

# GSO News Volume 2 Number 1, February 2006

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This is the first issue of Volume 2 of GSO News covering February 2006. GSO News is a subscription service provided by the Geneva Social Observatory. We report on developments at WHO, WTO, ILO and many other Geneva-based organizations, as well as other selected developments on global social issues. We hope you enjoy our news service. Thank you for your support. The detailed news and in-depth follows the digest below. This month's in-depth is on Changing Multistakeholder Models involving NGOs and the Private Sector as witnessed in recent Geneva meetings (ILO, IGF, COP, WTO).

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# GSO News

## **1. Avian flu strategies at the WHO and elsewhere**

Avian flu is attracting widespread media attention, with a mix of alarmism and frustration as the H5N1 virus seems to be appearing in wild birds in many European countries, as well as in domestic poultry in places like Nigeria and India. The WHO reports that this the third wave of the disease since 1997 and that human cases are confirmed at 170 cases of which 92 have been fatal, as of 22 February 2006. (See [www.who.int](http://www.who.int) for regular updates.) The WHO Executive Board debated the situation in January and endorsed a speeding up of voluntary compliance with the new International Health Regulations that are due to go into effect in 2007. The situation requires coordination with two other intergovernmental organizations, the Food and Agriculture Organization (FAO) and the World Organization for Animal Health (OIE), who have lead responsibility for assisting countries with containment of the disease in poultry. For the WHO, a comprehensive strategy has been articulated in a new “protocol” to help countries contain and treat human cases of the disease and to implement containment, prevention, vaccination, and antiretroviral treatment should it become necessary. Existing vaccines, including the Roche product Tamiflu and other versions of oseltamivir, are not certain to be effective, but production and stockpiling of the products are reaching three million doses. At the same time, the pharmaceutical industry and governments are rushing research on additional vaccines and ARVs, not

only for this virus but for other potential deadly viruses. Board members expressed concern about inequities between developed and developing countries regarding both the number and price of vaccines as well as capacity and infrastructure to cope with preventive and containment actions. A resolution calling for more equitable action has been sent by the Board to the World Health Assembly which meets in May.

## 2. [The WHO Executive Board - International Trade and Health \(Plus IPR\)](#)

A report on developments at the 117<sup>th</sup> Executive Board meeting of the World Health Organization, above and beyond discussion on the avian influenza epidemic, would take several pages. It was an interesting and tumultuous meeting- from emergency preparedness funding in response to the South Asian earthquake and tsunami experiences to smallpox virus eradication to universal access to treatment for HIV/AIDS to a package of issues surrounding international trade, public health policy and international trade. Most of these will be coming up again at the World Health Assembly in May, and GSO takes note that they merit continuing attention. We will report on them as they develop.

We will only mention a few more details about HIV/AIDS (below) and on this last set of inter-related issues here. The main impetus for debate has been conflicting views about the merits of intellectual property rights as an incentive for medical innovation, especially in tropical and other neglected diseases that are most prevalent in developing countries – HIV/AIDS, tuberculosis, malaria, dengue fever, river blindness, leishmaniasis and more. Brazil and Kenya put forward a resolution at the Board calling for a new “global framework on essential health research and development. Controversy surrounded such proposals as establishing a global framework for supporting R&D “based on the principle of equitable sharing of the costs...by all those who benefit from it and determining incentives to invest in useful R&D in the areas of patients’ need and public interest”; and requesting the Director-General to establish an “open-ended working group...to consider proposals to establish” such a global framework. These proposals were “bracketed” in the resolution, along with amendments to cut out references to a “global framework”, that the Board agreed to send to the WHA. Groups like Consumers International and CP-Tech considered this a victory and are preparing for an active debate in May. This debate will also include the long-awaited “Dreifuss” Report of the Commission on Intellectual Property Rights, Innovation and Public Health (CIPRH), chaired by Ruth Dreifuss, the former President of Switzerland. The CIPRH Report is expected to include recommendations on similar matters when it finally comes out in April. (See [http://www.who.int/gb/ebwha/pdf\\_files/EB117/B117\\_R13-en.pdf](http://www.who.int/gb/ebwha/pdf_files/EB117/B117_R13-en.pdf) for the draft resolution.)

## 3. [Financing of HIV/AIDS – Paris Conference](#)

At its January meeting, the Executive Board of the WHO returned once again to the challenge of expanding access to treatment for HIV/AIDS. Members agreed that this was the worst epidemic facing the world today and that

previous efforts to combat the disease have been only “partially successful”. Most members praised the Director-General for trying to reach the goal of reaching 3 million people needing ARV treatment for AIDS by the end of 2005. Some criticized the goal as being overly ambitious, while all agreed that there were lessons to be learned, especially about working through existing health systems and building primary health capacity, but also about sustainability and political will. The WHO will have an in-depth report of the 3 by 5 initiative in March. In the meantime, the Board agreed that WHO should be actively involved in the new effort at improving coordination among multilateral institutions and international donors. The new objective is to reach universal treatment by 2010, with provision for countries to develop targets and evaluate technical assistance needs on an ongoing basis. The French, meanwhile, announced their plans to host the “Paris Conference on Innovative Development Financing Mechanisms” on 28 February to 1 March. Some 100 countries are participating at the ministerial level at this Conference, which is a follow-up to a declaration on innovative financing mechanisms adopted by 79 states during the September 2005 Summit on the Millennium Development Goals. The declaration was co-sponsored by the “Group of Six” (Algeria, Brazil, Chile, France, Germany and Spain). On the agenda of the Paris Conference is discussion about how to earmark funds from the new French levy on airline tickets for the fight against pandemics. Chile has also apparently approved a similar levy. See [http://www.diplomatie.gouv.fr/en/IMG/pdf/avionbis\\_a4\\_en.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/avionbis_a4_en.pdf).

#### 4. [UN Reform and the Human Rights Council](#)

The establishment of the Human Rights Council runs on apace despite a series of problems during informal consultations in the UN General Assembly in the context of discussions on UN reform.

A second resolution was made public on 23 February following debates on the initial resolution proposed by the co-chairs Ambassador Kumalo of South Africa and Ambassador Arias of Panama on 1 February after months of hard work. This new resolution builds on the first with details on how the HRC would be set up with the aim of having it in place by June 2006 with elections of officers in May following the closure of the 62<sup>nd</sup> and last session of the Commission on Human Rights on 21 April and the abolition of the CHR in June. It also includes more references to the need for cooperation and dialogue.

Commenting on the new HRC in a press conference in New York the Secretary General admitted that the new resolution on the Human Rights Council was less than he had hoped it would be and Jan Eliasson, President of the General Assembly, saw it as a compromise. These sentiments were echoed by the High Commissioner for Human Rights, Louise Arbour, who nevertheless urged that the proposal be accepted and drew out the positive progress that could be made as a result. She remarked that, “unlike the Commission, the Council will be required to review on a periodic basis the human rights records of all countries, beginning with its members. No country will be beyond scrutiny ...” Spokespersons for Human Rights Watch and

Amnesty International also asked that the resolution be adopted by the Assembly without delay, encouraging the political will of the international community to make the Council an effective human rights body.

Some of the main issues under debate during the thirty or so informal consultations and negotiations in Plenary sessions of the UN General Assembly have been around the scope and operations of the new body as well as the membership in the light of problems that have plagued the work of the Commission on Human Rights. There have been concerns that the Commission on Human Rights has been over politicized and that power should be wrested from the five permanent members of the Security Council and the United States. The CHR has also been criticized for long delays in responding to abuses that have required more immediate redress and for undue tolerance of members who have been charged with abuses.

In the new resolution it is proposed that the HRC consist of 47 Member States elected for a fixed term to ensure rotation on the basis of equal geographical distribution, i.e., 13 from Africa; 13 from Asia; 6 from Eastern Europe; 8 from the Latin American and Caribbean (GRULAC); and 7 from Western European and Others Group (WEOG). This is a significant reduction of the current membership of the Commission on Human Rights which has 53 Member States. Membership of the Council is to be open to all Member States and there is provision for suspension of membership in cases of gross and systematic violations. The Human Rights Council would meet three times a year for a minimum of 10 weeks with the possibility of emergency sessions.

## 5. Business, CSR and Human Rights

Both the Human Rights Commission and the International Labour Organization have corporate social responsibility issues on their 2006 agendas, tentatively scheduled for consideration this March. The 62nd Session of the Human Rights Commission (see previous news item) is tentatively on hold. Some preliminary public documents had been posted on the Website, but the documentation for the forthcoming session appears to have been delayed. This includes an interim report from Professor John Ruggie, the Special Representative of the Secretary-General on Business and Human Rights that was originally scheduled to be issued by the end of January. There is, however a draft of the Report of the United Nations High Commissioner for Human Rights on the sectoral consultation entitled "Human rights and the extractive industry", 10-11 November 2005\* at <http://www.ohchr.org/english/bodies/chr/docs/62chr/ecn4-2006-92.doc>. The GSO attended the sectoral consultation in November, which featured a number of CSR-related initiatives by the extractive industry but lacked the presence of contrasting points of view.

Meanwhile, CSR is on the agenda of the ILO Governing Body's Subcommittee on Multinational Enterprises in March. Several background reports are

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\* The annex is circulated in the language of submission only.

already available at

<http://www.ilo.ch/public/english/standards/relm/gb/docs/gb295/index.htm#MNE>.

The ILO's constituents, both workers and employers, have tended to see CSR as somewhat flawed because of its function as a unilateral statement of corporate responsibility rather than a negotiated commitment and because it has also been seen as putting social obligations on the private sector that are the normal domain of governments. This perspective is starting to change. First, the Subcommittee has traditionally concentrated on reviewing the promotion of the ILO Tripartite Declaration for Multinational Enterprises and Social Development, which was originally adopted in 1977 and is about to be honoured for its thirtieth anniversary. So it is currently receiving attention as an articulation of corporate responsibility that seeks to distinguish the concept from either unilateral or governmental functions. Secondly, the ILO has launched an "InFocus Initiative on Corporate Social Responsibility" with a detailed work programme to promote the Tripartite Declaration through studies, forums, training and technical assistance. This will include the convening of a Corporate Social Responsibility Forum (proposed for November 2007) and specific work on supply chains, voluntary reporting practices and the interaction between public regulation and inspection and private inspection and social auditing. The Subcommittee will review and advise on this work programme. And third, the IOE held a seminar on CSR in 2005 and will be reporting its recommendations to this same Subcommittee in March – recommendations that will focus on the ILO's leadership role in this area. The IOE has been in the forefront of asserting that corporate social responsibility should not impose any burdens on private enterprise and that most CSR obligations are in fact the responsibilities of governments to enforce. These steps may indeed invigorate an ILO leadership on corporate social responsibility.

## 6. [UNCTAD Responsible Business Practices](#)

GSO was invited to a public-private sector dialogue on "Responsible Competitiveness: Enhancing Enterprise Development through Responsible Business Practices" at UNCTAD on 23 January 2006. The dialogue was opened by the new Deputy Secretary General of UNCTAD, Mr. Dirk Bruinsma and featured a presentation by Simon Zadek of AccountAbility. Zadek's presentation showed how global brands are leading the way to social responsibility as a competitive advantage but with the interesting twist that a global regulatory approach is increasingly favoured by companies that are maturing in their CSR practices. The study also showed that responsibility enhances national competitiveness, backed up by a new measurement called the Responsibility Competitiveness Index. Participants reflected on the interaction between government and corporate responsibility, building capacity for CSR among small and medium enterprises, investigating sector-specific potential and identifying crosscutting issues like AIDS and democratization.

## 7. [ILO News – Maritime Conference](#)

A new Maritime Labour Convention has been adopted at a two-week ILO conference in Geneva. The Convention is an updating and consolidation of 68 different instruments, some of which were almost a century old. The maritime industry is often called “the first globalized sector”, and it continues to be an important avenue for liberalizing trade. Ninety per cent of all trade in goods is handled by the shipping industry, which has some 1.2 million seafarers. The Convention is a product of five years of negotiations, supported by a consensus among seafarers and shipowners that a single comprehensive instrument was needed to define and protect workers rights at sea. The consolidated instrument is also important because it includes a “no more favourable treatment” clause that allows Port States to inspect ships in their ports and seize them for substandard labour conditions even if the Flag State of the ship has not ratified the convention.

#### **8. [Internet Governance Forum Consultations](#)**

Consultations for the first Internet Governance Forum were held in Geneva at the Palais de Nations from 16 to 17 February . The consultations were the first step in a multistakeholder dialogue, with the goal of planning the first Internet Governance Forum that will be held in Athens before the end of the year. There was a lot of agreement among delegates about the way in which the forum should be conducted, including the insistence of equality among delegates, and the items suggested for the agenda. Some of these items included spam, cybersecurity, cybercrime, multilingualism, privacy and protection of personal information, and consumer protection. It was also suggested that the IGF should be about three days long, at a time close to but not overlapping similar conferences on the subject. There was also a stress to focus on a select few non-controversial issues that were not being covered by other organizations, in an attempt to really make the first IGF successful and pave the way for future forums. There was an awareness of the need for developing nations to have an equal footing, and a concern for limitations posed by the small budgets of some participating delegations involved.

The ideas discussed so far have been reported back to Kofi Annan. There will probably be a small secretariat formed, as well as a program committee to decide on the issues that are to be raised this winter. The program committee will be as inclusive as possible of different stakeholders, to keep with the multistakeholder approach. Also, another meeting will probably be convened in March to further discuss the set up to the Athens forum.

#### **9. [FCTC – First Conference of the Parties](#)**

The first meeting of the Parties from 6 to 17 February has been hailed as a milestone in the implementation of the Framework Convention on Tobacco Control. With the active participation of NGOs (Framework Convention Alliance and Corporate Accountability International), the first Conference of the Parties established a new “Convention Secretariat” and set the priorities for its first Programme of Work. This includes the drafting of guidelines for smokefree public and workplaces and for tobacco product regulation, and supplementary protocols to the FCTC on illicit cross-border trade and on

cross-border advertising, promotion and sponsorship. An additional work item was also approved to set up a task force to determine economic alternatives for tobacco workers, farmers and, where appropriate, traders. The Conference has an elected Bureau of representatives from the six regions, presided over by Ambassador Juan Martabit from Chile. The second Conference of the Parties is mandated to meet in the first six months of 2007 at a venue yet to be determined. Argentina has already extended an invitation for it to be held in Buenos Aires. The Convention Secretariat, however, will be headquartered in Geneva, under WHO rules and policies.

## 10. [WIPO Developments](#)

Following completion of the third Inter-sessional Intergovernmental Meeting (IIM) on a Development Agenda for WIPO in September 2005 the next stage of the process took place from 20 to 24 February in the form of the first session of the Provisional Committee on Proposals related to a WIPO Development Agenda (PCDA). (See [GSO News Volume 1, Numbers 7 and 8](#)). The mandate of the PCDA is “to accelerate and complete the discussions on proposals relating to a WIPO Development Agenda and report with any recommendations to the General Assembly at its September 2006 session”.

On the table were substantive proposals from Chile, Colombia, the US and a joint proposal submitted by Argentina on behalf of 14 countries consisting of a framework for achieving results, amongst others. (See [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=9643](http://www.wipo.int/meetings/en/details.jsp?meeting_id=9643)).

To pick up a couple of these proposals the joint Argentina proposal sought to synthesize more than 50 proposals made by Member States by identifying some key issues in five core questions. These questions had to do with: new procedural approaches to WIPO’s norm-setting; the availability of mechanisms to evaluate development impacts of IP rules; the strengthening of technical assistance; addressing technology transfer issues; and access to knowledge. Some of these questions were formulated into proposals in the extensive document from the US. First amongst them was the formation of a WIPO Partnership Office to assist countries moving towards and being more effective in the knowledge economy. Other proposals put forward had to do with evaluating WIPO’s current levels of development cooperation, supporting national baseline surveys for economic growth, surveying the economic contribution of creative and innovative industries and addressing counterfeiting and piracy.

As *GSO News* goes to press the final outcomes of the meeting have still to be made public though it is known that the second PCDA is due to take place in Geneva from 26 to 30 June 2006.

Meanwhile, the World Intellectual Property Organization is expected to be the center of attention in 2006 on intellectual property rights. The main event here is revision of the Substantive Patent Law Treaty, which is motivated by widespread support for harmonization of national patent laws. This issue will be featured at an informal Open Forum on March 1 to 3. Member States and

the general public will have the opportunity to raise their concerns about patent harmonization. In April (10 to 12) a planning group is scheduled to agree on the Work Program, including the terms of reference and agenda. The revision process will then commence with a first deliberative meeting on July 3 to 7, 2006.

Interspersed among these events are meetings of the Provisional Committee on Proposals Related to a WIPO Development Agenda, scheduled for February 20 to 24 and June 26 to 30, 2006. The Provisional Committee was established by the WIPO Assemblies at the conclusion of their annual meetings last October to continue the process of deliberations on the Friends of Development proposal that had been presented by Brazil, Argentina and several other developing countries at the annual Assemblies in 2004. This is a continuing issue, with the Group B countries (i.e. the US and the EU) on one side and the Group A countries (i.e. the developing countries) on the other. The Friends of Development have been demanding a more development-friendly WIPO, while the Group B countries have been insisting that development concerns are already well integrated into WIPO's mandate.

Underlying this confrontation on the Development Agenda is in fact the harmonization process relating to the Substantive Patent Law Treaty. The main objective here has been the convergence of the differing legal systems of the US and the EU, but the developing countries have recognized that a global treaty that harmonizes principles from these two regions might not fully take into account their own priorities for patent law. The Group B countries had proposed that at least where technical issues had already been resolved (four areas had been "agreed") the Assemblies should approve the consensus and leave the harmonization process to the rest. This was opposed by the Group A countries, who prevailed in the deliberations of the Assemblies in October. The Open Forum will set the stage for all aspects of the content and process.

An important aspect of the deliberations on revision of the SPLT will be the role of genetic resources, traditional knowledge and folklore. A special committee has been meeting on these issues, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. The Committee meets on April 20 to 24, 2006. The issue has also been raised in the WTO setting, as noted above, where India among others has proposed that this should be integrated into the Doha Round negotiations. The pharmaceutical industry is opposed to the inclusion.

## **11. [WTO Appointments and Timeline](#)**

As laid out in our December 2005/January 2006 *GSO News*, the Sixth WTO Ministerial Conference in Hong Kong adopted a timeline for completing the Doha Round of trade negotiations by the end of this year. The timeline was reaffirmed at an informal mini-ministerial meeting at the World Economic Forum in January. The most important targets are 30 April and 31 July for the modalities and technical details of the agricultural and non-agricultural manufacturing access (NAMA) negotiations. There are slightly different

targets for services, trade facilitation and the other agenda items. The first part of February was devoted to reorganizing the chairs for the various regular and special committees and bodies, with key appointments noted below. Since then, services and agricultural negotiations have been renewed with no significant breakthroughs, although the “plurilateral” approach for countries joining together in specific services sectors to propose – and receive – offers seems to be stirring up more activity in that segment of the negotiations. The NAMA negotiations get back on the screen in early March, with a new Chair. *GSO News* will report in more detail in March and April.

### **Chairpersons of the General Council and bodies reporting to it**

General Council - Amb. Eirik GLENNE (Norway)  
Dispute Settlement Body - Amb. Muhamad Noor YACOB (Malaysia)  
Trade Policy Review Body - Amb. Claudia URIBE (Colombia)  
Council for Trade in Goods - H.E. Mr. Vesa Tapani HIMANEN (Finland)  
Council for Trade in Services - Amb. François ROUX (Belgium)  
Council for TRIPS - H.E. Mr. CHOI Hyuck (Korea)  
Committee on Trade and Environment - H.E. Mr. Shree Baboo Chekitan SERVANSING (Mauritius)  
Committee on Trade and Development - H.E. Mr. Gomi THARAKA SENADHIRA (Sri Lanka)  
Committee on Balance-of Payments Restrictions - Mr. Víctor Echevarría UGARTE (Spain)  
Committee on Regional Trade Agreements - H.E. Mr. Ronald SABORÍO SOTO (Costa Rica)  
Committee on Budget, Finance and Administration - Mr. Jan-Meinte POSTMA (Netherlands)  
Working Group on Trade and Transfer of Technology - H.E. Mr. Manuel Antonio J. TEEHANKEE (Philippines)  
Working Group on Trade, Debt and Finance - H.E. Mr. KWERONDA-RUHEMBA (Uganda)  
Trade Negotiations Committee - WTO Director-General Pascal LAMY (ex officio)

### **Chairpersons of bodies established under the Trade Negotiations Committee**

Negotiating Group on Market Access - Amb. Stefán JÓHANNESSON (Iceland)  
Negotiating Group on Rules - Amb. Guillermo Valles GALMÉS (Uruguay)  
Negotiating Group on Trade Facilitation - Mr. Tony MILLER (Hong Kong, China)  
Special Session of the Council for Trade in Services - Amb. Fernando de MATEO y VENTURINI (Mexico)  
Special Session of the Council for TRIPS - Amb. Manzoor AHMAD (Pakistan)  
Special Session of the Dispute Settlement Body - Amb. David SPENCER (Australia)  
Special Session of the Committee on Agriculture - Amb. Crawford FALCONER (New Zealand)

Sub-Committee on Cotton - Amb. Crawford FALCONER (New Zealand)  
Special Session of the Committee on Trade and Environment - Amb. Toufiq ALI (Bangladesh)  
Special Session of the Committee on Trade and Development - Mr. Faizel ISMAIL (South Africa)

### **Chairpersons of subsidiary bodies of the Council for Trade in Goods**

Committee on Agriculture - Mr Christian HÄBERLI (Switzerland)  
Committee on Anti-Dumping - Ms. Frida COLLSTE (Sweden)  
Committee on Customs Valuation - Mr. Joo Ha WOO (Korea)  
Committee on Import Licensing - Ms. Pamela COOPER (Canada)  
Committee on Market Access - Mr. Martin POSPISIL (Czech Republic)  
Committee on Rules of Origin - Ms. Vera THORSTENSEN (Brazil)  
Committee on Safeguards - Ms. Ana NOVIK (Chile)  
Committee on Sanitary and Phytosanitary Measures - Mr. Gregg YOUNG (United States)  
Committee on Subsidies and Countervailing Measures - Ms. Victoria CAMPEANU (Romania)  
Committee on Technical Barriers to Trade - Mr. Margers KRAMS (Latvia)  
Committee on Trade-Related Investment Measures - Mr. Antonio BUENCAMINO (Philippines)  
Working Party on State Trading Enterprises - Mr. Benjamin KATJIPUKA (Namibia)  
ITA Committee - Mr. Simon CHAN (Hong Kong, China)

### **Chairpersons of subsidiary bodies of the Council for Trade in Services**

Committee on Trade in Financial Services - Mr. Guido KEMMERLING (Germany)  
Working Party on Domestic Regulation - Mr. Peter GOVINDASAMY (Singapore)  
Committee on Specific Commitments - Mr. Nicolas NIGGLI (Switzerland)  
Working Party on GATS Rules - Mr. Sumanta CHAUDHURI (India)

### **12. Events of interest**

A listing of events in February and March 2006 taking place in Geneva unless otherwise indicated.

#### February

20 to 24 February	WIPO Provisional Committee on Proposals Related to a WIPO Development Agenda (PCDA)
21-24 February	February UNCTAD Commission on Enterprise, Business Facilitation and Development, 10 <sup>th</sup> Session
28 February	WTO Services Offers deadline

#### March

1-3 March	Informal Open Forum on the Draft Substantive Patent Law Treaty (SPLT), WIPO
6-10 March	UNCTAD, Commission on Investment, Technology and Related Financial Issues
8 March	International Women's Day - Women in Decision-Making: Meeting Challenges, Creating Change
13 March-21 April	62 <sup>nd</sup> , <b>and final</b> , session of the Commission on Human Rights
16-31 March	295 <sup>th</sup> session of the ILO Governing Body
22 March	World Water Day

[In-depth:](#) Changing Multistakeholder Models involving NGOs and the Private Sector as witnessed in recent Geneva meetings (ILO, IGF, COP, WTO)

February, in the midst of the Northern hemispheric winter, can be a rather dormant month in Geneva, with typically grey skies and icy bursts of wind, rain, sleet and snow. Surrounded by magnificent mountains that are, to be sure, always there but rarely visible, Geneva is a transit hub for skiers, snowboarders and other winter sports lovers, filling up the international airport with long lines at the passport control in spite of the recent entry of Switzerland into the supposedly borderless Schengen Accord with its immediate neighbours. But it is still a magnet in its own right for significant policy deliberations amongst its international organizations, and true to form, it hosted a wide array of such deliberations this month – as we have duly reported in our news items above. What struck us about these events, in spite of their having been on such unrelated subjects as tobacco control, internet governance and maritime labour standards, is the changing dynamic of the role of NGOs in the policy process.

This in-depth piece starts with a short refresher on what is meant by an “NGO” and then looks at how NGOs operated at three concurrent or overlapping events in Geneva in February. The events to be compared in this commentary are the ILO Maritime Conference, the consultative process for the Internet Governance Forum and the First Conference of the Parties for the Framework Convention on Tobacco Control.

When the term “NGO” or “nongovernmental organization” was originally coined, it was essentially defined by what it was not. That is to say, an “NGO” was NOT a government or a governmental organization. The term was actually introduced into the UN Charter in 1945 as a means of distinguishing private organizations operating in the international arena from the numerous intergovernmental organizations that were being established in association with the United Nations. The International Committee of the Red Cross and what is now known as the International Federation of Red Cross and Red Crescent Societies were the obvious examples of the organizations to which this definition was to be applied. While the International Red Cross and Red Crescent is still the world’s largest group of NGOs, today they are joined by well over 18,000 working in international development alone (a World Bank estimate. See

<http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20713696~menuPK:34476~pagePK:34370~piPK:34424~theSitePK:4607,00.html>) or some would argue well over 40,000 international NGOs.

The main distinguishing characteristic of international NGOs remains as before. They are not governments, nor are they seeking to become governments. They are, nonetheless, formal organizations that represent or advocate for the interests of some group of people or associations of people, and they are self-governing with their own constitutional structures. They are typically non-commercial entities and are usually not-for-profit – which means that commercial enterprises are generally not considered to be NGOs, even though they are typically not governments, either. However, some NGOs have been organized as non-commercial entities that represent the interests of associations that are themselves commercial entities or associations made up of commercial entities. The International Organization of Employers or the International Chamber of Commerce or the International Federation of Pharmaceutical Manufacturers Associations are all NGOs under this definition. The UN has generally tried to define the “private sector” as a separate category from “civil society”, but this blurring of the NGOs has made the distinction difficult to uphold.

Why should there be such a distinction in the first place? Are commercial entities different from non-commercial NGOs? And what does such a distinction mean in current practice? Let’s take a look at the three recent events.

First, as reported above, the ILO Maritime Conference met from 7 to 23 February. This is a unique variation of the regular International Labour Conference that meets from time to time to adopt policy instruments relating to maritime labour. On this occasion, the leading agenda item was the consolidation of some 68 separate “instruments” that had been adopted over the years and had produced a complex patchwork of old and new standards and recommendations, relevant and widely accepted but outdated, or downright archaic and not particularly useful. The Conference was the culmination of a five-year effort to consolidate these into a single comprehensive, up-to-date instrument but also one with enough flexibility to allow for amendments to keep it up to date. The Conference featured the standard ILO tripartite arrangement of national representatives of workers, employers and governments from over 100 ILO Member States with maritime interests. Representatives from some 15 NGOs were also accredited as observers, some 60% of whom were closely associated with either the workers’ representatives or the employers’ representatives.

What was striking about this Conference was the extraordinary unanimity among the three groups. This was not fore-ordained, however. Each of the parties had some issues that had to be resolved, and innovative methods had to be established to work them out. The approach chosen was to create a tripartite “Steering Committee” to shepherd the negotiations, to convert the Conference into a “Committee of the Whole”, to operate Working Parties on specific contentious issues and to revert to a more informal “Friends of the

Chair” mechanism when all else encountered obstacles. At the end of the process, the new Convention, the largest and most comprehensive ever adopted by the ILO (108 pages in the English version), was adopted by a vote of 314 to 0 with 4 abstentions. Several speakers remarked at the end that the success was driven by a mutual respect and a readiness to compromise, while others also remarked that this was the world’s first really globalized sector. Multinational crews, the mingling of interests between Flag States and Port States, the competitive advantage seen by shipowners in having a workable convention, and the major interest in the free flow of world trade all converged to reinforce the search for common ground. It is worth looking at the circumstances for cooperative dialogue among these governments and these particular non-state actors to determine whether they can be adapted to other policy-making efforts.

Another “really globalized” sector has to be the internet. It might be more accurate to call it a “really globalizing” sector, since there is a substantial “digital divide” between developed and developing countries that would suggest that this sector is only partially globalized. In November 2005, we reported on a decision taken at the World Summit for the Information Society (WSIS), Phase II in Tunis, to create an “Internet Governance Forum”. The Forum is to “meet periodically” to strengthen cooperation among stakeholders for public policies relating to “generic top-level domain names” and globally applicable principles for coordination and management of the Internet. (See <http://www.gsogeneva.ch/gsovol1no9.htm>.) In the WSIS agreement, the stakeholders involved in the process are deemed to be “governments, private sector, civil society and international organizations, *in their respective roles*”. The Forum itself, while intended to first meet early in 2006, will probably meet in October or November in Athens.

The Special Advisor to the Secretary-General for the WSIS, Nitin Desai, chaired the first consultations on 16 to 17 February to facilitate a “common understanding” among the stakeholders about the scope of work, priorities, structure and functioning of the Forum. The consultations were wide open to any interested party, with a resulting mixed character to the interventions. Some 100 groups or individuals other than governments signed up for the consultations. In a typical UN meeting, the member states have precedence, and observers (both NGOs and the private sector) are given a few minutes at the end. Here, government interventions were interspersed with interventions from NGOs such as the World Forum of Civil Society (UBANTU FORUM), the Internet SOCIety (ISOC) and Nurses Across the Borders and from the private sector, such as the business coalition organized by the International Chamber of Commerce for WSIS, the Coordinating Committee for Business Interventions (CCBI) but also private sector trade associations like the Global Information Infrastructure Commission (GIIC) and the European Broadcasting Union and even individual companies. Both UNESCO and ITU pitched in from the international organizations.

While the structure of the new institution is still to be determined, the consultative process reaffirmed the importance of open participation. Some governments expressed discomfort in listening to so many civil society voices,

and the Group of 77 plus China, the main spokesperson for developing countries, was not fully prepared to accept a multistakeholder “Bureau” or “Program Committee” for the Forum. The momentum, nonetheless, was in the direction of establishing an integrated coordinating group composed of government representatives from each region, as well as representatives from the private sector, civil society and academic or technical institutions. If this happens, it will be a hybrid of intergovernmental and nongovernmental elements. Presumably, the Secretary General will decide, but his decision will be influenced by where the funding will come from. This is not yet transparent, although there is a strong Swiss interest in the initiative. The new website for the IGF invites “all stakeholders” to submit their views on whether there is a need for a multistakeholder group to prepare for the meeting and which public policy issues the first meeting of the IGF should address. (See <http://www.intgovforum.org/>.) Comments on the first question are to be submitted by 28 February, and on the second question, by 31 March. The WSIS participants agreed that this is supposed to be a “transparent, democratic and multilateral process”.

Our third example is the first meeting of the Contracting Parties to the Framework Convention on Tobacco Control (FCTC). Like the IGF, the FCTC is a new entity, the first ever convention approved by the World Health Assembly. Modelled on a number of environmental conventions (e.g. the UN Framework Convention on Climate Change), the FCTC is still an intergovernmental entity, not a multistakeholder one. Over 100 Contracting Parties met for the first “Conference of the Parties” from 6 to 17 February in Geneva. As reported above, the COP adopted a Programme of Work and approved a Convention Secretariat.

A striking feature of this event was the focus on who NOT to include in the deliberations – i.e. the targeted industry. This is because the product is a known killer but also because the industry has a history of obstructing information about the health effects of its product(s). WHO reports clearly state the evidence that tobacco is a leading cause of death, responsible for the death of 10 million people every year. (See <http://www.who.int/tobacco/en/>.) The campaign against tobacco has been given impetus by the FCTC, with its emphasis on strategies to reduce demand. Credit is due to the active lobbying of anti-tobacco NGOs supported by various pro-health NGOs, throughout the process of negotiations on the Convention. The targeted industry, on the other hand, has been perceived to pursue a continuing strategy of blocking tobacco control and regulation. Thus, the FCTC recognizes the “need to be alert to any efforts by the tobacco industry to undermine or subvert tobacco control efforts” and to recognize the special contribution of NGOs and other members of civil society “not affiliated with the tobacco industry”. (Preambular paras 17 and 18 of the FCTC.) Article 5.3 of the FCTC also commits the Contracting Parties to protect their public health policies “from commercial and other vested interests of the tobacco industry in accordance with national law”.

In the implementation of the FCTC, the anxieties about infiltration by the tobacco industry influenced the deliberations on the new Rules of Procedure

for the Conference of the Parties, both in terms of how to isolate the tobacco industry as such and in terms of how to limit the influence of WHO Member States that have not yet ratified the FCTC but are signatories to the treaty. There are over 50 such Member States, including the United States, that have not yet ratified the treaty. The Rules of Procedure were hotly debated on how to structure the participation of entities other than the Contracting Parties and on what kinds of meetings would be open to the general public and who would have access to meetings that were not open to the general public. While the Conference agreed to grant observer status for both the non-Contracting Parties and properly accredited NGOs, the various working parties and regional caucuses will be closed. In practice during the first COP, this meant that the non-Contracting Parties were kept out of closed meetings while selected NGOs were invited in. Thus, there is a variation of multistakeholder participation that is a combination of governmental and nongovernmental entities while the targeted industry is specifically being kept out of the dialogue. At this Conference, however, there were only 17 accredited NGOs, although the most active one, the Framework Convention Alliance, was a broad alliance of national and international anti-tobacco NGOs working together on the issue. This, then, is another example of a globalizing sector where the mix of governmental and nongovernmental entities is operating to influence global policy deliberations.

These three examples are relatively modest compared to the thousands of participants at other global conferences, such as the International AIDS conferences and the environmental conferences. In particular, the dramatic increase in international NGOs started around the time of the first global intergovernmental summit, the Rio Summit on the Environment in 1992. Environmental summits continue to attract the largest number and proportion of NGOs. A recent example is the eleventh Conference of the Parties for the UN Framework Convention on Climate Change in Montreal from 26 November to 9 December 2005. This event attracted close to 10,000 registered participants, from approximately 180 governments and over 350 NGOs, with an approximate ratio of two NGO representatives for every representative of a Contracting Party. So the international presence of NGOs is very extensive. What is important to note about the three examples we have covered in this in-depth piece is that the dynamics of multistakeholder participation are changing the very nature of policy deliberations. And the examples we have commented on here are reflective of a globalizing influence on the participatory processes, at least in these three specific sectors we have covered.

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