

CIVIL SOCIETY PARTICIPATION

**CONCEPTS AND PRACTICES IN THE CONTEXT OF THE SUBSIDIARY BODIES
AND INTERGOVERNMENTAL MEETINGS OF THE ECONOMIC COMMISSION
FOR LATIN AMERICA AND THE CARIBBEAN**

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INTRODUCTION

Participation in public policymaking, once limited only to governments, has evolved in recent years towards more inclusive processes, fostering the broad participation of society as a whole: civil society, the private sector, the academic community, unions, political parties, international organizations, associations and faith-based organizations (ECLAC, 2019c).

At the United Nations, States were the key players with regard to the Millennium Development Goals (MDGs), while private enterprise became involved later. The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) have provided an opportunity for civil society organizations to participate through cross-border partnerships, platforms and networks, which have enabled them to influence decision-making (Marín-Aranguren and Trejos-Mateus, 2019).

It is generally accepted that the SDGs cannot be achieved by central governments alone. As noted in most of the voluntary national reviews submitted by Latin American and Caribbean countries to the high-level political forum on sustainable development, subnational and local governments at all levels must join in and participate (ECLAC, 2019c). Civil society actors, who have extensive social and development experience and have accrued knowledge of social inclusion issues, should therefore be thought of as full-fledged development stakeholders. To enable this, multilateral organizations must continue to incentivize the institutionalization of spaces for participation, which will allow for national progress in consultation, implementation and follow-up processes for the 2030 Agenda.

According to the recommendations of the position papers presented at the most recent sessions of the Economic Commission for Latin America and the Caribbean (ECLAC),¹ development partnerships and compacts require robust civil society participation as well as agreements at the national and global levels.

This document provides a succinct overview of how civil society participation in regional processes has evolved in the context of the work of the United Nations, in particular at ECLAC.

The document is divided into three chapters. The first chapter presents some concepts and recommendations for civil society in the region that could influence. The second chapter analyses the normative framework of the United Nations, describes how civil society participation is defined and regulated, and provides a brief overview of the main inflection points in the evolution of the resolutions through which the relationship between non-governmental organizations (NGOs) and the United Nations is agreed. The third chapter focuses on ECLAC, placing particular emphasis on the Forum of the Countries of Latin America and the Caribbean on Sustainable Development and its importance as a regional participation mechanism. This chapter also examines civil society participation in the Regional Conference on Women in Latin America and the Caribbean and in the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement). The methodology of the study included semi-structured interviews with members of civil society from the region and ECLAC officials on the set of issues addressed. The interviews have been anonymized to preclude infringement of the data protection rights of participants.

¹ See, for example, ECLAC 2020b, 2018e and 2016b.

I. CONCEPTS AND RECOMMENDATIONS FOR CIVIL SOCIETY PARTICIPATION IN THE REGION

A. CIVIL SOCIETY

The concept of civil society gained prominence in the 1990s in the context of theoretical discussions on three specific experiences: the emergence of the social movements that underpinned the erosion and subsequent rupture of the socialist model in Eastern Europe; the structuring of social reform and liberalization movements in the North Atlantic; and the organization of struggles to strengthen democracy and development in Latin America. These experiences and their interpretations gave rise to differences of opinion on the theoretical frameworks used to define civil society and its role in social change (Canto, 2008, p. 24).

Although some definitions are broader and others narrower, the concept of civil society generally refers to “the complex social fabric that supports people's participation in organizations and institutions that transcend the private sphere, and which therefore enables the subject to connect with the broader community” (Roldán, 2018, p. 235). The concept thus implies some flexibility, the counterpart of which is a certainty: the only actor that can be excluded from the concept of civil society is the State. Sporting clubs, unions, political parties, and even private companies and the media can therefore be part of what is thought of as civil society (Sorj, 2007, p. 132). This definition contains vestiges of historical philosophical views of the “being” of civil society, while also rejecting certain stances on its “duty to be”. While Hegel saw civil society as an intermediate point between the basic social structure (the family) and the emergence of the State, other authors, such as Locke and Tocqueville, believed it fulfilled specific functions: “the protection of individual freedoms from [State] intervention”, and the implementation of democratic thought through the “establishment and exercise of civic virtues such as tolerance, mutual acceptance, honesty, integrity, trust and civic courage” (Galindo, 2014, p. 580).

Autonomy with respect to the State, as a characteristic of the duty to be of civil society, is strongly articulated in Putnam’s social capital theory, and specifically in his concept of associationism: the actors who are an asset to democracy are non-State actors and those characterized by low belligerence, in contrast with those whose actions are structured around protest (Krausova, 2020, p. 848).

While in the Americas, the demands of civil society groups in the United States, in the context of a confrontation with the growth of the State apparatus, have been analysed from the theoretical perspective of a return to Tocquevillian democracy,² in Latin America, the theoretical fascination with the concept of civil society has been driven by disappointment with experiences with socialism, but also by a “stance critical of the welfare state, its bureaucratization and its invasion of creative social life” (Sorj, 2007, p. 129).

B. FROM CONTENTIOUS ACTION TO INVOLVEMENT IN PUBLIC POLICY

The different ways in which civil society organizations, in particular social movements, become involved in policymaking, entail contradictory relations with the State and the political system. It has been posited that the organizational and political autonomy of civil society, along with its “self-limitation” regarding any aspiration to exercise political power, is one of its defining elements (Cohen and Arato, 2000).

² In contrast with the United Kingdom, where they created space for the reactivation of classic liberal thought.

However, as noted by Olvera, while electoral democracy is essential to resolving the conflicts inherent to civil society because of its heterogenous nature, so is the civilized channelling of those conflicts (Roldán, 2018, p. 238).

A variety of authors have been extremely critical of the role that civil society organizations can play in political systems. While Giddens (2000) considers that their political action is limited to the domain of subpolitics, Arato (1996, p. 8) states that only “political elites, counter-elites or political parties [...] are capable of carrying out strategic missions to negotiate and design agreements with those who formerly held power”.³ Through network analysis, Lavallo and Bueno (2011) have shown the relevance of the connections between social movements and NGOs in cities such as São Paulo, Brazil, and Mexico City. In the same vein, Bosch (2020b) studied the coming together of workers' organizations in Argentina in the informal sector of the economy and NGOs such as TECHO, whose relationships were initially characterized by mutual distrust, to craft strategies to bring the issue of the social and urban integration of slums onto the policy agenda. The goals that bring each of these stakeholders together may vary. In general, they relate to the resources that others can bring to the “carefully orchestrated task” of creating an agenda (Gerston, 1997, cited in López, 2012, p. 165) for stakeholders with shared interests in specific political and social contexts, but also under highly volatile circumstances.

Bringing together the interests of different actors is a challenge: while there is no doubt that civil society organizations are working to achieve policy reform, they also have other objectives, in particular ensuring their own sustainability. Adopting shared tactics to support common goals enables the maximization of their influence on decision-makers; however, differentiation is required—between similar and dissimilar stakeholders—to establish advantageous niches and better position themselves for the achievement of those other objectives. In addition, even achievements that are considered successful at the institutional level of an organization may not be seen as such by some of its members, which can feed instability and lead to fragmentation. What is therefore needed, according to Meyer (2003, p. 14), is an analytical focus that embraces a long timeframe for mutual influence and an iterative approach to the process of political institutionalization. Such an approach aligns with a participatory or deliberative view of democracy, characterized by “multiple channels for consultation, participation, dialogue and social agreement” (ECLAC, 2007, p. 139) that foster the establishment of new ways to direct all the conflicts expressed by a modern and heterogenous civil society.

In that regard, it is important to recognize that participation⁴ must spring from deep cultural change and not from a Manichaeian compliance with the law or decrees that call for it. Nor should it be limited to formal spaces; rather, it should permeate all levels of public decision-making and policymaking. Promoting

³ Over the past decade, the specialized literature has focused on the consequences of the actions of civil society organizations and, in particular, of new social movements, in terms of consolidating an incipient participatory democracy system or resurrecting a type of authoritarian populism. The authors who acknowledge the active role of civil society in Latin American democracies and underscore its relationship with the State, whether complementary or competitive, have emphasized the way in which various political movements limit the actions of civil society. While neoliberalism downgrades the concept of civil society and depoliticizes its actions that complement those of the State, authoritarianism channels the demands of civil society organizations and neutralizes its role as a competitor with State action by fully incorporating it into the body politic.

⁴ Public participation can be understood through its expression in traditional policymaking as well as in the social sphere. In its traditional domain, it is represented by formal institutions, often hierarchical political parties that mediate between the population and the government and seek formal power. In the social sphere, public participation takes place through social organizations with structures that are more or less hierarchical, which share an established, common goal, and through other, less structured social organizations that are not formally recognized (Oviedo and Abogabir, 2000).

trust in institutions is essential to create a sense of respect, credibility, and mutual knowledge and understanding between stakeholders in spaces for participation, which is difficult to achieve if there is an obligation to make a decision (Oviedo and Abogabir, 2000).

The study of the repercussions of the substantial success of civil society organizations, both proactive—able to introduce new elements to the agenda—and reactive—able to veto disadvantageous policies—has generally been limited to the legislative arena. Burstein, Einwohner and Hollander (1995), for example, characterize the response capacity of political systems to the demands of social movements using a typology made up of various categories: “access” if the movements are entitled to participate in public hearings; “agenda” if the initiative they demand is slated for discussion; “policy” if the initiative is adopted through legislation; “result” if the legislation is enacted; “impact” if the results sought are achieved; and “structure” if the change in the political system is enough to boost the capacity to exercise influence.

Little study has been devoted to the role of civil society organizations in preparing, approving and implementing programmes under bills initially introduced by them to parliaments, in spite of the resources available to civil society organizations and parliaments alike to provide data on the subsequent stages of the public policy cycle. NGOs have played a role in local policy implementation by contributing draft legislation. This is considered the optimal level for maximizing the results of participatory processes; however, “the decisions that are locally accessible do not address elements such as job creation and the economic policy stance or public spending, which are fundamental for social development” (Canto, 2008, p. 33). Amenta and Young (1999) consider that, indeed, the collective goods obtained are the main criterion for determining the impact of social movements. Such a criterion entails an exploration of the relationship between civil society organizations and supranational avenues for participation, in particular in the current historic context of recovery from the coronavirus disease (COVID-19) pandemic.

C. FROM NATION TO REGION: A SHIFT IN THE SCALE OF CIVIL SOCIETY PARTICIPATION

By the 1970s, authors such as Keohane and Nye (1972) had already articulated a critique of the realist theory of international relations, proposing a new interpretation, characterized above all by cooperation between different State and non-State stakeholders—more specifically, non-governmental organizations and multinational firms—and disciplined by supposed mutual vulnerabilities. It is difficult to deny the growing power of corporations during the neoliberal phase of capital accumulation. A more relevant argument, which also recognizes the heterogenous nature of civil society and does not limit it to NGOs, is that of Badié (2020): non-State actors are capable of repositioning social issues, placing them at the centre of international relations, by mutually strengthening each other and delineating the perimeter of State action—whose centrality should not necessarily be dismissed—which entails a new interpretation of global challenges and the generation of novel external policies and diplomacies, transcending the simplisms of geopolitics. Although the pandemic made it clear that the role of State intervention is key, it remains to be seen whether the new model of the State that will prevail in a post-pandemic era will be progressive or regressive (Gerbaudo, 2021).

The structuring of civil society organizations around issues related to the environment, gender and human rights has been analysed as a sign that a global society is emerging (Walker, 1994), which repositions social movements and gives them the starring role as vectors of the globalization of civil society, more so than NGOs. Historically, it has been the latter that have been accredited to participate in United Nations events, usually as observers (Aranguen, 2007). However, when it comes to understanding the nature of civil

society around the world, the previously noted heterogeneity of interests and struggles, which above all are shaped by national challenges, should not be overlooked. International activism, through participation in the global environmental justice movement for example, often takes place in the context of tactics and strategies that reflect these national challenges.

However, the concept of a global civil society emerged through a series of joint actions taken by transnational networks of social organizations with a view to influencing the negotiation of global political agreements. Authors such as Chandhoke (2002) have pinpointed 1999 as the date when the concept emerged, during the “battle for Seattle”, a massive protest in which 700 organizations and some 40,000 students, workers, members of religious groups and representatives of firms and financial institutions participated in an attempt to halt the third Ministerial Conference of the World Trade Organization. In general, the concept is shot through with a certain idealization and simplification of civil society, which is seen as an entity seeking the same goal and as one homogenous stakeholder. More serious yet is the loss of the perspective that there are differences in national power: for the different members of the global society, “their cosmopolitan values are fed by their national cultural realities, while their activities are financed by public and private resources from their countries, which determines the scope [...] of their action” (Sorj, 2007, p. 136).

The contributions of della Porta, Kriesi and Rucht (2009), Khagram, Riker and Sikkink (2002), and Smith and Wiest (1997) played an essential role in early academic studies of transnational social movements, and are particularly relevant in advancing the theory on the subject. Based on their work, Tarrow (2005) and Moghadam (2013) have put forward general theoretical frameworks for understanding these movements. More recently, studies have been conducted on the evolution of transnational social movements after the 2008 global financial crisis and on the role of the new media (Flesher, 2014).

The range of objectives sought by transnational social movements varies considerably: democracy, ecology, feminism, human rights, labour standards, peace and religious goals are among them. However, as these movements host many different confrontations, it must be emphasized that they promote many other political projects that can be said to contribute little to civics and democracy (Galindo, 2014). The academic literature on the subject sheds light on the ways in which social movements organize across borders, spread ideas, help make sense of global issues and exercise influence in an intergovernmental and transnational context. However, much of the literature on transnational social movements consists of individual case studies. There are fewer studies that address the topic from a broader regional and global perspective, focusing on the comparative perspectives of each of the aspects mentioned.⁵

In Latin America and the Caribbean, Smulovitz and Peruzzotti (2006) attempted to address differences in the national experiences of social actors by highlighting four potential areas of focus for a common regional agenda: public safety, judicial autonomy and access to justice, electoral fraud and government corruption. In their analysis of these processes, civil society’s cooperation efforts at the regional level are assessed to determine how they facilitate the development of common agendas, enabling movements to draw inspiration from and replicate one another’s advocacy models. In terms of advocacy and influence, efforts at the regional level tend to inform strategies and techniques to advance agendas at the national level. Each advocacy process is distinct and may prompt a greater or lesser degree of civil society involvement in public policymaking at the national level (Ibarra, Martí and Gomà, 2002).

⁵ The studies of de Vanden, Funke and Prevost (2018) and Davies (2016) are examples of comparative studies on a broader scale.

In some cases, the influence of regional civil society can cause a problem to be identified as one of public concern, worthy of the attention of national authorities, and governments may be motivated to add that problem to their agendas as a result. In other cases, where the executive office holds such discretionary power that civil society can scarcely influence national politics, regional civil society can offer a platform where concerns and condemnation can be voiced regarding the concentration of power, the weakness of political oversight bodies, the fragmentation of social movements and, ultimately, the marginalization of citizens (Cancino, 2011).

The development of common agendas requires a qualitative leap towards the sharing of policy knowledge and agendas with the aim of joining platforms to fight for common causes (Garcés, 2007, cited in Díaz, 2013, p. 163). Although a new Latin American political culture is possible, it cannot be realized without acknowledging that civil society has historically been excluded from the major integration processes (Serbin, 2007). In the best of cases, civil society has had to play second fiddle in negotiations, relegated to the role of advisory board member.

In 2008, Mallo pointed out that even this type of advisory role, which would have been utterly unthinkable five years previous, was an indication of the tactical and skilful advancements made by Latin American civil society. However, to achieve real integration, civil society had to become more strategically savvy and begin to address certain problems. Otherwise, the proliferation of integration processes and ineffectual political speeches will have achieved absolutely nothing in a few years' time save for the proposal or creation of still more processes (Mallo, 2008, pp. 84 and 86).

Meanwhile, Glasius and Timms (2006, p. 38), in an analysis of activists participating in global social forums, noted an inclination towards authoritarianism and a tendency to venerate leaders. These forums also highlight the inherent tension between two conceptions of civil society: a deliberative and participatory space or an actor engaged in a particular – often antihegemonic – cause.

However, there have been some positive experiences, which are particularly noteworthy considering that regional integration processes in Latin America and the Caribbean have generally been characterized by their narrow focus on trade and the economy. One positive example is the Council of Social Movements of the Bolivarian Alliance for the Peoples of Our America – Peoples' Trade Agreement (ALBA-TCP). The Council of Social Movements of ALBA-TCP contributed decisively to inclusion of a social and political dimension, which had often been ignored in the past, in the regional integration agenda (Serbin, 2007). The Council embodies respect for the autonomy and horizontal structures of social movements of member and non-member countries alike that are committed to the goal of incorporating a social and political dimension into regional integration (Díaz, 2013, p. 167). A body with still greater autonomy, the Association of Social Movements for ALBA-TCP, has emerged in addition to the Council. Its objective is to create a platform for dialogue between organizations with distinct class or identity affiliations.⁶ These types of bodies, which recognize the hybrid nature of Latin American social movements, as addressed in section I, have made great progress.

⁶ Notable examples include: Revolutionary Alliance for Sex and Gender Diversity (ASGDRe) of the Bolivarian Republic of Venezuela; Movement of Landless Rural Workers of Brazil; Cimitarra River Valley Association of Rural Workers (ACVC) of Colombia; Darío Santillán Popular Front (FPDS), Argentine Workers' Central Union (CTA Capital) and Buenos Aires Student Union (FUBA) of Argentina; and Organization for the Solidarity of the Peoples of Asia, Africa and Latin America.

Although it has no binding effect on governments, ALBA-TCP is a noteworthy exception to the siloed approach that dominates most of the regional and global social movement forums. International trade unions have followed a pattern similar to their national counterparts, lacking relevance and displaying little willingness to coordinate joint actions with social actors from other trades. Even in the case of organizations that are more inclined towards cooperation and solidarity, the challenges of a heterogeneous regional civil society raise other issues. For example, experience has shown a tendency to overemphasize the role of social movements; however, it is possible that the inclusion of other actors, such as NGOs, could trigger a reassessment of what has been deemed the strict necessity of breaking down the silos that have characterized the region's social movements (Díaz, 2013, p. 179).

To sum up, in the context of international relations, global civil society is an actor that participates in the negotiation of social compacts. Civil society actors organize themselves from the local to global levels. Civil society's access to knowledge and decision-making processes is gained through grass-roots organizations and regional and global networks of social organizations, with the support of governments, NGOs, the private sector, multilateral organizations and the academic sector, wherever possible. Civil society engages in advocacy efforts mainly to increase and disseminate information to a wider audience and encourage new actors to join common agendas (Marín-Aranguren and Trejos-Mateus, 2019).

II. CONCEPTUAL AND NORMATIVE FRAMEWORK FOR CIVIL SOCIETY PARTICIPATION IN UNITED NATIONS BODIES

United Nations resolutions and agendas have historically contained mentions of civil society, highlighting its importance as a key ally and partner in promoting global development agendas, together with governments and the private sector.⁷

Within this framework, NGOs can collaborate with the United Nations in two ways: in consultative status with the Economic and Social Council or in formal association with the Department of Global Communications. In April 2021, 5,593 NGOs held active consultative status with the Council. In addition, more than 1,500 civil society organizations are currently in formal association with the Department. The Department assists civil society organizations to gain access to and disseminate information on the range of issues to which the United Nations is committed, to enable them to more effectively carry out their activities in support of the Charter of the United Nations and to raise public awareness of the Organization's work.

A. HISTORY OF PARTICIPATION AND EVOLUTION OF THE NORMATIVE FRAMEWORK

Pursuant to the Charter of the United Nations, signed in 1945, the Economic and Social Council may make suitable arrangements for consultation with NGOs which are concerned with matters within its competence. With this first step in the recognition for non-State actors, it became possible to make such arrangements with international and national organizations after consultation with the respective Member State (United Nations, 1945).

In 1950, the Economic and Social Council adopted resolution 288 (X) on arrangements for consultations with NGOs, having regard to Article 71 of the Charter and considering that consultations between the Council and its subsidiary organs and the NGOs should be developed. Pursuant to the resolution, which has been modified over the years, the United Nations was to establish consultative arrangements with international and, in some cases, national NGOs. The pool of actors in a position to interact with United Nations bodies thus began to grow. Pursuant to paragraph 12 of the resolution, NGOs should not be accorded the same rights of participation as those granted to States not members of the Council or to the specialized agencies associated with the United Nations. NGOs may make proposals concerning the provisional agenda for sessions of the Council, designate authorized representatives to sit as observers of public meetings of the Council, submit written statements and prepare special studies at the recommendation of one of the functional commissions of the Council.

In 1968, the Economic and Social Council adopted resolution 1296 (XLIV) on arrangements for consultation with NGOs, in which it reaffirmed the importance of such consultations on matters falling within its competence, such as human rights and fundamental freedoms. Emphasis was also placed on the requirements that these organizations should meet in order to be able to propose items for inclusion in the Council's provisional agenda.

⁷ Civil society comprises a wide variety of private nonprofit organizations and development initiatives for public purposes, known as the "third sector" (the first and second being the public and private sectors). In present-day democracies, the inclusion in decision-making processes of those organizations or groups whose interests are affected by such decisions is widely accepted (Oviedo and Abogabir, 2000).

It was not until 1992, during the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, that the role of NGOs in the negotiation of international environmental treaties was recognized, setting a precedent for civil society accreditation standards. In addition, the participation parameters established by the Conference served as an impetus for the inclusion of NGOs in future conferences. Nearly 1,500 NGOs were accredited to attend formal and informal meetings of the Conference. The General Assembly, in resolution 47/190 of 1992, endorsed the results of the Conference, including Agenda 21, which expanded the role of NGOs, establishing the concept of “major groups”, including women, children and young people, Indigenous Peoples, NGOs, local authorities, workers and trade unions, the private sector, the scientific community and farmers.⁸

In addition, the General Assembly, in resolution 47/191 on institutional arrangements to follow up the Conference, requested the Economic and Social Council to establish the Commission on Sustainable Development. The Council, in decision 1993/215, established the procedural arrangements for the Commission, including those relating to NGOs.⁹

Between 1993 and 1996, the arrangements for consultation with NGOs were reviewed by an open-ended working group composed of representatives from all the States concerned, which was established to enable more NGOs to contribute their views, in particular from developing countries.¹⁰ After an extension of its mandate by one year, the open-ended working group submitted its final report to the Economic and Social Council, which in turn recommended, in decision 1996/297, that the General Assembly consider the issue of NGO participation in all areas of the work of the United Nations.

In 1996, the Economic and Social Council adopted resolution 1996/31., whereby it approved an updated version of the arrangements set out in resolution 1296 (XLIV), confirming the need to take into account the diversity of NGOs at the national, regional and international levels. In that resolution, the Council revised the criteria for access to consultative status, taking into account the diversity of existing NGOs eligible for access, including international, regional, subregional and national organizations, and introduced new rules for their participation in consultative relations with regard to the following areas: proposal of items for inclusion in the provisional agenda, attendance at meetings, written statements, oral contributions at meetings and commissioning of special studies. In accordance with the resolution, the scope of consultative relations with NGOs is limited to matters falling within the competence of the Council and its subsidiary bodies, and a number of principles and requirements are established for NGOs to participate in consultative relations. Three categories are established: entities in general consultative status, entities in special consultative status and entities on the Roster. Also mentioned in the resolution are other meetings to which NGOs in consultative status may have access, such as meetings of the Council’s subsidiary bodies and ad hoc committees, and regional conferences.

⁸ Agenda 21, the Rio Declaration on Environment and Development, and the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles) were signed by more than 170 countries at the United Nations Conference on Environment and Development, held from 3 to 14 June 1992.

⁹ NGOs in the general and special categories and those on the Roster may designate authorized representatives to be present at and observe the meetings of the Commission and its subsidiary organs. They may also make written presentations to the Commission and its subsidiary organs, through the Secretariat of the United Nations, but such presentations shall not be issued as official documents. In addition, they may be offered the opportunity to briefly address the meetings of the Commission and its subsidiary organs through one or more spokespersons. Any such intervention shall be made at the discretion of the Chair and with the consent of the members of the Commission or its subsidiary organ. Furthermore, NGOs shall not have any negotiating role in the work of the Commission and its subsidiary organs.

¹⁰ Relevant decisions and resolutions of the Economic and Social Council during this period include decisions 1993/214, 1995/304 and 1996/297 and resolutions 1993/80 and 1996/31.

In the late 1990s and early 2000s, although NGOs now had formal access to international meetings and new rules to improve their formal working arrangements with multilateral institutions, their participation was not strengthened in practical terms. The General Assembly, in decision 52/453, requested the Secretary-General to prepare a report on the arrangements and practices governing the interaction of NGOs in all activities of the United Nations system.

In the following years, two reports of the Secretary-General were issued in response: the report on arrangements and practices for the interaction of NGOs in all activities of the United Nations system, in 1998 (A/53/170), and a report containing views on the first report expressed by Member States, members of specialized agencies, observers, intergovernmental organizations and NGOs from all regions, in 1999 (A/54/329).

In 1998, then-Secretary-General Kofi Annan gave an address at the World Economic Forum, held in Davos, Switzerland, that marked a turning point in the relationship of the United Nations and its Member States with civil society. He said that a fundamental shift had occurred. The United Nations, which had once only dealt with governments, now knew that peace and prosperity could not be achieved without partnerships involving governments, international organizations, the business community and civil society (United Nations, 1998).

In the 1990s, the recognition of collective action as transcending the nation State surged. “Global civil society” was increasingly used, and both the term and concept were soon taken up at the international level. Despite States’ reluctance to grant other groups full participation in political decision-making, the debate on global democracy made considerable strides during that decade (Uncetabarrenechea, 2007). The milestones achieved by the United Nations Conference on Environment and Development in 1992 made accreditation more accessible and increased the participation of major groups of non-State actors, including the private sector, in subsequent meetings. Throughout the first half of the decade, global conferences adopted new international norms, including those related to combating climate change and desertification, preserving biological diversity and implementing agendas and programmes to support greater development. As Woodward (2010) rightly argued, the 1990s were a turning point in the inclusion of NGOs in international lawmaking within the framework of the United Nations. The challenge of the new millennium would be to relieve civil society’s frustration with the obstacles and barriers to its substantive participation.

B. THE MILLENNIUM DEVELOPMENT GOALS

The Millennium Declaration introduced new actors and forms of interaction into the implementation of existing commitments.¹¹ States decided to develop partnerships with the private sector and with civil society organizations in pursuit of development and poverty eradication to achieve the Millennium Development Goals. With the United Nations Global Compact, the commitment to voluntary public-private partnerships was extended to encompass the pursuit of goals in additional areas, such as clean energy, combating climate change, health, research and development, trade, addressing the special needs of Africa, peace and security, global economic, social, environmental and humanitarian policies and trends, and food and water (Woodward, 2010). Since 2000, the participation of multi-stakeholder partnerships to achieve solutions to common problems has been a recurring item on the agenda of the General Assembly.

¹¹ General Assembly resolution 55/2.

The Millennium Declaration provided a non-binding mandate to strengthen and expand United Nations collaboration with the private sector and civil society organizations, in addition to NGOs. Although it only contains two mentions of civil society, the text reflects a general belief that the previously established terms for relations with civil society were ambiguous (Woodward, 2010). For example, in paragraph 30, Heads of State and Government resolved to give greater opportunities to the private sector, NGOs and civil society, in general, to contribute to the realization of the Organization's goals and programmes.

With a view to ensuring the effective participation of civil society and the business community in the work of the United Nations, at the fifty-seventh session of the General Assembly, the Secretary-General submitted a report in which he announced his intention to establish a panel of eminent persons to review the relationship between the United Nations and civil society and offer practical recommendations for improved modalities of interaction (A/57/387). In resolution 57/300, the Assembly concurred with the intention of the Secretary-General to establish such a panel, and in 2004, the Panel of Eminent Persons, chaired by the former President of Brazil, Fernando Henrique Cardoso, submitted its report (A/58/817).

This document, known as the Cardoso Report, has been widely criticized for certain omissions such as ignoring the proposed resolution prepared by the World Federalist Movement and the Legal and Institutional Working Group, which established the main objectives of NGOs (Woodward, 2010). In addition, the definition of civil society implicitly involved a dilemma regarding the stakeholders that comprise it: the glossary of the report opted for a concept that does not include the business world; however, the recommendations suggested reallocating limited United Nations resources to strengthening business participation and an overhaul of multilateral policy (Woodward, 2010). The private sector, philanthropic organizations and the media were left in a grey area in terms of whether they were included as part of civil society (Abad, 2005).

The major dilemma raised by the report at the time, and one that is still applicable today, is that although civil society is not dependent on any authorization or mandate to act, because of the intergovernmental nature of the United Nations, its relationship with the latter is based on rules that depend on decisions of Member States. Cardoso raised this situation, as well as the need to insist on partnerships to realize democracy, through multi-stakeholder discussion and debate at the international level. In any case, civil society participation is limited to deliberative processes in the areas of expertise in which support is requested, and the space for official negotiations of agreements is reaffirmed as being restricted to intergovernmental stakeholders.

This is probably one of the reasons why the Cardoso Report did not address NGO access to the General Assembly and suggested instead "carefully planned participation of actors... offering high-quality independent input" (United Nations, 2004a), calling on the General Assembly to invite greater NGO participation and to explore other forms of input.

In terms of achievements, the report emphasized the importance of taking advantage of the convening power of the United Nations and building on multi-stakeholder partnership processes. One measure that was crucial to further institutionalizing interaction between civil society organizations and the United Nations was reaffirming the importance of convening independent commissions of inquiry, to draw on the experience of civil society, after each operation mandated by the Security Council. This reinforced the idea that civil society organizations should be selected from a technical standpoint and that their participation should not be restricted to the Economic and Social Council, but should be extended to other bodies of the United Nations system. Therefore, the report proposes three revised categories of consultative status for civil society organizations: network partners, consultative partners and programme support partners.

The *Report of the Secretary-General in response to the report of the Panel of Eminent Persons on United Nations-Civil Society Relations* is fundamental, as it recognizes the Panel's argument that "the United Nations should become a more outward-looking organization, making more of its role as a global convenor of diverse constituencies relevant to an issue" (United Nations, 2004b, p. 2). As part of implementation and follow-up of the outcomes of the major United Nations conferences and summits in the economic and social fields, the Plan of action submitted by the United Nations High Commissioner for Human Rights in response to the report of the Secretary-General entitled *In larger freedom: towards development, security and human rights for all* calls for "closer partnerships with civil society and United Nations agencies through the establishment of a civil society support function [and] support for human rights defenders" (United Nations, 2005).

The 2005 World Summit Outcome,¹² in paragraphs 172 to 175, emphasizes the role of the private sector and civil society in promoting and implementing development and human rights programmes, stressing the importance of collaboration between the United Nations, governments, NGOs, the private sector and civil society. It does not expand on the relationship between the United Nations and civil society, but rather confirms existing agreements and includes the private sector on an equal footing with civil society and NGOs. Paragraph 173 welcomes the first informal interactive hearings of the General Assembly with representatives of NGOs, civil society and the private sector, although the latter has no formal status within the system.

Including the interests of the private sector in global policymaking, together with civil society and non-governmental organizations, puts the latter two at some disadvantage owing to the private sector's greater economic resources.

The 2012 annual report of the Secretary-General for the sixty-seventh session of the General Assembly takes into account examples of good practices for accelerating progress towards the MDGs, including those employed by civil society organizations working at the national level (United Nations, 2012a).

The General Assembly resolution *The future we want* is fundamental, owing to its recognition, multiple times, of the work of civil society in building a better future for future generations. In the resolution, the political commitment of the United Nations to fostering a broad alliance of people, governments, civil society and the private sector is renewed. The resolution also recognizes the importance of enabling all members of civil society to be actively engaged in sustainable development through the formulation of green economy policies and poverty eradication. It envisages fostering an institutional framework for sustainable development, enhanced participation and effective engagement of civil society and other relevant stakeholders in international forums. Lastly, chapter IV of the resolution also includes the decision to "establish a universal, intergovernmental, high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replacing the Commission" (United Nations, 2012b, paragraph 84).

In this regard, resolution 67/290, adopted by the General Assembly on 9 July 2013, on the format and organizational aspects of the high-level political forum on sustainable development, lays the foundation for this intergovernmental and universal consensus-oriented meeting. Paragraph 14 stresses its "consultative role and participation of major groups and other relevant stakeholders at the international level in order to better make use of their expertise, while retaining the intergovernmental nature of discussions".

¹² A/RES/60/1.

In the same resolution it was decided that the forum should be “open to the major groups, other relevant stakeholders and entities having received a standing invitation to participate as observers in the General Assembly” (United Nations, 2013, paragraph 14). The resolution states that representatives of the major groups and other relevant stakeholders shall be allowed:

- (a) To attend all official meetings of the forum.
- (b) To have access to all official information and documents.
- (c) To intervene in official meetings.
- (d) To submit documents and present written and oral contributions.
- (e) To make recommendations.
- (f) To organize side events and round tables, in cooperation with Member States and the Secretariat (United Nations, 2013, para. 15).

The groups are encouraged to “autonomously establish and maintain effective coordination mechanisms for participation in the high-level political forum and for actions derived from that participation at the global, regional and national levels, in a way that ensures effective, broad and balanced participation by region and by type of organization” (United Nations, 2013, para. 16).

The resolution adopting the 2030 Agenda for Sustainable Development¹³ in 2015 recognizes, in paragraphs 39, 41 and 52, the role to be played in the implementation of the Sustainable Development Goals (SDGs) by the various components of the private sector, from micro-enterprises and cooperatives to multinationals, and the role of civil society organizations and philanthropic organizations. As part of the means of implementation, the global partnership is expected to bring together the different stakeholders, with consequent mobilization of resources for implementation of the 2030 Agenda. With respect to follow-up and review of the partnership, Member States are encouraged to conduct regular reviews that draw on contributions from Indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities.

One year later, the report of the Secretary-General *Critical milestones towards coherent, efficient and inclusive follow-up and review at the global level*¹⁴ encouraged inviting civil society and the private sector to participate in all components of the follow-up and review structure for the 2030 Agenda.

In contrast to the traditional view of the international community as relations between States within the framework of international law for the exclusive benefit of States, non-State actors have participated in intergovernmental deliberations through various global institutional mechanisms and have persuaded States to include interests in their agendas that are sometimes outside or far removed from their objectives. Civil society stakeholders have become increasingly involved in the area of supranational law, leading to extensive activity in multilateral forums. Greater openness to the inclusion of civil society proposals in global agendas has driven formulation of innovative laws within countries.

The gradual institutionalization of relations between society and the subsidiary bodies of the United Nations has demonstrated the capacity of civil society to influence not only States, but increasingly individuals and human communities around the world. Importantly, civil society organizations have participated in the drafting of agreements and resolutions adopted by the Member States.

¹³ A/RES/70/1.

¹⁴ A/70/684.

However, the road to recognition of civil society organization's work has been a long one, and a review of various official United Nations documents shows that the heterogeneity referred to in section A of this chapter contributes to slowing the recognition process and, consequently, to hampering the ability of these organizations to have a more direct impact on multilateral spaces for participation. Non-governmental organizations have occupied a privileged place when compared to other civil society organizations. Likewise, the private sector has managed to position itself within global agendas, given its high capacity for influence and pressure at the international level.

III. CIVIL SOCIETY IN THE CONTEXT OF ECLAC

In paragraph 13 of resolution 67/290, the General Assembly acknowledges the importance of the regional dimension of sustainable development and invites the United Nations regional commissions to contribute to the work of the forum, including through annual regional meetings, with the involvement of other relevant regional entities, major groups and other relevant stakeholders.

In accordance with the forms of participation set out in paragraph 15 of resolution 67/290, the main purpose of the high-level political forum on sustainable development is to create the conditions for civil society to link the forms of participation, dialogue and collaboration for follow-up and review of progress on implementation of the 2030 Agenda at the regional level and thus shape a platform of partnerships for regional implementation of the SDGs and fulfilment of their respective targets.

Pursuant to this mandate, at the thirty-sixth session of ECLAC, held in Mexico City in 2016, member States adopted resolution 700(XXXVI), which established the Forum of the Countries of Latin America and the Caribbean on Sustainable Development as the regional mechanism to follow up and review implementation of the 2030 Agenda for Sustainable Development, including the SDGs.¹⁵ In paragraph 11 of the resolution ECLAC highlights:

...the participatory and inclusive character of the 2030 Agenda for Sustainable Development, which encourages the participation of all relevant stakeholders, including civil society organizations, academia and the private sector, and in this regard encourages the Forum of the Countries of Latin America and the Caribbean on Sustainable Development to ensure institutionalized multi-stakeholder participation following the relevant provisions of the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda and the Economic and Social Council (ECLAC, 2016c, paragraph 11).

A. THE MECHANISM FOR CIVIL SOCIETY PARTICIPATION IN THE SUSTAINABLE DEVELOPMENT AGENDA AND IN THE FORUM OF THE COUNTRIES OF LATIN AMERICA AND THE CARIBBEAN ON SUSTAINABLE DEVELOPMENT

The Forum of the Countries of Latin America and the Caribbean on Sustainable Development, convened by ECLAC since 2017—in which follow-up is performed, under the leadership of the region's States, of implementation of the 2030 Agenda and its core element the SDGs, including the Addis Ababa Action Agenda of the Third International Conference on Financing for Development—has become an institutionalized space in which civil society organizations, through various mechanisms, guide the regional process towards sustainable development. These mechanisms, which are based on existing platforms and structures, such as, for example, those organized around the subsidiary bodies of ECLAC, have evolved significantly.

Given the participatory and inclusive nature of the 2030 Agenda for Sustainable Development, the Forum encourages participation by all relevant stakeholders: the 33 member States of the Forum, United Nations agencies, funds and programmes, other relevant regional and subregional bodies, international financial institutions, civil society, academia and the private sector.

¹⁵ Subsequently, the Economic and Social Council endorsed the creation of the Forum by adopting resolution 2016/12, “Establishment of the Forum of the Countries of Latin America and the Caribbean on Sustainable Development”.

With regard to the subject of this document, during the first meeting of the Forum, held in Mexico City in 2017 with civil society representatives from 16 countries, the need for a formal mechanism for civil society participation was raised and the principles and proposed forms of such participation were established. The Mechanism for Civil Society Participation was formalized during the second meeting of the Forum, held in Santiago in 2018, and has undergone significant changes, particularly in terms of the role assigned to it by ECLAC, but also in terms of the spaces that make up the Mechanism, as recognized in civil society:

As part of follow-up of the Agenda ...participation has grown. That is to say that we obtained recognition from the outset from ECLAC of our more active and more effective participation, but it has been a process; a positive process of gains, which has allowed us to improve quality... When I say “quality” I mean the spaces for dialogue, I mean other dialogues we have had between each Forum (interview with a representative of civil society (1 September 2021)).

The Mechanism for Civil Society Participation was formed by civil society, taking as an example, in particular, the experiences of the mechanisms established within the framework of the subsidiary bodies of ECLAC. Its main objective is to contribute to ensuring the right to participation in a meaningful, democratic, systematic, broad, diverse and sustained manner, and the right to information of organized civil society regarding the implementation, monitoring, reporting and evaluation of the sustainable development agenda in the region and related platforms within a framework of human rights, gender equality and environmental sustainability criteria (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2018a).

Thus, 20 working groups were formed, initially organized by civil society as shown in table 1.

Table 1
Working groups of the Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2018

Subregional groups
<ul style="list-style-type: none"> – Central America, the Spanish-speaking Caribbean and Mexico – The English- and French-speaking Caribbean – The Andean region – The Southern Cone
Stakeholder groups
<ul style="list-style-type: none"> – Children, adolescents and young people – Women – Older persons – Afrodescendants – Small-scale, rural and coastal farmers – Persons with disabilities – Persons with HIV and persons affected by HIV – Human rights defenders and territory defenders – Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons – Migrants and persons displaced by disasters or conflicts – Indigenous Peoples – Networks, collectives, organizations and platforms of non-governmental organizations (NGOs) – Trade unions and working people, domestic workers and female sex workers

Thematic groups
<ul style="list-style-type: none"> – Social and solidarity economies – Education, academia, science and technology – Ecological and environmental justice

Source: Prepared by the authors, on the basis of Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, “Civil society” [online] <https://foroalc2030.cepal.org/2022/en/stakeholders/civil-society>.

The working group structure of the Mechanism includes establishment of rules typical of electoral democracy, thus enabling inclusion of the diverse organizations and also proper channelling of the conflicts that are inherent in civil society. Every two or three years, each of the working groups elects a focal point and a deputy focal point, which makes it possible to form the Mechanism’s Liaison Committee. The objectives of the Liaison Committee include, as stated on the official website of the Forum, to “ensure that civil society from the region is present in all the relevant regional spaces related to the follow-up of the 2030 Agenda, through communication with ECLAC, Member states and the Forum’s Chair” (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019c).¹⁶

According to its operating rules, the Mechanism is open to “organizations, independent collectives, social movements and local, national and regional networks working for social, economic and environmental justice in any of the three dimensions of sustainable development” (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2018a). Unlike the Economic and Social Council, which accepts only NGOs with the capacity to present a charter, a certificate of registration proving their existence for more than two years, a financial statement and an annual report (United Nations, n.d.), the Mechanism does not require any type of certification from these stakeholders. It is sufficient to undertake to “advancing the agenda under the principles of progressiveness of human rights and interdependence of the three dimensions of development” by signing a document adopted at the first meeting of the Forum (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2018a).

¹⁶ The full set of objectives of the Mechanism’s Liaison Committee is as follows: (i) facilitate the participation of civil society in the Forum of the Countries of Latin America and the Caribbean, as well as in other processes and agendas related to sustainable development and the 2030 Agenda; (ii) coordinate the delivery of civil society inputs for political processes related to the sustainable development agenda in the region; (iii) seek and disseminate accurate and updated information about the development agenda to the population groups that make up the participation mechanism; (iv) promote the acknowledgment of the mechanism and the Liaison Committee as a fundamental political entity and integral part of the processes related to the sustainable development agenda in the region; (v) ensure that civil society from the region is present in all the relevant regional spaces related to the follow-up of the 2030 Agenda, through communication with ECLAC, Member states and the Chair of the Forum; (vi) contribute to and support the participation of civil society in the accountability processes for countries of the region in the implementation of the 2030 Agenda; and (vii) maintain a permanent and constant information channel for decision-making and information sharing about the agreements reached towards the regional, interest and thematic groups (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019c).

Civil society recognizes that for ECLAC, the Mechanism for Civil Society Participation is seen as a legitimate interlocutor,¹⁷ unlike other mechanisms at other regional organizations. In addition, compared with other global spaces for dialogue facilitated by the United Nations system, the Forum of the Countries of Latin America and the Caribbean on Sustainable Development is considered more diverse.

However, civil society organizations also demand, at meetings of the Forum, that member States [See page 8 of LC/FDS.2/4, 17-01161] “Ensure participation in the political negotiation sphere, and provide opportunities for comments and participation of civil society during negotiations and in the positions taken by each country” (ECLAC, 2017a), and also demand greater participation in the conclusions and recommendations agreed by governments during meetings of the Forum.

1. Analysis of the declarations of the Mechanism for Civil Society Participation, 2017–2021

In the Latin America and the Caribbean Civil Society Declaration: Towards the High-Level Political Forum 2019, the civil society organizations of the Mechanism for Civil Society Participation note that they are “groups and collectives with diverse interests and differences” that assemble “to find the common denominators that allow us to act in unison without losing our identity, while enhancing our knowledge and achieving a collective, consistent and complete contribution” (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019a). While recognizing their heterogeneous nature, civil society organizations have thus decided to express themselves with one voice, based on shared objectives.

Table 2 presents a classification of the organizations that make up the Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development.

Table 2
Classification of organizations of the Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, by type of group and orientation, 2020

Groups
Identity orientation
– Children, adolescents and young people
– Women
– Afrodescendants
– Older persons
– Persons with disabilities
– Persons with HIV and persons affected by HIV
– Lesbian, gay, bisexual, transgender and intersex (LGBTI) persons
– Migrants and persons displaced by disasters or conflicts
– Indigenous Peoples
Territorial orientation
– Persons in rural and coastal areas engaged in small-scale farming activities
– Networks, collectives, organizations and platforms of NGOs

¹⁷ Interview with a representative of civil society (1 September 2021).

Socioeconomic orientatio
– Trade unions and labourers, domestic workers and female sex workers
Functional orientation
– Networks, collectives, organizations and platforms of NGOs

Source: Prepared by the author.

(a) Statements by civil society organizations

As part of each meeting of the Forum, participating civil society representatives have an opportunity to read a statement containing their main conclusions.

Civil society declarations air the struggles around issues of community and identity and also make demands from a more traditional perspective, grounded in socioeconomics. While the 2017 declaration mentioned ethnic, racial, gender- and territory-based inequalities as well as social and economic ones (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2017), the 2018 declaration again emphasized economic and social inequality, as well as rights violations that mainly affect aboriginal and indigenous peoples, Afrodescendants, women, children, adolescents, lesbian, gay, bisexual, transgender, and intersex youth, but also domestic workers and those living in rural areas, among others (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2018b). The 2019 declaration mentions social, environmental, economic and gender justice, the absence of which is reflected in high rates of violence and rights violations in all areas, affecting certain populations and their multiple identities (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019a).

The health crisis caused by the COVID-19 pandemic seems to have affected the discourse of the civil society organizations that make up the Mechanism, which has translated into more substantial social and economic demands. The needs expressed in the 2020 declaration (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2020) included the establishment of progressive economic policies. It also voiced concern over the strong opposition to advances such as establishing taxes on wealth and large fortunes to compensate for unequal wealth distribution and the gap between the poor and the rich that had widened during the pandemic. The declaration also stated that it was urgent to promote decent work, as well as social protection policies aimed at avoiding unemployment and reducing labour informality and the failure of small and medium-sized enterprises, and mechanisms to guarantee a minimum income for the most vulnerable in times of crisis (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2020). However, demands related to identity issues were also expressed, in particular regarding violence against women and children, a problem brought to light and worsened by the pandemic (De Ípola, 2020), as well as territorial issues grounded in persistent and more intense violation of the fundamental rights of land and environmental defenders.

Inequality has also been included by governments as a significant issue for the region in the intergovernmentally agreed conclusions and recommendations of the various meetings of the Forum of the Countries of Latin America and the Caribbean on Sustainable Development. In 2017, the United Nations

system was called on to develop transparent measurements of progress on sustainable development that went beyond per capita income, for effectively eradicating poverty and reducing inequalities within and among countries (ECLAC, 2017b, p. 2). One year later, demands were made on three action points related to inequality, and it was recognized that inequality remained pervasive in the countries of Latin America and the Caribbean, even in those with high levels of economic growth (ECLAC, 2018b, p. 5). In 2019, in the same point in which pervasive and increasing inequality had been recognized, it was added that combating it required partnership between governments, the private sector and civil society, working together in accordance with national plans and policies, in order to achieve the 2030 Agenda for Sustainable Development (ECLAC, 2019d, p. 3).

At the same time as civil society organizations advocate for equality, they note the need for the renewal of the development model. The first civil society declaration states that the region is witnessing an extractive development model based on the exploitation of people, territories and natural assets (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2017, p. 1). Subsequent declarations refer to a rise in privatization processes, austerity policies and public indebtedness (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2018b, pps. 2 and 3), and to a conservative, fundamentalist, privatizing and neoliberal offensive (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019a, p. 1). The 2020 declaration states that the neoliberal policies adopted by most countries of the region have prevented the achievement of the SDGs and rendered a radical change of course even more urgent for governments, which should launch a global compact for the implementation of new development models (Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2020, p.1).

(b) Civil society organizations' impact on the outcome documents of multilateral meetings

The progressive impact of the Mechanism for Civil Society Participation on the intergovernmentally agreed conclusions and recommendations can be seen through the change in the number of mentions of civil society and the functions it is assigned. The 2017 outcome document noted the participatory and inclusive nature of the 2030 Agenda; recommended, where appropriate, securing effective and significant participation by civil society organizations, academia and the private sector at future meetings of the Forum; and called on them to continue participating in the implementation of the 2030 Agenda in the region (ECLAC, 2017b, p. 4). In 2018, the conclusions and recommendations welcomed the contributions of all stakeholders, and the participation, among others, of civil society representatives (ECLAC, 2018b, p.6). In 2019, the outcome document recognized the Forum as an example of regional multi-stakeholder coordination (ECLAC, 2019d, p. 8) and also took note of the work done by civil society to strengthen its engagement (ECLAC, 2019d, p. 10). The 2021 declaration acknowledged the importance of developing recovery plans that promote sustainable development and drive transformative change towards peaceful, just and inclusive societies, with the effective engagement of all relevant stakeholders, including civil society (ECLAC, 2021, p. 5).

In terms of the evolution of government statements on civil society participation, the decisive declaration issued at the third meeting of the Forum in 2019, entitled “Declaration of Civil Society Organizations from Latin America and the Caribbean: two monologues do not make a dialogue”, stands out; in it, civil society organizations noted the lacklustre commitment of governments towards civil society organizations, which are recognized worldwide as legitimate actors in sustainable development

(Mechanism for Civil Society Participation in the Sustainable Development Agenda and in the Forum of the Countries of Latin America and the Caribbean on Sustainable Development, 2019a, p. 1). The impact of that declaration did not necessarily lead to redefining the spaces for dialogue between governments and civil society organizations such that the latter could question and formally exchange viewpoints with the former. However, ECLAC said that the sentence had sent a tremor through its work with civil society.¹⁸ The consolidation of the role of the Commission as an intermediary between civil society and governments is clear from the evolution in the statements of governments.

The Forum has offered civil society a space for structured cooperation in which contact between the different interest groups is guaranteed through meetings held ahead of time to prepare inputs, working documents and declarations. In some cases, depending on the topic, regional civil society focal points have managed to secure opportunities for private dialogue with States or United Nations resident coordinators thanks to the role of ECLAC as a facilitator and intermediary, enabling them to raise the issues that they see as a priority during preparation of the programme of work.

B. CIVIL SOCIETY PARTICIPATION IN INTERGOVERNMENTAL BODIES AND INTERNATIONAL AGREEMENTS

Pursuant to section (a), paragraph 4 of the annex to resolution 700(XXXVI) of ECLAC, reports of the subsidiary bodies of the Commission are submitted to the Forum of the Countries of Latin America and the Caribbean on Sustainable Development. These intergovernmental bodies examine the various public policy issues in the region, facilitate cooperation and peer-to-peer learning based on comparative experiences, adopt regional consensus in their respective areas of responsibility and issue mandates for the secretariat of the Commission.

1. Regional Conference on Women in Latin America and the Caribbean

The Regional Conference on Women in Latin America and the Caribbean, one of the subsidiary bodies of ECLAC, holds meetings on an ongoing basis at regular intervals of no more than three years and is the region's foremost intergovernmental forum on women's rights and gender equality. Its sessions are organized by ECLAC and supported by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

ECLAC has been given a mandate to convene its member States and associate members to sessions of the Regional Conference as participants and other Member States of the United Nations as observers, along with representatives of the United Nations system, intergovernmental organizations, NGOs enjoying consultative status with the Economic and Social Council, and special guests.

Its chief aim is to analyse the regional and subregional situation with respect to women's autonomy and rights, put forward recommendations on public policies for gender equality, and conduct periodic evaluations of activities carried out to fulfil regional and international agreements. The first session of the Conference was held in 1977, as a follow-up to one of the agreements of the seventeenth session of ECLAC, in the framework of the United Nations Decade for Women. The outcome of the session was the Regional Plan of Action for the Integration of Women into Latin American Economic and Social Development, a

¹⁸ Interview with an ECLAC official (11 August, 2021).

document that mainly addressed measures to include women in employment, education, health, social services, housing and political participation. The Plan of Action provided a way for governments and non-governmental and multilateral organizations to foster women's participation in policymaking by including them in subsequent government delegations traveling to international events.

As at 2022, 15 sessions of the Regional Conference had been held, addressing the regional and subregional situation of women's autonomy and rights, putting forward recommendations on public policies for gender equality, conducting periodic evaluations of activities carried out to fulfil regional and international agreements and providing a forum for discussion on gender equality.

The Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030, which was approved in 2016 during the thirteenth session of the Regional Conference, is very important for its progress. The Strategy serves as a tool for implementing the commitments undertaken and achieving the Sustainable Development Goals in accordance with the priorities of Latin America and the Caribbean. The participatory process for preparing this document was unprecedented, even when compared with other processes in other subsidiary bodies of ECLAC (ECLAC, 2022b, p. 129).

In the Montevideo Strategy, the region recognizes not only the means of implementation associated with the 2030 Agenda and Goal 17, but also the participation of women's and feminist organizations as a key tool for strengthening democracies and for the design and implementation of public policies with a gender perspective. This approach is innovative and pioneering, because it considers participation both as an end in and of itself and as a means to achieve better policies and transform societies. The ECLAC Division for Gender Affairs is tasked with systematic monitoring, at the national and regional levels, of the implementation of the commitments issuing from each Regional Conference, and government reports must specify whether civil society participated in the related work (ECLAC, 2022b, p. 129).

As stated in the chapter of this document on theoretical aspects, participation entails fostering trust in institutions and mutual respect between stakeholders. Pillar 3 of the Montevideo Strategy, on popular and citizen participation, states the following:

- To achieve active and substantive participation, a safe and enabling environment must be created, by strengthening organization processes, building capacities, facilitating access to information and justice, and establishing parity-based participation mechanisms that are effective, institutionalized, permanent and representative of the diversity in women's and feminist movements and organizations (ECLAC, 2017c).

As stipulated in the statutes of the Conference and in line with global regulations on the participation of civil society organizations in the United Nations, an NGO may participate in the Regional Conference in the following ways: (i) by requesting the approval of national authorities to participate as a member of a national delegation; (ii) through an organization enjoying consultative status with the Economic and Social Council; and (iii) as an observer, by virtue of its status as a representative of a regional or subregional network recognized for its track record in implementing the Regional Gender Agenda (ECLAC, 2022b, p. 129).

The many ways to participate in the Regional Conference on Women in Latin America and the Caribbean have created a certain synergy, leading to positive results, since participation obviously enriches discussion and pushes the envelope in terms of what is possible. In fact, the agreements issuing from meetings of the Presiding Officers of the Regional Conference on Women in Latin America and

the Caribbean have called upon governments to include representatives of civil society in their official delegations, a call which governments, exercising their sovereignty, may choose to heed. An example is found in paragraph 8 of the agreements of the forty-third meeting of the Presiding Officers (held in Port of Spain on 7 and 8 July, 2009): “Bear in mind the principle of gender parity in the composition of the delegations participating in the eleventh session of the Regional Conference and incorporate members of the executive, legislative and judicial powers, representatives of civil society and of women’s networks with a track record in following up the Beijing Platform for Action, and indigenous, Afro-descendent and young women, among other important actors”.

This is one example of the evolving impact of civil society participation, not only on national and regional interests, but also on multilateral regulations and access to regional avenues for dialogue.

This process was replicated at the fourteenth session of the Regional Conference, held in Santiago in 2020, in which more than 1000 people, 300 organizations, and 500 representatives of civil society participated. This strong participation also shows how much civil society values ECLAC as a “key space for participation, impact and exchanging views”.¹⁹ Prior to sessions of the Regional Conference, the ideas to be brought forward are explicitly submitted to civil society for its consideration, at meetings of the Presiding Officers and various forums for open consultation.

When compared with the participation modalities of women’s and feminist organizations at other United Nations agencies, funds and programmes, one of the main differences in this subsidiary body of ECLAC is that the Commission does not finance their participation. Although funding from organizations such as UN-Women and UNICEF is essential for meaningful in-person participation in these discussion forums, ECLAC provides the space and summarizes the progress made thanks to the joint work of its various Divisions, in particular the Division for Gender Affairs and the Gender Equality Observatory for Latin America and the Caribbean. The fact that participation is not funded enables the social movements and NGOs that participate in the Conference to maintain their autonomy, as stated by one of the interviewees.

The multilevel impact of the work done by civil society shows that the Conference has served to coordinate national and regional commitments, even playing a key role in influencing global agendas. The Regional Programme of Action for the Women of Latin America and the Caribbean adopted in Mar del Plata in 1994 was a fundamental contribution by the region’s governments to the adoption of the Beijing Declaration and Platform for Action. In addition, the Montevideo Strategy has accelerated implementation of the agreements embodied in both the Regional Gender Agenda and the Beijing Platform for Action (ECLAC, 2019b).

Regionally, strong consensus has been achieved between civil society and ECLAC regarding the main lines of work addressed at the Division for Gender Affairs.²⁰ In many cases, ECLAC had already acknowledged the importance of addressing the topics in question, although the impetus to do so was also influenced by stakeholders. In addition, civil society participation significantly enriches the working methods of ECLAC in many forums at the global and regional levels. Many examples of this were mentioned by interviewees:

¹⁹ Interview with an ECLAC official (10 August, 2021).

²⁰ These topics, which arise from the Division's programme of work and the agreements of the Regional Conference meetings, are: gender equality, the care economy, gender statistics, sexual and reproductive rights, time use, violence against women, and women's economic autonomy and political participation.

- We work a lot on the care economy, so networks of domestic workers have started linking up with us. We have been approached by organizations that work on child marriage and early unions. This has helped them to develop their impact strategies with ECLAC and other organizations in the system that work with us through the Gender Equality Observatory, and now we have an indicator for early unions and child marriage. This is one success story (interview with an ECLAC official (10 August 2021)).
- Many of the women's and feminist organizations involved come from the Regional Conference on Women and have attended the Regional Conference on Population and Development. They bring together the regional and global aspects in the context of the 2030 Agenda and the processes in New York associated with negotiating the agenda. There are many people in those spaces who are promoting a progressive, innovative agenda (interview with an ECLAC official (10 August 2021)).
- At ECLAC, we try to create a virtuous circle, where we demand data from governments, and governments then have to approach ECLAC. We demand of ECLAC that the data be updated, and this has enabled us to achieve a lot of progress over the past 20 years; we now have data that did not used to exist. In terms of the content of the Regional [Gender] Agenda, feminists were involved in creating it (interview with a representative of civil society (25 August, 2021)).

The methodology for civil society advocacy at the intergovernmental level is another achievement in the collaboration between civil society organizations and ECLAC. This is evidenced by the creation of the Regional Fund in support of Women's and Feminist Organizations and Movements, which dates back to the twelfth session of the Regional Conference on Women in Latin America and the Caribbean (Santo Domingo, 2013), when a desire to study this possibility was expressed. Gradual progress was made thereafter and the need for the Regional Fund was established in subsequent meetings of the Presiding Officers of the Regional Conference on Women in Latin America and the Caribbean (2014, 2016 and 2017). As part of this advocacy process, civil society asked ECLAC, in its capacity as technical secretariat of the Conference, to set up a working group, in consultation with women's and feminist organizations in the region, to move forward with actions for the materialization of the Fund, taking into account its feasibility and operation (ECLAC, 2017c). During the fifty-seventh meeting of the Presiding Officers (Santiago, 2018), the countries approved the creation of the Regional Fund with the general aim of supporting the development of projects that foster gender equality, women's autonomy and the materialization of their rights throughout the region. The Regional Fund in support of Women's and Feminist Organizations and Movements is innovative at the global level, as various stakeholders participate in its governance, including ECLAC, UN-Women, governments, and representatives of women's and feminist organizations.

Comparing examples of best practices with the process for preparing the position document of the Conference²¹ shows that the involvement of civil society stakeholders results in a much richer and more complex process. Multi-stakeholder negotiation mechanisms reveal that consensus that is achieved over the long term tends to be more lasting, since it goes beyond strict fulfilment of the mandate to interact and calls for updating the regional development agenda.

²¹ The position paper for the Conference, whose inputs are analysed during subregional preparatory meetings, is prepared by the secretariat of ECLAC. The inputs from these discussions are included in the final version of the document, which serves as a basis for the deliberations at the session of the Conference. The secretariat also prepares reference and working documents, either alone or in collaboration with other agencies in the United Nations system or academic institutions from the region.

One example of the importance of the topics addressed at the Regional Conference on Women is that the Buenos Aires Commitment, adopted at the fifteenth Regional Conference in Buenos Aires in November 2022, recognizes care as a right to provide and receive care and to exercise self-care based on the principles of equality, universality and social and gender co-responsibility, and therefore as a responsibility that must be shared by people from all sectors of society, including families, communities, businesses and the State. At that session, countries also undertook to adopt regulatory frameworks that ensure the right to care through the implementation of comprehensive care policies and systems from a gender, intersectional, intercultural and human rights perspective. The Buenos Aires Commitment complements the Regional Gender Agenda and aims to address the unequal distribution of care work and highlight the lack of care services and the failure to recognize the social value of domestic work, which directly undermine the achievement of the SDGs.

2. The Escazú Agreement: a tool for empowerment and guaranteeing inclusion and equality

The origins of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement) date back to June 2012, when, at the United Nations Conference on Sustainable Development (Rio+20), 10 of the region’s countries signed a declaration on the implementation of principle 10 of the 1992 Rio Declaration on Environment and Development. The role of civil society in this was crucial: in 2001, various civil society organizations launched a series of evaluations on compliance with principle 10, which continued until 2009 and formed the basis for various dissemination and advocacy actions between 2010 and 2011, in the framework of that Conference (Gamboa and others, 2019, p. 23).

Principle 10, which aims to ensure access for all people to information and participation in decision-making as well as access to justice in environmental matters, would be embodied in articles 6, 7 and 8 of the Escazú Agreement. Pursuant to its article 22, the Agreement entered into force on 22 April 2021, after the deposit of the eleventh ratification instrument. As at May 2023, the Escazú Agreement had been signed by 24 countries and ratified by 15, which are now States parties: Antigua and Barbuda, Argentina, Belize, Chile, Ecuador, Granada, Guyana, Mexico, Nicaragua, Panama, Plurinational State of Bolivia, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Uruguay.

Preliminary negotiations for a regional agreement began in June 2012. Four meetings were held, in Santiago, Guadalajara (Mexico) and Lima, and in April 2013, the signatory countries of the Declaration defined a series of ways to ensure public participation. A negotiating committee, which insisted on the need for public participation, was formally created in November 2014, and Presiding Officers were appointed, comprising Chile and Costa Rica, its Co-Chairs, and Argentina, Mexico, Peru, Saint Vincent and the Grenadines and Trinidad and Tobago. ECLAC was selected as the technical secretariat for the negotiation process and to coordinate a Regional Public Mechanism. Through several in-person and virtual meetings, more than 2000 natural and legal persons —referred to in the Agreement as “the public”— participated in the Mechanism.²² In March 2015, these natural and legal persons selected six people to represent them on the negotiating committee for a two-year term —two principals and four alternates—, whose first meeting would be held in May of that same year. Owing to the complexity and level of detail of each of the topics of the Agreement, nine meetings of the negotiating committee were required to reach consensus.

²² Pursuant to article 2 of the Agreement, the “public” means one or more natural or legal persons and the associations, organizations or groups established by those persons, that are nationals or that are subject to the national jurisdiction of the State Party (ECLAC, 2022a).

The representatives of civil society had every freedom to present the proposals of the public at the various meetings of the negotiating committee. However, as stated by ECLAC, they had to have the support of at least one country to join the discussion and appear on-screen.²³ This subtlety must be understood in the context of the negotiation of a regional agreement, which would later require ratification by States. Although it was stated, in the report of the third meeting of the negotiating committee of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, held in April 2016, at which the modalities for public participation were agreed, that they represented a setback with respect to the modalities implemented prior to the launch of negotiations, it was also recognized that they were more advanced than those of any other intergovernmental process in the region.²⁴

The most obvious result of civil society involvement throughout the negotiation process is enshrined in article 9 of the Agreement, on human rights defenders in environmental matters, which was not included in the initial versions of the document. That article has been deemed an example of “Escazú autonomy”; the Agreement is seen as “not just any international commitment” or “simple copy of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention) (2008)” (Tietzmann, 2020, p. 227). For civil society, the issue is critical, since, as stated by experts cited in a 2017 press release of the Office of the United Nations High Commissioner for Human Rights, Latin America and the Caribbean is one of the most dangerous regions in the world for environmental human rights and land defenders (see OHCHR, 2017). However, the importance accorded by civil society to strengthening the effectiveness of the core rights at play during conflicts, such as mobilization and protest, in the face of repression and threats must also be recognized (Gamboa and others, 2019, p. 29). As such, an enabling environment must also be created for guaranteeing the judicialization mechanisms that improve the conditions for the conflictive action required to influence public agendas and policies at the national level.

The impact of civil society participation is acknowledged in the report of the elected representatives of the public on the third meeting of the negotiating committee, in terms of stronger wording regarding the obligation of States to protect environmental defenders.²⁵ According to Gamboa and others, the proposals presented by the public enabled the achievement of a better definition of the concept of “vulnerable persons” (2019, p. 33), with a focus on the rights of Indigenous Peoples and the incorporation of the *pro persona* principle.

In April 2022, the first meeting of the Conference of the Parties to the Escazú Agreement was held at ECLAC headquarters in Santiago. At the meeting, the Parties adopted a Political Declaration in which they highlighted the role of the rights of access to information, public participation and access to justice in environmental matters and of the 2030 Agenda for Sustainable Development and all the SDGs as vital road maps for bringing about transformative recovery and sustainable development in Latin America and the Caribbean, ensuring that no one is left behind. The Parties also encouraged all countries of the region that were not signatories or Parties to the Escazú Agreement and that wished to accede to the Agreement to do so at the earliest opportunity. At the meeting, the States Parties adopted the rules of procedure of the Conference of the Parties and the rules relating to the structure and functions of the Committee to Support Implementation and Compliance, as a subsidiary body of the Conference of the Parties established to promote implementation of the Agreement and to support the Parties in that regard.

²³ Interview with an ECLAC official (5 August 2021).

²⁴ See [online] http://media.wix.com/ugd/0cd7e7_cc4cd53b214b4ee29184a09d5904f514.pdf.

²⁵ Ibid.

Section XIV of the rules of procedure of the Conference of the Parties establishes that the public shall participate meaningfully in the Conference of the Parties and sets out participation modalities, which include attendance, reporting and making statements and apply to both face-to-face and virtual meetings. They also provide that the Secretariat shall maintain a regional public mechanism whereby interested persons can register by filling in a short form available on the Secretariat's website, and that representatives of the public shall be elected through the regional public mechanism, in order to encourage and facilitate public participation and to channel their contributions, including the submission of proposals on behalf of the public.

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