

# The contributions and limitations of civil society organisations in the work of the UN Global Compact

A critical discussion

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# Abstract

The UN Global Compact was launched with an aim to engage business in the development process. Its multistakeholder nature seeks to combine the best properties of the United Nations, business, civil society, labour organisations, academia and the public sector. However, the role of business in this initiative has been given far more attention than the role of non-business stakeholders. For this reason, this thesis aims to investigate the contributions and limitations of civil society organisations in the work of the UN Global Compact, considering both the function as deliberators and as watchdogs. In terms of deliberator, the role of civil society will be examined within the Global Compact Board and within two Working Groups of the Compact. The role of watchdogs and their critique levelled against the Global Compact will be examined based on the arguments and perspectives expressed on a critical blog. This thesis derives to the conclusion that while both deliberators and watchdogs face different challenges and opportunities, civil society organisations have greater potential to contribute to the work of the Global Compact through the strategy of deliberator than the strategy of watchdog.

*Key words:* UN Global Compact, civil society organisations, partnership, deliberators, watchdogs

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# 1 Introduction

The legitimacy of traditional forms of international governance has been questioned since the 1990s. One solution which has been suggested in the debate about the democratic deficit is enhanced participation of civil society in international organisations (Steffek and Ferretti 2009:37). There has been a shift from international politics to global governance and the key distinction between the two is the distribution of governance resources. Resources which previously have been concentrated in the hands of the nation states but have now become more dispersed. While there are several different accounts of the empirical shift from international politics to global governance, the proliferation of actors is at the centre of much of the global governance literature. According to Dingwert and Pattberg, it is the political agency of a diversity of non-state actors, and their ability to address transnational problems, which distinguish global governance from international politics (Dingwert and Pattberg 2009:42-44). Hence, one of the main characteristics of global governance mechanisms is that they are often based on multiple actors. This is the case of the UN Global Compact which is a multi-stakeholder body including business actors, civil society and labour organisations with the aim to engage business in the development process.

The influence of the private sector in global governance has expanded in recent years and this shift is also seen within the UN. The UN made a considerable turn when launching the UN Global Compact in 2000, from a history of keeping a distance to the private sector to entering into partnership with it (Thérien and Pouliot 2006, Utting and Zammit 2009, Bull et al 2004). Over the past decade, the vast majority of UN's organisations have engaged in partnership with the private sector (Witte and Reinicke 2007:7). There are number of factors explaining why this shift towards partnership occurred.

The changing financial circumstances in the 1990s resulted in an urgent need to find new financial resources for development. As a consequence, UN turned towards business and called for their engagement as partners in the development process. Another factor is the ideological change towards neoliberal ideas which occurred both within and outside the UN. This change has legitimised market-based solutions to problems which previously were thought of as public. The idea of the Global Compact was introduced by Kofi Annan and his leadership of the UN is also an explaining factor of the shift towards partnership. It is argued that the real wind of change within the UN came when he became secretary-general in 1997. With his business degree and experience with the private sector, Annan's background differed from all previous secretaries-general and from most high-level UN officials. His vision was to make UN relevant again and he believed that in order for this to be achieved the UN had to collaborate with non-state actors and particularly the private sector (Utting and Zammit 2009, Bull et al. 2004).

Other more general factors explaining the increase of partnership between the public and the private are the failure of the state and to some extent market failure. States were considered as ineffective agents of regulation and development and as unable to provide public goods. Regarding market failure, partnership also emerged as an attempt to minimise the consequences and negative impacts of economic liberalisation. Furthermore, partnerships are also seen as a response to the structural changes in the relations between state, market and civil society which have occurred since the 1980s and (Utting and Zammit 2009).

While private sector participation in the UN has increased in both quantity and quality in recent years, civil society actors on the other hand, have been included in the UN's deliberative activities since the origin of the organisation. They generally gain access to the UN as recognised non-governmental organisations (NGOs) acting in a consultative role which encompasses several functions such as gathering information, offering advice, providing education, mobilising support for UN policies, helping draft treaties, providing data about the local conditions and more generally supplying a specialised knowledge-base for UN deliberations. There has been a tremendous growth in the number of NGOs with consultative status since the inception of the UN. However, not all NGOs enjoy this consultative status but instead try to influence the UN from outside (Wapner 2009).

In the case of the UN Global Compact, it is the business actors which represent the large majority of the participants while civil society organisations (CSOs) are included to help assist companies in reaching the goals and contribute to the legitimacy of the Compact. These changing relations raise questions concerning the role of civil society within the Compact and in global governance more generally.

## 1.1 Purpose and research question

Global governance is an extensive research field (see for example Whitman 2009) and the UN Global Compact represents one case of global governance which has its own genre in the literature. The relationship between UN, business and civil society is one example of an area within this field. In the literature on the Global Compact it is the role of business within this partnership which has received much of the attention (see for example Sagafi-nejad and Dunning 2008, Thérien and Pouliot 2006, and Utting and Zammit 2009) and as started by Leisinger; "The role of non-governmental organisations in this initiative has been given far less attention than the role of business" (Leisinger 2007:113). This is to some extent understandable given that the Compact since its origin has emphasised its role as an UN-business partnership (Rasche and Gilbert 2012). However, the Compact states that "Civil Society Organisations (CSOs) are an important and integral part of the UN Global Compact and [...] contribute with much needed perspectives and

expertise that can complement those of other participants and stakeholders” (UNGC 2010). This gives reason for further investigation of the role of CSOs.

In the light of the legitimacy issue in global governance and civil society participation as a solution to its democratic deficit, this thesis aims to investigate the role of civil society organisations in the case of the UN Global Compact. The theoretical findings on the functions of CSOs indicate that two roles can be adopted, either as watchdog or as deliberator (Steffek and Ferretti 2009). Further it is argued that in order to fully appreciate the influence of CSOs and their different strategies, it is necessary to consider the multiple relationships which an organisation holds with CSOs (van Huijstee and Glasbergen 2010). For this reason, the role of CSOs will be assessed in terms of contributions and limitations and this is of interest in both the case of organisations working within the Compact as well as organisations trying to influence from outside.

The purpose of this thesis is to provide a critical discussion on the function of CSOs in global governance and its challenges and opportunities in different strategies. This paper aims to address the knowledge gap in the case of the UN Global Compact and its relations to civil society organisations by examining the role of CSOs in the work of the Global Compact from the perspective of watchdogs and deliberators.

The research question which this thesis seeks to answer is:

*What are the contributions and limitations of civil society organisations in the work of the UN Global Compact?*

## 1.2 Conceptual definition

The concept ‘civil society’ has multiple and deeply contested definitions. Scholte presents four main usages of the concept but also states that each student must arrive at an understanding that they find most suitable. He emphasises that a clear and explicit definition of civil society in a given analysis is crucial in order to avoid confusion. In an analysis by Scholte, he defines civil society as a political space where citizens gather to deliberate on issues concerning their collective life. This definition overlaps with concepts of the public sphere and a somewhat more narrow definition is civil society as a ‘third sector’, in addition to the state and the market. In this formulation, civil society is formally organised, legally registered and professionally staffed non-profit bodies. Hence, civil society is discussed as civil society organisations which tend to be equated with non-governmental organisations (Scholte 2007:16).

The Global Compact defines civil society organisations as non-governmental and non-profit entities which seek to bring about positive social and environmental change. These include advocacy groups as well as organisations operating at the field level. They can be international in nature or small grassroots groups. This definition does not include private sector, academia, labour or

municipalities, instead the engagement of these actors are addressed separately by the Compact (UNGC 2010). This definition could have been used for the purpose of this thesis since it is composed for the purpose of the UN Global Compact. However, in relation to Corporate Social Responsibility (CSR)<sup>1</sup> initiatives the concept of civil society tends to include business associations (consisting of companies) as NGOs. Hence, this definition is not the most suitable in this case for the reason that this thesis aims to discuss CSOs as an actor with social and development aims rather than as an actor driving the agenda of the private sector. Further, since the focus of this thesis is CSOs in interaction with a public-private partnership it is relevant and most suitable to use the definition of the 'third sector' and organised civil society. Consequently, civil society is defined as the third sector in addition to the state and the market and it is formally organised, legally registered and professionally staffed non-profit bodies. It is also important to recognise that CSOs are a very heterogeneous group, they address different issues with different strategies and they have very different perspectives and viewpoints.

### 1.3 Method

This thesis will conduct a case study of the UN Global Compact and its relations with civil society organisation. It is a case study within the field of global governance and the case is, as Bryman prefers to call it, an exemplifying case (Bryman 2008:56). Although Thérien and Pouliot (2006) describes the UN Global Compact as representing a major innovation in the field of governance, its multilateralism and focus on partnership is not unique in global governance settings. The reason for selecting this case is influenced by various theories about the role and function of civil society in global governance and business regulation. The case of the UN Global Compact allows for an examination of the implications of some of these theoretical considerations in a particular research site (Bryman 2008:56).

One of the major critiques of case studies is that its findings cannot be generalised since a single case cannot be representative for all cases. Rather, case studies aim to generate an in-depth examination of a single case and the findings are to be generalised to theory rather than to other cases (Bryman 2008:57, 391-392). The aim of this thesis is not to generalise findings to other global governance initiative but to relate findings to existing theories on the role of civil society organisations.

The theoretical framework which will be used in order to investigate the role of CSOs in the work of the Global Compact is based on findings from Steffek and Ferretti, and van Huijstee and Glasbergen. These authors address the functions of CSOs in global governance in a more general sense or with a focus on other

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<sup>1</sup> Corporate Social Responsibility is voluntary initiatives adopted by corporations with an aim to improve their social, environmental and human rights records (Utting 2005:375).

international organisations or CSR initiatives. Based on this theoretical body, the role of CSOs in the work of the UN Global Compact will be examined in terms of the function as deliberators and as watchdogs. In terms of deliberators, i.e. the CSOs working within the Compact, focus will be given to two of the main functions of the Global Compact which are the UN Global Compact Board and Working Groups. The reason for this focus is that the Compact itself states that CSOs can engage and participate within these entities (UNGC 2010, UNGC a) and it is not feasible to investigate all entities within the Compact. In addition to the theories on the function of CSOs, the debate about the UN Global Compact is part of the theoretical framework in order to provide the context of its relationship with civil society.

The research question will be addressed through an analysis of documents and texts and a discussion on material will be presented below.

## 1.4 Material

The research is based on secondary sources and the data derives from a variety of material in order to answer above stated research question. Since this thesis aims to address the role of CSOs both within and outside the Compact it is necessary to gather data from the Compact itself, from CSOs participating in the Compact and from more critical CSOs outside their work. The main sources for the data collection provide a large quantity of documents, reports and blog posts, and even a case study will require sampling within the case since it is not possible to study everything about even one case. The process of sampling data has been guided by the purpose and research question as well as the time and scope of this thesis. Purposive sampling has been used and data has hence been sampled in a deliberate way with a purpose and specific focus in mind (Punch 2005:187-188). In the case of the working groups, the case selection and sampling process has been guided by the available data. It is also important to declare that the sampling of data as well as the analysis of the collected data is based on my interpretations and perspectives. Nevertheless, through a balanced process of sampling in terms of sources this thesis aims to provide an unbiased picture, as far as this is possible, of the current relations between the Compact and civil society organisations. This will provide the basis for a critical discussion related to the theoretical framework.

To begin with, the data deriving from the Compact itself will be discussed. In terms of investigating the role of CSOs in the Board, board meeting reports will be used and these are available at the website of the Compact from the meetings held between 2006 and 2011. In addition to provide information on what has been discussed during the meetings, these reports also contain records of which views and opinions the individual board members have expressed during the meetings. The document accounting for the terms of reference for the board and its members will also be used as a source of information.

Concerning the working groups of the issues addressed by the Compact it is only two groups, Human Rights Working Group and Anti-Corruption Working Group, which provide list of members and meeting reports. Hence, focus will be given to these two groups. The meeting reports do not provide information on which views and opinions the individual members have expressed during the meetings, as in the case of the board meeting reports, but solely account for what have been discussed. Due to this it might be difficult to draw any conclusion beyond the representativeness and the deliberative equality within these groups.

In the case of CSOs within the Board and the Working Groups, data will also be gathered from their websites and the information of interest is the perspectives, activities, goals and business relations of these organisations. Unfortunately, it is only two of the four board members who provide this kind of information in English which of course impose limitations to this part of the research. Websites as a source of data is often questioned in terms of authenticity, credibility and for their constant change (Bryman 2008:525). This critique is not very relevant in this case since the information of interest concerns the objectives and missions which the organisations communicate through their websites.

When addressing the role of CSOs outside the Compact, i.e. watchdogs, the Global Compact Critics blog will be the source of data and information. The Global Compact Critics is an informal network of organisations and people who have concerns about the Compact, UN's partnership with business actors, and corporate accountability. Information regarding these issues is gathered and shared on the blog which provides an extensive blog archive from the year of 2000 and forward. The information of interest for this thesis is the critique posted by CSOs and what this critique contains. Further, blog posts where staff from the Compact respond to the information posted by CSOs is also of interest.

As seen from the discussion on material above, the majority of the data is collected from different documents. Hence, it is important to recognise that documents are texts written with a distinctive purpose in mind, rather than as if they simply reflect reality. Further, documents should be examined in terms of the context in which they were produced and in terms of their implied circle of readers since they are written in order to express an impression (Bryman 2008:526-527). A lot of information derives from the Compact itself and a weakness with the data collection is the fact that it partly depends on documents in the public domain. This is documents which the Compact decides to publish, more critical information might not be published and hence it is difficult to know to what extent information has been left out. However, this weakness will be addressed by the material deriving from the Global Compact Critics blog and academic literature. Thus, the data collection is balanced in terms of sources of data.

It is also of importance to recognise that authors of documents are likely to have a particular point of view that they want to communicate (Bryman 2008:522). This is of relevance in both the case of the Compact and the blog. In the case of the Global Compact Critics blog, the website was created for the reason to share information about the Compact and one should be aware of the very critical perspectives expressed in the blog. Finally, while using academic

literature, it is of great importance to remain critical and to recognise the perspectives of the authors are as important as in the case of the Compact and the blog.

## 1.5 Disposition

This first chapter has provided a brief discussion on the contextual background and historical developments which is the starting point of this thesis and which places this research within the broader debate on the legitimacy in global governance. The purpose and research question have been established and the methodological aspects have been discussed. The second chapter constitutes the theoretical framework which encompasses an examination of the UN Global Compact and the controversies of the initiative. This is followed by a discussion on the functions of CSOs in global governance and international organisations. This provides the basis for the examination of the contributions and limitations of CSOs in the work of the UN Global Compact, which is discussed in the third chapter. This proceeding provides an investigation of and discussion on the function of CSOs in the work of the UN Global Compact, both from within and from outside. The conclusions of the research are presented in the fourth chapter.

## 2 The Global Compact and civil society – a contested relationship

The UN Global Compact is a contested initiative in itself and the debate around it has been ongoing since the idea of the Global Compact was launched. At the same time as the Compact aims to be a multistakeholder initiative where civil society organisations are involved as participants, it is from the civil society where the most critical voices are raised. This chapter examines the UN Global Compact and the controversies around it as well as the changes, contributions and limitations of the role of civil society organisations in global governance.

### 2.1 The UN Global Compact

The UN Global Compact is an initiative to engage business in the development process in order to promote a more sustainable and inclusive world economy. The aim is to advance the commitments by business in the fields of labour, human rights, environment and anti-corruption through aligning their activities with the Compact's ten universally accepted principles (see appendix 1). In addition to this objective, the Compact has as a goal to catalyse actions in support of broader UN goals, including the Millennium Development Goals (UNGC 2011a).

The Compact is a multi-stakeholder body which in addition to business actors and the United Nations includes actors from civil society, labour organisations, academia and the public sector. It is the world's largest voluntary corporate responsibility initiative with its more than 8700 participants and it seeks to combine the best properties of these stakeholders. In order to achieve the objectives of the Global Compact, it is designed as a voluntary network-based initiative that provides collaborative solutions and emphasises dialogue and learning. It is not designed to monitor or measure the performance of participants and neither does it have the mandate or resources for this. However, a number of integrity measures have been adopted with the aim of assuring that the integrity of the Compact is safeguarded at all times. These measures concern the use of the United Nations and the Compact's name and emblem, reporting on progress, and allegations of systematic and egregious abuses (UNGC 2011a, UNGC 2011b, UNGC 2011c). The reporting on progress policy and the process of handling allegations have been most discussed both within and outside the Compact. The former will be accounted for below while the latter will be further discussed in the next chapter.

In terms reporting on progress, participating companies are required to follow the Communication on Progress (COP) policy which includes an annual posting of a report in order to demonstrate their commitment to the Compact and its ten principles. Commitment to transparency and disclosure is critical to the success of the Global Compact and participating companies failing to report on progress will face a change in participant status, from active to non-communicating. Failure to report two years in a row leads to de-listing from the initiative and de-listed companies will be published by the Compact. Non-communicating companies can become active again by posting a link to or description of their COP. Companies that have been de-listed can reapply to join the Compact but their application has to be accompanied by their COP (UNGC 2011a, UNGC 2011b).

## 2.2 The controversies of the UN Global Compact

The Global Compact has since its origin generated highly polarized positions on issues of its contribution to development, its voluntary approach, and of the legitimacy of its governance model. The keenest support of the Global Compact has, not surprisingly, come from within the UN Secretariat and from the UN agencies which are directly involved in the Compact. The most sophisticated arguments supporting the Compact have been expressed by Kofi Annan, John Ruggie and George Kell who all are involved in the initiative. The critics, on the other hand, include NGOs, intergovernmental agencies and some governments of developing countries (Thérien and Pouliot 2006). The debate between advocates and critics will be examined thematically in the following sections.

### 2.2.1 Contributing to sustainable development?

Advocates of the Compact believe that the initiative can contribute to sustainable development and to a more equal distribution of global wealth. It fosters global wealth because it responds to the mutual interest of the developing countries and the private sector and is by advocates viewed as a win-win solution to the global poverty problems. This way of thinking is related to the view that state-centred policies have failed to promote development and that this can no longer be achieved by governments and intergovernmental organisations alone. Another belief is that only private companies have the expertise and technology which is required to deal with current economic challenges and for this reason trade is suggested to be better than aid. According to the advocates, a better integration of social needs within markets seems necessary in order to prevent an escalation of the imbalance caused by globalisation.

Critics of the Global Compact argue that the initiative widens the gap between North and South and aggravates the inequalities of development. The critical voices emphasise that the fundamental problems, such as the concentration of

wealth and the lack of social justice, fall outside the concerns of the private sector. Due to this the opening of markets can only lead to a superficial contribution to development. Those who oppose the Compact are doubtful to the arguments that developing countries shares mutual interest with the corporate sector and that markets can play a major role in poverty reduction. Private capital concentrates where the returns are highest and not where it is needed the most. In the cases where the capital reaches needier countries it seldom does anything for the poor. According to the critics, the corporate trade and investment agenda are embraced by the Global Compact and worries have been expressed that the rise of UN-business partnership in the long run leads to an increased privatisation of the development process. These arguments are based on a mistrust of the business community and on a negative assessment of the outcomes of the neoliberal policies adopted in recent years (Thérien and Pouliot 2006).

### 2.2.2 The voluntary approach

According to its advocates, the Compact offers greater advantage of facilitating dialogue between business and civil society while remaining free from command and control. The constantly increasing number of members as well as its more diverse character in terms of economic sector and geography is also emphasised. The Compact has an ability to foster positive changes in behaviour and attitude and has helped companies in developing and transitional countries to familiarise with the concept of corporate responsibility (Thérien and Pouliot 2006). The Compact does not just emphasise the importance of voluntarism but also the importance of the Compact as a complement rather than a substitute for regulatory systems (UNGC 2011a).

However, the voluntary approach of the Compact has been a target of critique. Initiatives based on voluntarism are often very weak and make little contribution to major improvements of corporate behaviour in a social and environmental aspect. It has also been pointed out that the voluntary approach of the Compact undermines negotiations of a binding code of conduct for transnational corporations (Utting 2000:5). Critique is often levelled against the nonbinding character of the Compact's operation which lacks effective monitoring mechanisms and any form of sanctions. The low requirements for demonstrating compliance with the principles have been criticised, as well as the absence of specific criteria for identifying possible violations of the principles (Thérien and Pouliot 2006). Further, in the light of CSR and philanthropy as marketing tools, the critics argue that the Compact offers free PR to participating companies and an opportunity to "bluewash" their reputations by being associated with the UN. This will project the business community with an image of fairness and solidarity instead of profit making which is the true goal of business enterprises (Thérien and Pouliot 2006, Utting 2000).

### 2.2.3 The legitimacy of the Compact

Advocates argue that the Compact is more legitimate, due to its more inclusive base, compared to governance mechanisms of other multilateral institutions. It is suggested that the participation of non-state actors adds a democratic surplus to the practice of multilateralism since the interaction between NGOs and the private sector provides a system of checks and balances and hence addresses one of the major deficiencies of global governance. The Compact's emphasis on learning processes based on dialogue and emulation is believed to achieve greater results than interaction characterised by conformation and sanctions. Another argument contributing to the stance of being more legitimate is that the Compact has increased the height of UN's profile in the private sector and there is a hope that this would help restore the credibility of the UN in the international arena.

In terms of the legitimacy arguments, opponents state that the Compact is not very democratic. One aspect is that none of its stakeholders are directly accountable to the public. Another aspect, which is in focus in many arguments on the democratic character of the initiative, is the new power relation between the private sector and the UN which has been established through the Compact. The partnership offered by the Compact is seen to be weighted on business and transnational corporations and as an example it is stated that NGOs face more restrictive requirements for participation than corporations. Unequal participation is another point of criticism. The most important members of the Compact are employed from companies, NGOs and governments of developed countries and the South is hence maintained on the margins of the international system. Furthermore, the norm of consensus is, in the eyes of the opponents, seen to favour the private sector since the inevitable result of it is a rather minimalist agenda of corporate responsibility (Thérien and Pouliot 2006). Utting explains that the closer relationship between the UN and business pushes the UN toward a form of self-censorship where UN officials feel more inhibited about writing anything that runs counter to the current (Utting 2000). Opponents argue that controversy is an essential component of a true international democracy and concerns are raised that self-censorship might be the first step towards an actual commercialisation of the UN.

According to the critics, the Global Compact weakens the UN and there is a danger that the organisation might lose the public support it now enjoys. The UN is an institution regarded as a guardian of global public good and its engagement with business is viewed as a contradictory behaviour since some of the collaborating companies are, behind the scene of the partnership, lobbying for greater liberalisation and taking action against multilateral agreements on for example environmental issues (Thérien and Pouliot 2006).

## 2.3 The shifting nature of civil society organisations

It is not just the UN which has made a shift in their relations to the business sector. The civil society engagement with CSR issues has increased significantly since the 1980s and four main factors for this increase are described by Utting. First, the NGO sector expanded rapidly and when they gained legitimacy as an actor they sought new areas of engagement. Second, the critique levelled against the attempts to regulate transnational corporations by governments and international organisations contributed to the search for a 'third way'. Third, globalisation and economic liberalisation caused imbalance between rights and obligations which was another issue driving civil society engagement. The fourth factor contributing to activist mobilisation is the many social and environmental disasters related to business behaviour which became high-profile international issues (Utting 2005).

The expanded role of CSOs has apart from putting pressure on the business sector also taken the form of engagement with business actors. The research findings of van Huijstee point towards a gradual institutionalisation of collaborative business-NGO interactions as CSR mechanisms. Yet, there is a segment of the NGO field which rejects the idea that sustainable corporate practice can be promoted through the employment of market mechanisms. These NGOs continue to take a confrontational approach towards business and according to van Huijstee, these more radical NGOs play an important role as a complement to the role of partnering NGOs (van Huijstee 2010:153-160). This will be further described below. Yaziji and Doh also state that the importance and impact of both adversarial and collaborative engagement is growing. However, they see a more specific development in corporate-NGO relations from discrete, conflictual and isolated interactions to more integrated and embedded exchanges (Yaziji and Doh 2009:xv,178).

## 2.4 Contributions and limitations of civil society

The participation of civil society is often promoted as a solution to the democratic deficit in international governance. Steffek and Ferretti (2009) describe two different functions of CSOs and argue that they can adopt a role of either watchdog or deliberator. The role of deliberator contributes to improving the quality of decisions while the role of watchdog contributes to enhanced accountability. CSOs can promote accountability through increasing the transparency of negotiations, raising awareness through public campaigns and by mobilising public resistance against inadequate choices made by decision makers. In terms of deliberator, civil society participation in decision-making can contribute to additional perspectives and experiences and this plurality of viewpoints generates better decisions. However, representation of the public does

not per se mean representation by common people rather independent experts and specialised CSOs tend to represent the public within international organisations. The accountability and legitimacy of NGOs as representatives of the public have also been questioned since NGOs are unelected groups which operates free from systematic scrutiny. Further, civil society might be provided with access to governance processes but their input is often marginalised. Due to this, outside strategies such as campaigning and protest appears as more attractive for CSOs than acting as a deliberator from the inside. Another shortcoming is the deliberative equality. Deliberative forums might suffer from imbalance in representation between the different actors and CSOs generally have very limited resources compared to the private sector. The large resources required to address global issues is generally only available to well-endowed organisations which are generally found in the North. Due to this it is argued that CSOs are promoting the agenda of industrialised countries. Collaboration through networks does also come with both challenges and opportunities which affects CSOs' role as a deliberator. While cooperation with other groups can strengthen a weak CSO it also requires resources and negotiations on differences in order to formulate a common position. Internal power struggles and hierarchies might also be a problematic aspect of networking. Further, close collaboration might lead to a professionalization of the advocacy groups which in turn can affect the work of CSOs towards increasingly subordinating their aims to pragmatic politics instead of proposing radical alternatives (Steffek and Ferretti 2009, Scholte 2004, Wapner 2009:261).

While it is difficult to simultaneously act as deliberator and watchdog since this involves both working within the governance arrangements and challenging them in public, van Huijstee and Glasbergen (2010) investigate how contrasting strategies can be combined and contribute to achieving the goals of NGOs. Their findings indicate that the strategies can be complementary and that NGOs can support each other through their different strategies. The negative reputation mechanism of watchdogs contributes to ignite policy development while deliberators can bring such policy processes to an end through constructive dialogue. Hence, in order to fully appreciate the influence of NGOs' strategies towards companies it is necessary to consider the multiple relationships a company holds with NGOs.

These findings and arguments will be taken into account while assessing the role of CSOs in the work of the UN Global Compact. In line with the arguments presented by van Huijstee and Glasbergen, this thesis investigates the multiple relationships which the Global Compact holds with CSOs. For this reason, the two contrasting strategies of acting as deliberator and as watchdog will be considered in order to fully appreciate the influence of CSOs in the work of the Compact. How do the different functions contribute to the work of the global compact? What are the limitations of the contrasting strategies? Do CSOs acting as deliberators contribute with a plurality of viewpoints or does the Compact as a deliberative forum suffer from imbalance in representation between different actors? What type of critique is raised by CSOs acting as watchdogs? Is it possible

to see any collaboration between CSOs adopting the different strategies? Do the two roles complement each other in the case of the Compact?

## 3 Deliberators and Watchdogs in the work of the UN Global Compact

The deliberators within the UN Global Compact are found in a number of entities within the initiative and at different levels. At the same time, the Global Compact has a watching eye from the civil society organisations outside the initiative. CSOs, with a varying degree of critical opinions, are constantly highlighting misconduct of participating companies, making public complaints about breaches and contributing to the debate about the Compact. The deliberators and watchdogs of the UN Global Compact will be assessed below.

### 3.1 Deliberators

There are several different ways in which CSOs can engage and participate in the work of the Global Compact (UNGC 2010). The following section examines the role of civil society within the Board and in two Working Groups.

#### 3.1.1 Board members

The UN Global Compact Board is designed as a multi-stakeholder body and is appointed and chaired by the United Nations Secretary-General. Currently, it consists of 32 members deriving from four constituency groups; the United Nations, business, civil society and labour. The aim of the board is to provide ongoing strategic and policy advice for the initiative as a whole and make recommendations to the Global Compact Office<sup>2</sup>, participants and other stakeholders (UNGC a, UNGC b). Board members are elected for a term of three years and can be eligible for one subsequent term. It is foreseen that at least four members of the Board will have experience from global civil society organisations, one each from the areas of human rights, environment, anti-corruption, and development (UNGC 2012). This seems to provide a basis from where it is possible to make input and change and hence make contributions to the work of the Compact.

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<sup>2</sup> The Global Compact Office is the UN entity formally entrusted with the support and overall management of the Global Compact (UNGC 2011d).

At present, civil society is represented by four members in the Board. These are representatives from Instituto Ethos de Empresas e Responsabilidade Social, Transparency International, International Union for Conservation of Nature, and Imagine Africa International. Transparency International and Instituto Ethos have been members since the Board was established in 2006 but in the case of Instituto Ethos, a change of representatives have taken place. International Union for Conservation of Nature and Imagine Africa International became members of the Board in 2011. The attendance of CSOs at the board meetings has varied. All four CSO members were present at five out of 11 meetings. Civil society has always been represented by at least one member and there is not any major difference in the attendance between the CSO representatives (UNGC a, Board meetings 2006-2011).

Based on how it is described in the board meeting reports, the members representing civil society seem to be active participants. The issues stressed by CSO members are related to the role of local networks, quality vs. quantity, the multistakeholder nature, the COP policy and the integrity measures. Concerns have been expressed that the Global Compact Office should focus more on the quality of participant's COP reports rather than the number of submissions (Board meeting 28/06/2006). It has been suggested that quality can be ensured through for example self-assessment, peer review and barring companies (Board meeting 01/05/2008). Further, suggestions has been made that the Compact should devote more time to due diligence with regard to admitting companies as participants (Board meeting 28/06/2006). Independent validation/evaluation of the COP reports, instead of relying on the public, has also been mentioned (Board meeting 04/04/2007). The importance of multistakeholder representation and the need to involve CSOs in the different entities of the Compact have been emphasized in several meetings. Concerning the involvement of civil society it has also been suggested by a civil society representative that the Compact should better define engagement guidance in order to avoid participation of irrelevant CSOs (Board meetings 28/06/2006, 04/04/2007, 01/11/2007). This indicates that civil society contributes to a plurality of viewpoints. And as will be discussed further below, they share some similar standpoints with the CSOs acting as watchdogs.

Despite the emphasis on appointing board members in their personal capacity and hence not as representatives of the organisation they are employed by (Board meeting 01/05/2008:7), it is of interest to investigate the nature of these organisations since the personal capacities of members are most likely influenced by their background. Both Transparency International and International Union for Conservation of Nature are large NGOs based in Europe which are willing to cooperate with the private sector in order to realise their objectives (TI 2011, IUCN 2012). The arguments that the most important members of the Compact are employed from the developed countries and that it is generally only well-endowed organisations which have access to global deliberative forums is confirmed in these two cases. Due to difficulties to gain access to data it is not possible to investigate the nature of Instituto Ethos and Imagine Africa International and for this reason it is not possible to draw any further conclusions on the deliberative equality of the Board. Nevertheless, it is possible to conclude that CSOs are active

participants within the Board and they contribute with a plurality of perspectives. Based on this assessment, I would argue that members representing civil society organisations have the possibility to make contributions to the work of the Global Compact Board.

### 3.1.2 UN Global Compact Working Groups

The Global Compact has several initiatives and specialised working groups addressing current issues. The working groups seek to act as a platform for collective action and the general objectives are to provide advice to the Global Compact Office and to make recommendations to the Compact's participants and business generally. The role of civil society organisations within the Human Rights Working Group and the Anti-Corruption Working Group will be investigated below.

The objectives of the Human Rights Working Group (HRWG) are to advance the business and human rights agenda within the framework of the Global Compact and the UN Guiding Principles on business and human rights. Additional objectives are to identify obstacles to business implementing of the human rights principles and advise on practical ways of overcoming them. The group consists of 57 members where eight of them are represented by civil society according to the definition of CSOs used in this thesis (HRWG 2012, see appendix 2 for a full list of the civil society participants). HRWG is chaired by Mary Robinson who represented civil society in the Board between 2006 and 2009. At the first meeting of the Global Compact Board, she suggested that a working group focusing on the human rights principles should be established (Board meeting 28/06/2006). The working group was launched the same year and the first general meeting were held in 2007. The decision to launch this working group could be seen as an example of how civil society has contributed within the Board and hence to the work of the UN Global Compact.

Among the eight civil society members of the HRWG, six are Northern based and only two derives from developing countries. Further, five of them states that they are working with business through dialogue or constructive engagement in order to raise corporate standards. Two of them are development organisations, one big NGO and one grass root organisation (HRWG 2012). Again, the arguments that the most important members of the Compact are employed from the developed countries and that it is generally only well-endowed organisations which have access to global deliberative forums is confirmed. The imbalance in representation is seen among CSOs in terms of geographical base, rather than between CSOs and business actors. This was quite unexpected since the list of participants was reviewed in a board meeting in the initial phase of the working groups and it was then agreed that efforts should be made to reach to the South (Board meeting 04/04/2007). However, as seen in HRWG meeting reports, the multi-stakeholder component of the different workstreams of the working group has been discussed during the meetings on several occasions. The value of multistakeholder approach and the benefits of engaging in a multistakeholder

group have been emphasised in these discussions (HRWG 29/04/2008, 09/02/2010, 17/11/2010).

The goal of the Anti-Corruption Working Group (ACWG) is to provide strategic input to the Global Compact's work on anti-corruption and to define the needs of the business community in implementing the principle on anti-corruption. It consists of 98 members (some companies and organisations are represented by more than one member) and only four of them are represented by civil society organisations. Instituto Ethos (former member of the board) is one of the four civil society members while Transparency International (current member of the board) represents the other three (ACWG). Considering the large amount of participants in this working group in relation to the surprisingly low number of civil society participants, CSOs appear to have a limited role within this working group. There is a lack of deliberative equality due to the unequal participation which is weighted on business and the private sector. The lack of representativeness is not just due to the sheer number of CSO participants but also since the same organisation holds three of the four seats. The multistakeholder approach is not discussed on the ACWG meetings in the same extent as within the Human Rights Working Group. Nonetheless, the importance of vigilant civil society as key stakeholders to ensure that actors live up to their commitments has been noted by the participants (ACWG 09-10/12/2010).

The Human Rights and Anti-Corruption Working Groups are only two examples of issue workstreams within the Compact. The assessment of these two working groups indicates that there are major differences between the groups with regard to the engagement of civil society. While both of the groups suffer from imbalance in representation the Human Rights Working Group seem to address this issue at their meeting.

## 3.2 Watchdogs

The civil society organisations acting as watchdogs of the UN Global Compact are a rather heterogeneous body of organisations, ranging from quite pragmatic organisations to radical organisations with more fundamental critique. The type of critique raised by CSOs encompasses the targeting specific companies participating in the Compact, structural critique on the lack of monitoring and the use of the integrity measures, and the collaboration with the business sector more generally.

### 3.2.1 The Global Compact is lacking teeth

The UN Global Compact has since its origin been challenged by CSOs for its lack of enforceability. According to Human Rights Watch there are three obstacles which threaten to impede the Compact's effectiveness: the lack of enforceable

standards, the lack of monitoring and enforcement mechanisms, and a lack of clarity about the meaning of the standards themselves. Further, they argue that it is not enough to suggest that NGOs will assume a monitoring and enforcement function (GCC 28/07/2000). ActionAid, Greenpeace, Amnesty International and the Berne Declaration are other well-known NGOs which have stated that the Compact lacks credibility because of the lack of legal enforceability (GCC 06/07/2007). Oxfam Australia has previously supported the Compact but changed its direction in 2008 and is no longer listed as a CSO participating in the initiative. The organisation states that it does not believe in the effectiveness of self-regulation and argue that the need for a strong legal and social framework is becoming more critical in a context where developing countries are competing for foreign direct investment and the increasing power of transnational corporations (GCC 03/06/2008).

When the Global Compact Board agreed to introduce a one-year moratorium on the delisting of companies from non-OECD/G20 countries, due to disproportionate delisting of companies from these countries (Board meeting 25/03/2010:7), it was argued that this showed that the Compact continues to turn a deaf ear to dissenting voices (GCC 02/04/2010). This was seen as a loosening of the requirements on reporting while from the Compact's point of view it was a temporary measure to allow for thorough review of the process of the COP policy in order to ensure its suitability for companies from all economies. The fact that there has been a disproportionate delisting of companies from developing and transitional countries is in contradiction with the advocate's argument that the Global Compact helps these countries to familiarise with the concept of corporate responsibility.

From the watchdogs point of view it appears like the Compact hardly ever pays attention to the critique levelled against the initiative. Nevertheless, in a comment by the Global Compact Office on the Global Compact Critics blog it was stated that CSOs and other non-business stakeholder play a crucial role in advancing and strengthening the Compact. The implementation of the COP policy as an accountability mechanism was based on civil society input and advice. Further, the public criticism of companies which are not meeting the COP policy has in many cases resulted in better communications. The Global Compact Office emphasise that constructive dialogue is both welcome and necessary, however, they encourage concerned organisations to express their views through a more direct channel and engage in dialogue (GCC 20/09/2007).

### 3.2.2 Integrity measures – safeguarding the integrity of the Compact?

The integrity measures were introduced in 2005 with the aim to safeguard the reputation and integrity of the Global Compact. The act of introducing the integrity measures is seen as a response to the long-running criticism that the absence of a complaint procedure has allowed participating companies to ignore the ten principles of the Compact (GCC 30/06/2006). The purpose of these measures is primarily to promote continuous quality improvement and assist the

participant in aligning its actions with the commitments it has undertaken with regard to the principles of the Compact. As mentioned previously, the process of handling allegations is one of the measures

The declared action plan of the Global Compact Office when they receive a written matter of allegation proceeds in three steps. First, a judgement of the seriousness of the allegation is made and if a matter is found to be frivolous the party raising the matter will be informed and no further action will be taken. Second, if the allegation is found not to be frivolous the Global Compact Office will forward the matter to the participating company concerned and request written comments as well as continues updates of any actions taken to address the situation which is the subject matter of the allegation. Third, if the company concerned refuses to engage in dialogue on the matter within two months of first being contacted by the Global Compact Office it may be regarded as non-communicating. Further, if the continued listing of the company on the Compact's website is considered to be damaging to the reputation and integrity of the Compact, the Global Compact Office reserves the right to remove that company from the list of participants and to point this out on the website. However, the company might seek reinstatement as an "active" participant if appropriate actions have been taken to address the matter of allegation (UNGC 2011b).

In the beginning of 2009, over 80 civil society organisations from 25 countries submitted an open letter to the UN Global Compact in support of a formal complaint against the business participant PetroChina. PetroChina is the largest oil industry partner in Sudan and has financial links to the government which is responsible for the six-year humanitarian crisis in Darfur. The principles of the Compact call for companies to respect and support human rights and the group requested that PetroChina should be removed from the list of participants if there, after three months, is no satisfactory solution to the issue. In other words, the group ask the Compact to address the complaint using the process defined by its own integrity measures<sup>3</sup> (GCC 07/01/2009). The Global Compact responded a few days after, stating that they have decided not to handle the complaint as an integrity issue of an individual company, arguing that the matters raised could equally apply to several companies and that PetroChina has been selected for the reason that it recently joined the Compact. The step of joining the Compact should be welcomed instead of criticised since the Compact is a learning initiative (GCC 13/01/2009). The group of CSOs continued to challenge the Compact to uphold its integrity measures through planning to forward their complaint to the UN Global Compact Board of Directors. One of the CSOs expressed disagreement with the Compact and stated that it is precisely because companies are signatories of the Compact that they should be challenged to live up to the principles of the initiative. It is also argue that the unwillingness to apply the integrity measures undermines the integrity of the Compact itself (GCC 19/01/2009).

In the beginning of February, the group of CSOs received a letter from the vice chair saying that the Board will discuss the matter fully at its next meeting

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<sup>3</sup> The time span for a participating company to engage in dialogue with parties raising a matter was changed from three months to a two-month period in July 2009 (UNGC 2011b).

and that the process described in the Compact's Integrity Measures will be reviewed (GCC 10/02/2009). When the matter was discussed at the Board meeting in July 2009, the Board unanimously agreed that the matter had been handled appropriately. The operation of a company in a weakly governed or repressive environment would not be sole grounds for the removal from the initiative and the Compact cannot, as a learning network, require a company to engage in advocacy with a government. It was also explained that the company in question has been active in supporting sustainable development in Sudan and engaged in the newly established Local Network. Further, the company had engaged in Global Compact learning and dialogue activities on conflict sensitive business practices. When the process of Integrity Measures was discussed, a number of solutions were suggested. One proposal concerned the clarity of the initiative and it was agreed that there is a need to clarify and express externally the mandate of the Compact as a learning platform. It was unanimously agreed that the purpose of the Compact is not related to resolution of dispute and nor should this be its aim (Board meeting 24/07/2009).

This is one of the most prominent examples of the interaction between watchdog CSOs and the UN Global Compact. As seen from this example, the watchdog strategy contributed to raise the question within the Board even if the final response was far from what the group of CSOs had hoped for. There are other examples of complaints which have received a response from the Global Compact Office where the voluntary nature of the initiative is emphasised and references are made to the mandate of the Compact as a learning network aimed at facilitating dialogue (see for example the case of Netslé, GCC 18/06/2009 and GCC 29/05/2010).

Another example, with a different outcome, is the case of the Lithuanian company Lifosa which imports phosphate from Western Sahara. Lifosa refused to engage in dialogue with an international network of organisations and activists after receiving a letter of complaint. In line with the integrity measures, the Global Compact expelled the company since it refused to engage in dialogue within two months of first being contacted by the Global Compact Office (GCC 06/06/2011).

These selected examples of civil society interaction with the Compact is characterised by both success and failure. The attempt to influence the Compact in the case of PetroChina could be viewed as rather successful even if the final outcome was seen as a failure among CSOs. The major limitation of CSOs acting as watchdogs is that the standpoints of some of the organisations differ fundamentally from the standpoints which the Global Compact and its mandate is based on.

## 4 Conclusion

The functions of civil society as watchdogs and deliberators in the work of the UN Global Compact both have its challenges and opportunities. Based on the material assessed in this thesis I would argue that civil society acting as deliberators within the Compact has greater potential to contribute to the work of the Global Compact.

The deliberators of the Compact face different opportunities and challenges. The members of the Board contribute with a plurality of perspectives and there are some similarities in the arguments expressed by civil society within the board and by watchdogs. Board members have raised issues regarding the quality of the initiative and of the COP reports published by participants. In order to improve the quality, suggestions for stricter requirements when admitting companies as participants have been expressed. Further, independent evaluation of the reports has been suggested, instead of depending on the public as monitors of compliance. These arguments and suggestions have also been expressed by watchdogs. While the importance of multistakeholder engagement has been stressed by civil society members of the Board, it has been suggested that engagement guidance for civil society actors should be better defined in order to avoid participation of irrelevant CSOs. This argument is related to the willingness to cooperate with the private sector through constructive engagement and dialogue and that participating CSOs have to be committed to the objectives of the Global Compact.

The deliberators within the two Working Groups face somewhat different opportunities. In the case of the Anti-Corruption Working Group there is a lack of deliberative equality due to the unequal participation. Participation is weighted to the private sector and civil society representatives derive from two organisations. In this case, CSOs face greater challenges than opportunities. The Human Rights Working Group has a better balance in representation in regard to CSOs and business actors. However, the majority of the CSOs are northern based and large organisations. Hence, one could argue that there is an imbalance in representation between the CSOs. The importance of multistakeholder settings is emphasised in the meeting discussions of the working group which might affect future possibilities to reach a balance in representation, both between and within the different groups of actors. As stated earlier, it is difficult to draw any conclusions on the contributions and limitations of civil society in terms of perspectives and viewpoints at the meetings since this information is not provided in the meeting reports of the working groups. Nevertheless, I would argue that due to the quality of the deliberative forum, CSOs in the Anti-Corruption Working Group faces more challenges than opportunities while the Human Rights Working Group has better preconditions to contribute to the work of the Global Compact.

The empirical evidence suggests that watchdogs have, through their critique levelled against the Compact, contributed to the implementation of measures which to some extent improve the accountability of the initiative. The role of watchdogs has been recognised by the Global Compact Office as crucial in advancing and strengthening the Compact. Nevertheless, the Global Compact Office also emphasise constrictive dialogue and encourage watchdog organisations to express their views though engaging in dialogue. However, a precondition to engage in dialogue is a willingness to cooperate with the private sector. The UN Global Compact seeks to engage with actors who are committed to the objectives of the initiative. There is a group of CSOs which reject the idea of sustainable corporate practice through market mechanisms and the UN Global Compact is hence not the forum for engagement for these organisations. Instead, these organisations continue to take a confrontational approach. Watchdogs have an important role in the work of the Global Compact to raise public awareness and mobilise public resistance against inadequate choices. However, the major challenge for watchdogs raising more radical critique is that their perspectives and arguments are in contradiction with the mandate of the UN Global Compact.

It is argued that the more radical CSOs play an important role as a complement to the partnering CSOs. Based on the findings of this research, it is not possible to distinguish any trends where the two roles complement each other. The relationship between partnering and confrontational CSOs is, due to their very different perspectives, characterised by conflict rather than collaboration.

To summarise, while the findings of this research indicate that civil society organisations have greater opportunities to contribute to the work of the Global Compact though the strategy of deliberator, this thesis has only examined the role of CSOs as deliberator within the Global Compact Board and two Working Groups of the Compact. Due to the limited literature on the role of CSOs in the Global Compact, further investigation on the role of CSOs as deliberators within other entities of the Compact is needed. The mere participation of civil society in international organisations and global governance mechanisms does not per se contribute to legitimacy, rather it is the opportunities and challenges which participation offer that is of importance in order to improve legitimacy.

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# Appendix 1 The ten principles of the Global Compact

The ten principles of the Global Compact are:

## **Human Rights**

- 1: Business should support and respect the protection of the internationally proclaimed human rights; and
- 2: make sure that they are not complicit in human rights abuses.

## **Labour**

- 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- 4: the elimination of all forms of forced and compulsory labour;
- 5: the effective abolition of child labour; and
- 6: the elimination of discrimination in respect of employment and occupation.

## **Environment**

- 7: Businesses should support a precautionary approach to environmental challenges;
- 8: undertake initiatives to promote greater environmental responsibility; and
- 9: encourage the development and diffusion of environmentally friendly technologies.

## **Anti-Corruption**

- 10: Businesses should work against corruption in all its forms, including extortion and bribery. (UNGC c)

## Appendix 2 List of members of Human Rights Working Group

According to the list of members (2012), the members of the UN Global Compact group represented by civil society organisations (according to the definition used in this thesis) are:

1. African Centre for Corporate Responsibility
2. Business and Human Rights Resource Centre
3. Institute for Human Rights and Business
4. Oxfam America
5. Plan International
6. Shift
7. Shontoug Foundation
8. Social Accountability International