not even the subsistence farmer in the most remote corner of my country can escape the global. The global reaches into her local world through climate change and through investment treaties that govern how her government can act and how foreign investors can conduct themselves in her backyard.

The global is indeed in the local, and few things make this clearer than climate change. Given the global roots of climate change, the solutions must also be global. And, although small states such as ours have had little to do with the creation of climate change, we have to join hands with other countries in resolving it, or else we will not survive it.

Of course, as a small state, we can see the problems of globalization. But we do not have the luxury of being able to reject it. We must seek to make it function. A strong global governance system is critical for a small state like us to achieve the goals that are still at the center of our existence: the personal fulfillment, happiness, and social well-being of our people. I am happy to be here to discuss how I think we should go forward in creating such a global governance organization.

**SCOPE: SHOULD A SUCCESSOR TO THE UNITED NATIONS BE AS COMPREHENSIVE AS THE CURRENT ONE OR SHOULD THE FOCUS BE LIMITED TO PEACE, SECURITY, AND POLITICAL AFFAIRS?**

In my view, the United Nations should continue to focus on peace and conflict, but we have to recognize the breadth of those two issues. As the current Secretary-General of the United Nations, António Guterres, said a few months ago, the “UN’s best tool for preventing conflict and building a future of peace” is “advancing sustainable development.” I do not think you should divorce the economic issues from the mandate of the United Nations. I think those are central issues people care about, and will fight for, and are willing to die for. We cannot leave them to the World Bank.