

## Strengthening democratic legitimacy in intergovernmental policy-making on sustainable development: the contribution of web-based civil society consultations

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### Introduction

One of the main dilemmas facing global sustainable development governance today is the growing democratic deficit of the intergovernmental policy-making system (Scholte, 2002). The lack of responsiveness of intergovernmental norms and policies to collective concerns, as well as the lack of accountability of intergovernmental organisations and member states, are generating a crisis of legitimacy (Castells, 2001; Keohane, 2003; Haas, 2004). Resolving this crisis is a difficult task that requires among other things the creation of institutional mechanisms that allow citizens to participate in a meaningful way in the creation and implementation of global norms (Castells, 2005). In 1992, the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro institutionalised participatory governance with the creation of nine overarching categories<sup>1</sup> called the major groups, through which “all concerned citizens” could participate in the United Nations’ (UN) activities on achieving sustainable development, as stipulated in principle 10 of the Rio Declaration<sup>2</sup>. Twenty years later, this representative-based system of participation raises serious issues<sup>3</sup> about its

capacity to offer *all concerned citizens* direct access to processes of global norm production.

Internet, as a global, horizontal means of communication that transcends barriers of space and time, seems to be an ideal channel to provide civil society, understood as those organisations, movements and individuals who are engaged in a process of negotiation and debate about the character of the rules with governments and international organisations, with a direct access to intergovernmental policy-making processes. However, whether the Internet can contribute to increase the democratic character of intergovernmental policy-making structures through the development of inclusive, transparent and accountable channels for civil society participation is still an open question. The scholarly work on the use of Information and Communications Technology (ICT) at local, national and regional levels of governance shows a mixed picture: while *cyberoptimists* argue that the Internet stepped in to facilitate the public participation that was conspicuously lacking in twentieth century representative democracies (Blumler and Coleman, 2001; Castells, 2001; Krueger, 2002; Bimber, 2003; Froomkin, 2004; Fung, 2006; Glencross, 2007), *cyberrealists* advance at least two reasons that suspect the Internet falls short in realizing its democratic promise (Shane, 2004; Ostling, 2010; Coleman, 2012). One is that the extent to which online participatory processes attract significant new numbers of citizens to policy-making is not obvious. The second reason is that these processes are rarely tied in any accountable way to actual policy-making.

At a time when global online consultations, understood as internet-based discussion and voting platforms that represent Member States

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<sup>1</sup> The Major Groups include Business and Industry, Children and Youth, Farmers, Indigenous Peoples, Local Authorities, Non-Governmental Organisations, Scientific and Technological Community, Women, Workers and Trade Unions.

<sup>2</sup> Rio Declaration on Environment and Development, [www.unep.org/Documents.Multilingual/Default.asp?DocumentID=78&ArticleID=1163](http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=78&ArticleID=1163)

<sup>3</sup> For a review of these issues, see Adams, B. and Pingeot, L. (2013). *Strengthening public participation at the United Nations for Sustainable Development: Dialogue, Debate, Deliberation, Dissent*, UNDESA/DSD.

or international organisations-run solicitations of public input with regard to global norm production, are proliferating, the debate between cyberoptimists and cyberrealists scales up to the intergovernmental level. Taking the Rio dialogues organized in the framework of Rio+20 as the case, the brief aims to assess whether these new forms of participation help addressing the democratic legitimacy deficit that pervades intergovernmental policy-making; in this way, it also intends to contribute to the scarce empirical literature that documents the debate between cyberoptimists and cyberrealists at the global level.<sup>4</sup>

### **Contribution to the scientific debate: the case of the Rio online dialogues**

The evaluation of the democratic legitimacy of the Rio online dialogues shows that there is no clear positive correlation between the use of ICT in civil society consultations and democratic legitimacy in global sustainable development governance. Online consultations have substantial strengths such as their openness and non-hierarchical nature compared to, for instance, face-to-face dialogues between major groups' and member states' representatives. These features allow fresh and innovative ideas to emerge. However, while ICT would theoretically foster a more inclusive participation compared to the major groups' system, online consultations actually reproduce the same participatory biases than representation-based participatory mechanisms: indeed, they tend to disproportionately favour the participation of the most powerful and organised civil society actors over the participation of a broader and unspecialized public. For instance, disaggregating participation by country according to their HDI levels (low, medium, high and very high) reveals a sharp imbalance, as more than 3 online Rio dialogues' participants out of 4 came from a very high HDI country. The socio-demographic analysis of the panel of participants also shows

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<sup>4</sup> See, for example, Perez O. (2012). "E-Democracy, Transnational Organizations, and the Challenge of New Techno-Intermediation" in *Connecting Democracy - Online Consultation and the Flow of Political Communication*, Cambridge, Mass.; London: MIT Press: 357-76.

that most of them were highly educated, holding a master's degree and in some cases a PhD, often in disciplines closely in line with the consultation themes. It was therefore difficult to engage the actors beyond those that already had the knowledge and skills to participate: participation from grassroots organisations, marginalized communities such as indigenous peoples, and individual citizens remained low, all the more since the discussions were only held in English.

Furthermore, the potential of online participatory tools for increasing transparency and accountability in global sustainable development governance has not yet been materialized. Although ICT allows for greater access to and sharing of substantive information on the issues addressed by the consultation, information related to the procedures of the consultation – i.e. objectives and link to official process – generally remain scarce. Such lack of procedural transparency has implications in terms of accountability: without appropriate follow-up information, civil society cannot hold international organisations and member states accountable with respect to the input they provided.

Therefore, ICT is not a panacea, it is only a tool: what it can accomplish for any intergovernmental policy-making system inclusive of civil society will have very much to do with what members of this system determine to do with such technologies. These technologies' performance in enhancing democratic legitimacy depends on the willingness of international organisations and member states to involve civil society beyond tokenistic practices, and most importantly, on the interest and capacities of civil society actors.

### **Recommendations for policy-makers and practitioners**

In order to improve the democratic legitimacy of civil society consultations in intergovernmental policy-making, organising parties, whether they are international organisations or member states, must commit to providing feedback and follow-up to the participants on how their contribution impacted the intergovernmental process so as to improve the institutional

credibility of online consultations. This point is crucial as these participatory methods are quite new and still lack recognition not only from member states but also from civil society actors, who often don't see the legitimacy of an online platform the same way they do as a statement by a major group on the negotiating floor. Without enhanced transparency and accountability, civil society will consider online consultations as extractive and disempowering.

Diversifying participation is also essential. In our view, inclusiveness can be improved by: (i) systematically combining not only direct and representative participation, but also web-based with offline methods to bypass the digital divide;

and (ii) by building civil society actors' capacities. In this regard, most of the consultations that are carried out in the framework of the intergovernmental negotiations on a post-2015 development agenda have capitalized upon the experience of the Rio Dialogues. For instance, besides its online form, the MYWorld Global Survey relies on ballot cards and SMS to reach out to the most marginalized communities. The MYWorld initiative has also provided a toolkit to its civil society partners to build the capacities of their constituencies on how to use the MYWorld survey data as a tool to make accountability claims to policy-makers, both at international and national levels.

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