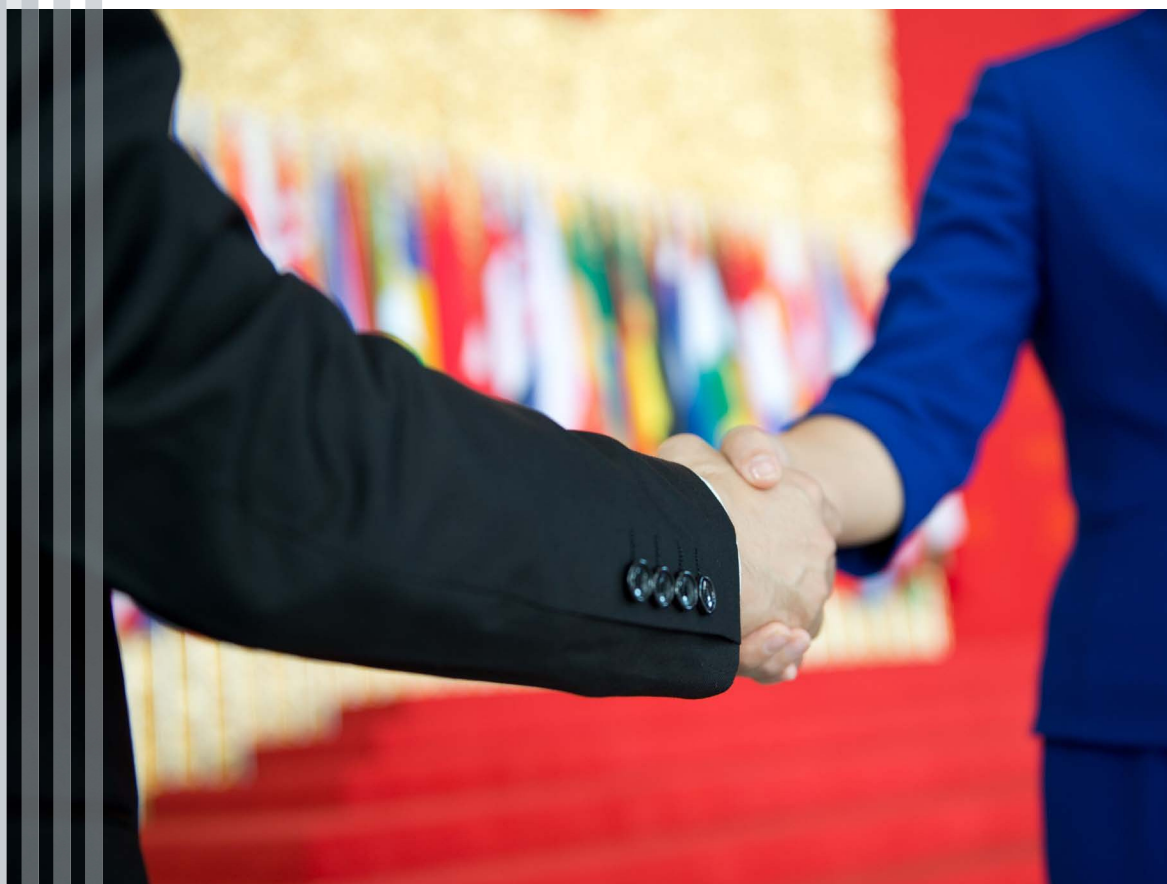


# The New Primacy of Partnerships: The UN, Regional Organizations, Civil Society, and the Private Sector



## ABOUT THE INDEPENDENT COMMISSION ON MULTILATERALISM

The Independent Commission on Multilateralism (ICM) is a project of the International Peace Institute (IPI). It asks: How can the UN-based multilateral system be made more “fit for purpose”?

In answering that question, the ICM has analyzed fifteen topics. These include armed conflict, humanitarian engagements, sustainable development, and global public health, among others (see complete list in Annex 2). The goal of the ICM is to make specific recommendations on how the UN and its member states can improve responses to current challenges and opportunities.

The ICM undertook simultaneous tracks of research and consultation for each issue area on its agenda. The Commission initially launched in New York in September 2014, followed by subsequent launches in Vienna, Geneva, and Ottawa. In February 2015, the ICM briefed delegates from the five UN Regional Groups in New York. The Commission also convened meetings with Ambassadorial and Ministerial Boards in New York, Vienna, and Geneva. Global outreach included briefings to officials in Addis Ababa, Berlin, Brasilia, Copenhagen, New Delhi, London, Madrid, Montevideo, and Rome. Civil society and private sector outreach and engagement also constituted an important component of the ICM’s consultative

process, including a briefing specifically for civil society in June 2015.

The research process began with a short “issue paper” highlighting core debates and questions on each of the fifteen topics. Each issue paper was discussed at a retreat bringing together thirty to thirty-five member state representatives, UN officials, experts, academics, and representatives from civil society and the private sector. Based on the inputs gathered at the retreats, each issue paper was then revised and expanded into a “discussion paper.” Each of these was uploaded to the ICM website for comment and feedback, revised accordingly, and presented at a public consultation. The public consultations were webcast live on the ICM’s website to allow a broader audience to take part in the discussions.

This paper is one of the fifteen final “policy papers” that emerged from this consultative process. A complete list of events taking place as part of consultations on this specific issue area and of those involved is included in Annex 1. The recommendations from all the policy papers are summarized in the ICM’s September 2016 report “Pulling Together: The Multilateral System and Its Future.”

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# Executive Summary

Over the past few years, the world has been confronted with a series of crises that have challenged perceptions of global stability. These crises, which are beyond the capacity of any single state to respond in isolation, have highlighted global interconnectivity. At the same time, the multilateral system centered on the United Nations has struggled to adapt to this interconnectivity. A consistent refrain has increasingly been heard: The global architecture of multilateral diplomacy is in crisis.

Whether a moment of high risk or great opportunity—most likely a bit of both—this is without a doubt a moment of growing complexity. More actors, institutions, and networks of interests are engaged in the international sphere than ever before. This paper briefly discusses three groups of these actors: regional organizations; civil society and nongovernmental organizations (NGOs); and the private sector. It also asks how the UN system can better leverage relations with and among these actors, institutions, and networks for a more efficient and legitimate multilateral system.

**Regional organizations:** While the relationship between regional organizations and the UN is sometimes posed as one of competition, it is more often one of partnership. The issue is how to improve cooperation. Improved cooperation could help avoid the challenges of regime complexity and promote burden sharing. At the same time, it must be recognized that all regional organizations are distinct and that they are not a panacea.

**Civil society and NGOs:** Civil society participation in the work of the UN—including through involvement in deliberations, advocacy, operational partnerships, or mediation processes—has the potential to augment the UN's legitimacy and effectiveness. The issue is how best to include representative civil society voices both in the field and at headquarters. Not all civil society is representative, and the UN

must engage a more diverse range of civil society organizations, including local actors. Moreover, engagement must be geared toward effective participation, not tokenism.

**Private sector:** The private sector has emerged as a critical UN partner in areas such as ensuring respect for human rights, promoting and funding sustainable development, supporting UN operations, and governing and securing cyberspace. The challenge of these partnerships lies in holding private sector actors accountable when they violate laws and norms and in addressing the incompatibility that can arise between their profit motive and the pursuit of global well-being. Most importantly, the UN system needs to leverage private-sector dynamism for the common good of the planet.

In order to be effective, the UN must recognize that while it is uniquely placed by international law at the center of the multilateral system, it is but one among a host of local, national, and international actors. The challenge will be for the UN to recognize the transformation of the international sphere to best make the organization fit for purpose in the twenty-first century. This paper provides a number of recommendations for addressing this challenge:

- **Set out a strategic vision for UN partnerships:** Early in his first term, the next secretary-general should produce a strategic vision document defining the UN's commitment to partnerships. To improve operational partnerships in responding to emergencies, the Secretariat and member states should study in detail the outcomes of the UN Ebola Emergency Response (UNMEER) lessons-learned exercise.
- **Strengthen UN partnerships with regional organizations, especially the AU:** A consortium of research institutions, in consultation with the UN Secretariat, should convene an expert-level conference on Chapter VIII to better

understand how it has been interpreted in the past and how it could be better used in the future. The UN Secretariat should also convene a working group to facilitate expanding the UN-AU partnership beyond peacekeeping. Moreover, the AU and UN should extend the joint framework for an enhanced partnership in peace and security across the AU Commission and to other arms of the UN system.

- **Build and sustain civil society involvement in the UN:** The president of ECOSOC should convene a general review of the arrangements for consultation with NGOs, with a view to modernizing access and improving partner-

ships. In the area of sustainable development, involvement of civil society in the design of the 2030 Agenda should be carried through to the follow-up and review of the Sustainable Development Goals (SDGs) in the High-Level Political Forum.

- **Create new platforms for UN engagement with the private sector:** The SDG Fund should further develop its framework for action for engaging the private sector in implementing the SDGs. In addition, the UN Innovation Network should establish a platform to connect and scale up “innovation labs” to better leverage private sector dynamism.

# Introduction

Over the past few years, the world has been confronted with a series of crises that have challenged perceptions of global stability. From the rise of ISIS in Syria and Iraq, to the dispute between Russia and the West in Ukraine, to the spread of Ebola in Guinea, Liberia, and Sierra Leone, recent crises have struck at the core of the international system.

In its own way, each of these events has highlighted global interconnectivity. In an age of globalization, crises seldom remain contained within a single country; they tend to cross borders frequently, whether through forced migration, the spread of conflict risk, or the rippling outward of economic consequences. As a result, the fundamental challenges of the twenty-first century are all beyond the capacity of any single state to respond in isolation.

At the same time, due to a lack of resources and persistent geopolitical obstacles, among other factors, the multilateral system centered on the United Nations has proven unable to muster adequate responses. This has contributed to a growing mistrust in multilateral diplomacy and fears of global disorder.<sup>1</sup> At a time when multilateralism is more needed than ever, many countries are turning inward. In Europe and the United States, in particular, a rising populism threatens to undermine international cooperation.

Founded seventy years ago with only fifty-one member states at a time when colonialism still covered much of the globe, the UN system has struggled to adapt to the accelerating complexity and interconnectedness of the twenty-first century. A consistent refrain has increasingly been heard: The global architecture of multilateral diplomacy is in crisis. To some, it is a moment of high risk that challenges the very resilience of the UN system as a whole; to others, it is a moment of great opportunity to build support for much-needed reform.

Whether a moment of high risk or great opportunity—most likely a bit of both—it is without a doubt a moment of growing complexity. More actors, institutions, and networks of interests are engaged in the international sphere than ever before. This report briefly discusses three groups of these actors: regional organizations; civil society and nongovernmental organizations (NGOs); and the private sector. Based on extensive consultations with representatives of states, various UN entities, and civil society, as well as subject-matter experts, it explores current debates and challenges related to UN partnerships (see Annex 3 for an overview of the consultative process). It also asks how the UN system can better leverage relations with and among these actors, institutions, and networks for a more efficient and legitimate multilateral system.

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<sup>1</sup> Chester A. Crocker, “The Strategic Dilemma of a World Adrift,” *Survival* 57, no. 1 (February–March 2015); Moisés Naím, *The End of Power: From Boardrooms to Battlefields and Churches to States, Why Being In Charge Isn’t What It Used to Be* (New York: Basic Books, 2013).

# Mapping the Terrain: The Growth of the International Sphere

Between 1990 and 2010, 668 multilateral treaties were registered with the UN. In part, this is consistent with the general growth of international law and multilateral diplomacy after World War II and again since the Cold War. In 1951 there were only 123 intergovernmental organizations; by 2013 that number had grown to 7,710, according to the Union of International Associations (see Figure 1), and this trend has been accelerating.

For example, regional organizations, as well as the broader processes of regionalization and regional integration, have seen a particular surge of growth in the post-colonial and post-Cold War era. Approximately thirty-three regional economic organizations have been founded since 1989. The newest was established on January 1, 2015, as the Eurasian Economic Union treaty came into effect. And at least twenty-nine regionally based intergovernmental organizations have an established agenda related to international peace and security. This includes large, well-known organizations with strong peace and security sectors, such as the African Union, and smaller entities with less developed security architectures, such as the Pacific Islands Forum or the Caribbean Community (CARICOM).<sup>2</sup>

Meanwhile, by some estimates upwards of 40,000 international NGOs are working today, including large organizations with a global presence, like Amnesty International or Oxfam, and smaller organizations like the African Centre for the Constructive Resolution of Disputes (ACCORD) that only work in one specific part of the world.<sup>3</sup> Over 4,000 NGOs working on a range of issues have consultative status with the UN Economic and Social Council (ECOSOC), including the International Peace Institute.

In addition, private sector actors have become increasingly involved in international affairs. For example, the UN Children's Fund (UNICEF) gets a third of its funding from private sources.<sup>4</sup> The International Labour Organization, a specialized UN agency, gives trade unions and business associations equal voice with governments on its governing body.<sup>5</sup> The UN Global Compact has over 12,000 corporate participants and stakeholders committed to upholding international standards in the areas of human rights, labor, the environment, and anticorruption.<sup>6</sup> Moreover, the international regulation of global financial markets is increasingly a private affair.<sup>7</sup> Private capital also has an enormous role to

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2 Thomas Hale, Kevin Mark Young, and David Held, *Gridlock: Why Global Cooperation Is Failing when We Need it Most* (Cambridge: Polity, 2013); Peter Wallensteen and Anders Bjuner, *Regional Organizations and Peacemaking: Challengers to the UN?* (London: Routledge, 2015).

3 See <http://www.ngo.in/>.

4 Dirk Salomons, "New Threats, Challenges and Opportunities for the Multilateral System" (presentation, inaugural ICM retreat, Manhasset, NY, February 21, 2015).

5 See [www.ilo.org/](http://www.ilo.org/).

6 See [www.unglobalcompact.org/what-is-gc/participants](http://www.unglobalcompact.org/what-is-gc/participants).

7 Tim Büthe and Walter Mattli, *The New Global Rulers: The Privatization of Regulation in the World Economy* (Princeton, NJ: Princeton University Press, 2011).



play in foreign aid and development, significantly outsizing official development assistance.<sup>8</sup>

The multilateral system centered on the UN, as founded at the end of the Second World War, is in crisis. In response, new actors and institutions are increasingly engaged in processes of global governance, writ large, some of which bypass the UN

entirely. If the UN is to remain capable of fulfilling its mandate to “maintain international peace and security” and “achieve international co-operation in solving international problems,” it must strive to improve its relations and partnerships with these actors and institutions, including regional organizations, the private sector, civil society, and NGOs.

Figure 1. Growth in international organizations (1951-2013)



<sup>8</sup> The Brookings Institution, “Making Development Aid More Effective,” 2010, available at [www.brookings.edu/~/media/research/files/papers/2010/9/development-aid/09\\_development\\_aid.pdf](http://www.brookings.edu/~/media/research/files/papers/2010/9/development-aid/09_development_aid.pdf).

# Current Debates

## Regional Organizations: Competitors or Partners?

Current debates on this topic, especially in relation to security, have focused on regional organizations, or “regional arrangements,” as delineated in Chapter VIII of the UN Charter. Chapter VIII accepts regional arrangements only insofar as they are “consistent with the Purposes and Principles of the United Nations.” It also states that, having entered into regional arrangements, member states “shall make every effort to achieve pacific settlement of local disputes...before referring them to the Security Council.” This is also referenced in Chapter VI of the charter.

In this respect, the UN Charter system designates a role for regional organizations in addressing the risk of conflict in their own region before the Security Council gets involved. This has led to some confusion regarding when and to what degree the Security Council must be consulted. However, Article 54 does stipulate that the Security Council must be “kept fully informed of activities undertaken or in contemplation under regional arrangements” with regard to the maintenance of international peace and security.

Chapter VIII clearly sets out the primacy of the UN Security Council in relation to the use of force. Any enforcement action must go through the Security Council to be lawful under the UN Charter. Nevertheless, Article 4 of the Constitutive Act of the African Union provides for the right of the AU to intervene in a member state under “grave circumstances” without reference to the UN Security Council. This

provision has been contentious, as it would appear to encroach upon Security Council authority to mandate enforcement actions.<sup>9</sup> Some have argued that the potential for gridlock in New York should not restrict the ability of Addis Ababa to act to maintain security in Africa. On paper, the AU has moderated its position. The *AU Roadmap for the Operationalization of the African Standby Force* states that the “AU will seek UN Security Council authorization of its enforcement actions.”<sup>10</sup>

While the relationship between regional organizations and the UN is sometimes posed as one of competition, more often than not it is one of partnership. The issue is not so much about who has constitutional primacy at times of crisis—regional organizations, including the African Union, are generally conceived to function within the UN framework—but rather how regional organizations and the UN can better cooperate to be most effective. This is a particularly important issue with regard to cooperation between the UN and the AU on peacekeeping, which was an important area of concern for the High-Level Independent Panel on Peace Operations. There are a number of important recommendations to that effect in the panel’s final report.<sup>11</sup>

Critical questions here relate to financing missions—especially those mandated by the UN Security Council—finding synergies among the different institutional architectures, and improving strategic communications. Key to all of these is the relationship between the UN Security Council and the AU Peace and Security Council.<sup>12</sup>

9 African Union, *Constitutive Act*, Art. 4(h).

10 African Union, *Roadmap for the Operationalization of the African Standby Force*, Addis Ababa, March 22–23, 2005, AU Doc. EXP/AU-RECs/ASF/4(i).

11 United Nations, *Uniting Our Strengths for Peace—Politics, Partnerships, and People: Report of the High-Level Independent Panel on United Nations Peace Operations*, June 16, 2015.

12 Paul D. Williams and Solomon A. Dersso, “Saving Strangers and Neighbors: Advancing UN-AU Cooperation on Peace Operations,” International Peace Institute, February 2015, available at [www.ipinst.org/2015/02/saving-strangers-and-neighbors-advancing-un-au-cooperation-on-peace-operations](http://www.ipinst.org/2015/02/saving-strangers-and-neighbors-advancing-un-au-cooperation-on-peace-operations).

Regional organizations also have an important role to play in conflict prevention and preventive diplomacy. This includes continental regional organizations like the AU and the EU, and also subregional organizations like ECOWAS. In his first formal briefing to the Security Council, Secretary-General António Guterres outlined his vision for a revitalized commitment to conflict prevention and the implementation of the “sustaining peace” agenda.<sup>13</sup> He called for a “surge in diplomacy for peace” and identified improved cooperation with regional organizations as a key element.<sup>14</sup> This follows Ban Ki-moon’s earlier report to the Security Council on strengthening the partnership between the UN and the AU on peace and security, including conflict prevention and “peacemaking.”<sup>15</sup>

One question to consider is the extent to which the framers of Chapter VIII anticipated the form of today’s regional organizations. Today, regional organizations are much more than mere “arrangements”; they are intergovernmental organizations with their own mandates, memberships, and permanent secretariats.<sup>16</sup>

However these questions are resolved, it must be kept in mind that all regional organizations are distinct. The structures, *raison d’être*, and histories of the AU, European Union, Union of South American Nations (UNASUR), and Association of Southeast Asian Nations (ASEAN), to name a few—not to mention regional military arrangements such as NATO—are all very different. As a result, they have diverse institutional arrangements, functions, and political cultures that manifest themselves differently in practice. The UN will have to take this into account as it pursues further partnerships with regional organizations across its peace and security, human

rights, and development agendas.

### **Civil Society: Partners in Deliberation and Implementation**

Over time, it has become widely accepted that the participation of civil society in the work of the UN has the potential to augment both its legitimacy and its effectiveness. Debates focus on how best to include representative civil society voices both in the field and at headquarters. The relationship between the UN and civil society revolves around two general areas: deliberations and implementation.<sup>17</sup>

Civil society groups have taken part in UN deliberations since the organization’s founding, as mandated by Article 71 of the charter, which allows for ECOSOC to establish official consultative relationships with civil society groups. At times, such consultative status can lead to concrete contributions to international policy. For example, civil society engagement was critical to meetings leading up to the UN Framework Convention on Climate Change and the initiative that led to the Ottawa Mine Ban Treaty, not to mention the process resulting in the Sustainable Development Goals (SDGs). Civil society groups have also been integral to deliberations at agenda-setting global fora, such as the 1990 World Summit for Children, the 1995 Fourth World Conference on Women, the 1996 World Food Summit, and the 2000 World Education Forum.<sup>18</sup> The relationship can be described not just as one of partnership but also one of interdependence. While civil society has contributed to the development of international frameworks, it also depends on such frameworks for its legitimacy. For example, Amnesty International is based upon the Universal Declaration of Human Rights.

13 Youssef Mahmoud, “What Would It Take to Make a ‘Surge in Diplomacy for Peace’ Work?” *IPI Global Observatory*, January 19, 2017, available at <https://theglobalobservatory.org/2017/01/sustaining-peace-diplomacy-antonio-guterres/>.

14 António Guterres, “Remarks to the Security Council Open Debate on ‘Maintenance of International Peace and Security: Conflict Prevention and Sustaining Peace,’” New York, January 10, 2017, available at [www.un.org/sg/en/content/sg/statement/2017-01-10/secretary-generals-remarks-security-council-open-debate-maintenance](http://www.un.org/sg/en/content/sg/statement/2017-01-10/secretary-generals-remarks-security-council-open-debate-maintenance).

15 UN Security Council, *Report of the Secretary-General on Strengthening the Partnership between the United Nations and the African Union on Issues of Peace and Security in Africa, including the Work of the United Nations Office to the African Union*, September 13, 2016, UN Doc. S/2016/780.

16 Wallensteen and Bjuner, *Regional Organizations and Peacemaking*, p. 17.

17 Paul Wapner, “Civil Society,” in *The Oxford Handbook on the United Nations*, edited by Thomas G. Weiss and Sam Daws (Oxford: Oxford University Press, 2007), p. 257.

18 Nora McKeon, *The United Nations and Civil Society: Legitimizing Global Governance—Whose Voice?* (London: Zed Books, 2009).

Beyond formal participation in official UN events, global civil society can profoundly affect international discourse through advocacy. For better or for worse, the Save Darfur movement was credited with broadly shaping the public perception of the conflict in western Sudan and putting the issue of genocide back on the international agenda.<sup>19</sup> Similarly, broad international advocacy networks have been recognized as having played an integral role in advancing the principle of the responsibility to protect (RtoP) since it was originally articulated in 2000 and subsequently adopted by member states in the 2005 World Summit Outcome document.<sup>20</sup>

In addition to civil society participation in international deliberation and agenda setting, operational partnerships with civil society actors regularly play a critical role in the implementation of UN mandates and policies. Often, the effectiveness of UN humanitarian, development, and environmental work depends upon both international and local civil society partners. For example, the UN consistently works with humanitarian NGOs such as the International Rescue Committee and Oxfam to provide relief services in the wake of natural disasters, conflicts, or other situations of violence.<sup>21</sup>

Furthermore, recent studies have shown that including representative civil society voices in the mediation of peace accords helps to improve both the chances of the belligerent parties coming to an agreement and of sustaining the peace once agreed.<sup>22</sup> Including civil society voices in the negotiation of peace agreements helps to introduce social concerns that go beyond the balancing of interests and negotiation of power among armed actors. Civil society actors can help to bring issues such as

justice, gender, victims' rights, and livelihoods to the table. More importantly, once engaged, civil society can help to facilitate and support the implementation of accords in the interest of sustaining peace in the long term.<sup>23</sup>

Considering this rich history of engagement, Thomas Weiss has called civil society and NGOs the "Third UN," after member states and the Secretariat, because of their critical role in developing and implementing the UN agenda.<sup>24</sup>

Nevertheless, civil society access to the UN is often a contentious affair. The UN remains a member-state-led organization, and civil society actors are all too often seen as a mere nuisance or distraction from the serious business of state affairs. Worse still, civil society groups are under pressure from governments around the world, and attempts to suppress their voices can carry over into UN processes. In May 2016 the Committee to Protect Journalists was denied consultative status by the UN NGO Committee. The denial was later overturned by a vote of the full membership of ECOSOC, but it was widely viewed as a highly politicized episode, revealing the limits to member states' acceptance of civil society as the "Third UN."<sup>25</sup>

### **The Private Sector: Service Provider and Critical Partner**

This notion of the "Third UN" has expanded beyond civil society groups in recent years to include the business community and the private sector more broadly. In 1999 Secretary-General Kofi Annan established the Global Compact to leverage the power of business and the private sector to advance

19 Iavor Rangelov, "The Role of Transnational Civil Society," in *Responding to Genocide: The Politics of International Action*, edited by Adam Lupel and Ernesto Verdeja (Boulder, CO: Lynne Rienner, 2013).

20 See [www.responsibilitytoprotect.org/](http://www.responsibilitytoprotect.org/).

21 Wapner, "Civil Society," pp. 259–260.

22 Marie O'Reilly, Andrea Ó Súilleabháin, and Thania Paffenholz, "Reimagining Peacemaking: Women's Roles in Peace Processes," International Peace Institute, June 2015, available at [www.ipinst.org/2015/06/reimagining-peacemaking-womens-roles-in-peace-processes](http://www.ipinst.org/2015/06/reimagining-peacemaking-womens-roles-in-peace-processes).

23 Thania Paffenholz, "What Civil Society Can Contribute to Peacebuilding," in *Civil Society and Peacebuilding: A Critical Assessment*, edited by Thania Paffenholz (Boulder, CO: Lynne Rienner, 2010).

24 Thomas Weiss, Tatiana Carayannis, and Richard Jolly, "The Third United Nations," *Global Governance* 15, no. 1 (2009).

25 Edith Lederer, "Committee to Protect Journalists Wins UN Accreditation," Associated Press, July 25, 2016, available at <http://bigstory.ap.org/article/0aa2f63643a94fc0b4ef5211285385f6/committee-protect-journalists-wins-un-accreditation>.

the universal goals of peace and prosperity. And in 2003 Annan convened the Commission on the Private Sector and Development to build consensus on how entrepreneurship can be “unleashed” to better serve the poor in the developing world.<sup>26</sup>

With over 9,000 companies in 164 countries, the UN Global Compact seeks to encourage and assist businesses to align their operations with ten principles related to human rights, labor, the environment, and anticorruption.<sup>27</sup> Adding further operational clarity and substance to the Global Compact’s commitment to corporate responsibility, the Human Rights Council unanimously endorsed the UN Guiding Principles on Business and Human Rights (or the “Ruggie Principles”) in June 2011.

The Global Compact also works to support businesses to advance “broader societal goals” as part of their work. It promotes the recognition that strong, stable societies with educated, healthy populations are good for business, as they go hand-in-hand with thriving markets and productive labor forces. In this regard, businesses and private investors will be critical to the success of the Sustainable Development Goals (SDGs) adopted in October 2015. The Global Compact plans to support corporate policies that advance the SDGs, as well as to facilitate their direct implementation through extensive local networks.

Indeed, “partnerships,” including with the private sector, have been cited as one of the five key components of the 2030 Sustainable Development Agenda.<sup>28</sup> Furthermore, the Addis Ababa Action Agenda, recently agreed at the Third International Conference on Financing for Development, calls for the establishment of a Technology Facilitation

Mechanism to support innovation in sustainable development.<sup>29</sup> For this to be successful, active participation by the private sector will be critical.

Beyond the big issues of human rights and development, the private sector has an increasing role to play in the practical, operational side of UN work. In part to increase efficiency, like many governments around the world, the UN has sought market-based solutions to better deliver on its mandate. This has led to an increase in public-private partnerships and the outsourcing of tasks to private companies. For example, the UN Refugee Agency (UNHCR) often uses private agencies to deliver services to displaced peoples.<sup>30</sup> The UN Office for Project Services (UNOPS) reported spending more for procuring services than goods for the first time in 2009.<sup>31</sup>

In line with this trend, the UN has also increasingly used private military and security companies, an industry that continues to grow worldwide. Private military and security companies sell services such as armed and unarmed guards, anti-piracy efforts, kidnap and ransom services, demining, disaster relief work, and support services such as transportation and maintenance.<sup>32</sup>

The growth of this industry has raised concerns about regulation and accountability. In response, the 2008 Montreux Document—negotiated as part of an intergovernmental process launched by Switzerland and the International Committee of the Red Cross (ICRC)—sought to define how international humanitarian law applies to private military and security companies.<sup>33</sup> In 2012 the UN Security Management System published Guidelines on the Use of Armed Security Services from Private Security Companies to be applied by all UN entities.<sup>34</sup> And in 2013 the US,

26 Commission on the Private Sector and Development, *Unleashing Entrepreneurship: Making Business Work for the Poor*, March 1, 2004, available at [http://ycsg.yale.edu/sites/default/files/files/unleashing\\_entrepreneurship.pdf](http://ycsg.yale.edu/sites/default/files/files/unleashing_entrepreneurship.pdf).

27 See [www.unglobalcompact.org](http://www.unglobalcompact.org).

28 United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, New York, August 1, 2015.

29 See <https://sustainabledevelopment.un.org/topics/technology/facilitationmechanism>.

30 *UN Handbook*, p. 260.

31 Åse Gilje Østensen, “UN Use of Private Military and Security Companies: Practices and Policies,” Geneva Centre for the Democratic Control of Armed Forces, 2011, p. 5, available at [www.dcaf.ch/Publications/UN-Use-of-Private-Military-and-Security-Companies-Practices-and-Policies](http://www.dcaf.ch/Publications/UN-Use-of-Private-Military-and-Security-Companies-Practices-and-Policies).

32 *Ibid.*, p. 7.

33 Available at [www.icrc.org/eng/assets/files/other/icrc\\_002\\_0996.pdf](http://www.icrc.org/eng/assets/files/other/icrc_002_0996.pdf).

UK, Switzerland, and other member states negotiated an agreement with security companies and civil society to develop a “multi-stakeholder oversight mechanism,” which will certify companies based on the International Code of Conduct for Private Security Providers.<sup>35</sup> Ensuring that private military and security companies and their employees are well-regulated and accountable to authority will remain a challenge requiring continued multilateral engagement.

The private sector is also playing a necessarily big role on issues of cybersecurity. The critical infrastructure of the Internet, so integral to global economic and financial flows, is largely in the hands of private companies. It will be in part up to them, in partnership with governments, to protect it from potentially disastrous attacks.<sup>36</sup>

Furthermore, efforts to counter violent extremism online require public-private partnerships to negotiate information-sharing agreements and other intelligence-gathering mechanisms. Governments themselves no longer need to gather vast amounts of data on subjects they are investigating; the private sector—through cell phone records, information from Internet service providers, or social media data—already does. Governments just need to gain access.<sup>37</sup> In the post-Snowden era, this will remain a

contentious issue of vigorous debate.

More generally, the issue of Internet governance remains a topic of broad concern, and how the multilateral system engages with the private sector to ensure a peaceful and free cyberspace will be a critical area to watch. The number of Internet users has more than tripled since 2005, with the majority of users now in the developing world, but cyberspace governance has not advanced significantly in the ten years since the World Summit on the Information Society (WSIS).<sup>38</sup> For some, the ten-year review of the WSIS framework in 2015 revealed too many gaps in cyber-governance. A multi-stakeholder approach to the challenges of governing cyberspace will have to grapple with “the inherent tension between a global technology developed and utilized by the private sector and civil society on the one hand, and an international political and legal system that is state-centric on the other.”<sup>39</sup>

Indeed, a similar tension can be found throughout the UN agenda between “we the peoples”—in part represented by civil society and the private sector—and the state-based system of international law and diplomacy.

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34 Available at [http://psm.du.edu/media/documents/international\\_regulation/united\\_nations/internal\\_controls/un\\_unsms-operation-manual\\_guidance-on-using-pmsc\\_2012.PDF](http://psm.du.edu/media/documents/international_regulation/united_nations/internal_controls/un_unsms-operation-manual_guidance-on-using-pmsc_2012.PDF).

35 James Cockayne, “Private Military and Security Companies Agree to Increased International Oversight,” *IPI Global Observatory*, March 4, 2013, available at <http://theglobalobservatory.org/2013/03/private-military-and-security-companies-agree-to-increased-international-oversight/>.

36 Judith H. Germano, “Cybersecurity Partnerships: A New Era of Public-Private Collaboration,” NYU School of Law Center on Law and Security, October 2014, available at [www.lawandsecurity.org/wp-content/uploads/2016/08/CybersecurityPartnerships-1.pdf](http://www.lawandsecurity.org/wp-content/uploads/2016/08/CybersecurityPartnerships-1.pdf).

37 David Cole, “The New America: Little Privacy, Big Terror,” *New York Review of Books* LXII, no. 13, August 13, 2015.

38 Paul Meyer, “Gaps in Cyberspace Governance Abound, 10 Years after UN World Summit,” *OpenCanada.org*, January 7, 2015, available at [www.opencanada.org/features/gaps-cyberspace-governance-abound-10-years-after-un-world-summit/](http://www.opencanada.org/features/gaps-cyberspace-governance-abound-10-years-after-un-world-summit/).

39 Ibid.



# Challenges and Gaps

The multilateral system has many moving parts, and cooperation among the proliferating numbers of actors will be critically important to the cause of addressing current crises while seizing opportunities for progress. Many challenges remain, including the following.

## Regional Organizations

**Regime complexity:** As regional organizations proliferate, there is a risk of excessive regime complexity leading to a confusion of rules, policies, and procedures, which could hamper effective responses rather than facilitate them. Many regional organizations intersect and overlap. Some are very active, others practically dormant. The key will be to develop and improve frameworks for coordination and cooperation.<sup>40</sup>

**Burden sharing:** Similarly, it will be a challenge to leverage comparative advantages and share burdens and responsibilities among international and regional organizations so they can all benefit from each other.

**Geographic diversity:** As regional organizations become more important to the multilateral system, it must be recognized that not all regions have similar institutional traditions of regional cooperation. For example, while Latin America is rife with regional arrangements, East Asia is largely bereft outside of ASEAN, and the challenges of regional cooperation in the Middle East are well known. This could reinforce existing perceptions of a lack of equal representation and influence of countries and regions in the UN multilateral system.

**Not a panacea:** Regional organizations have proven their capacity to play an integral role in maintaining international peace and security, but they should not be seen as a panacea. Due to their greater proximity to local conflicts, regional organizations should in principle have more intimate knowledge and be able to respond more quickly. However, proximity can also bring regional interests and rivalries into play, potentially to the detriment of efforts to reestablish peace and security. As a result, in certain contexts the disinterested distance of third parties like the UN can be better suited to address conflict.<sup>41</sup>

## Civil Society

**Legitimacy gap:** The UN is a member-state organization. Yet it aspires to represent “we the peoples” of the world, and it must be recognized that some states do not represent all of their people. This has always resulted in a tension at the core of the UN: its people-focused aspirations are housed in a state-centered structure.<sup>42</sup> Incorporating civil society into the system has long been understood as one way to ease that tension. Today, non-state actors are increasingly important to international peace and security, in both a positive and a negative sense. The challenge for the UN as a state-based system will be to give new actors constructive roles to play at both headquarters and in the field.

**Real representation:** However, it is important to understand that not all civil society is itself representative. Global civil society, and especially international NGOs, is concentrated in the developed world. Thus, developing countries often see global civil society as just another vehicle for the West to push

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40 Laura Gómez-Mera, “International Regime Complexity and Regional Governance: Evidence from the Americas,” *Global Governance* 21, no. 1 (January–March 2015).

41 Jean-Marie Guéhenno made this point in a presentation on his book *The Fog of Peace* at the International Peace Institute, New York, July 14, 2015.

42 *UN Handbook*, p. 254.

its agenda.<sup>43</sup> Moreover, some issues, interests, and needs are more on the forefront of international NGOs' agendas than others, and some important concerns of vulnerable groups are not on the agendas even of local civil society groups, for political, cultural, or religious reasons. The challenge will be to engage with a more diverse range of civil society organizations, including local actors.

**Effective participation:** This engagement must also be geared toward effective participation, not tokenism. Civil society should not just be incorporated for show or to check a box, but to advance the quality, effectiveness, and legitimacy of multilateral policymaking.

### **The Private Sector**

**Accountability:** As the private sector becomes increasingly involved in the implementation of multilateral policies, the challenge will remain to ensure that businesses and the individuals who work for them comply with relevant international and

national laws (such as international humanitarian law and human rights or environmental protections). They should also be held accountable for their actions when they violate these laws.

**The global commons:** Related to the challenge of accountability is that of the compatibility between the private sector's profit motive and the pursuit of global well-being, in particular with regard to stewardship of the global commons. For example, private sector engagement on international development should not come at the expense of protecting the oceans or fighting climate change.

**Innovation:** Most importantly, the UN system needs to learn how to leverage the incredible dynamism of private-sector innovation to improve policy development and implementation across the broad international agenda. We are living at a time of extraordinary scientific, technological, and informational innovation. For the UN to remain relevant, it must find ways to tap into that dynamism for the common good of the planet.

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<sup>43</sup> United Nations, *We the Peoples: Civil Society, the United Nations and Global Governance—Report of the Panel of Eminent Persons on United Nations–Civil Society Relations*, June 2004, UN Doc. A/58/817, p. 7.



# Conclusions and Recommendations

The international sphere is more complex than ever before. In order to be effective, the UN must recognize that while it is uniquely placed by international law at the center of the multilateral system, it is but one among a host of local, national, and international actors.

The UN is nearly everywhere, which is both a strength and a liability, but it is never the only actor at play and is seldom, if ever, the most powerful international actor in any given crisis. This means it must improve its capacity for partnership, something that has been recognized repeatedly in the past two years, whether in the review of the UN peacebuilding architecture, the report of the High-Level Independent Panel on Peace Operations, or the agreement on the SDGs.

Achieving the goals of maintaining international peace and security, protecting human rights, and promoting sustainable development in the twenty-first century will require working through networks of governments, regional arrangements, international organizations, private sector actors, and civil society. The most effective governments and international organizations will be those that best take advantage of this reality and position themselves as offering fora to coordinate, convene, facilitate, and inspire such networks.<sup>44</sup>

As a universal organization with 193 member states, charter ties to regional arrangements, and a long tradition of engaging civil society and promoting the positive power of the private sector, the UN is well-placed to do just that. If the UN were to improve its engagement with this multitude of local and global

actors in a meaningful way, this could contribute significantly to achieving globally shared goals at the heart of the UN's *raison d'être*. It would help to mend the broken bonds of trust that have eroded collective action in the pursuit of common goals. And it would help to counter the trend toward nationalist approaches that undermine international cooperation. At the same time, it would allow the UN to safeguard its role as the lynchpin of the international multilateral system and minimize potential side effects from the proliferation of actors that could be detrimental to the organization's purposes and principles.

The challenge will be to develop the strategic vision to recognize this transformation in the international sphere in order to best fulfill the UN's comparative advantage and truly make the organization fit for purpose in the twenty-first century. The following recommendations—addressed to both the UN and its partners—should help to achieve this goal:

## Set Out a Strategic Vision for UN Partnerships

1. **Secretary-General Guterres should produce a strategic vision document defining the UN's commitment to partnerships at all levels early in his first term.** It should acknowledge that, to be relevant and effective in the twenty-first century, the UN must use its considerable comparative advantages as a universal, charter-based organization to place itself at the center of a wide and dynamic network of partnerships, including with regional organizations, civil society, and the private sector.

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<sup>44</sup> Roland Paris, "Global Order through Disorder? The Promise and Perils of Plurilateralism" (paper presented at the International Studies Association 56th Annual Convention, New Orleans, LA, February 18–21, 2015).

2. **To improve operational partnerships during crises, the UN Secretariat and member states should study the outcomes of the UN Mission for Ebola Emergency Response (UNMEER) lessons-learned exercise.** This exercise highlighted the need to improve operational partnerships during emergencies, both within the UN system and with local actors. For example, engaging with local civil society and key stakeholders on the ground, including the private sector, from the outset of a crisis can improve long-term effectiveness of emergency responses.<sup>45</sup>

### **Strengthen UN Partnerships with Regional Organizations, Especially the AU**

3. **A consortium of research institutions, in consultation with the UN Secretariat, should convene an expert-level conference on Chapter VIII.** In comparison to Chapter VII of the UN Charter, Chapter VIII has been subject to relatively little scholarly attention. This conference could help to better understand how it has been interpreted in the past and how it can be better utilized for the maintenance of international peace and security. The conference could consider questions such as: What specifically constitutes a “regional arrangement or agency” as defined by the UN Charter? What delimits “regional action” as referred to in Article 52(1)? What specific activities may a regional organization carry out under Articles 52(2-4) and 53? What is required for regional organizations to fulfill their duty to keep the Security Council “fully informed” of activities “in contemplation” of the maintenance of international peace and security?
4. **The UN Secretariat should convene a working group to expand the UN-AU partnership beyond peacekeeping.** While much of the focus on partnerships between the UN and the African Union has been on peacekeeping, the AU peace and security architecture and the AU governance

architecture contain additional tools that should be explored for further partnerships. The working group could facilitate the development of such partnerships, including on joint analysis in the interest of long-term conflict prevention and sustaining peace.

5. **The AU and the UN should extend the joint framework for an enhanced partnership in peace and security.** This framework was signed between the UN Office to the African Union and the AU Commission’s Peace and Security Department. Extending this framework could help incorporate cooperation across the AU Commission and into relations with other arms of the UN system.<sup>46</sup>
6. **The UN Secretariat should systematically collect lessons learned from regional arrangements,** like the Organization for Security and Co-operation in Europe (OSCE) and the African Union, in relation to preventing conflict and sustaining peace.

### **Build and Sustain Civil Society Involvement in the UN**

7. **The president of ECOSOC should convene a general review of the arrangements for consultation with NGOs.** It has been twenty years since the approval of ECOSOC Resolution 1996/31, which governs the relationship between the UN and NGOs. In that time, global civil society has grown substantially, as have the technological mechanisms through which international NGOs communicate and connect to the work of the UN. This review could aim to update Resolution 1996/31 to modernize access to NGOs and improve mechanisms for UN partnerships with civil society and the private sector, among other things.
8. **The concrete inclusion of civil society in formal discussions on sustainable development should be carried through to the follow-up and review**

45 Adam Lupel and Michael Snyder, “The Mission to Stop Ebola: Lessons for UN Crisis Response,” International Peace Institute, February 2017, available at [www.ipinst.org/2017/02/un-crisis-response-ebola](http://www.ipinst.org/2017/02/un-crisis-response-ebola).

46 Williams and Dersso, “Saving Strangers and Neighbors,” p. 15.

**of the SDGs in the High-Level Political Forum.**

Civil society played a key role in designing the 2030 Agenda for Sustainable Development, including through the precedent-setting Open Working Group on the SDGs and during the intergovernmental negotiations leading to the agenda. The implementation of the 2030 Agenda and the SDGs will provide an excellent opportunity to foster partnerships between the UN and civil society.

**Create New Platforms for UN Engagement with the Private Sector**

- 9. The private sector should be systematically engaged by member states in implementing the SDGs.**<sup>47</sup> In particular, implementing partners

should identify SDG targets that can be matched with specific private sector actors at the country level. These efforts can build upon the 2015 SDG Fund framework for action.

- 10. The UN Innovation Network, co-chaired by UNICEF and UNHCR, should establish a platform to connect and scale up “innovation labs.”** These labs, which are currently being developed by UNHCR, UNICEF, Global Pulse, and others, connect corporate partners, universities, and NGOs to explore technological and design-based solutions to specific operational problems. This platform could also provide better connections between UN headquarters and the field (i.e., between the head and arms and legs of the UN system).

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<sup>47</sup> SDG Fund, Harvard Kennedy School CSR Initiative, and Business Fights Poverty, *Business and the United Nations—Working Together Towards the Sustainable Development Goals: A Framework for Action*, 2015, available at [www.sdgfund.org/sites/default/files/business-and-un/SDGF\\_BFP\\_HKSCSRI\\_Business\\_and\\_SDGs-Web\\_Version.pdf](http://www.sdgfund.org/sites/default/files/business-and-un/SDGF_BFP_HKSCSRI_Business_and_SDGs-Web_Version.pdf).

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# Annex 2: ICM Policy Papers

This is one in a series of fifteen issue-specific policy papers that the Independent Commission on Multilateralism (ICM) is publishing over the course of 2016 and 2017. These papers cover in greater detail issue areas addressed in ICM's September 2016 report "Pulling Together: The Multilateral System and Its Future." The fifteen policy papers (not in order of publication) are as follows:

- Armed Conflict: Mediation, Peacebuilding, and Peacekeeping
- Climate Change and the 2030 Agenda for Sustainable Development
- Communication Strategy for the UN Multilateral System
- Engaging, Supporting, and Empowering Global Youth
- Forced Displacement, Refugees, and Migration
- Fragile States and Fragile Cities
- Global Pandemics and Global Public Health
- Humanitarian Engagements
- Impact of New Technologies on Peace, Security, and Development
- Justice and Human Rights
- Social Inclusion, Political Participation, and Effective Governance
- Terrorism and Organized Crime
- The UN, Regional Organizations, Civil Society, and the Private Sector
- Weapons of Mass Destruction: Non-proliferation and Disarmament
- Women, Peace, and Security

# Annex 3: Participation in Consultations

**Retreat:** November 20–21, 2015 (Greentree Estate, Manhasset, New York)

**Keynote Speaker**

David Malone, *Under-Secretary-General and Rector, United Nations University*

**Participants**

Tekeda Alemu, *Permanent Representative, Permanent Mission of the Federal Democratic Republic of Ethiopia to the United Nations*

Muhammad Anshor, *Deputy Permanent Representative, Permanent Mission of the Republic of Indonesia to the United Nations*

Téte António, *Permanent Observer, Office of the Permanent Observer of the African Union to the United Nations*

Arthur Boutellis, *Director, Brian Urquhart Center for Peace Operations, International Peace Institute*

James Cockayne, *Head of United Nations Office, United Nations University*

Els Debuf, *Adviser, Independent Commission on Multilateralism*

Vladimir Drobnjak, *Permanent Representative, Permanent Mission of the Republic of Croatia to the United Nations*

Fabien Dubuet, *Representative to the United Nations, Médecins Sans Frontières*

Ariun Enkhsaikhan, *Development Assistant, International Peace Institute*

Anne-Christine Eriksson, *Deputy Director, Office of the United Nations High Commissioner for Refugees*

John Paul Farmer, *Director of Technology and Civic Innovation, Microsoft*

Barbara Gibson, *Deputy Secretary-General, Independent Commission on Multilateralism*

Elissa Golberg, *Assistant Deputy Minister, Partnerships for Development Innovation, Global Affairs Canada*

Warren Hoge, *Senior Adviser for External Relations, International Peace Institute*

Vanessa Jackson, *New York Director, Crisis Action*

Mike Kelleher, *Lead International Affairs Officer, World Bank Group*

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Amre Moussa, *Head of Committee of 50; former Secretary-General of the Arab League; former Minister of Foreign Affairs of Egypt*

Nadia Mughal, *Digital Content Producer, Independent Commission on Multilateralism*



Thomaz Napoleão, *Permanent Mission of Brazil to the United Nations*  
Karen Newman, *Senior Communications Consultant and Global Programme Advisor, UN Development Programme*  
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Minh-Thu Pham, *Executive Director of Policy, United Nations Foundation*  
Renzo Pomi, *Representative at the United Nations, Amnesty International*  
Melissa Powell, *Head of Strategy and Partnerships and Business for Peace, United Nations Global Compact Office*  
Hardeep Singh Puri, *Secretary-General, Independent Commission on Multilateralism*  
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Waheguru Pal Singh Sidhu, *Senior Fellow, Brookings India*  
Andrew Tomlinson, *Director, Quaker United Nations Office*  
Ioannis Vrailas, *Deputy Head of Delegation, Delegation of the European Union to the United Nations*  
Charles Whiteley, *Head of Human Rights and Social Affairs Section, Delegation of the European Union to the United Nations*  
Margaret Williams, *Policy Analyst, International Peace Institute*

## **Public Consultation: June 8, 2016**

### **Discussants**

David Nabarro, *Special Adviser of the UN Secretary-General, 2030 Agenda for Sustainable Development*  
Minh-Thu Pham, *Executive Director of Policy, United Nations Foundation*  
Jimena Leiva Roesch, *Policy Analyst, International Peace Institute*  
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