

**The Legitimacy of Global Governance:
A Holistic and Multi-Level Analysis of the Millennium Development Goals**

by

Ingrid Anderson

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This is to certify that I have examined this copy of a master's thesis by

Ingrid Anderson

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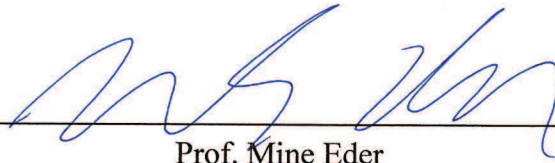
Committee Members:



Assoc. Prof. Bahar Rumelili



Asst. Prof. Ozlem Altan-Olcay



Prof. Mine Eder

Date:

Oct. 11th, 2012

STATEMENT OF AUTHORSHIP

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Ingrid Anderson

ABSTRACT

The augmentation of interdependence brought about by globalization gave rise to new modes of governance at the global level. Global governance, which is characterized by unclear and informal rules, multiple and overlapping authorities and jurisdictions, and the rise of powerful non-state actors, poses serious legitimacy challenges: the amplification of power inequalities among actors, the obfuscation of decision-making processes and outcomes, and the disruption of democratic underpinnings of national societies. Building on the existing literature, this thesis develops a holistic framework to evaluate the legitimacy of global governance based on three pillars: 1) input, a public vision grounded on political equality; 2) process, administrative law controls, and 3) output, dynamic accountability mechanisms. The framework is then applied to assess the legitimacy of Millennium Development Goals (MDGs) at the global, international, and national and local levels. This holistic and multi-level analysis brings to light the specific challenges encountered at different levels of interaction. At the global level, power imbalances are reflected in the definition of the MDGs; weak authority allows Northern organization to dictate the process and weak accountability links prevent affected publics from holding leading actors responsible. At the international level, resources denote influence and oversight is carried out by actors not best-positioned to control processes, which leads to serious principal-agent accountability problems. At the national and local levels, lack of inclusiveness and empowerment tarnishes the definition of programs and the shaping of interventions, and the involvement of private actors brings into question the very public purpose of the MDGs.

Keywords: global governance, legitimacy, political equality, international institutionalization, multi-level governance, administrative law, global accountability, millennium development goals.

ÖZET

Küreselleşmenin bir sonucu olarak karşılıklı bağımlılığın artması, küresel düzeyde yeni yönetim biçimlerini ortaya çıkardı. Belirsiz ve informel kurallar, çoklu ve örtüşen otoriteler ve yargı alanları, ve güçlü devlet-dışı aktörlerin yükselişi ile nitelenen küresel yönetim, ciddi meşruiyet sorunları yaratmaktadır: aktörler arasında iktidar eşitsizliğinin artması, karar süreçlerinin ve sonuçlarının perdelenmesi, ve ulusal toplulukların demokratik temellerinin parçalanması, vb. Var olan literatür üzerine inşa edilen bu tez, önce küresel yönetişimin meşruiyetini incelemek üzere üç ayaklı bütüncül bir çerçeve öneriyor: 1) girdi: siyasal eşitlik temelli kamusal bir vizyon; 2) süreç: idari yargı denetimleri; 3) çıktı: dinamik hesap verme mekanizmaları. Sonra bu çerçeveyi Milenyum Kalkınma Hedefleri (MKH)'nin küresel, uluslararası, ulusal ve yerel katmanlarda meşruiyetini ölçmekte kullanıyor. Bu bütüncül ve çok-katmanlı analiz, farklı katmanlarda karşılaşılan zorluklara ışık tutmaktadır. Küresel düzeyde iktidar eşitsizlikleri MKH'nin tanımına da yansımaktadır, zayıf otoriteler Kuzey örgütlerinin süreci belirlemesine izin vermektedir, ve hesap verebilirlik kanallarının zayıflığı kararlardan etkilenen halkların hesap sormasını engellemektedir. Uluslararası düzeyde, kaynaklar etki gücünü belirlemede ve gözetim bu süreçler için çok uygun olmayan aktörler tarafından yapılmaktadır. Ulusal ve yerel düzeylerde, kapsayıcılık ve yetkilendirme eksikliği programların tanımlanmasını ve müdahalelerin şekillenmesini zorlaştırmaktadır; ve piyasa aktörlerinin oynadığı rol, MKH'nin asıl kamusal amacına dair kuşku uyandırmaktadır.

Anahtar Sözcükler: küresel yönetim, meşruiyet, siyasal eşitlik, uluslararası kurumsallaşma, çok-katmanlı yönetim, idari yargı, küresel hesap verebilirlik, milenyum kalkınma hedefleri

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CHAPTER I

INTRODUCTION: FOCUS AND APPROACH

In 1990, the World Bank published its annual World Development Report and identified reducing poverty as the most pressing issue facing the development community; it also recognized that international assistance was needed to address the issue and that simply increasing resources was not enough: social policies, such as education and gender, were needed to increase the capacity of the poor to take advantage of the opportunities that ought to be offered. That same year, the UNDP launched its first Human Development Report, which marked a shift in the development debate: going beyond income to evaluate the level of people's well-being and capturing many dimensions of deprivation and socio-economic progress when assessing human freedom and choices. Furthermore, 1990 was the year when a new generation of UN summits was spurred into being.

The Children's summit brought together 159 participating governments, including 71 heads of state, and 45 NGOs to set goals for children's health, nutrition, education, and access to safe water and sanitation.¹ A World Declaration and Plan of Action were signed and prompted the mobilization of public support and political commitment to improve the lives of children around the world. New partnerships among governments, NGOs, donors, international organizations, and civil society

¹ <http://www.un.org/geninfo/bp/child.html>.

started to take place, involving different levels of engagement and varying approaches to the issue at stake. The UN Secretariat and other civil servants from several international organizations were tasked with following up with the action plan at the country level to ensure the implementation of the commitments that were made and to monitor progress. Moreover, this summit brought back to life the idea that these massive global gathering could indeed produce the momentum need to incite actions to bring about improvements in human welfare. Thus, numerous other UN summits took place throughout the 1990s, including the Earth Summit in 1992, the World Conference on Human Rights in 1993, the International Conference on Population and Development in 1994, the World Summit on Social Development and the UN Fourth World Conference on Women in 1995, and so on in the latter half of the decade, though the enormous amount to time, resources, and energy was starting to concern the UN, governments, as well as NGOs. Hence, in the mid-1990s, given the challenges faced by the aid community due to the end of the Cold War and ensuing shift in the political climate, the OECD's donor club took the lead in drafting the International Development Goals, which were to become the common framework for intervention for all development entities. However, the exclusion of NGOs and social activists led to mix responses and the UNDP's 1997 Human Development Report presented its own agenda for eradicating human poverty worldwide. As a result, it became clear that the international community was seeking to create an authoritative set of global goals for development and by 1998 the UN started to make plans for the Millennium Assembly.

A myriad of events took place in preparation for the conference, as countries, international agencies, NGOs, activists, and so on tried to shape the content and the

process leading up to it: regional hearings were held; UN civil servants engaged government officials at different levels; individuals, organizations, and networks advocated for their issues, values, and ideas; websites were created and policy briefs, draft documents, and studies were written; countless emails were sent and large and small meetings with diverse stakeholders were convened. Negotiations took place at many different levels with differing institutional arrangements. Following the Millennium Summit, the Millennium Declaration was unanimously approved by consensus; however, it was still necessary to draw a plan for the implementation of the Declaration's goals for development and poverty reduction. Thus, the World Bank took the lead and convened a meeting of over 200 delegates from multilateral organizations, bilateral donors, and representatives from over a dozen developing countries. It was at this high level technical meeting that the final debate and negotiations took place among international public servants that the Millennium Development Goals were specified.

But the process has not been a linear one and it has led to both agreements and disagreements: should the MDGs address issues of inequality? Should gender equality go beyond the educational target? Should reproductive health targets be included? Should health targets go beyond reducing infant and maternal mortality? Are the environmental targets enough to reverse the critical dangers faced by all species? What is the right balance between global top-down policies and nationally-led strategies? What is a fair approach to monitoring and measuring progress? Which actors have key responsibility for the implementations of these goals? How should best approaches be chosen and who should be involved in the decision-making process? While the MDGs were agreed on by all governments, how can global actors

ensure that those living in failed states can also benefit from the initiative? Given the technical issues of economic analysis and baseline setting, how can the MDGs assure meaningful participation by those weaker actors it is particularly targeting? The normative power of the MDGs invokes important questions about value: are the MDGs the blueprint for truly ending extreme human deprivation? Are they a vehicle for mobilizing political and public support? Or are they the means through which the more powerful can overlook and cover up deeper asymmetries and injustice that could only be addressed through a more radical intervention to level the playing field? What are the overarching principles that grant legitimacy to the MDGs?

Moreover, the disorderly manner in which events develop lead to a second legitimacy problem, that of process. While the UN has gone a long way in trying to ensure inclusive participation, there is no doubt that a large number of stakeholders, particularly the marginalized, remain completely unaware of the issues being discussed and of the decisions being made in their name and on their behalf. What decision-making processes should be followed by those who would like to participate in the debate? What rules and procedures should be in place to guarantee that the content and structure of the action plan are fair and reasonable? The complicated web of actors and interactions can only lead to the ultimate legitimacy challenge: which actors and institutions are to be held accountable for the outcomes and consequences—as well as failures—deriving from the initiatives? And how?

This is the story of global governance in action. It describes how events catalyze and problems become issues at a global scale. While it hints at spontaneity, it is clear that key actors (and their mutual collaboration) had significant leverage on how processes

developed, though motives, processes and transformations are not easy to pinpoint: the same story could have started with a different event and have emphasized other aspects. The depiction certainly cannot be completely black or white: in conjunction with the new challenges that came along with globalization are the new possibilities that have allowed a global summit to take place and truly make a difference. Nevertheless, the absence of a multilevel framework to give purpose, to provide functional and procedural guidance, and to regulate performance and outcomes, means these actions may lack legitimacy.

1.1. Legitimate Global Governance

Increased international interdependence and interconnectedness has led to the building of a global governance structure, with the establishment of various institutions, diverse regulatory processes, and mechanisms through which a growing number of actors can participate, influence, and make claims. This new type of governance possesses key distinctions from governance within the boundaries of the nation-state. First, there is no real executive power, but only indirect and informal rules, with individual states responsible for carrying out functions that are indeed global in character; this creates serious enforcement problems. Second, global governance is multi-polar (carried out in a system of sectoral or issue-area domains) and multi-layered (consisting of multiple levels of authority and jurisdictions, with no clear hierarchy of power among them); this leads to problems of upholding the rule of law and ensuring accountability. Finally, while the emergence of powerful private actors have also impacted governance within the nation-state, the global system is characterized by both state and “ultra-state” actors and, in combination with the two above mentioned features, this allows private actors to have a

particularly high level of power and influence; as result, the very public purpose of global governance is brought into question.

The legitimacy of governance above the (democratic) state, therefore, is more complex and calls for an approach beyond the current overarching criteria for legitimate governance within the state: democratic participation and control. Bernstein and Cashore, 2007, define legitimacy as “the acceptance of shared rule by a community as appropriate and justified” (348). They propose that actor interaction may lead to such legitimacy through a combination of a “logic of consequences” and a “logic of appropriateness” that lead to the acceptance of a governance relationship. Within this framework, norms of legitimacy provide the “justifications and a shared understanding of what an acceptable and appropriate institution should look like” (351). These legitimacy standards are dependent on past and current understandings at play and the shared values of the community granting the legitimacy, that is, “the normative environment and interactions of actors within . . . communities determine and shape the process and content of legitimacy granting” (351). While global norms and institutions structure actors’ behavior and define appropriate or inappropriate actions, the interactions between these structures and the autonomy of choice that actors benefit from, can in turn lead to the redefinition of norms and rules. The advantage of this bottom-up approach is that it creates a learning environment in which global actors can “build a community” through shared understandings, particularly through the value of fairness, where weaker actors have reasonable ability to influence outcomes (363). Complementing this approach, is the claim made by Steffek, 2003, that the legitimacy of global governance depend on “popular assent to the justifications of its goals, principles and procedures” (249). In his view,

governance beyond the nation-state is legitimized through the use of good justifications, through the mechanisms of explaining and defending the aims and principles according to which the global governance machinery functions; therefore, mechanisms legitimation work through the “institutionalization of rational communication about means, ends, and values” (251). As opposed to “government by the people,” at the global level it can be described as “governance by agreement,” where the power of reason and good arguments prevail.

Given the augmented asymmetries of power and the broadened as well as fragmented scope of influence of the global governance space, these “bottom-up” and “discourse” approaches to legitimacy, though necessary processes, are insufficient to grapple with the challenges of governance beyond the nation-state level. A more comprehensive approach is warranted.

The legitimacy of global governance matters for several reasons. On the one hand, global governance significantly constrains state sovereignty, while their authority is not voluntary: all states to a varying extent are integrated into the global system of rules (Buchanan and Keohane, 2006: 27). Therefore, the legitimacy deficit of global governance negatively affects even the most legitimate nation-states. Furthermore, legitimacy has a role in determining the impact rules have on changing actors’ behavior (Dingwerth, 2005: 66); in other words, because global governance is rarely legally binding, the effectiveness of global institutions and the implementation of rules largely depend on them being viewed as fair and legitimate. Finally, legitimacy matters because essential public goods can only be provided at the global level and the way governance is carried out has significant distributional implications

throughout the globe. This means that legitimacy matters because it has a considerable substantive impact on the well-being and the opportunities granted to people—and therefore a public mandate must be ensured.

1.2. Purpose of the Study

This thesis aims to develop a comprehensive and integrated framework for evaluating the legitimacy of global governance and to apply it to a case study that focuses on a particular issue-area—the globally-agreed Millennium Development Goals (MDGs) and the MDG Achievement Fund —tracing its legitimacy from the macro to the micro level and carefully taking stock of the complex multi-level feature of this arrangement.

The literature on the legitimacy of global governance tends to focus on particular aspects: 1) the democratic deficit and the asymmetries of power that prevent equal access and participation (Falk and Strauss, 2000); 2) unclear and unfair dynamics that obscure processes and cannot ensure that actors abide by the rule of law (Dyzenhaus, 2005); and 3) the weakness of accountability mechanisms to expose actions to view, judgment, and sanctioning (Cohen and Sabel, 2005; Grant and Keohane, 2005). Furthermore, it also tends to concentrate either on the normative perspective or to focus empirically on 1) an international organization or 2) the implementation of a particular project or partnership program (Pattberg, 2006). This study proposes to connect the dots on both fronts.

The first contribution of this thesis is the operationalization of the concept of legitimate global governance. While the concept has been extensively scrutinized at

the theoretical level, this study not only offers a comprehensive conceptualization of the term, but also provides the tools and a method of applying it to governance arrangements. Though legitimacy remains a matter of scale, this thesis proposes one way of assessing its level.

The second contribution is the application of the method to an empirical case with the end-result being the actual measurement of the level of legitimacy. Through the case study, not only will the legitimacy of a governance arrangement be analyzed, but also the robustness of the theoretical framework presented. It is only through its application that the validity and usefulness of this comprehensive approach can be evaluated.

The third contribution relates disentangling the complex linkages among diverse actors and organizations by tracing their interactions vertically and horizontally and evaluating their legitimacy from a multi-level perspective. This approach aims at better understanding how the legitimacy of global governance is enhanced or undermined at different levels of interaction, while at the same time evaluating how the multi-level structure and heterarchical processes themselves grant or detract such legitimacy.

1.3. A Holistic, Multi-Dimensional, Conceptualization of the Legitimacy of Global Governance

In this study, legitimate global governance will encompass three dimensions: legitimate input, legitimate processes, and legitimate outcomes.

1.3.1. Input

One way of scrutinizing the concept of legitimacy is through the normative approach, that is, identifying the overall purpose that global governance should serve and the principles—or value perspectives—that should guide it. Surely, the purpose of global governance encompasses many key objectives and prioritizing them will certainly lead to controversy and disagreement. Nevertheless, it is necessary to set forth a vision of what a good global society would be in order to be able to judge the progress toward this outcome.

This thesis argues that the purpose of global governance (i.e. one of the building blocks of its legitimacy) is to carry out public functions in accordance with claims made at the global level. These claims fall broadly under the functions of securing global public goods and upholding the global public interest. Scholte, 2010, proposes a set of eight aims that ought to be sought by global governance: cultural vibrancy, democracy, distributive justice, ecological integrity, individual liberty, material well-being, moral decency, and solidarity (466). While significant ambiguity is to be found in each of these aims, it is the responsibility of each governance arrangement to define and to justify how the public policies being pursued are advancing these objectives; it is through this process of justification that actors and institutions legitimize their decisions and activities. Whether or not they are successful in the course of argumentation is to be decided by the affected parties—through institutional processes that ought to be implemented (see Steffek, 2003, and section below on process).

What principles should provide overall guidance during the pursuit of global governance's purpose? The current era of human rights values propose one path towards the assertion of a global community. Though by no means universal *per se*, the human rights movement makes the claim that certain values should be universally accepted. One civic value that has wide acceptance is that of equality within the global public sphere. This value could lead to a number of universal governance principles, such as equal access to political influence and capability equality—expressed in terms of equal political freedom (Bohman, 1999). Political equality is the key principle of input legitimacy because of the concentration of bargaining power in just a handful of states and transnational elite actors. As Lord and Beetham, 2001, have argued, a public sphere can only operate fairly under a structure of “systematic and balanced representation of opinions” (455). For this reason, minimum levels of meaningful representation of different groups must be ensured in order to render a governance arrangement legitimate. Such representation must include measures of proportionality and civic capability (Lord, 2006; Sen, 2002). The former refers to a fair structure of inclusion of representatives of all those affected by the decisions/rulings of the governance arrangement and the latter relates to measures of compensation for inequalities in terms of cognitive, financial, and other relevant resources among representatives.

In this way, the normative framework provided by the value equality should shape the structure of global governance. The principles of political equality (equal access and equal capability) are aimed at balancing the asymmetries power found in the global arena and assuring that the governance structure acts as a legitimizing factor, by offering an enabling environment where claims can be made, the interest of a

global people can be defined and truly public functions can be carried out. Thus, political equality is the “input” dimension of legitimate global governance because it provides the structural support for the building of a good global society.

1.3.2. Process

Another approach to the legitimacy of global governance is administrative law. Much of global governance can be examined as administrative action: rulemaking and other forms of regulatory and administrative decisions and management (Kingbury, Krisch, and Stewart, 2005). Yet, as Shapiro, 2005, explains, “no one has ever quite broken the law or ever quite obeyed it because nothing is ever quite law” (351). At the nation-state level, principles of legality, due process, and rule of law are the cornerstone of legitimate processes of policymaking. Administrative law is “the branch of law that disciplines public administration and governs its relationship with private parties” (Harlow, 2006: 191). Given the significant impact of global rulemaking and the informal and unclear character of its processes, incorporating disciplinary measures into global governance practices can be a valuable means of ensuring decisions are made according to its normative purpose: to carry out public functions in accordance with claims made at the global level. Esty, 2006, argues that the procedural rigor of administrative law “is a critical tool for refining international governance and legitimizing the exercise of supranational power” (1495). He proposes a set of global administrative law tools that can support four aspects of good governance: “1) controls on corruption, self-dealing, and special interest influence; 2) systematic and sound decisionmaking; 3) transparency and public participation; and 4) checks and balances” (1496). Without disregarding the challenges of globalizing administrative law, this framework offers tangible tools

that can be applied empirically to practices of global governance; these include conflict of interest rules, inspections and audits, lobbying disclosures, the publishing of drafts with notice and comment, the identification of decisionmakers, documented decisions, hearings and other opportunities for public participation, public dockets, structured fact-finding, opinion evaluation, access to information, metrics and measurements, power-sharing and divided authority, review mechanisms, and principles of derogation and declination.

In addition to the challenge of implementing these rules at the global level, it is also important to acknowledge the danger of also potentially legitimizing unjust laws. As Chimni, 2005, explains, in the absence of substantive laws, administrative rules may shift the focus away from concrete governance reforms while at the same time validating a form of governance that supports the interest of the powerful. Thus, these administrative tools must be embedded in a governance structure that upholds the principles of equality and be implemented in ways that sustain and reinforce the normative aspects of global governance legitimacy (discussed above).

1.3.3. Outcome

A final approach to global governance legitimacy is the concept of ‘output legitimacy’, that is, the validation earned by the actual benefits (positive outcomes) provided to the global public. If the purpose of governance at the global level is to secure global public goods and uphold the global public interest, it is imperative to develop a system through which the successes or failures of fulfilling these functions can be reviewed and sanctioned. While global administrative law provides a number of procedural rules that can assist in the review of global governance outcomes,

traditional accountability mechanism are not sufficient to hold global rule-makers responsible for the outcomes of governance decisions that are made. Given that global authority is largely exercised through indirect and informal means, the usual principal-agent accountability relationship is lacking; in other words, power is wielded without clear delegation. Therefore, Grant and Keohane, 2005, identify seven accountability mechanisms that operate in global governance: hierarchical, supervisory, fiscal, legal, market, peer, and public reputational. The effectiveness of each is dependent on the context of the institutional arrangements of different sites of global governance. Since accountability is always a relational concept, in order to unpack these different mechanisms, it is useful to ask six questions that have been proposed by Mashaw, 2005, in the context of the United States:

Who is liable or accountable to *whom*; *what* they are liable to be called to account for; *through what processes* accountability is to be assured; *by what standards* the putative accountable behavior is to be judged; and what the potential *effects* are of finding that those standards have been breached (17).

Investigating the answers to these questions will likely point to multiple modalities of accountability that can more adequately assist in evaluating progress towards achieving the purposes of global public. Furthermore, these different modalities of accountability can feed into the institutional design of diverse governance arrangements. As Bohman, 1999, highlights, the important role of formal organizations and legal institutions should not be neglected, for if global actors are to have their power constrained, coercive laws ought to be in place to review and sanction their exercise of authority.

Thus, accountability at the global level must be conceptualized in dynamic terms (Cohen and Sabel, 2005: 778). Given the anomalous character of the structure and

processes of global governance, a system of accountability that anticipates the continuous transformation of both the norms and rules in operation is the ideal one to review and judge the benefits of outcomes—or lack thereof.

1.4. A Multi-Level Approach to the Legitimacy of Global Governance

1.4.1. What is Multi-Level Governance?

The economic and technological changes of globalization brought about the restructuring of political authority; this has significantly affected the conditions for governance within the boundaries of the nation-state and has led to new relationships among institutions at different tiers of government. Now, national governments no longer have the autonomy and effectiveness needed to define and provide public goods (Knill and Lehmkuhl, 2002: 41); subnational authorities engage directly with international institutions and vice-versa; the private sector also has an increasingly important presence and influence in various phases of governance interactions. Moreover, modes of governance are more flexible, negotiated, and contextually defined. Overall, as Peters and Pierre, 2004, explain, the multi-level concept has four key characteristics:

[I]t is focused on systems of governance involving transnational, national, and subnational, institutions and actors; it highlights negotiations and networks, not constitutions and other legal frameworks, as a defining feature of institutional relationships; it emphasizes the role of satellite organizations, such as NGOs and agencies, which are not formally part of the governmental framework; and, it makes no normative pre-judgments about a logical order between different institutional tiers (77).

Furthermore, since a key feature of global governance is the transformation of hierarchical relations, the multi-level concept emphasizes process over structure; this

process, however, is multi-centered, yet connected; focused on problem-solving, yet informal and non-binding; and pluralistic, but not necessarily all-inclusive. Thus, multi-level governance refers to fragmented yet linked processes incorporating public and private actors in contextually defined forms of interaction and cooperation.

Global governance is fragmented because jurisdictions are task-specific and flexible, as opposed to general-purpose and durable (Marks and Hooghe, 2004: 20). They can be created, deleted, adjusted, or custom-designed, as they are “special-purpose jurisdictions that tailor membership, rules of operation, and functions to particular policy problems” (29). In the absence of a world government with the mandate to guide and oversee the larger objectives and strategies, governance arrangements target specific policy problems and are focused on the production of a particular public good, rather than deciding on broader value choices. Therefore, the multi-level character of governance can insulate decisionmaking from other potentially controversial issues.

Moreover, the emergence of both new modes of governance and new—and numerous—powerful actors has rendered a more pluralistic and crowded global stage. Diverse steering mechanisms and forms of interaction mean that any one actor or organization is less likely to dominate the course of events; such awareness of their limited influence has given rise to increased cooperation among global actors. Hence, multi-level governance is a network form of organization, in which every node can communicate with every other node.

Ad hoc models of governing, the lack of a legal framework to provide guidance, and overconfidence in informal and non-binding mechanisms at diverse institutional levels, however, may lead to what Peters and Pierre, 2004, called a Faustian bargain, whereby actors see only the benefits of multi-level, pluralistic governance and overlook the negative consequences—in terms of inclusion, participation, transparency, and accountability—that derive from the absence of a regulatory framework (76-77). It is for this reason that the legitimacy of these multi-level arrangements matter.

1.4.2. Multi-Level Input, Process, and Outcome Assessment

Since global governance arrangements are widely dispersed and not necessarily linked to each other through layered hierarchies, it is more appropriate to conceive the multi-level concept in terms of multi-level interactions that vary both in term of structure (degree of formality) and process (vertical and horizontal interactions) (Rosenau, 2004: 39-41). Explanations for the success or failure of policies outcomes depend on the extent to which cooperation has been achieved and are based on institutional characteristics (the structural dimension) and the characteristics of actor interaction (process approach).

1.4.2.1. Input

Multi-level governance is characterized by structured informality: relationships are kept loose while at the same time building in enough organization and framework to allow action. In fact, the capacity to get things done is arguably the central guiding purpose of the multi-level concept. The lack of centralized structure, however, does not imply that resources are equally distributed among actors; in fact, governance

arrangements may operate to the advantage of some and to the disadvantage of other actors because they have been formed during earlier interactions and the inequalities resulting from these interactions are incorporated into existing arrangements. Hence, changing the structure of multi-level governance is a battle for power between actors, particularly regarding the shaping of problem definitions and deciding on the entry of actors into the network (Klijn and Koppenjan, 2000: 147). The differences in the distribution of resources matter and actors use them to influence the process and the substance of interactions.

Major conflict may arise at the normative level about the distribution of costs and benefits of a solution, since there is a constant tension between the interdependency of actors and the diversity of their goals and interests. Interaction between actors creates a specific resource distribution (the structure), which in turn determines the principles and purposes of the governance arrangement. Since actors recognize that certain resources are necessary for the realization of the policy outcome, those actors with greater resources retain a kind of “veto power,” which grants them a privileged position in the network and in the interactions that take place. The legitimacy of multi-level governance is, therefore, partially determined by the principles that structure the network, as they can influence, shape or even determine the overall purpose and goals actors are guided to pursue. For example, private sector engagement may lead to the distortion of policy priorities and objectives. As Bull, Bøås, and McNeill, 2004, explain, there is a risk that sectors in which there is strong private sector interest be given priority over sectors in which the private sector has fewer stakes (487). A legitimate structural setting is an instrument to ensure inclusiveness and equal opportunity to shape problem definitions, objectives, and

desired solutions. Furthermore, network interactions must incorporate criteria for the empowerment of weaker; these criteria are the means through which the quality and inclusiveness of the institutional structure are built and they can strengthen weaker actors' voices, increase their awareness, and encourage their activities.

1.4.2.2. Process

A multi-level approach assumes that policy processes are a collection of interactions between a multitude of players which takes place within networks of interdependent actors. Since these actors are mutually dependent and in order to survive they need resources from one another, policies can only be realized on the basis of cooperation. This cooperation, however, is by no means simple or spontaneous and rules play an important role in the development of cooperative governance processes.

Though rules differ from network to network, they are important for determining the possibility of cooperation. Furthermore, rules that promote the sharing of information, the representation of diverse points of view, the management and mediation of disagreements, as well as learning processes are central to the legitimacy multi-level policymaking because regulating mechanisms are needed to control the significant *de facto* discretion of actors operating in such complex and convoluted operational environment.

Since multi-level processes take place as mostly informal bargaining, negotiations, and collaborations, there is the risk that power politics, as opposed to law and formal structural procedures, become the determining factor in the series of interactions leading to policymaking (Peters and Pierre, 2004: 84). The lack of constraints that

characterizes multi-level governance may lead to the by-passing of traditional restraints put in place to ensure that governance caters to the interests of all stakeholders; if certain actors do not participate in the interaction process, it is unlikely that their interests and preferences will be represented. Thus, in the absence of formal and legal arrangements, consensus on objectives, strategies, and outcomes will be dictated by stronger players, bringing into question the provision of global public goods.

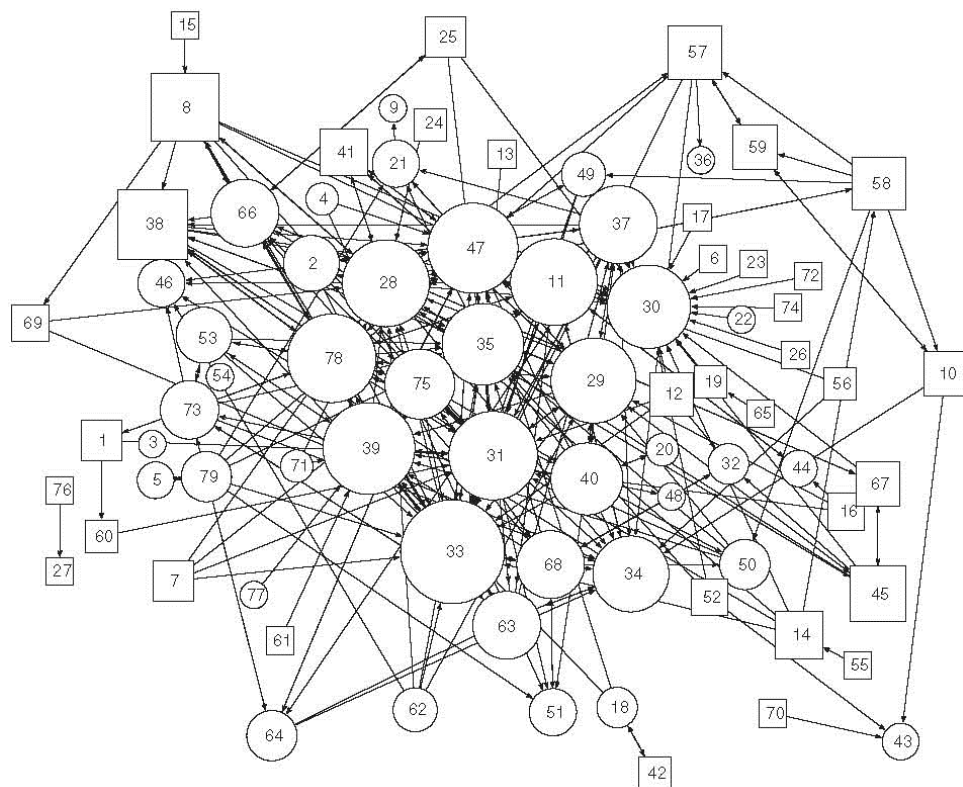
1.4.2.3. Outcome

The *ad hoc* character of multi-level governance means that there are rarely *ex ante* formulated and finalized goals that can serve as criteria for the evaluation of outcomes (Klijn and Koppenjan, 2000: 137). In interaction processes, actors adjust their positions and objectives based on the responses of other actors and events develop. The problem definition and the accurate determination objectives change in the course of the process. If the focus of the evaluation is on the initial problem formulation or objectives, the important transformations that take place in the interaction processes may be ignored and evaluated negatively.

In this way, it is important to satisfy *ex post* criteria, where the assessment of the policy outcome is based on a dynamic approach. This does not mean that a critical evaluation should not be carried out; after all, the outcome may have been achieved because certain actors were excluded from the decisionmaking process or because costs were placed elsewhere. Furthermore, the lack of enforceable sanctions makes it difficult to prevent exploitative behavior on the part of actors, especially the ones who retain great and/or strategic resources.

Another challenge posed by the multi-level nature of global governance is the difficulty of assigning responsibility for both successes and failures. Since actors and organizations operate without being officially granted authoritative roles or being given certain tasks to fulfill, and because their position in the network arrangement is neither clear nor permanent, accountability needs to encompass a number of mechanism that can reach the multiple levels of interaction, grasp ways of identifying and evaluating the performance of different players, and sanction results. Outcomes can only be legitimate if they can be reviewed, justified, and revised.

Figure 1.1: The 2001 interorganizational development network mapping



Squares represent INGOs and circles represent IGOs. Node size corresponds to the degree centrality of the organization within the network (Atouba and Shumate, 2010: 310).

1.5. Research Design, Methodology and Field Research

This thesis entails the examination of a complex organizational process, involving multi-polar and multi-level dimensions. A case study method is argued to be the

most appropriate because it provides an ideal way of incorporating the comprehensive conceptual framework of global governance legitimacy that has been proposed. Furthermore, a case study method allows for a detailed examination of the multi-level arrangements that characterizes global policymaking interactions.

While case studies are sometimes criticized for being simply descriptive, anecdotal, or journalistic—and therefore atheoretical—it is important to acknowledge that they “generate facts” in the sense that it is only through the conceptual framework developed—along with its application—that one is able to recognize certain occurrences and make sense of such reality. As Coppedge, 2002, explains:

Such a framework is an interpretative theory that helps us identify what to observe, defines the relevant and meaningful characteristic of actors and institutions, and fills in the connection between action and reaction so that we can plausibly reconstruct events and processes . . . If the test of good theory is that it enables us to predict consequences, the common sense we develop is a great theory (3).

In light of this, although the principal advantage of a large-sample analysis is that the theories emerging are relatively general, therefore allowing for at least some assumptions that are empirically supported, the purpose of this thesis is not to arrive at a generalized legitimacy theory, but instead accomplish a different kind of theory development. The more descriptive approach will consist of propositions that are integrated into an intuitive and interpretative theory. More specifically, the aim of this thesis is to generate insights that are potentially transferable to various governance arrangements beyond the nation-state. Thus, this case study approach will interpret every specific actor, institution, trend, and situation as *an instance* of a general type, but not a general theory in and of itself.

The theoretical propositions that will emerge from this study will likely have a high degree of complexity, as “the more faithfully a theory represents our complex world, the more complex it must be” (4). In this way, the hypothesis generated from this thesis will likely have two weaknesses: one is that its propositions will likely be loosely integrated with the theory being built and, therefore, it is less clear which analysis would confirm or disconfirm the theory; and second, the case study approach is by definition not generalizable, as until testing can take place there are only general hypotheses. Hence, as Coppedge, 2002, has argued, this case study approach is likely to produce a type of theory that is “qualitatively thick and empirically well-grounded, and therefore plausible in bounded times and places; but also provisional, pending extension to more general samples . . . a soft theory built on a hard foundation” (6).

For this reason, the comprehensive framework that is offered is simultaneously blessed and cursed when it comes to methodology: while it allows for a more inclusive approach to the subject of legitimate global governance, there are challenges that arise from the superabundance of information. Therefore, the main method that will be used is process tracing, whereby this thesis will recount events, identify key actors and their motives, assess the strength of organizations and trace the connection among casual forces within the complex decision-making process taking place in the selected case. As Mahoney, 2007, explains, robust causal analysis can in fact be carried out through within-case analysis, as it entails exploring causal relationships and testing hypothesis with reference to multiple features of individual cases and through close examination of the intervening processes that link the various actors to the decisions made and the outcomes that come about as a result.

Developing theory in ways that incorporate the causal processes at work to the causal mechanisms that link causes is essential to this approach (George and Bennet, 2005: 12). In fact, since within-case analysis is the method best suited to examine the operation of causal mechanisms in detail, process tracing is the most appropriate method for uncovering *where* potential deficiencies in global governance arrangements exist and cause legitimacy problems.

To uncover these mechanisms, this study will collect a large amount of data from a wide range of sources in order to conduct documentary research; these include archival material and historical secondary sources. The goal is to gather basic information about the case and fill in potential gaps in the existing historical account. Since the process tracing method requires enormous amounts of data in order for causal mechanisms to be identified at every step of the process, interviewing will be an important approach to the case study in this thesis.

The first advantage of the interviewing method is that it enables first-hand participants in the processes under investigation to provide their account of the events in question. This provides an opportunity to gain insights from key participants. Since written accounts may represent the 'official' version of events, interviewing allows the gathering of information about the underlying context that led to the actions and events that took place. Furthermore, it can compensate for the lack and limitations of documentary evidence, as important political processes often lack documentation. In addition, documents can be incomplete and therefore present a deceptive account of the events. As George and Bennett, 2005, explain, by presenting the official version of events, documents often conceal the informal

processes and considerations that precede decisionmaking (103). They may also present decisions in a way that implies consensus and agreement, when it may be that there was wide disagreement and that other undocumented decisions may have in fact been considered extensively. Moreover, given the abundance of documentation, primary data can in fact become a liability, as the difficulty of sorting through evidence and prioritizing the most important documents is great (Tansey, 2007: 6). Interviews can assist in sorting through the data as interviewees help identify the most significant and accurate documents. In other words, interviews may provide data that can help uncover the causal processes and mechanisms that are central to comprehensive causal explanations.

There are, of course, important limitations and weaknesses that must be pointed out. Interviewees can misrepresent their positions in ways that raise questions over the reliability of their statements. For example, they may attempt to inflate or minimize their own role in an event or process. George and Bennett, 2005, note that policymakers often have an incentive to frame their accounts in ways that portray a “careful, multidimensional process of policymaking” to the public (102). Furthermore, interviews will be held some years after the events have taken place and simple challenges of memory can limit the reliability of interview data. In order to address these challenges, this thesis will consult multiple sources and report on any uncertainties concerning the validity of any such data.

A non-probability sampling technique will be used in this study. Such sampling involves drawing samples from a large population without the requirement of random selection ((Tansey, 2007: 10). The distinguishing element of such sampling

is the role played by subjective judgment in the selection process, the trade-off being that this severely limits the potential to generalize from the findings of the sample to the wider context. Selection bias can also compromise the possibility of arriving at robust findings. However, since the aim of this thesis is not to arrive at a generalizable theory, this type of sampling provides some key advantages to the research, since the causal processes in this study are very specific instances of decision-making, where a limited set of actors are involved in deliberations, decisions, and actions regarding the outcomes of interest. As Tansey, 2007, asserts, “when using process tracing, the most important issues to consider when drawing the sample are that the most important and influential actors are included in the sample, and that testimony concerning the key process is collected from the central players involved” (11). In such event, random sampling may be in fact an obstacle since the most important actors may be excluded. Thus, the snowball sampling will be utilized, since it is the most appropriate method when the population of interest is not fully visible and where compiling a list of the population poses serious difficulties (Babbie, 1995). This method is also known as chain-referral and involves identifying an initial set of relevant respondents and requesting them to suggest other potentially relevant subjects, then requesting the same from this second set and so on, until the sample is large enough to fulfill the purpose of the study (Tansey, 2007, 12).

Finally, through the process of triangulation, this thesis hopes to minimize the possibilities of biases and inconsistencies. This method refers to the use of more than one approach to the analysis as a means to enhance confidence in the ensuring findings; multiple viewpoints allow for greater accuracy. In this thesis methodological triangulation and data triangulation will be applied. The former

involves using more than one method to gather data—from documented sources as well as interviews—and the latter regards gathering data through several strategies as a means to account for the whole range of viewpoints, such as including a large array of scholars' perspectives in the desk research and ensuring that all major stakeholders are part of the interview process. Furthermore, as Olsen, 2004, has argued, triangulation is not aimed merely at validation, but also at deepening and widening the substantive component of the research.

The legitimacy concept described above will be applied to the multiple levels of interaction that take place. These interactions will be traced starting from the global level of issue formation to the micro level of project implementation in a municipality in Turkey. Through process tracing, this thesis hopes to take stock of both vertical and horizontal interactions that take place in order to provide a comprehensive and integrated assessment of the governance legitimacy of this particular issue-area.

The issue-area that will be examined is international development. Starting with the United Nations Summit in 2000, nations agreed on Millennium Development Goals (MDGs), which concluded with the adoption of a global action plan to achieve the eight anti-poverty goals by their 2015 target. While the MDGs provide a framework for the entire UN system, the United Nations Development Program (UNDP), with its vast network on the ground in 166 countries, has been tasked with the coordinate broad efforts at the country level. To support this endeavor, the UNDP has designed a set of services to support national development strategies. These services broadly

focus on investment planning, widening policy options, and strengthening national capacity.

To carry out these efforts towards the MDGs, the MDG Achievement Fund was established in 2006, with support from the Government of Spain, and has been providing funding to over one hundred projects and initiatives to date. In order to carry out the case study, this thesis will draw on several different documentary sources of information and conduct interview with key personnel in the organization and its partners. The objective is to map the structure of this governance arrangement, to define the main normative stance regarding purpose and function, to outline the decisionmaking processes that take place along with the regulatory procedures that are in place, to identify accountability mechanisms employed, and evaluate the overall legitimacy of this networked form governance action.

1.5.1. Global Level

This level involves the setting of the normative stance that gave rise to the MDGs, the process of assigning decisionmaking power and responsibilities to the UN and role of other actors and organizations, and the mechanisms for delivering feedback about progress on the achievement of the MDGs as well as evaluation of outcomes. At this level, only desk research will be carried out to gather information, with a particular focus on the role of the UN and member-states.

Table 1.1: Global Level Research Analysis

Input	Process	Outcome
What is the MDGs vision for creating a better global society?	Which actors and organizations are involved in the implementation of the MDGs?	Which actors and organizations can be potentially held accountable for the success/failure of the implementation of the MDGs?
How widely accepted are the MDGs from a normative perspective?	How are activities and interactions among actors and organizations monitored?	What are the hierarchical and/or supervisory accountability mechanisms?
How inclusive was the access to processes of institutionalization of the MDGs? What measures were taken to ensure equal in contribution?	How transparent are these rules and actual practices?	What are the fiscal accountability mechanisms?
Which actors and organizations played a key role in defining the MDGs? How representative were they—public/private sector, governmental/non-governmental, geographic distribution?	What are the procedural rules that have been established for the implementation of the MDGs?	What are the legal accountability mechanisms?
What measures were in place to level the playing field and allow the participation of weaker actors (poorer states and marginal organizations)?	Are there mechanisms in place to ensure fair representation of various perspectives?	What are the peer review and/or public reputational accountability mechanisms?
How well were the views of weaker actors considered and/or incorporated in the deliberation and framework?	What mechanisms are in place to ensure reasoned choices in the implementation of MDGs?	
	How are the decisions being made communicated to interested stakeholders?	

1.5.2. International Level

This level involves the development of the normative framework that gave rise to the Millennium Development Goals Achievement Fund (MDG-F) led by the Government of Spain and UNDP. It includes the processes of decisionmaking within Spain as well as the role of the UNDP and other actors and organizations involved in the program, along with the mechanisms for sharing and learning about progress on the achievement of the MDG-F initiative and the evaluation of outcomes. At this level, desk research will be carried out on how these developments took place, with a particular focus on the role of the Government of Spain, the UNDP, and civil society organizations.

Table 1.2: International Level Research Analysis

Input	Process	Outcome
What is the MDG-F's vision for creating a better global society?	Which actors and organizations are involved in the implementation of the MDG-F?	Which actors and organizations can be potentially held accountable for the success/failure of the implementation of the MDG-F?
How widely accepted are the MDG-F's principles from a normative perspective?	Are there mechanisms in place to ensure fair representation?	What are the hierarchical and/or supervisory accountability mechanisms?
Which actors and organizations played a key role in defining the MDG-F's framework?	What are the procedural rules that have been established for the implementation of the MDG-F?	What are the fiscal accountability mechanisms?
How representative were they—public/private sector, governmental/non-governmental, geographic distribution?	How transparent are these rules and actual practices?	What are the legal accountability mechanisms?
What structures were in place to level the playing field and allow the	How are activities and interactions among actors and organizations	What are the peer review and/or public reputational accountability

participation of weaker actors (poorer states and marginal organizations)?	monitored?	mechanisms?
How well were the views of weaker actors considered and/or incorporated in the deliberation and framework?	What mechanisms are in place to ensure reasoned choices in the implementation of the MDG-F?	
How inclusive was the access to processes of institutionalization of the MDG-F?	How are the decisions being made communicated to interested stakeholders?	
How widely accepted is the MDG-F from a normative perspective?		

1.5.3. National and Local Level

This level involves the normative framework that has been developed at the national arena particularly as a result of the efforts led by the UNDP's country offices and relevant stakeholders at the local arena who designed and implemented a project. Though support has been provided to a myriad of countries, this thesis will focus on Turkey, in order to provide a more in-depth analysis, and will focus one of the projects in particular. It will include the processes of decisionmaking taking place between the UNDP headquarter office and its national counterparts in the country as well as the role of other actors and organizations participating in the selected project. It will also incorporate the mechanisms for sharing and learning about progress on the achievement of the country level priorities and project goals and the evaluation of outcomes. At this level, desk research will be carried out on how these developments took place, with a particular focus on the role of the UNDP country office,

government agencies, and civil society organizations in Turkey. Interviews will be conducted with the key stakeholders identified.

Table 1.3: National and Local Level Research Analysis

Input	Process	Outcome
In addition to the UNDP, which actors and organizations played a key role in defining the goals and priorities for the country and project? How representative were they—public/private sector, governmental/non-governmental, geographic distribution?	In addition to the UNDP, which actors and organizations are involved in the implementation of the UNDP's goals and priorities for the country and project? Are there mechanisms in place to ensure fair representation?	Which actors and organizations can be potentially held accountable for the success/failure of the implementation of the UNDP's goals and priorities for the country and the project?
What structures were in place to level the playing field and allow the participation of weaker actors (poorer and marginal organizations)?	What are the procedural rules that have been established for the implementation of the UNDP's goals and priorities for the country? How transparent are these rules and actual practices?	What are the hierarchical and/or supervisory accountability mechanisms?
How well were the views of weaker actors considered and/or incorporated in the deliberation and framework?	How are activities and interactions among actors and organizations monitored?	What are the fiscal accountability mechanisms?
How inclusive was the access to processes of institutionalization of the UNDP's country level goals and priorities?	What mechanisms are in place to ensure reasoned choices in the implementation of the UNDP's goals and priorities for the country?	What are the legal accountability mechanisms?
How widely accepted are the UNDP's country level goals and priorities from a normative perspective?	How are the decisions being made communicated to interested stakeholders?	What are the peer review and/or public reputational accountability mechanisms?

1.6. Organization of the Thesis

This study aims to analyze the legitimacy of governance beyond the nation-state through multi-level arrangements consisting of diverse public and private actors. The following four chapters will present this analysis and a short summary of each chapter is presented below.

The second chapter presents an overview of the literature on the debate over the meaning, challenges and dilemma surround the concept of global governance. It will also briefly discuss the new structure of global politics that has been taking shape as a result of the transformations brought about by globalization. Moreover, it will analyze new forms of governance that have emerged as response to these global changes, as well as examine the emergence of powerful non-state actors. Furthermore, the legitimacy of global rulemaking is scrutinized, through a review of different approaches to the legitimacy concept itself, along with a synopsis of different perspectives about how the legitimacy idea should be applied to global governance. Finally, a framework for the legitimation of global governance is presented, focusing on a holist and multi-level approach, which includes incorporating democratic values, integrating global administrative law into processes, and embedding dynamic accountability.

In the third chapter the case study is presented and it will focus on the first level of analysis. It will start by examining the global stage and applying the global governance legitimacy framework presented in this thesis. The purpose of the discussion will be to assess the legitimacy of the governance arrangement that led to the establishment of the Millennium Development Goals (MDGs). It will incorporate

both the holistic aspect (input, process, and output legitimacy), and the multi-level perspective—by taking into account both formal and informal exchanges as well as vertical and horizontal interactions that affected the legitimacy of the arrangement at the global level.

In the fourth chapter, the same analysis will be applied to the international level, where the legitimacy of the MDG-F will be scrutinized by the legitimacy framework provided. Here the role of the Government of Spain and the UNDP as an international development network will be examined and the features of the program and the terms of the Fund will also be assessed.

In the fifth chapter I will analyze the empirical data that I collected through in-depth interviews with some of the key actors at the national and local levels. The analysis and discussion will first focus on link between the UNDP headquarter office and the UNDP's country office Turkey, including relevant actors and organizations involved. The goal will be to establish how the country office defines, implements, and evaluates its activities and then assess its legitimacy vis-à-vis the holistic and multi-level framework provided by this study. This chapter will investigate the relationship between the UNDP's national office and one of the projects being supported by the Fund. Through the framework presented, a similar analysis will be carried out with the aim of examining the legitimacy of the organizations implementing the project—as well as other stakeholders involved.

The final chapter summarizes the theoretical and analytical framework and the findings of this study, with an emphasis on the main arguments in the previous

chapters, contributions of key authors, and main finding from the field research. It will conclude by discussing the strengths and weaknesses of this study and proposing further research that will contribute to understanding and further developing principles, procedures, and controls that will enhance the legitimacy of global governance arrangements.

CHAPTER II

MULTI-LEVEL GOVERNANCE: A LEGITIMACY FRAMEWORK

The concept of globalization is at the heart of discussions about various changes in the international order that have taken place over the past thirty years. These transformations include the augmentation of interdependence and international exchanges, the emergence of complex problems that can only be addressed at the global level, and the consequent intrusiveness of new international institutions into national societies. Issues central to this debate are the re-conceptualization of sovereignty and the relationship between states and societies (Keohane and Nye, 1998; Rhodes, 1996; Rosenau, 1995; Ruggie, 1982; Sassen, 2003a; Slaughter, 1997), new modes of governing at the international level and the proliferation of powerful non-state actors (Bull, Bøas, and McNeill, 2004; Jessop, 2004; Knill and Lehmkuhl, 2002; Slaughter, 2002; Welch and Kennedy-Pipe, 2004), the legitimacy and accountability of actors and institutions that exercise authority (Benner, Wolfgang, and Witte, 2004; Bradford and Linn, 2006; Buchanan and Keohane, 2006; Hall and Biersteker, 2002; Keohane, 2003; Zurn, 2004), and the design of participatory mechanisms to enhance international democracy (Box, 1998; Held, 1995; Nanz and Steffek, 2004; Patomaki, 2003; Peters and Pierre, 2004) .

Given the very tangible impacts that governance at the global level has on the lives of people all over the world, this thesis argues that it is imperative to design mechanisms that ensure the effective provision of public goods. Currently, however, international multi-level arrangements challenge this very premise, by obfuscating decision-making processes and outcomes, amplifying power inequalities among international actors, and disrupting the democratic underpinnings traditionally embedded in modern political systems. Hence, the quest to legitimize global governance is emerging as the key issue in world politics, but the answer to the serious participatory deficit, structural asymmetries, unclear and unjust rules and procedures, and lack of accountability mechanisms are not an easy one, especially in the short-run.

From an empirical perspective, many people who are stakeholders in global problems continue to be excluded from the institutions and processes that address these problems (Held, 2004: 370); moreover, having a seat at the negotiating table does not ensure that stakeholders are in fact represented, as the power imbalances in world political participation should not be downplayed (Beckfield, 2003). Furthermore, from an organizational standpoint, the global legal order can be defined as an “adhocracy,” because the procedural model simply adapts to the functions that need to be carried out on a case-by-case, sector-by-sector basis (Cassese, 2005: 679). Therefore, in order to limit abuses of power in world politics, mechanisms for appropriate accountability need to be institutionalized (Grant and Keohane, 2005: 29).

From a normative standpoint, the concept of a political community revolving around a common fate within a circumscribed territory has yet to be superseded by the notion of world citizenship or even multiple citizenships, which would allow a true global public sphere to emerge (Barber, 2000; Nanz and Steffek, 2004). In light of this, global governance challenges tend to be analyzed in terms of weak systems and divergent values; however, a serious problem can emerge if issues are framed as technical or cultural when they are in fact political: the way systems are structured defines the winners and losers and the lack of consensus is not only the result of cultural differences, but derive from the high distributive stakes (Marks, 2005: 997). For this reason, addressing the problems associated with global multifaceted rulemaking in technical terms *only* risks stabilizing or even legitimizing the ways it privileges current powerholders and their conceptions of sound governance (Kingsbury *et al.*, 2005, 27; Chimni, 2005)

This chapter will proceed as follows: it will first evaluate the concept of global governance as a contested term; second, it will discuss the changes in the international system that have led to the current institutional arrangements along with the various challenges posed by new actors and new modes of governance at the international level; it will then analyze the legitimacy of global rulemaking, by assessing its (un)democratic character, rules and procedures, and accountability mechanisms; finally, it will conclude by briefly offering a framework for how to establish a more legitimate global governance system.

2.1. The Concept of Global Governance

Before elaborating on the challenges and dilemmas surrounding global governance, it is important to emphasize the contested meaning of the term itself. Though widely used, the term governance is a contested concept. It can be defined as the “whole set of actions carried out by all actors in society and the ways that such actors collaborate to solve society’s problems” (Considine and Giguere, 2008: 6) and “determine the distribution of costs and benefits of collective action” (Koenig-Archibugi, 2006: 3). Bell and Hindmoor, 2009, make a distinction between a society-centered focus upon governance: states lack the ability to govern unilaterally and must work with other actors to achieve objectives; and a state-centered approach: governance as tools, strategies, and relationships used by governments to govern (1-2).

At the global level, governance can be defined as “rulemaking and power exercised at a global scale, but not necessarily by entities authorized by general agreement to act” (Keohane, 2003: 132). Here the absence of formal hierarchies is key to the conception. Furthermore, there is the question of what is “global” in global governance. Koenig-Archibugi, 2006, explains that “global” can include global issues, global policy impact or global participation. In this way, global governance is the “provision of a global ‘solution,’ either with reference to its reach or its active participants” (4); therefore, rules imposed unilaterally by powerful actors on distant others may count as acts of global governance if what matters is only the geographical reach and scope of their impact.

Moreover, Dingwerth and Pattberg, 2006, explain that global governance can be conceptualized as an observable phenomenon: global social movements, activities of international organizations, changing regulatory capacity of states, private organizations and authority, public-private networks, and transnational rule-making. Governance can also be seen as a political program: a vision of how societies should address problems. Here the concept is entrenched in practitioners' perspective and has a political connotation: a long-term project of global integration (189-195).

According to Hout and Robinson, 2008, there are three phases to the idea of governance: 1) a view that emphasizes technocratic measures to improve government effectiveness; 2) a broader concern with the organization of political and social life, stressing participation and inclusion, and 3) an increasing awareness of the importance of power and social conflict in shaping development outcomes. Thus, governance is a new form of authority that reflects the dispersal of power in social and economic life. It also embodies the neoliberal idea of authority *outside politics* and traditional realm of administration—a means to claim autonomy for technocratic authority (2-4).

Lederer and Muller, 2005, expand on this idea, arguing that global governance is the political alternative to the economic hegemonic project of globalization that oppresses the less powerful classes: “global governance is not only a multilevel game that sometimes includes domestic institutions and sometimes does not; on the contrary, global governance very often fuses both realms in such ways that they become one” (5). They argue that defining global governance is a political act and can be seen as an ideological project, a technocratic and apolitical concept (8).

Another important concept that emerged within the debate of multi-level governance is the term “meta-governance.” Kooiman and Jentoft, 2009, define meta-governance as the values, norms, and principles that underpin governance institutional systems and governing approaches to policy-making, in other words, it refers to the “governance of governance.” Jessop, 1998, on the other hand, focuses on the state perspective and the ways in which they exercise power by selecting particular institutional forms of governance and determining the functioning of different governance mechanism. Furthermore, Klijn and Koppenjan, 2000, take a managerial perspective, highlighting how public decision-makers manage complex networks to facilitate mutual learning, institutional building, and problem-solving. These perspectives point to the fact that meta-governance principles are an integral part of governance and it is important to decide upon on an explicit and deliberated set of norms to assist both substantive and procedural issues associated with global governance.

All these contestations reflect the unstructured character of global governance, where power is a major determinant of participation. Western, rich and powerful states have significantly more ties to the world polity than do others; the rise of non-state actors pose a further imbalance, as Western societies have grown even more dominant in the international NGO and corporate fields (Beckfield, 2003). Therefore, given the lack of rigorous procedures, those with the *capacity* to influence, shape and define outcomes are closest to the steering wheel of global governance. For the purpose of this thesis, global governance is empirically defined in terms of impact: rulemaking and power exercised by a myriad of actors with global implications. From a normative conceptualization, broad participation and input from global society and

the goal of providing global public goods is the way global governance *should* be carried out.

2.2. The New Structure of Global Politics

2.2.1. Between Sovereignty and Global Governance: The Role of the State in a Globalized World

Traditional modern states had the monopoly over policy development, the redistribution of wealth, and overall security of a people. At the same time, they established mechanisms of political participation, through voting rights, and the accountability of public officials. Ideological mechanisms were also used to build a sense of membership and community. In fact, the sovereign system was dependent on the perception of a mutually beneficial relationship between the state and people sharing a collective identity. The impacts of globalization on the economy, politics, and socio-cultural understandings have challenged these arrangements with the emergence of global issues and the contestation of political entities. Thus, states lost political control and a system organized around centralized, autonomous, territorial states became no longer viable; *interdependence*, therefore, became a constitutive feature of the international system, where cooperation among nation-states, particularly through the establishment of IGOs, became an increasingly important undertaking for national governments.

With the deepening and increased scope of globalization, states start to experience the interpenetration of societies as opposed to international relations among autonomous states, and “the links between internal and external issues and policies

begin to fuse” (Bradford Jr. and Linn, 2006: 123). As a result, the world now includes two systems: a system of modern states and a multi-centric world of various actors competing and cooperating with the world of sovereign states. Hence, the nexus of power is now between domestic politics and international engagement (122). Accelerated globalization, accordingly, has led to societal deterritorialization. Therefore, states delegate a lot more power to international institutions and these institutions are far more intrusive and sophisticated than before, leading to a shift from the cooperation model of international politics to the governance model, where non-hierarchical interactions between states and among state and non-state actors play an increasingly important role.

In light of this, several scholars have used the term “the hollowing out of the state” to describe the new limitations that national governments encounter due to market forces and the rise of self-organizing networks (Rhodes, 1996; Rosenau 1992). They argue that the central government is no longer supreme and that several regulatory mechanisms exist and work effectively outside the sphere of formal authority. Blurred boundaries between public and private sectors, new forms of networked action, and the need to coordinate policy and cooperate with various actors are some of the constraints on states’ authority. At the same time, scholars have highlighted the ways in which states have redefined their authoritative power in order to participate in global governance (Krasner, 2001; Randeria, 2003; Sassen 2003). They argue that states continue to be the most important actors in the international policy-making arena and that they have reinvented their role to adapt to new challenges. In fact, states have been able to capitalize on their perceived weaknesses to render themselves unaccountable to citizens and international institutions, underlining their

augmented strategic power. Thus, whether the state is declining or not, similar implications regarding its role in global (non)democratic governance can be analyzed.

Beyond scrutinizing the ways in which the reach of the state has both contracted and increased, the concern becomes one of discerning the specific types of authority and power states exert vis-à-vis global actors and processes. Given that the state still possesses the legitimacy of power granted by the people—at least in democratic societies—, it is important to investigate their capacity to provide channels for participation and means of accountability to their citizens.

2.2.2. New Modes of Governance

2.2.2.1. International Institutionalization

Interdependence without any organized government would lead actors to seek to solve problems by imposing costs on others; therefore states have sought to construct international institutions to enable them to cooperate when they have common or similar interests. Such institutions include the United Nations along with a myriad of UN agencies, the World Bank, the International Monetary Fund (IMF), the World Trade Organization (WTO), the Organization for Economic Cooperation and Development (OECD), the G8 and G20, the European Union, and various other regional and international organizations. The relationship between states and these institutions is one of increased delegation of power and scope. Furthermore, institutions affect actors' choices by defining appropriate behavior and establishing norms and regimes. At the same time, however, international institutions greatly

differ in terms of their publicness, delegation, and inclusiveness (Koenig-Archibugi, 2006: 13-14), and these are important challenges to global governance.

2.2.2.2. Multi-Level Governance

Hooghe and Marks, 2004, argue that it is important to understand the dynamics of authority and decision-making by focusing on the distribution of policy and fiscal responsibilities between jurisdictions and how they interact with one another. By analyzing both formal and informal institutions, it is possible to identify hierarchical and horizontal arrangements, as well as interdependent and relative interdependent relationships. In an attempt to distinguish between contrasting modes, they propose two types of multi-level governance: one characterized by federalism, limited dispersion of authority and high jurisdictional boundaries; the other features more complex interaction among actors, authority is diffused, and there are overlapping jurisdictions. They argue that the first type is better suited when citizens identify with the particular community and there is a zero-sum issue at hand, as it emphasizes participation and political deliberation; the second, on the other hand, is appropriate for individuals sharing the same geographical or functioning space and to solve *ad hoc* coordination problems, as it insulates decision-making from other more contested issues. Thus, they highlight how these arrangements provide opposing visions of collective decision-making: while the first emphasizes deliberation over important value choices, the second is better suited for problem-solving. These distinctions prove to be quite valuable when assessing the appropriate governance arrangement for different types of issues and global policy-making.

2.2.2.3. Partnerships

The substantial increase in private sector participation has been one of the most significant changes regarding institutional arrangements. Considine and Giguere, 2008, define partnerships as “an institutional framework for engaging multiple stakeholders in on-going forms of shared responsibilities” (1). They typically include public (governments), private (businesses), and civil society (in organized form) sectors and rely on voluntary participation and mutual agreement. Partnerships usually emerge where no one claims responsibility for a problem and solutions can only be achieved through a joint approach. The purpose of partnerships is, therefore, to take an integrated approach to specific issues or take into account various dimensions of a particular problem in order to promote an overall solution (3).

While the participatory and collaborative dimension of partnerships is usually highlighted, there is the problem of policies not always reflecting the public interest and in fact being dominated by special interests. Furthermore, establishing partnerships may be a way of legitimizing the action of more powerful actors (government and/or corporate), therefore challenging the authenticity of the governance arrangement (Bull, Bøas, and McNeill, 2004).

2.2.2.4. Advocacy/Lobbying Coalitions

Coalitions of organizations are established to develop as far as possible or harmonize common positions on issues, pursue strategic goals, shape public debate, and gather information. According to Hula, 1999, three categories of groups can be identified within coalitions: core groups are the founders and resource-rich organizations; players are specialist organizations with particular expertise; and peripheral groups

“tag-along” for information and other benefits (40). Therefore, the influence of groups is largely determined by financial and knowledge inequalities among coalition members, as well as the “links” and political capital individual groups possess. Furthermore, the activities of advocacy and lobbying groups lack transparency and input from those being affected. In fact, many promote special interests as opposed to the common good.

2.2.2.5. Networks

Networks of government and non-governmental actors are another key new feature of global governance. Networking can be defined as “the process of creating bonds, sometime formal but primarily informal, among like-minded individuals and groups across state boundaries” (Weiss and Gordenker, 1996: 25). Increasingly, a number of public agencies, other than national executives, establish trans-governmental networks with their counterparts in other countries. Transnational civil society organizations also network to identify problems, formulate policy options, and assist other actors in policy implementation around the globe. There are also “multi-stakeholder” networks including both public and private actors that seek solutions to global problems. According to Benner, Reinicke, and Witte, 2004, some key features of networks that differentiate them from hierarchical types include: interdependence (cooperation is based on assumption that no one group can address the issue at stake alone); flexibility and openness (institutions can be adjusted in the process of cooperation, therefore facilitating continuous learning); and complementarity instead of co-optation (facilitate transfer and use of knowledge and other resources during the process (196-197). While global policy networks have created new avenues for participation, they raise serious issues of accountability in global governance.

Networks are fragmented, complex, and inadequately institutionalized; therefore, actors are hard to be even identified, let alone be held accountable (Slaughter, 2002).

2.2.3. The Emergence of Powerful Non-State Actors

A growing number of actors have taken on authoritative roles and functions, carrying out activities formerly executed exclusively by the state (both domestically and internationally). The professionalization of public management has also transferred significant power to trained private professionals. In fact, global public policy-making is becoming increasingly dominated by networks of non-governmental decision-makers that regulate both states and transnational economic and social life; this phenomenon has been called the privatization of global governance. These actors include Transnational Corporations, Non-governmental Organizations (NGOs), consulting firms, certifying and rating agencies, international lawyers, and others.

Private authority can be exercised in various ways: agenda-setting through lobbying and other activities; authorship or expertise provided as an effort to influence policy preference; promotion of norms through ostensible objectivity or neutrality as non-state actors (Hall and Biersteker, 2002: 14). Authority is also exercised more overtly, through self-regulation of business actors, policy implementation of supranational bureaucracies, international legalization and adjudication, among others.

As the power of non-state actors expands and deepens, questions of legitimacy and accountability of global governance come to the forefront. Private government is inherently dangerous to the protection of the public good because it likely leads to a

distortion of policy priorities and objectives through the hijacking by special interests.

2.2.4. The Amplification of Power Inequalities

Governance institutions reflect or amplify inequalities of power in international relations. While most intergovernmental institutions uphold the sovereign equality of members, there are enormous differences in their power resources and the relative power of members in terms of agenda-setting, decision-making, and actual influence within the institution. Furthermore, institutional and organizational structures of governance are closely related to patterns of social empowerment and disempowerment. In fact, they determine which actors hold decision-making power and the channels through which power is exercised.

Furthermore, Rhodes, 1997, explains the power-dependence dynamics involved in policy networks. Organizations depend on each other for resources and enter in exchange relationships, using constitutional, legal, organizational, financial, political, or informational sources to influence outcomes, while also trying not to become dependent on each other. The ability to use persuasion, bargaining, and “power games” depend on the availability of resources to each actor and this explains the variations in the distribution of power within and between policy networks. Thus, Rhodes concludes that networks “limit the participation in the policy process, define the roles of actors, decide which issues will be included and excluded from the policy agenda, shape the behavior of actors, privilege certain interests, and substitute private government for public accountability” (9-10). He also notes the dangers of

epistemological and ontological imperialism, usually referred to as “mainstream” (20).

Critics have also questioned the concept of global partnerships because they do not ensure pluralism and can in fact be a convenient way of hiding power structures (Ottaway, 2001). Governments and powerful corporations find it hard to operate under genuine partnership modes and such arrangements can disguise the fact that *specific* actors are influencing policy more than others. Finger, 2005, highlights the power relationships among actors and the importance of identifying who is capable of shaping the outcomes by manipulating both rules and other actors, leading to winners and losers within the governance arrangement (146).

Other critics go further, arguing that the most powerful institutions of global governance have in fact contributed to the growing numbers of the poor as well as the growing advantages that the world’s rich enjoy. According to Vale, 1995, issues related to the challenges of global governance cannot be understood solely by focusing on states, but must include the fundamental conflicts between the privileged and marginalized people. In fact, it is necessary to develop a class analysis that transcends national boundaries, because of the emergence of a non-state specific capitalist class. As Murphy, 2000, puts it, “global governance is more a site, one of many sites, in which struggles over wealth, power, and knowledge are taking place” (799). He further explains that the ideology used to justify the action of new powerful and autonomous actors is “scientism,” the belief that there are socially beneficial, technical tasks that only experts can carry out (799). Thus, there is an urgent need to recapture the sovereignty of the people.

Finally, Hout and Robinson, 2008, criticize the global push towards “good governance,” arguing that the political and social problems attributed to weak institutions and bad governance are not in fact resolvable through better and efficient institutions of governance. Problems of politics and power cannot be addressed by mechanisms of institutional engineering because they do not address the political and social causes of “bad governance.” These causes are embedded in the power disparities and the way resources are distributed globally. In other words, the policies of institutional change promoted by global institutions are often “means of avoiding the politically contentious issues of power in society” (6). Thus, global elites are able to reorganize their own power, drawing individuals and societies into programs of market reform and political and institutional arrangements established to consolidate and protect these reforms—and the power of the powerful.

2.3. The Legitimacy of Global Governance

The emerging system of global governance is bringing about questions regarding its legitimacy, which in turn undermines its functional efficacy and stability, as well as its moral credibility. Bradford and Linn, 2006, state that the central locus for democratic legitimacy is the people and legitimacy to represent the people in global governance—representational legitimacy—is most clearly embedded in national political authorities (118). While they concede that there are flaws with this assertion, they argue that no other criterion competes successfully with the legitimacy of national leaders based on the support of their people. However, the activities and impacts of global governance break through society and, therefore, decision-making through executive multilateralism is no longer able to provide legitimacy to intrusive modes of governance.

There are two sides to the concept of legitimacy: from a normative perspective it has to do with the validity of political decisions and their claim to legitimacy; from a descriptive perspective, it relates to societal acceptance of political decisions and the belief in the legitimacy of such orders (Zurn, 2004: 260). In other words, legitimacy can be evaluated as either *having* the right to rule or the *belief* in the right to rule. But the line between these two approaches is extremely blurred. According to Hall and Biersteker, 2002, having legitimacy entails a:

normative, uncoerced consent or recognition of authority on the part of the regulated or governed . . . This consent is the product of persuasion, trust or apathy. . . There is an implicit social relationship between those who claim or exercise authority and those who are subject to, or recognize, authority. The relationship is a public one, to the extent that claims and recognition of claims of authority involve an open, visible process among different agents (5).

There are two important points that follow: 1) if consent is to a certain extent socially constructed, it is important to understand the belief system behind it; 2) if becoming ‘public authority’ involves an open, observable process, it is necessary to understand why unidentifiable decision-makers have claimed public legitimacy. Currently, the authority of global decision-makers derives from a diffused belief in the superior power of expert knowledge, which renders international institutions as autonomous actors. So far, the lack of identifiable decision-makers in networked governance is legitimized by the need to provide the speed and flexibility necessary to function effectively. However, the further global governance intervenes in formerly national issues, the more questions there are about its legitimacy. This can be described as the “delegation-legitimacy link” (Koenig-Archibugi and Zurn, 2006: 246), as increased autonomy of governance arrangements raises real and perceived intrusiveness in society’s affairs, leading to politicization and legitimacy problems.

According to Buchanan and Keohane, 2006, the legitimacy of global governance institutions matter for several reasons: 1) participation is not voluntary and practices cannot be easily evaded; 2) there is significant constraint on state sovereignty; and 3) the well-being and opportunities of people around the world are affected, while they are *unaware* of their existence, let alone functions (27-28). Furthermore, they emphasize the distinction between the concept of legitimacy and standards of legitimacy and propose a way of assessing it. Such assessment of global governance institution should include: 1) the on-going consent of democratic states; 2) satisfaction of minimum moral acceptability, comparative benefit, and institutional integrity; and 3) on-going contestation and critical revision of their goals, terms of accountability and role in the pursuit of global justice through their *interaction with external epistemic actors* (59). Hlavac, 2008, on the other hand, points that there is a serious normative ambiguity when it comes to what the functions of global governance institutions ought to be and, therefore, warns that the prospects for identifying the necessary conditions for the legitimacy of institutions are weak. She describes an 'agent-sensitive' approach, whereby the focus of attention is directed at those people most affected by the institution, and suggests that robust transparency be the first step towards creating stronger and more meaningful avenues through which subjects can participate. Such approach is development in the sense that it provides interim conditions for legitimacy while as the same time providing the means for developing norms regarding global governance institutions and concurrently higher standards of legitimacy in the process.

Adding a different perspective, Steffek, 2003, emphasizes the fundamental difference between legitimacy at the national level, on the one hand, and international level in

the other. He argues that most international institutions have more in common with bureaucratic agencies than territorial states, as they do not have the competence to decide matters on behalf of the people, but in fact focus upon particular issue-areas and specific principles. Therefore, as opposed to looking at the democratic model in search for the legitimate exercise of power, at the global level legitimacy derives from accepted norms and principles, some specified by law². Furthermore, he argues that the legitimacy of global governance relies on rational agreement supported by the use of good justification and that explaining and defending acts of governance lead to the acceptance of norms with reason and, in turn, it is this communicative process that legitimates global governance. Hlavac, 2008, however, disagrees, as in her view justification does not lead to legitimacy: the fact that actors and institutions treat their subjects well and offer benefits to them does not mean that there is the type of moral relationship needed for the right to set norms and make decisions.

Hence, the question regarding the legitimacy of global governance involves 1) its structure and the substantive values underlying it, to ensure a legitimate way of attaining authority; 2) the rules and procedures that guide the process, to ensure a legitimate way of exercising authority; and 3) the mechanisms that guarantee the evaluation and sanctioning of outcomes, to ensure a legitimate way of holding responsible the actors and institutions that exercise authority. Inclusive deliberation is necessary for the development of a normative understanding of what the legitimacy of global governance institutions ought to be, while globalizing administrative law may provide the foundation for a process of legitimizing of international governance institutions. Finally, finding alternative and effective ways

² Esty, 2006, provides an extensive study on the tools of administrative law at the international level and the bases for a logic of procedural legitimacy.

of global accountability is imperative in order to prevent the illegitimate exercise of power, as well as avoiding the realization and implementation of unwise and unjust decisions.

2.3.1. Legitimizing Global Governance through Re-Structuring the Balance of Powers: Incorporating Values of Equality

Global governance is democratic only if arrangements ensure that authorization to exercise public power arises from collective decisions by the people over whom power is exercised. The democratic principle asserts that “the best public policies decisions are those resulting from public access to information and free and open discussions rather than the preferences of elite groups or deliberation limited to elected representatives” (Box, 1998: 21). There is intrinsic value in allowing people as much opportunity as they choose to exercise in shaping their own lives. Democracy also presumes the exposure to a variety of alternative solutions to problems. Global governance, however, is remote, opaque, and dominated by professional expertise at the expense of popular sovereignty. Furthermore, international political actors are not elected, there is no shared collective identity, or political culture (Nanz and Steffek, 2004: 315). Networks and new governance structures are *not* more democratic simply because they include various groups from the business world, NGOs, and other ‘experts’. The existence of special interests and power inequalities can dominate policy decisions to the detriment of the public good. To date, the process of globalization has sacrificed democratic politics to the demand for functional international cooperation and economic liberalization. Such overlooking of the structure in the name of functionality has had significant repercussions for the legitimacy of global governance.

It is crucial to acknowledge that global governance processes that condition the activity of actors and institutions are a reflection of the balance of power among these very actors and institutions. Stronger actors are better positioned to set up a system which they can expect to conform to their interest while at the same time allowing for the diffusion of authority. As Benvestini, 2005, explains, in doing so, not only will the powerful actors “secure the desired outcome, but the outcome itself will have the benefit of being legitimized by the process” (326). Thus, while strong, formal decision-making provisions that constrain outcomes can minimize these power disparities, it is necessary to embed key democratic values in the structure of global governance by the establishing a concrete normative framework aiming at balancing these asymmetries.

There are several proposals to address the democratic challenges of global governance. Held, 1995, argues that, firstly, principles governing appropriate levels of decision-making need to be clarified and kept firmly in view, based on extensiveness, intensity, and comparative efficiency. In his own words:

Democracy, thus, can only be adequately entrenched if a division of power and competences is recognized at different levels of political interaction and interconnectedness—levels which corresponds to the degrees to which public issues stretch across and affect populations. Such an order must embrace diverse and distinct domains of authority, linked both vertically and horizontally, if it is to be a successful creator and servant of democratic practice, wherever it is located (236).

His view is one of a “cosmopolitan model of democracy,” an institutional complex with global scope, based on democratic law, taking the shape of government to the degree that it is able to enforce this law. Hence, it would include transnational legislature, executive, and judicial, an authoritative assembly, and administrative, financial, and cohesive capability. Since a number of processes and institutional

mechanisms already exist (transnational grassroots movements, legal rights and duties, global commons, human rights and the deployment of forces, and international organizations), a political basis is in place to build a more systematic democratic arrangement (237). The requirements for such system include 1) redrawing the territorial boundaries of accountability; 2) establishing a more coherent focal point for regulatory and functional agencies; and 3) reforming the articulation of political institutions so that civil society becomes part of the democratic process (268).

Various scholars have argued that the ideal of a cosmopolitan democracy is not a feasible option for our times (Keohane, 2003: 153; Patomaki, 2003). Since democratic decisions depend on a political community built on trust and solidarity, the absence of a solid and refined transnational community is incompatible with the development of transnational social spaces, and leads to a congruency problem that is quite challenging to overcome. Hence, Patomaki, 2003, has argued that the necessary condition for better global governance is the development of a global, and pluralist, security community, making a stand against totalizing blueprints: solutions need to be grounded in “relevant context, its concrete embodied actors, its social relations and mechanisms, and its transformative possibilities” (349). He envisions an open-ended process of global democratization, brought about by global actors, through the self-transformative capacity of contexts. The development of a security community is process of institutionalization of mutual acceptance, trust and procedures and practices of peaceful change. Actors, therefore, do not use political violence and real interdependence is developed: peaceful changes, integration, and the building of consensus will result in collective identity formation. Thus, in Patomaki’s view,

“opening up various global contexts for peaceful change . . . amounts to global democracy” (367).

What arrangements can be put in place in order to build such security community and eventually lead to a more structured system of global cosmopolitan democracy? Here it is important to emphasize that democracy is a relative matter and, therefore, the key issue is how existing arrangements can be made *more* democratic. Nanz and Steffek, 2004, argue that a deliberative understanding of democratic collective decision-making is especially suitable for global governance. According to them, “deliberation, understood as reasoning that is aimed at best addressing practical problems, focuses political debate on the common good: interests, preferences, and aims that comprise the common good are those that ‘survive’ deliberation” (318). Deliberative democracy, in this sense, ensures that people’s concerns and input are part of the policy-making process and are taken into account when decisions about rules are made. Thus, deliberation is certainly one democratic value that should be part of the global governance structure.

Another principle to be considered is equality of participation through the empowerment of the weak. Because much of global governance revolves around the regulation of highly technical activities, regulators or those in charge of rulemaking, will need to have high skills themselves. As Shapiro points out, “one cannot regulate what one does not understand” (343). However, blinded faith in specialized, objective, and independent knowledge has a real danger: experts are themselves special interest groups, “whose perspectives and self-interest render them non-representative of the demos as a whole” (343). Therefore, equal and effective

participation in the framing of standards and rules can be seriously hampered, as Habermas, 1996—one of the most avid advocates of legitimacy through communicative discourse—concedes that the general global public sphere is greatly “vulnerable to the repressive and exclusionary effects of unequally distributed social power, structural violence, and systematically distorted communication” (307-308). In light of this, it is important to empower weaker actors as a means to ensure the principle of equality. Steinberg and Mazarr, 2002, for example, have suggested creating a trust fund to subsidize the participation and capacity building of weaker actors, along with the establishment of mentoring programs to offer advice. Once again, the delicate balance between mentoring and indoctrinating needs to be constantly under evaluation to guarantee free and informed participation.

Finally, at the core of democratic values is the assertion of rights. While globalization is often opposed because it arguably infringes on people’s rights, it also creates rights. In fact, Cassese, 2005, states that it might be argued that “the universalization of rights, rather than the universalization of the market, is the most characteristic feature of globalization” (690). He cites several principles that are being consolidated in the global arena: the principle of legality, the right to participate in the formation of norms, the duty of consultation, the right to be heard, the right to access administrative documents, the duty to give reasons for administrative acts, the right to decisions based upon scientific and testable data, and the principle of proportionality (690-691). Furthermore, following Bradley’s, 1995, call for a “human right to administrative justice,” Chimini, 2005, has argued that such right should also be advocated at the global level. In his view, “the use of the language of rights is a synoptic reference to a relevant range of human rights” and

creates the pressure for incorporating such claims in global governance institutions where compliance and violations can be contested (15). Within this claim to rights, however, lies the very challenge of universality, as most principles derive from a Western perspective and interest. Harlow, 2006, is skeptical about four of them—legality and due processes, rules of law values, good governance values, and human rights values—concluding that diversity and pluralism are preferable. Nevertheless, despite this cautionary note, it is important emphasize that rights are contingent upon a given pattern of reference, largely shaped by the powerholders of the time; therefore, since such patterns change throughout history, if other principles such as deliberation and equality can converge with claims to rights, there is the potential to re-structure the governance space in ways the bring to bear the democratic values that legitimize the exercise of power and global rulemaking.

2.3.2. Legitimizing Global Governance through Rules and Procedures: The Call for Global Administrative Law

Global governance can be understood as administration, since in many ways it is organized and shaped by principles of administrative law. Embodied in these processes are myriad of administrative actions, including rulemaking, adjudication, and other forms of regulatory and administrative decisions and management. Kingsbury, Krisch, and Stewart, 2005, define global administrative law as comprising “the mechanisms, principles, practices, and supporting social understandings that promote or otherwise affect the accountability of global administrative bodies, in particular by ensuring they meet the adequate standards of transparency, participation, reasoned decision, and legality, and by providing effective review of the rules and decisions they make” (17). The added-value of this

approach is the focus on discovering and specifying the norms that govern global administration and seeking to systematize them.

While some international lawyers still view administration largely as belonging to the state (or of highly integrated interstate entities, such as the European Union), this view is contested by the increased growth of international and transnational regulatory regimes with sophisticated administrative features. Furthermore, Esty, 2006, argues that promoting the development of administrative law tools and practices will strengthen the procedural legitimacy of policymaking at the global level and provide the foundation for good governance at the supranational scale.

Global governance is emerging as a new normative mode of allocating authority, where its main advantage lies in its flexibility and ‘custom-designed’ responses to global challenges. It is characterized by decision-making at various territorial levels with increased participation of non-state actors. As a result of this changing context, the identification of distinct territorial levels of decision-making is becoming more difficult due to overlapping networks of various global actors. Global administrative law provides a lens through which we can reflect upon the institutional design and legal controls of rulemaking of at the global level—despite the anomalous form of its character.

2.3.3. Legitimizing Global Governance through Ensuring Just and Effective Outcomes: Operationalizing Dynamic Accountability

Intergovernmental agencies are excessively bureaucratic and largely unaccountable to those influenced by their decisions; direct engagement with NGOs bypasses

representative politics and parliaments in favor of managerial relations with civil society; private actors engage in advocacy and lobbying activities constrained almost solely by reputational concerns; and powerful states behave unaccountable to those outside their borders. In light of this, Koenig-Archibugi and Zurn, 2006, point out several discrepancies in the current system of global governance: 1) lack of identifiable decision-makers who can be held responsible—and be punished—for wrong decisions made at the international level; 2) inscrutability of international decisions-making processes and the advantage actors have over the general public in terms of information; and 3) powerful actors in global governance are at best only accountable to a portion of the people affected by their activity—deficient accountability (243).

An accountability relationship can be defined as one in which “an individual, group, or other entity makes demands on an agent to report his or her activities, and has the ability to impose costs on the agent” (Keohane, 2003: 139); global governance, however, lacks such clear principal-agent relationship. Thus, if a group affected by some set of actions has a legitimate claim on the acting entities, but cannot in effect demand the accountability that is due, there is an accountability gap. In light of this, Keohane, identifies three sets of justification for the demands for accountability: 1) *authorization*, the process whereby one entity authorizes another to act bestows rights and obligations; 2) *support*, those who provide financial or political support have a claim to accountability; and 3) *impact*, those who restrict choices, make decisions, and/or affect outcomes for some people should be accountable for their actions. The first two justifications can be called “internal accountability,” and the last one comprises “external accountability” (140-141).

Moreover, asymmetries of power should be closely related to demands for accountability: the greater the power exerted by an actor, entity or organization, the greater the degree of accountability it should be held to. In fact, however, asymmetries of interdependence lead to weaker states being held to higher degrees of accountability than more powerful states, for example, due to requirements for fiscal transparency by donor governments and agencies. Furthermore, the very ability to evade being held accountable is an important element of power in global governance, due to problems associated with collective accountability, “the politics of blame avoidance, and the difficulties of assessing responsibility of failure” (Benner, Wolfgang, and Witte, 2004: 199). Governmental pressures and calls by MNCs for confidentiality is an important source of power due to lack of transparency. Thus, accountability is a power-loaded concept: there is greater demand for the accountability of IGOs and weak states than powerful corporations and governments of rich states. In reality, though, the real targets for accountability complaints should be those exerting the greatest amount of power and impact.

An important actor in global governance that needs to be held more accountable are NGOs. To a large extent, they make normative claims for accountability to people who are negatively impacted and to principles such as sustainable development or human rights. But at the same time, these claims based on representation and impact compete with accountability claims by governments and other donor organizations, which are the entities that authorize and support the activities of these groups. As Keohane, 2003, explains:

Indeed, they are often not very transparent. Perhaps more seriously, their legitimacy and their accountability are disconnected. Their claims to a legitimate voice over policy are based on the disadvantaged people for whom they claim to speak, and on the

abstract principles that they espouse. But they are internally accountable to wealthy, relatively public-spirited people in the United States and other rich countries, who do not experience the results of their action. Hence, there is a danger that they will engage in symbolic politics, satisfying to their internal constituencies but unresponsive to the real needs of the people whom they claim to serve (148).

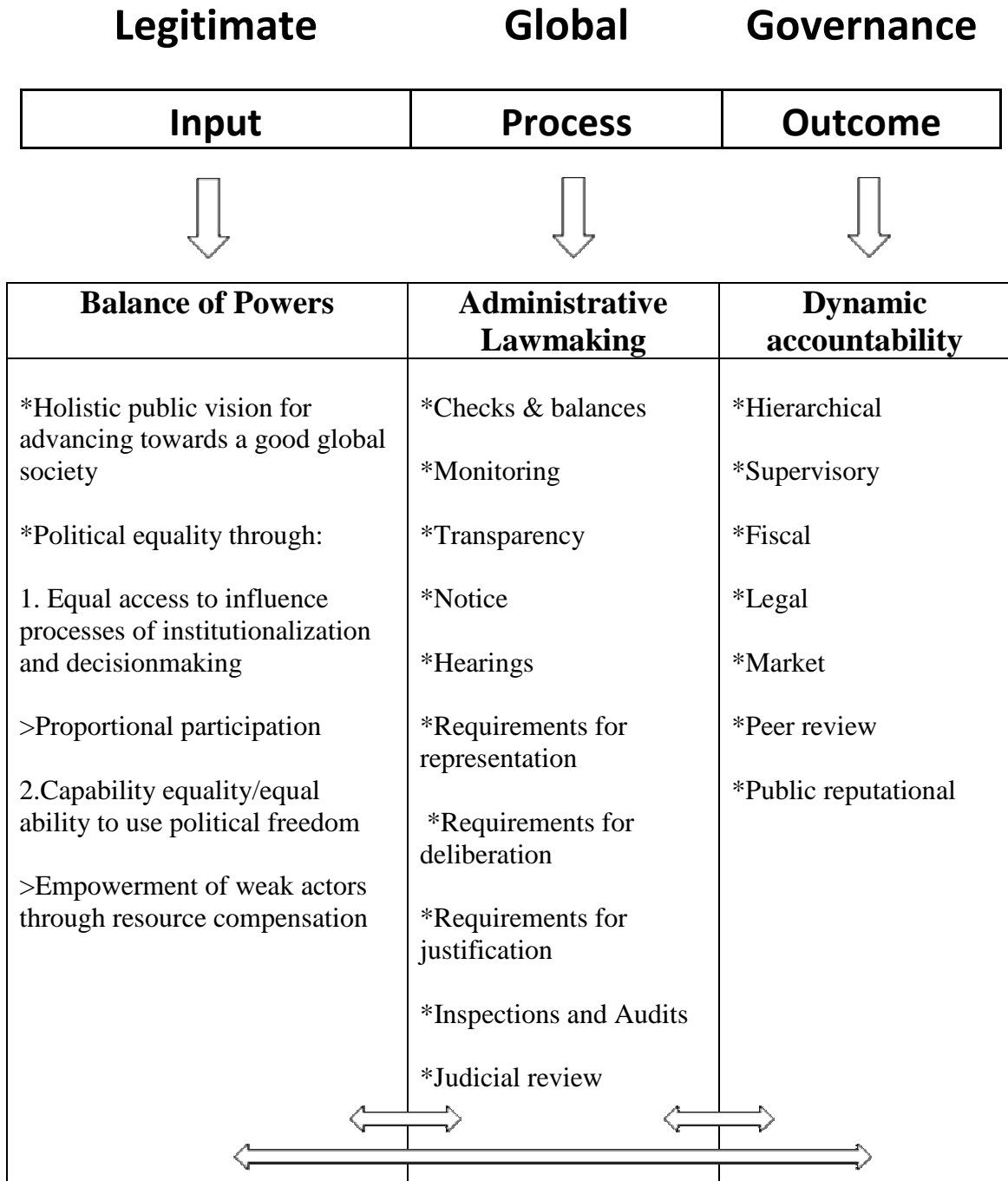
At the same time, NGOs exert most of their influence through persuasion and advocacy, and are relatively vulnerable to threats to their reputation. However, if they are to gain influence and, especially, if their claim to ‘representation of the people’ is formally incorporated into decision-making processes, then they can be as legitimately held accountable as other powerful entities active in global governance.

Accountability involves several components: 1) standards that those who are expected to be held accountable should meet; 2) availability of information so that standards can be applied to the performance of actors; and 3) the ability to impose sanctions and attach costs to the failure to meet the standards (Buchanan and Keohane, 2006: 51). In order for these components to come together, a high degree of transparency is required regarding actors, standards, operations, and sanctions. Transparency, however, does not include simply the availability of accurate information; other requirements must also be in place, such as accessibility at reasonable cost, full, integrated and interpreted information, provision of information to those who are supposed to hold actors accountable, and incentives must also be in place to actually evaluate the performance of relevant actors. With regards to global governance, accountability also means responsibility for public justification: global actors are not simply running around doing their business; their activities and decisions have broad impact and therefore must be defensible in the public eye.

Rhodes, 1997, explains that the traditional mechanisms of accountability in representative democracy were never designed to be compatible with multi-leveled, diffused policy systems; therefore, there is a pressing need to adapt these mechanisms to the operations of the fragmented polity at the global level (21). Furthermore, in addition to the difficulty of identifying the *locus of decisions*, it is hard for groups to even identify *the very effects* in order to demand accountability. How can accountability be incorporated in such complex and ambiguous system? Clearly, it is not possible to rely on electoral accountability, but on diversified types of accountability: hierarchical and supervisory, fiscal, legal, professional/peer, and reputational accountability. Slaughter, 2005, has proposed disaggregating the sovereignty of the state so that component government institutions can exercise a measure of sovereignty based on their functions and capabilities, including responsibilities as well as rights, therefore allowing accountability mechanisms to be integrated within these different agencies (62). To achieve this, she proposes a set of principles and norms at the global level, with an informal character. While an interesting proposal, several questions still remain: since global governance has a process-oriented approach of interaction and decision-making, how can accountability mechanisms be incorporated into the various steps? How are powerful private actors supposed to be part of the system? How can citizens of different countries, who are impacted by the results, hold public officials of other countries to account? And last but not least, achieving accountability to the public requires that citizens to be involved in the policy process itself and this cannot be accomplished through domestic democracy alone.

Another proposal, put forward by Benner, Reiniche, and Witte, 2004, is a pluralistic system of accountability. This system revolves around three notions: accountability of actors, process, and outcomes. The first relates to the individual accountability of governance participants, where peer and public reputational accountability are important mechanisms enabled by transparency and openness to scrutiny. The second regards the process dimension, including criteria for identifying and selecting participants, terms of engagement, timetables and decision-making procedures; once again, transparency is the key mechanism of reputational, financial, and peer accountability. The final dimension involves outcome, which is “crucial to re-embedding the results” (204), including greater involvement of national legislators and assessment by independent evaluators. Such pluralist system of accountability would include clearly defined general principles and mechanisms, but it is designed to be a learning model. Overall, what is undoubtedly needed for a global governance system of accountability is identifying actors, changing the organizational culture through the normalization of transparency in its broadest sense, and stronger societal involvement in defining standards, monitoring the processes, evaluating outcomes, and holding to account the various actors engaged in global governance.

Figure 2.1: Legitimate Global Governance Framework



2.4. Concluding Remarks

In this chapter, I have elucidated the concept of global governance in order to highlight the disputed meaning of the term, as well as provide its defining characteristics. Overall, the idea reflects the lack of formal hierarchies and absence of authorization to act; it also emphasizes the technocratic aspects of rulemaking and the importance of power as a determinant of participation. Furthermore, I elaborated on the new structure of global politics, out of which global governance emerged. First, the new role of the state in a globalized world is defined by interdependence as the central feature of international affairs and cooperation as an ever more important component of states' relations. In fact, states now find themselves competing and cooperating with a number of non-states actors and also delegate more and more power to highly complex international institutions. This has led to both constraints of states' power (due to the increased influence of non-state actors and the need to coordinate and cooperate in policymaking) and amplifications (due to new strategic influences and weaker accountability).

Second, the emergence of new modes of governance has shaped the structure of global politics: international institutionalization has led to increased delegation of power and scope to organizations, agencies, and private actors, which now define appropriate behavior and dictate norms; multi-level governance introduced a new distribution of policy and fiscal responsibility between jurisdictions of authority, which now include hierarchical and horizontal arrangements of formal and informal institutions; partnerships now engage multiple stakeholders in on-going forms of shared actions; advocacy coalitions bring actors together in order to build common positions and pursue common goals (in spite of their financial and knowledge

inequalities); and networks of state and non-state actors create formal and informal linkages among concurring groups beyond national borders to seek solutions to global challenges. Despite their interdependence, flexibility, openness, and complementarity, these new modes of governance are fragmented, complex, and improperly institutionalized—leading to issues of inclusiveness, systematization, accountability and, therefore, legitimacy.

Third, the professionalization of public management has led to an increased privatization of global governance. Powerful non-state actors are now able to set agendas, provide expertise, promote norms, set regulation, and carry out policy in a variety of ways. Thus, given the risks posed by private governance, new challenges to the promotion and protection of global public goods have arisen. And finally, vast discrepancies in power resources as well as influence are in fact augmented at the global level and reproduced by governance institutions at all levels, as these structural arrangements determine modes of participation and decision-making. Resources enable persuasion, pressure, and bargaining power; most governance arrangements not only do not help address resource inequalities, but in fact may conceal the power structures currently in place.

Moreover, I presented a framework for assessing the legitimacy of global rulemaking by incorporating three distinct, but related, dimensions. The first regards balancing power inequalities by incorporating democratic values—particularly deliberation, equality, and the assertion of rights; the second involves integrating administrative law into rules and procedures of governance arrangements, by reconfiguring the institutional set-up and legal controls of rulemaking at the global level; and the third

entails ensuring just and effective outcomes by operationalizing dynamic accountability—a pluralistic system, including hierarchical, supervisory, fiscal, legal, professional/peer, and reputational. This thesis argues that such a holistic approach to the legitimacy is needed in order to capture the full scope of conditions for equal, rightful, systematic, effective, and just global governance.

CHAPTER III

LEGITIMATE GLOBAL GOVERNANCE?

THE MILLENNIUM DEVELOPMENT GOALS (MDGs)

Global rulemaking is carried out in an informal, uneven, *ad hoc*, and at times even unnoticed manner. These innate characteristics themselves pose serious legitimacy problems to any global governance arrangement. Nevertheless, after a closer look, it is possible to dissect many—if not all—pieces of the puzzle. While no governance arrangement can be regarded as a stand-alone project, digging into the multi-level web of governance interactions allows for the understanding of norms underlying its structures and dictating actors' behavior, along with (formal and informal) rules and procedures guiding these processes and adjustments feeding back into these practices as well.

3.1. Legitimate Governance at the Global Level: The Historical Context of Global Development

Theories of development can be traced to the beginning of the process of social evolution that started with the specialization of labor and the development of state apparatuses. With the advent of industrial capitalism, a process of human economic,

social, political, and cultural development was set in place, where a belief in the progression towards a better society was the underlying ideology. The term development theory, however, arguably emerged in the 1950s, in the context of transforming the economies of newly decolonized countries in Africa and Asia and semi-colonized countries in Latin America. As Leys, 1996, explains, these early theories were highly influenced by three characteristics: their strong practical orientation; the Cold War context, in which newly independent states were an important stake; and the Bretton Woods financial and trading system, whereby national governments were compelled to manage their economies in ways to maximize growth and employment (5-6). Hence, the original objective of development was growth and governments, through macroeconomic policy instruments, had the tools it needed to be the agent for development in their nation-states.

The first development theories emerged from the work of economists, who were guided by the Cold War practices of state intervention and the ideas of Keynes, who argued that the private sector behavior sometimes leads to inefficient outcomes, which require active policy responses by the public sector. Furthermore, the success of the Marshall Plan supported the commitment to state planning and the conviction that states, if given the necessary capital and economic analysis, could act and solve the economic problems of their countries; in fact, this was the model for ideas of aid provision. Alongside these economic ideologies, social and political scientists in the West turned to modernization theory to explain how the interaction between economic development—mediated by politics—and social change lead to development. They argued that modern values are promoted through education and

technology transfers, and that the process of modernization would inevitably bring about democracy and economic growth. Therefore, these early theories of development obscured important social aspects of development because of the Cold War political context and the US foreign policy need to ensure that issues of class and redistribution were not part of the debate, as they were hostilely connected to socialism.

In the 1970s there was a shift in these taken-for-granted assumptions about development. During this decade, dependency theory emerged in Latin America, where a call for redistribution with growth was made. In 1973, the Bretton Woods system of fixed exchange rates was abandoned, leading to a new era of extreme instability in currency values and commodity prices. That same year, the World Bank also adopted the principle of meeting basic needs as a development policy (McNamara, 1973). Nevertheless, it was only in the end of 1970s that the neo-liberal revolution took full force as a justification for market-oriented interventions. Since governments were now seen as part of the problem and not part of the solution, countries were urged to privatize the public sector, reduce government spending, and give up all policies that interfered with the prices set by the market. Throughout the 1980s, as national and international controls over capital movements had been removed, states had little power to promote national development and the international development community could only try to strengthen market forces. The policies led by Reagan and Thatcher empowered the IFIs to promote their prescriptions of structural adjustment and the World Bank and the IMF pushed their market reform agendas on developing countries. In the end of the 1980s, poor countries found themselves more vulnerable and their economies were in no

condition to grow in the globalized market place. The nature of the global unregulated competitive system meant that governments no longer had the tools to manage their domestic economies to foster industrialization and growth, as the earlier development theories had envisioned.

In the 1990s one of the most influential reactions to the search for a new development theory was the New Institutional Economics, whereby institutions moved to the central stage in the debate on economic development. According to North, 2003, institutions comprise both sets of formal rules, such as laws and constitutions, and informal norms of behavior that structure human interaction; therefore, institutions matter for development because of their consequences for the choices individuals make—and for the social and economic benefits they incentivize (50). Furthermore, from the ethical perspective grounded in the principle of justice, theories of development started to be impacted by Amartya Sen's capabilities approach, whereby he argued that well-being should be judged by people's capability to choose the lives they have reason to value (1999; 2002). Since only substantive freedoms allow for real opportunities for people to improve the conditions under which they live and for societies to achieve real development, ideas of measuring people's well-being and countries' development solely based on the level of income and growth of the economy came into question. In addition, James Coleman, 1988, brought into light the concept of social capital, which is an informal norm that promotes cooperation among individuals. Even as economic and other activities become more complex in modern society, coordination based on informal norms continues to be important. In fact, social capital is what produces a strong civil society, which is necessary for the proper functioning of formal public institutions

and for people's engagement in public affairs (Fukuyama, 2001). Moreover, as globalization permeated in all aspects of individuals' lives, the ability to build civil associations and to participate in networks became more pressing and the importance of social capital more evident for development to take place. Finally, the fundamental changes in socio-political interaction that followed the end of the Cold War prompted the World Bank to call for "good governance" as a necessary requirement for sustainable economic development. According to the World Bank, 1994:

Good governance is "epitomized by predictable, open, and enlightened policy-making (that is, a transparent process); a bureaucracy imbued with a professional ethos; and executive arm of government accountable for its actions; a strong civil society participating in public affairs and all behaving under the rule of law (vii).

Therefore, bureaucracies need to demonstrate more professionalism, institutions ought to be strong, governments more accountable, predictable, and following principles of the rule of law, policymakers ought to engage with private stakeholders, and civil society must participate in and influence policymaking. Thus, in the post-Cold War globalization era of the 1990s, the conceptualization of development was thoroughly revamped: from an ethical perspective, people were brought into the equation of economic growth and a more holistic view of human development was introduced; institutions that uphold ideas and values and that structure behavior and interactions became a focus of economic reform; networking and civil society participation in the domestic and global arenas became a necessary condition to address the many challenges brought out by limited government and globalization; and governance with government, and opposed to by government, was the new approach to ensure the sustainability of economic development in modern society.

3.2. Legitimate Governance at the Global Level: The United Nations and the Millennium Development Goals (MDGs)

The United Nations (UN) is not the first international organization to come into existence; in fact, a number of pioneer organizations were set up in Berne as early as the 19th Century, including the International Telecommunication Union in 1868, the Universal Postal Union in 1874, the Intergovernmental Organization for International Carriage by Rail in 1893, and the International Labor Organization (ILO) in 1919—though the ILO became a UN Specialized Agency in 1946³. The UN was established in 1945 to maintain international peace and security, develop friendly relations among nations and promote social progress, better living standards and human rights⁴. As the most well known international organization and most important focal point of international cooperation in the world, the UN is arguably the most active center for global governance interactions. Thus, the starting point of this study will be the UN because the extensive reach of its activities and wide geographic representation of its members (193 nation states) render it unique due to its comprehensive character.

Given the number of issues that the UN tackles it is challenging to even discern the web of governance arrangements intersecting different parts of the UN bodies, agencies, and associated organizations. Despite this fact, the most advanced global project led by the UN is the Millennium Development Goals (MDGs), a blueprint agreed to by all the world's countries and all the world's leading development institutions⁵. The UN has led unprecedented efforts to develop a framework for

³ <http://www.eda.admin.ch/eda/en/home/topics/intorg/un/unge/geint.html>.

⁴ <http://www.un.org/en/aboutun/index.shtml>.

⁵ <http://www.un.org/millenniumgoals/bkgdhttp://www.un.org/millenniumgoals/bkgd.shtml.shtml>.

implementing these goals and it involves a multitude of actors operating in a various levels of activity (international, national, and local).

The MDGs has its roots in a sequence of UN conferences in the early to mid 1990s, which resulted in recommendations for actions at the Children's Summit in 1990, the Earth Summit in 1992, the World Conference on Human Rights in 1993, the International Conference on Population and Development in 1994, the World Summit on Social Development in 1995, and the UN Fourth World Conference on Women in 1995. All nations participated in these summits, which included public officials, private sector leaders, and civil society representatives, among many others.

The sheer magnitude of the issues and overwhelming diversity and number of participants suffice to render these summits a true global public space or a "global agora" (a modern version of ancient Greece's public arena for discussions), since people from all over the world were able to assemble, engage in debates on global issues, and set forth their opinions and recommendations. In other words, these summits became the center for global goal setting in most—if not all—issue areas of global relevance and were also the precursors of the MDGs; for this reason, Bradford, 2005, has argued that the MDGs are not UN goals, but "societal goals approved by nation-states in a long series of summit conferences" (3).

The volume of summits, issues, ideas, recommendations, participants, and perspectives, however, led to a sort of paralysis by the mid-1990s. In December 1998, the General Assembly adopted a resolution deciding to convene the Millennium Summit of the United Nations on 6 September 2000. Prior to the event it

also decided the Summit would be under the overall “The Role of the United Nations in the twenty-first century.”⁶ In preparation for the Summit, the Secretary-General submitted a report titled “We the Peoples: The Role of the UN in the 21st Century,” which he called a basic document to work from during the meetings. The report identifies the main challenges encountered by global societies at the beginning of the twenty-first century and a draft action plan for addressing them.

In seeking to contribute to the event, over 1,000 civil society organizations from over 100 countries organized the Millennium Forum in May 2000 and adopted the Millennium Forum Declaration and Agenda for Action, which was submitted to the UN General Assembly. In turn, the General Assembly decided to include representatives of the Forum as speakers in the Millennium Summit meetings.⁷

The main outcome of the Millennium Summit was the adoption, by the General Assembly, of the Millennium Declaration, as all 189 nations pledged to free people from extreme poverty and multiple deprivations. Following the Summit, in 2002 the UN Secretary-General commissioned the Millennium Project in order to develop a concrete action plan to achieve the millennium goals described in the Declaration. In 2005, the independent advisory body headed by Professor Jeffrey Sachs, presented its final recommendations in a report called ‘Investing in Development: A Practical Plan to Achieve the Millennium Development Goals,’ which is an operational framework describing investment strategies and approaches to finance them. The project's efforts were carried out by ten thematic task forces, each of which also offered its own recommendations. The task forces included more than 250 specialists

⁶ <http://www.un.org/millennium/backgrounder.htm>.

⁷ <http://www.un.org/millennium/forum.htm>.

from around the world and from many different fields of expertise, such as researchers and scientists, policymakers, representatives of NGOs, UN agencies, the World Bank, IMF and the private sector.

After the presentation of the final reports, the secretariat team worked in an advisory capacity through to the end of 2006. In January 2007, the Millennium Project secretariat team was integrated into the United Nations Development Program (UNDP). The Project's work is carried out by UNDP's MDG Support team, which assists countries in preparing and implementing MDG-based national development strategies in partnership with other organizations of the UN system.⁸

3.3. The Millennium Development Goals (MDGs): Input Legitimacy

3.3.1. A Holistic Vision for Advancing towards a Good Global Society

As previously discussed, input legitimacy refers to the overall purpose of the governance platform which, in order to be legitimate, must include a vision for a good global society and embrace principles of equality. The Millennium declaration affirms that the central challenge to global society is “to ensure that globalization becomes a positive force for all the world’s people [since] . . . benefits are very unevenly shared, while its costs are unevenly distributed” (2). It goes on to call for globalization to become fully inclusive and equitable, and states the following as the fundamental values: freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. The MDGs themselves are a list of eight objectives that aspire to create a better society for all:

⁸ <http://www.unmillenniumproject.org/index.htm>.

- Eradicate extreme poverty and hunger
- Achieve universal primary education
- Promote gender equality and empower women
- Reduce child mortality
- Improve maternal health
- Combat HIV / AIDS, malaria and other diseases
- Ensure environmental sustainability
- Develop a global partnership for development

Regarding the level of acceptance of these values and purposes, it can first be argued that all 193 member states have supported the MDGs. Furthermore, there is little disagreement about the positive effect these advancements would have on global society—aside from some divergence on the promotion of gender equality and women’s empowerment (Sen, 2005). Nevertheless, a closer look at the issues that were not included in the MDGs point to the fact that they are indeed a “political consensus” (Vandemoortele, 2005: 7) when it comes to prioritizing the recommendations set forth by numerous UN summits.

The absence of two goals exemplifies how compromises were made in the definition of the MDGs vision. The first regards reproductive health; this goal was agreed at the International Conference on Population and Development (ICPD) in 1994 and reasserted at the Women’s Summit in 1995. While supporters may have felt that this objective was well-established, a small group of opponents were determined to change this perception and worked very hard to do so during the preparations for the Millennium Summit in 2000. Berer, 2001, calls these efforts the “unholy alliance” (8), as it was spearheaded by the Vatican and included conservative Islamic countries (particularly Sudan, Libya and Iran), and conservative, evangelical Christians from the U.S.—who were an increasingly powerful group inside the only superpower in the world (Sen, 2005: 49). This group led a successful effort that ensured the G-7

(association of developing countries) agreed to block the goals from the Millennium agenda. While the G-77 is arguably a large and, therefore, representative group of countries, the political inequality and power relations in these countries point to the fact that it was the wish of small but powerful groups within them—as opposed to a decision that reflect the will of most people. As Crossette, 2004, puts it, “it is hard to imagine that women in a majority of those G-77 countries, who have often been in the lead on many reproductive health issues, would have agreed with that collective G-77 stand if they had been seriously consulted by their governments” (72). Thus, the nonappearance of reproductive rights in the MDGs do not reflect a “societal consensus,” on the prioritization of global development objectives, but in fact are the result of governmental pressures articulated on behalf of a powerful group claiming moral authority over the matter.

The second and most significant absence in the MDGs is inequality. Martens, 2005, has argued that the question of redistribution is a “blind spot” for the MDGs, as strategies for human development should put distribution at their center. Furthermore, a closer look at the origins of the MDGs would likely lead to the following conclusion:

The Millennium Declaration and UN Conferences from which it emerged sought an agenda for a more inclusive globalization where the benefits would be more widely shared, and rooted in the ethical values of global solidarity and equality. The agenda was therefore to redress the increasing inequality between and within countries resulting from liberalization and economic globalization (Fukuda-Parr, 2010:33).

Arguably, the very opposite occurred during the translation into the MDGs. After 1995 the UN suffered from what can be called “summit fatigue” (Bradford, 2002: 4, cited in Hulme, 2009: 11) and discussions about global goal setting moved from the “vast and diverse UN jamborees that moved from continent to continent to much

smaller formalized meetings—mainly of men from industrialized countries” (Hulme, 2009: 12). The so-called International Development Goals (IDGs) were defined at the Organization for Economic Cooperation and Development (OECD), by its Development Assistance Committee (DAC) and were later tweaked and merged with the goals set in the Millennium Declaration to define the MDGs per se (reproductive health was removed while a separate goal to combat AIDS and other diseases was added, along with goal 8 to develop a global partnership for development). Though the goals were derived from the numerous UN summits, they inevitably reflected the perceptions of the OECD/DAC in its self-appointed role as translator of the UN summit recommendations.

The IDGs had a different character and approach as they were formulated by a small number of rich countries. As Saith, 2006, puts it, their perspective emphasizes a “narrower frame focusing essentially on absolute aspects of some key measurable facets of poverty and deprivation, and away from a broader, more essentialist rights-based approach” (1170). This narrowing down of the development agenda in fact ensures that the structures of global capitalism effectively shape the MDGs at a deep level. The neoliberal prescriptions are, therefore, the solutions offered within the UN development agenda and the policy instruments available are closely in line with neoliberal strategic and policy framework. More dangerously, the MDGs—with their UN summits background—offer a powerful legitimization of world leaders’ authority at the normative level. As Hulme, 2009, elucidates, the OECD/DAC task can be recapitulated as the following:

[To] come up with a list of potentially achievable, concrete and measurable goals that would appeal to OECD politicians and publics. Their political frontier was gender empowerment: they had managed to keep that in the text. Anything more than that – reduced inequality

between countries, or between people more generally, or criticism of capitalism – would not have achieved OECD agreement (18).

To exemplify this perspective, the Human Development Index (HDI) does not take income poverty into account in its estimates—it includes an adjusted per capita GNP indicator; goal one of the MDGs, on the other hand, defines the incidence of poverty as those living below the dollar-a-day income poverty level. Such definition of poverty in absolute levels of living authoritatively excludes the issue of extremely high and rising levels of inequality and socio-economic exclusion and brings into questions whether the MDGs are capable of effectively and fairly capturing the multifaceted meaning of poverty. Similar challenges are found in defining improvement in education as enrollment in primary education (as it ignores quality of outcome and resources committed) and limiting the promotion of gender equality and women empowerment to sex parity in education enrollment (Saith, 2006: 1172-1173 and 1184). Thus, these areas of silence bring into questions the wide acceptance of the MDGs from a normative perspective.

3.3.2. Equal Access to Influence Processes of Institutionalization/ Decisionmaking: Proportional Participation

Looking at the question of inclusion and accessibility to the institutionalization of the MDGs, different points in the multilevel structure lead to a number of assessments. The UN World summits that provide a myriad of global goals recommendations were the most open forums for discussion and participation. It is important to highlight, however, that the UN summits are the result of a longer and more complex series of events leading up to the conference itself. These are more informal and ad hoc, so it is harder to evaluate access. At the summits, participation is limited to

registered NGOs and individuals—though sometimes this guarantees only observer rights and not necessarily the right to speak. Nevertheless, NGOs have the possibility to influence country delegates when granted access to the meetings (Sadoun, 2007: 6); after all, the UN is an intergovernmental organization of sovereign states and therefore primarily a forum for its 193 member states to express their views and make collective decisions.

The organizational arrangements for the Millennium Summit were very different from these prior UN summits. Whereas the latter ensured there were civil society representatives participating at the events, for the former a totally separate NGO event took place several months before the actual summit. This means that civil society organizations were not part of the conferences with state representatives, rendering the Forum that took place months before quite irrelevant. In addition, the Millennium Summit had a relatively short preparation period, which further limited opportunities to influence debates and shape the discussions at the summit (Sadoun, 2007: 17). Access was, therefore, restricted to each country's dynamic and the channels available at the national level; however, this is very restrictive since negotiations are centered at the UN Secretariat in New York and final decisions took place during the Summit itself—both of which offered little access to influence.

Although the Millennium Summit provided a number of resolutions reflecting key objectives for the twenty-first century, the MDGs themselves are not the product of the summit per se. The actual listing of goals was carried out by UN technical specialists, who were to define indicators and sources of data for the goals of the Millennium Summit. The final list of MDGs was in fact decided at the World Bank's

meeting in 2001, which was titled “From Consensus to Action: a Seminar on the International Development Goals.” This was a meeting of multilateral organizations (WB, IMF, OECD, and UN agencies, led by the United Nations Development Program UNDP), bilateral donors and delegates from over a dozen developing countries. It was a high level technical meeting among mostly international civil servants, as opposed to diplomats or other state representatives. Hulme, 2009, offers some perspective on the meeting:

While the reconciliation of the IDGs and the Millennium Declaration Goals was presented as a technical exercise, this final negotiation was about real substance, and political considerations were cloaked as ‘technical’ discussions of goals, targets, indicators and data availability. Checking back with ‘head office’, in New York or Paris, was essential for delegates to ascertain how much change the UN and OECD member states (and powerful entities like the Vatican) would accommodate (40).

Thus, despite the good intentions of these public servants, there was a major lack of accessibility to a multitude of views at this meeting. In fact, the very elitist style of the meeting excluded the voice of the very people at the center of the issues—the poor.

On the question of ensuring equal contribution, at the UN this is reflected in the General Assembly’s equal representation of member-states. However, negotiations over the drafting of the Millennium Declaration started well before the Summit itself and opportunities to contribute took place in an *ad hoc* manner, with interested parties competing for influence in an environment of competition and bargaining. Though the details of the numerous open and secret final negotiations are not public knowledge, Hulme, 2009, describes the structure of these negotiations as follows:

The position of the OECD and virtually all of its members was clear—they would like to see the IDGs as the goals. For other parties—other UN member states, NGOs, social movements, private businesses—

preferences varied with their interests and values. Networks of many different types – formally structured and loose coalitions, single issue and multiple issue, conservative and radical – sought multiple channels (the media, meetings with UN civil servants, cups of tea with Kofi Annan) to advance their issue or challenge issues over which they disagreed (33).

Such unstructured contributions were later replaced by closed door negotiations at the World Bank meeting, where “expert” knowledge was the ticket to participation.

As noted above, the setting of the MDGs was first led by a myriad of UN summits, where international organizations and national governments were the key players and decision-makers; nevertheless, civil society involvement became increasingly important at these meetings and, with the number of representatives ranging from 1,500 to over 8,000, the 1990s summits have been central to the development of a sphere of global civil society (Pianta, 2005: 12, 34-35). By building networks, developing joint strategies and confronting states and international institutions, the influence of NGOs should not be overlooked. These summits, therefore, counted with the representativeness of states’ officials, but also with the diversity of views brought in by a variety of intergovernmental organizations, civil society organizations, the private sector, and social movements. While the geographic distribution of participants was wide-ranging, the dominance of larger, Northern, English-speaking CSOs was largely viewed as problematic (Benchmark Environmental Consulting, 1996:17, cited in Pianta, 2005: 17).

At the meeting translating Summit recommendations into the MDGs, neither state officials nor CSOs representatives were included. The meeting was attended by 200 delegates from multilateral organizations (World Bank, IMF, OEDC, UNDP and

other UN agencies), bilateral donors and delegates from over a dozen developing countries (Hulme, 2009:37). Despite its expertise, this group was largely representative of the Northern perspective and in terms of diversity it was composed mostly of international agencies, with the WB, UNDP and OECD taking the lead (Miller Reporting Company, 2001). The imbalanced representativeness within these organizations, coupled with the limited array of views in this meeting pose serious questions of inclusiveness.

3.3.3. Capability Equality/Equal Ability to Use Political Freedom: Empowerment of Weak Actors through Resource Compensation

On the very important question of leveling the playing field for weaker actors, the setting of the MDGs leaves much to be desired. Inevitably, the UN world summits and related meetings replicate the dynamics of political power between and within states. Despite the formally equal representation of states in the UN system, a strong imbalance of power among them remains, with rich Northern countries dictating many decisions and outcomes of conferences (Pianta, 2005: 22; Archibugi et al. 1998; Foster and Anand 2002). There were no explicit measures to level the playing field in ways that would allow for better participation and greater influence of weaker actors. While poorer states and marginal organizations certainly took part in the numerous UN summits, including the Millennium Summit, there were no mechanisms to ensure that those with fewer resources had an *equal* chance to provide their input. Furthermore, at the World Bank meeting where the MDGs were defined, though there were delegates from over a dozen developing countries and the interest of the less powerful was implicitly represented in by the various international agencies, power and political considerations were at the heart of this so-presented

technical exercise, while there was no scheme to address the asymmetries at hand. The lack of such balancing measures can lead to the normalization of a global mandate that reinforces the adverse power relations that are supposed to be assuaged to begin with; in fact, very limited change can be expected from the MDGs unless the current balance of forces are tackled (Bond, 2006).

In the absence of a leveled playing field, it is important to analyze how well the perspectives of weaker actors were considered and incorporated in the deliberation and framework and how this is reflected in the MDGs themselves. Firstly, one of the drivers behind the idea of establishing global development goals was the belief that the world already has the technology and know-how to solve most of the problems faced in the poor countries at the time. Since practical solutions existed and, for the first time, the cost was utterly affordable, all that was needed was the political framework to be established (Annan, 2000; UN Millennium Project, 2005). This view, however, overlooks the initial conditions and local realities of different countries. Most of the MDGs aim for relative improvements—halving hunger, reducing maternal mortality by three quarters, reducing under-five mortality by two-thirds, and so on; nevertheless, as Vandemoortele, 2011, explains, “benchmarking progress solely in relative terms is not even-handed because it often puts the countries that start from a low initial level at a disadvantage” (17). This means that a three quarters or two-thirds improvement is significantly more demanding for a poor country than for a developed one, and many times a slighter improvement for a developing country is equivalent to considerable progress, whereas it may be viewed as unsatisfactory according to the established MDGs.

Secondly, while in the aggregate resources and capabilities create the opportunity for poverty eradication, the existing distribution of these (resources and capabilities) limited and shaped the specification of the MDGs. Hulme, 2010, explains that the U.S. had been in a unique position during the formulation of the MDGs because of its concentration of resources and capabilities (143). Its very ambivalent stance is at the heart of its powerful influence on the content and approach of the MDGs, since every actor “constantly asks ‘what is the U.S. position on this?’ Their actions, for better or for worse, are partly conditioned by what they think the U.S. position is or will be” (144). In fact, the need to ensure the U.S. did not disengage from the MDGs restricted the ambitions of the goals and shaped the strategy for achieving them. For example, challenging the ideas and practices of capitalism as the only means for realizing human development was not an acceptable route; therefore, personal income growth is the first target of goal 1, whereas no firm position on reducing inequality or applying redistributive measures could be seriously considered, simply because the U.S. would actively oppose it. This means that weaker actors had to redefine their aspirations for global development in ways that would not counter the positions of the powerful. Such reality had a deep impact on the framework within which the MDGs are embedded whereby, as Saith, 2006, explains, “the fundamental focus of development is reduced to the reduction of absolute poverty within the prevalent iniquitous global and national structures of economic and political power” (1197), meaning that there would be no leveling of power structures included in the goals for global development. This also defies the principles of moral universalism (Pogge, 2002), as the more powerful persist on applying a double standard when it comes to incorporating the perspectives of weaker actors.

Finally, a third major loophole of the MDGs is that while goals 1 through 7 are time specific, there are no concrete dates for achieving any of goal 8 targets and many of the indicators did not include a quantitative target (see annex 1). Once again, this reflected the power politics at stake and not the views of weaker actors. Goal 8 aims at creating a partnership to strengthen action by the international community and donor countries, together with developing country governments, to promote development. It includes reforming the global trading and financial systems; addressing the special needs of the least developed, land-locked and small island developing countries; dealing comprehensively with the debt problems; developing and implementing strategies for decent and productive work for youth; providing access to affordable essential drugs; and making available the benefits of new technologies. The lack of a time-bound frame of implementation—along with weak indicators for their achievement—demonstrates a double standard when it comes to development countries commitment to share in the costs of ending world poverty.

3.3.4. Multi-Level Input Assessment

Multi-level governance is characterized by structured informality: relationships are kept loose while at the same time building in enough organization and framework to allow action. The setting of the MDGs illustrates a relatively more organized arrangement, with the UN at the center of the interactions leading to defining the principles and purposes of this global governance agreement. Nevertheless, a multitude of exchanges and relations took place outside the main framework set forth by the UN Secretariat and other UN agencies.

The most significant node of interactions that substantively determined the final form of the MDGs is the OECD's Development Assistance Committee (DAC) activities. Being a donor club responding to the 1990s "aid fatigue" and lack of public support for long term development assistance, the DAC was not the organ with the mandate to define global development goals. The very tweaking of the IDGs into the MDGs shows the power and influence this parallel governance institution had in prioritizing the development needs of the poor. In addition to defining them, the DAC also had a strong hand in mainstreaming the new results-based management approach of the MDGs, where problems were to be quantified, solutions listed, targets and indicators defined and results assessed by their completion. While an approach well-fitted for a developed country like the United Kingdom, a human rights approach was indeed what the UNDP was advocating at the time, given the realities of a more imperfect developing world. The eagerness of the UK and Japanese members of the DAC for a focus on income poverty reduction through economic growth was another powerful rhetoric in detriment of more radical structural changes and great economic equality. Furthermore, the role of individuals within the DAC, such as the leader of the UK's Department for International Development (DFID) Clare Short, in the selling of this new idea—an authoritative list of concrete development goals used as a mechanism to reduce global poverty—are yet another layer of governance that led to the making of the MDGs. The positive political and administrative context around Short allowed her advocacy for the IDGs to be extremely successful, with the World Bank, IMF, and EU gradually adopting them as the agreed objectives of the Millennium Conference of the UN General Assembly (Short, 2004:88-89, cited in Hulme, 2007: 8).

A myriad of multi-level exchanges also took place within the UN network during the MDGs. Given the magnitude of this governance setting, the influence of state delegates at various levels is the most significant since a primary objective was the political approval of the Millennium Declaration by the General Assembly. As discussed above, the influence of powerful actors was central to the shaping of the MDGs, where even the silent position of the U.S. had a very strong effect in the way the goals were to be defined. The activities of the Vatican and conservative Islamic countries are also an analogous level of effort to exert influence and shape the values that were to be adopted by the MDGs.

Another level of interaction was also carried out by civil servants from the UN, OECD, World Bank and other international agencies. Indeed, high level interactions with UN Secretariat personnel was a very important yet little documented activity that was vital to the drafting of the MDGs. Many civil servants assisted Secretary-General Kofi Annan in preparing the document “We the Peoples,” which was at the center of discussions at the Millennium Summit. The role of US representative at the DAC Colin Bradford in first defining the IDGs and then pushing for their reconciliation into the MDGs is uniquely powerful in terms of influencing the global development agenda. Situating the meeting for MDGs concordance at a World Bank Summit, as opposed to an UN Summit also shifted a load of power to a less representative international organization and highlighted the power of their civil servants—to the detriment of the position of UNDP’s Mark Malloch Brown, who endorsed the MDGs track being split from the established IDGs (Miller Reporting Company, 2001: 42-43).

Finally, civil society advocates spoke loud but in multiple voices at many different points of interaction with the UN. Though at times their influence was used as a tool for advancement of the agenda of the more powerful, the momentum for the establishment of the MDGs stemmed from the numerous development requests emerging from the several UN Summits. The Millennium Forum Declaration and Agenda for Action brought together representatives of over 1,000 NGOs from more than 100 countries and built upon a common vision and work that took place during the many UN conferences of 1990s. It drew the attention of governments to the urgency of implement their commitments and outlined civil society's version of the specific goals that must be achieved along with the roles the United Nations, governments, and civil society, should have in carrying out the demands. Individual advocates also worked to push their influence at different levels, formally through UN meeting and as observers at the Millennium Summit, but also informally through their own country delegates and UN agencies' representatives. Some NGO coalitions, such as Johannesburg-based Global Call for Action Against Poverty (GCAP), were more supportive of the MDGs, while some Civicus staff called them "Minimalist Development Goals" or a "Major Distraction Gimmick," as feminist activist Peggy Antrobus, 2006, bluntly put it. At many levels, NGOs have called for a more organic activist initiative as an alternative to the MDGs, with the World Social Forum (WSF) being the logical site for the development of a more grassroots ideological plan of action to fight poverty (Bond, 2006:348-349).

3.4. The Millennium Development Goals (MDGs): Process Legitimacy

Process legitimacy refers to the rulemaking aspects and other forms of regulatory and administrative decisions and management of the MDGs. While not law *per se*,

principles of administrative law—checks and balances, monitoring, transparency, notice, hearings, requirements for representation, justification, and deliberation, reasoned rules choices, and judicial review—are a useful tool for evaluating the legitimacy of the process leading up to the MDGs.

3.4.1. Checks and Balances

Checks and balances refer to power-sharing in administrative law, where dispersion of authority both vertically (across levels of government) and horizontally (over multiple institutions, agencies, or decisionmakers) is a central part of process legitimacy. Tools that provide checks and balances are especially important in supranational domain, since there is no judicial review in place to check the delegation of decisionmaking power (Esty, 2006:1534-1535). For the MDGs this can be analyzed in term of power-sharing and overlapping rulemaking authority as a means of checking that all issues are considered, avoiding analytical misconceptions, and overcoming special interest manipulation of the process. Given the authority exercised by the MDGs and the normative weight that comes with it, checks and balances can help address the inevitable political sensitivities.

Looking at the vertical authority of the MDGs, though there is no actual world government, the UN can be seen as a locus of central authority, with the Secretariat representing the executive power, the General Assembly the legislative power, and the International Court of Justice as the Judiciary branch. However, since the MDGs were not set in the form of a treaty (as is the case for many human rights obligations), from an institutional perspective, the set-up of the MDGs suffers from a major deficiency, which is the inability to independently interpret the mandate

provided by the agreement—while also lacking the ability to resolve disputes arising from its implementation. This shortcoming also hinders the ability to ensure equal justice under arrangement, since there is no mechanism that allows affected parties to appeal decisions.

From a horizontal perspective, authority is relatively dispersed, with multiple decisionmakers exerting influence through both formal and informal means. While it can be argued that power was widely divided among numerous institutions and agencies, the weight of such power-sharing was very unbalanced, with a limited number of actors with similar interests having a disproportionate *de factor* level of influence over the process; such set-up in effect precluded real discipline on abuses of power, challenged careful decisionmaking and obstructed a system of policymaking cross-checks. Thus, the institutional power exerted by developed countries through the OEDC, the World Bank, the IMF, and the EU were not proportionally balanced by institutions acting on behalf of developing countries and civil society organizations at the grassroots level.

3.4.2. Monitoring

The ability to monitor a policy process is dependent 1) the ability to identify decisionmakers and the process itself and 2) the availability of documented decisions. In the making of the MDGs, the authorized decisionmakers are the member states of the UN, who approved by consensus the Millennium Declaration. The process leading up to the Millennium Summit and the translation of the declaration into the MDGs themselves, however, was not a clearly spelled out chain

of procedures. While in retrospect it is possible to trace the sequence of events that took place, the setting of the MDGs was somewhat a result of serendipity.

The numerous UN summits that took place in the 1990s did not take place as the beginning of a process that would ultimately lead to the MDGs. The OECD-DAC discussions and the establishment of the IDGs were intended to appeal to politicians and OECD publics as a means to catalyze donor support for development aid. When Kofi Annan wrote “We the Peoples” and assembled most of the world’s leaders in the largest summit to date his objective was to identify and act on the major challenges of the millennium, which would not necessarily mean drafting a set of eight global development goals; in fact, important issues are missing from the MDGs, such as human rights, democracy, and good governance—all of which are intrinsically connected to global development. In reality, while the MDGs are often equated with the Millennium Declaration, what was approved by the General Assembly was indeed a more encompassing document with a more expanded set of objectives and less clearly defined (in terms of being quantifiable and measurable) goals. Thus, from this perspective, the setting of MDGs *per se* was not monitored since the process leading up to its establishment was not known and, therefore, surveillance over the progress or quality of the MDGs could not be systematically reviewed.

There are, however, numerous documents available that allow the tracing of decisions. Such documents include the many declarations following the several UN world summits, the “We the Peoples” document drafted by the UN Secretariat for the Millennium Summit, the “Shaping the Twenty-First Century” document drafted by

the OECD-DAC defining and describing the IDGs, the UN Millennium Forum Declaration, draft by NGOs, and the UN Millennium Declaration, approved by the General Assembly. A closer look at each of these documents helps shed light on how the MDGs took their shape. While the many summit declarations and the UN's "We the Peoples" are comprehensive documents stating and explaining the many development challenge at stake and the many solutions that needed to be pursued, both the UN Millennium Declaration and the UN Millennium Forum Declaration read more like policy papers, where the overall purpose the defined, areas of action selected, and a number of specific recommendations provided. The OECD-DAC document is even more to the point, with an introduction followed by a vision of progress where the IDGs are stated and defined and a final section for new strategies involving cooperation, partnerships and aid work. All of the MDGs can be correlated with the IDGs described in the document, with the addition of specific targets and indicators. The MDGs can also be found in the Millennium Declaration, though the document included a number of other areas of actions and it appears that the MDGs were cherry-picked out of the declaration in a way for it to correlate perfectly with the IDGs.

3.4.3. Transparency

Open procedures are a foundation for process legitimacy: "seeing the decisionmaker in action and observing who has influenced the process is essential to a sense of decisionmaking fairness, rationality, and neutrality, as well as to public understanding of the policy results" (Esty, 2006: 1530). Hence, access to information is of utmost importance to ensure that those who are interested have adequate data and analysis to assess the decisions that are being advanced.

As stated above, the UN was at the center of the making of the MDGs. Looking at the processing directly concerning the activities led by the UN, there is a genuine concern for providing information and efforts were made to publish documents and invite civil society contribution. There was wide participation at the many UN world summits and a myriad of documents have been published on its website with numerous links to many websites and documents published by government officials, civil society activists and civil servants. While many documents were made available and several unstructured debates took place in the events leading up to the Millennium Summit, there was less access to information involving the more political debates taking place among country delegations attending the meeting. Access to information varied depending on the efforts made by individual country governments with regards to involving the public in the discussions. Furthermore, there was not full disclosure when it comes to the summit debates themselves, given that the tone of the meeting had to be of high-level negotiations, as opposed to open discussions—with public debates relegated to the separate NGO Forum event taking place months before. Hence, when it comes to transparency, given the magnitude of the Millennium Summit, openness had to be neglected in the name of political deliberations and final approval of the MDGs.

The second arena for drafting the MDGs took place at the World Bank meeting following the Millennium Summit. The very fact that the private negotiations among mainly multilateral organizations at this final meeting are not documented points to a reality of lack of transparency (Hulme, 2009: 39). Furthermore, given that the real substance of the MDGs was laid out at this opaque meeting poses significant legitimacy challenges to the MDGs.

3.4.4. Notice

Clarifying the issues under consideration by framing policy choices is a crucial starting point for a legitimate governance process. In administrative law this means “having proposals disseminated broadly for review and comment with adequate time for consideration by the full spectrum of parties with an interest in the issue” (Esty, 2006: 1527). Encouraging the analytical evaluation of policy options, assessing divergent propositions, and engaging a broad set of participants reflecting a variety of perspectives are essential to the process of global rulemaking; this can only be achieved by publishing draft policy proposals with notice and comment.

The many UN world conferences leading up to the Millennium Summit were effectively calls to do just that: clarify issues and frame policy choices with regards to children’s needs, the environment, human rights, population and development, social development, and women’s issues. Multiple documents were drafted, shared and reviewed by the many activists, organizations, and government officials involved and each conference produced detailed documents framing issues and policy choices to be pursued. At the Millennium Summit, however, discussions were largely bound by the “We the Peoples” document presented by the Secretary-General. While the UN Secretariat underwent an extensive process of engagement with country delegates and civil society prior to the writing of the report, no drafts of the “We the Peoples” document were presented as proposals to be reviewed and commented on by country delegates—let alone civil society organizations and the public at large. In fact, the final draft was presented only a few months before the summit, when civil servants were already hard at work on the drafting of the Millennium Declaration, which was finalized and approved within the few days that the summit took place.

The final step of translating the declaration into the specific MDGs limited notice and comment to 200 delegates invited to participate at the World Bank meeting.

3.4.5. Hearings

Interested individual and civil society groups should be provided with the opportunity to observe and contribute to policymaking. Oversight hearings on policies and programs being proposed at the global level should be conducted as mechanisms to ensure that decisionmakers are aware of the concerns and views of the public; this is especially important as the links to elected officials are stretched by the global scope of issues (Esty, 2006: 1531).

Representatives of civil society were invited by the UN to participate with member states in regional hearings. In cooperation with the five Regional Commissions of the United Nations, five regional hearings were held in Beirut, Lebanon, for Western Asia, in Addis Ababa, Ethiopia, for Africa, in Geneva, Switzerland, for Europe, in Santiago, Chile, for Latin America and the Caribbean, and in Tokyo, Japan, for Asia and the Pacific.⁹ The Secretary-General, who had requested the holding of the regional hearings drew on the reports of the regional hearings in the preparation of his report to the General Assembly, entitled "We the Peoples."

While challenges related to compiling such a vast amount of inputs and proposals are pervasive, this exercise of requesting the scrutiny of the public and utilizing the feedback to draft the base-document for the Millennium Summit provided a

⁹ <http://www.un.org/millennium/>.

legitimate and valid opportunity to link the heads of state voting at the General Assembly to the very public they represent.

3.4.6. Requirements for Representation

A legitimate global governance process must incorporate a requirement for representation as a means to ensure inclusion of key parts of the global community. This criterion of representation is at the root of democracy: rule of the people. Hence, in order to be legitimate, governance arrangements must have the representation of the people as a central component of the policymaking process.

At the level of the UN, representation at the General Assembly is defined as one country, one vote. While widely regarded as a representative body, this arrangement is far from democratic; it is in fact based on a purely statocratic logic (Rueda-Sabater *et al.*, 2009: 5). After all, countries with very small populations have the same voting power of countries like China and India. Originally, the UN was not intended to be a democratic body; it was set up to encourage cooperation among nation-states; therefore, the addition of smaller states have effectively diluted the voting shares of the countries with the largest populations. As a result, in addition to the lack of democratic input that many people experience within their own national realities—rendering representation by a head of state problematic in and of itself—, people in densely populated countries find themselves underrepresented at the global level as well. Thus, the criterion of equal representation within the UN framework in the process leading to the MDGs leaves much to be desired.

Representation at the multilateral institutions that had a central role in the MDGs process (OECD, World Bank, IMF) has a clear focus on economic power. Despite the expansion of their membership and the inclusion of middle income powers, mechanisms for representation at these institutions remain rigid; this further compromises their capacity to remain at all representative. Hence, immersing the final step in the definition of the MDGs in these institutions posed a serious legitimacy challenge to the process.

3.4.7. Requirements for Deliberation

Legitimate governance entails communication between formal decision-making bodies and networks of civil society. Even at the global level, affected individuals should be able to engage in a process of thoughtfully weighing options, based on the information and arguments provided, in order to be able to reason and decide upon the best policy solution; furthermore, this process of deliberation should allow civil society to effectively influence and steer global rulemaking.

Participation in these deliberative forums, however, gives rise to a potential drawback: “the risk that special interests will take advantage of open decisionmaking processes to distort policy outcomes” (Esty, 2006: 1531). Given that at the global level the ability to participate in a meaningful way in policymaking is not evenly distributed across and within countries, procedures must be in place to ensure access to opportunities for participation.

The process leading up to the MDGs entailed a number of deliberative forums taking place within the several world summits in the early 1990s. These open

assemblies offered an opportunity for wide civil society deliberations on various global issues and provided a means for public debate and exchanges that led to many policy propositions. In fact, these deliberations are generally regarded as the source of the need for authoritative global development goals (Hulme, 2007:4). However, when the OECD-DAC took the lead in the mid-1990s, the process shifted from one of deliberation to an exercise of listing politically acceptable solutions.

While the events leading to the Millennium Summit did invite deliberations at the country and regional levels, particularly in the preparation of both the Millennium Forum Declaration by NGOs and the “We the Peoples” document of the UN Secretariat, the Summit itself was geared towards the approval by the General Assembly (i.e. member states) of the Millennium Declaration. The final process of translating the Declaration into the specific MDGs at the World Bank meeting lacked any deliberative mechanism.

3.4.8. Requirements for Justification

Another dimension of process legitimacy is the popular assent to the justification of a governance arrangement’s goals and procedures. It is through the exchange of arguments that a final agreement on a policy emerges; since in practice it is impossible to allow all parties concerned to participate, an important process of justification is needed to legitimize a global decision on a course of action. Thus, following the definition of a policy, a justificatory discourse is required in order to provide legitimating arguments that defend and uphold the activities that ought to be carried out (Steffek, 2003).

Following the definition of the MDGs, the UN Secretary-General commissioned the UN Millennium Project to develop a concrete action plan for the achievement of the MDGs. The project's work was carried out by ten thematic task forces focusing on different components of the various goals. The task forces comprised a total of more than 250 experts from many countries and included researchers and scientists; policymakers; representatives of NGOs, UN agencies, the World Bank, IMF and the private sector. Each of the task forces prepared detailed reports and a synthesis volume titled "Investing in Development: A Practical Plan to Achieve the Millennium Development Goals" was also presented to the UN. After delivering these reports, the secretariat team of the Millennium Project continued to work in an advisory capacity through the end of 2006 to support the implementation of the Project's recommendations, with special focus on supporting developing countries' preparation of national development strategies to achieve the MDGs. The following year, the project was integrated into the UNDP's MDG Support team, which works in partnership with other UN agencies.¹⁰

This project was an active endeavor to justify the MDGs process through research, field investigations that engaged a number of stakeholders (government officials, NGOs, experts, the private sector, academia, the media, communities, among others), and publicized the reports. Throughout the years of the project, UN personnel built relationships with national and local stakeholders as a means to advocate, through argumentation and active involvement, for the implementation of strategies that supported the MDGs. It was through this process of engagement that the MDGs gained traction and the case was made for the legitimization of their authority.

¹⁰ <http://www.unmillenniumproject.org/>.

3.4.9. Inspections and Audits

Regularly scheduled policy reviews, audits, or inspections of decisionmaking procedures and outcomes by independent third parties also help ensure a legitimate global governance process (Esty, 2006: 1526). Even if a policy decision is rendered valid and legitimate at certain point in time, changing political contexts, the introduction of a new ideological perspective, an environmental disaster, and or a breakthrough in technology and innovation can convert it into ineffective, obsolete, or outright detrimental for the purposes originally intended.

While there are no such explicit procedural requirements within the MDGs framework, numerous government bureaucracies, academics and activists have provided reviews and thorough assessments of the continuing relevance of the MDGs to date. Criticisms include the lack of ownership of national development strategies, the need for reducing inequality (Fukuda-Parr, 2010), the inclusion of interim targets, the need for expressing goal 8 by numerical targets with a fixed deadline (Vandemoortele, 2011), the absence of empowerment, rights, and governance as dimensions of poverty and the need for a framework for planning (Manning, 2009).

Even though these reviews ultimately do feed into the implementation of the MDGs on the ground—as government agencies and civil society organizations pursuing these goals find themselves in need of adjusting policies to the realities of the country’s context—, they have not gathered momentum for the actual revisiting the established goals themselves. In fact, only a more systematized appraisal of the MDGs’ relevance at the present time could lead to their potential reformulation.

3.4.10. Judicial Review

Within the domestic context, judicial review provides a fundamental control on delegated decisionmaking; at the global level, however, such instrument is yet to be developed. Nevertheless, administrative rulemaking at the global scale does require review mechanisms and processes must include a means for appeal or some other method of reconsideration (Esty, 2006: 1536).

Given the magnitude of the MDGs in terms of policy impact and the differing implementation challenges faced by various countries and by different sectors of society within these countries, a legitimate process of review must involve the multitude of perspectives of different stakeholder—private sector parties, civil society, and government officials affected by the MDGs governance arrangement. Such review mechanism should feed into the UNDP's apparatus tasked with coordinating the MDGs efforts at the country level.

3.4.11. Multi-Level Process Assessment

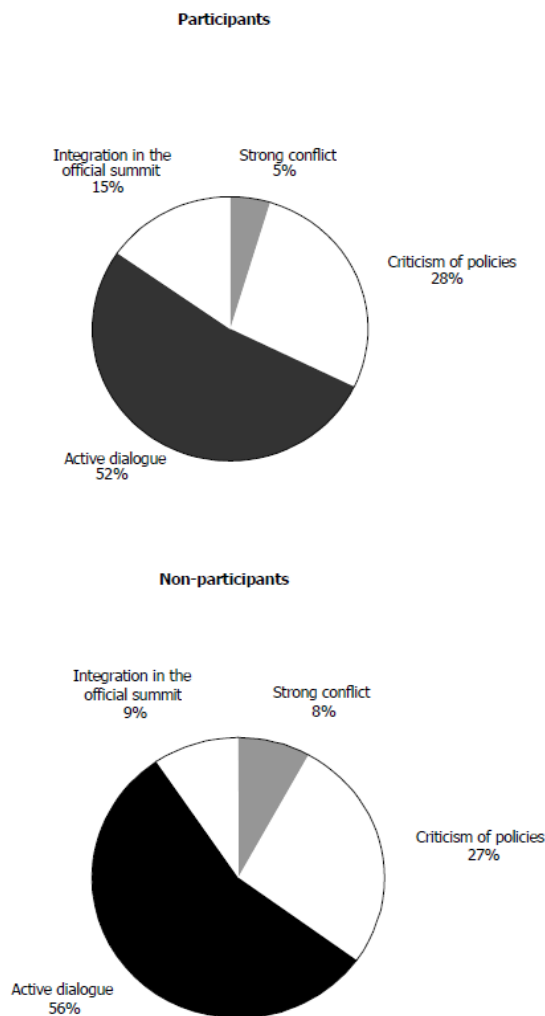
In multi-level governance, policy processes are a collection of interactions between a number of players which takes place within networks of interdependent actors; it is such mutual dependency that leads to the needed cooperation for global policymaking to be realized. Within this intricate multi-layered setting, rules that engender controls to manage and constraint the discretion exercised by actors are required for legitimate governance. Such regulating mechanisms are important to ensure the rule of law and prevent abuses of power prone in informal, intertwined environments (Kingsbury *et al.*, 2005:48-51).

The numerous UN world summits were a fundamental starting point for the development of the MDGs process. These large thematic conferences, designed to map the agenda for the millennium on global issues, were a central turning point for the emergence and participation of global civil society. Deliberative practices were at the heart of multi-level interactions among stakeholders at local, national, and international arenas; an ever-growing number of CSOs, especially from the South, engaged in exchanges about the many pressing issues, sharing values, visions, and experiences with one another. In fact, these interactions led to the consolidation of global links in the form of networks, campaigns, and transnational activities that turned into a proliferation of actions and a new form of self-organization by global civil society (Pianta, 2005: 15). Furthermore, while CSOs did not need to behave as organized representatives of the public, these forums granted a large number of activists the right to have a voice on global issues as well as influence over global decisions. Though boundaries between public interest advocacy and a more systematic representation of interests would be necessary for greater process legitimacy, these summits were a major success in terms of developing a more inclusive approach in global governance and sparking the emergence of global civil society involvement inside the institutional processes of the UN and beyond, expanding its activities inside and outside formal structures of governance at the national and international levels.

Moreover, procedural transparency, hearings, and notice were also central procedures at these summits. While rulemaking and policy guidelines were agreed upon by national governments, CSOs played an important role in spreading information, raising consciousness, voicing needs and demands, advocating for

specific decisions and actions, and developing policy proposals. The myriad of documents produced include a variety of approaches and trace the evolution of ideas and actions of CSOs, explaining different views, strategies and proposals on different issue areas (Pianta, 2005: 8). Regarding reviews and inspections to examine these summits, most of them have had five and ten year follow-up events to assess progress and failures, as well as to re-adjust goals and objectives in accordance with new realities and progress—or lack thereof—to date.

Figure 3.1: CSOs attitude toward UN official Summits.



Sourced: Pianta, 2005: 42. Graph of a survey of 147 CSOs from all regions of world involved in global issues, half of which participated in at least one UN world summit. The survey shows an attitude of active dialogue, followed by policy criticism from the outside, and efforts at integration in official summits.

Looking at the multi-level exchanges surrounding the Millennium Summit, the UN can be seen as at the center of interactions and its role was to ensure that a global consensus was built on a set of development goals. From this core, waves of formal/official and informal/ unofficial meetings were conducted in order to assemble the content of the Millennium Declaration. Member states, who would approve the declaration, engaged in extensive consultations on what they might have been expected to agree. Political leaders, politicians, political parties, and other national authorities took part in a lobbying process at the global level, negotiating the precise wording of documents much like legislatures do at the national level, with the UN Secretariat administering the process as a pseudo-executive branch. The Secretariat's role and powers, however, does not include that of enforcing the rules—which must be carried out by national governments with only the support of UN bodies.

A key legitimating mechanism of the process leading up to the Millennium Summit was the holding of regional hearings. The five regional hearings provided a venue through which the concerns and views of stakeholders could be channeled from the local and national levels to the regional level, and finally all the way to the international level at the UN. During these informal meetings, UN Regional Commissions carried out consultations in order to build a multi-level dialogue between cross-sections of society (government officials, private sector, civil society, international civil servants), so as to define regional development priorities; each of these hearings produced detailed documents providing guidance to the UN Secretariat in preparation for the Millennium Summit.

At the Millennium Summit itself, however, negotiations took place often behind closed doors—a key diplomatic activity at the UN that precludes monitoring. While transparency and deliberation were the main processes leading up to the event, the Summit was the means through which the UN could elicit the political and financial commitment of its members; therefore, managing political pressures was at the heart of the meetings, with the Secretariat hard at work to ensure that the UN's membership was fully on board with the Millennium Declaration. In this way, process legitimacy was weakened by the opaqueness of these exchanges and the lack of documentation explaining the rationale for choosing the objectives highlighted at the Millennium Declaration.

As previously discussed, it was at the World Bank conference that the final listing of the MDGs was determined. This meeting lacked most administrative procedures needed for process legitimacy; these include uneven representation, lack of transparency and deliberation, and no hearings or notice prior to the gathering. Thus, in order to legitimize the decisions made in stage, the UN in particular engaged in an intensive process of justification through the Millennium Project. This was a deliberate attempt to reach public assent by engaging many stakeholders in a process of rationalization and argumentation.

Lastly, the activities taking place at the national level are a key component of the multi-level process of the MDGs. The procedural practices varied considerable from country to country and largely depended on the stage of development national administrative law, as well as the level of involvement and sophistication of civil society within each country. In fact, representation, deliberation, monitoring,

transparency, hearings, and notice measures had different degrees of efficacy and validity depending on the realities of each national context. Countries with established administrative procedures provided their nationals with a more legitimate process as opposed to countries that lack such internal mechanisms.

3.5. The Millennium Development Goals (MDGs): Outcome Legitimacy

Outcome legitimacy refers to the validation of results based on the assessment of benefits. It is through reviewing the successes and failures of policies that results can be sanctioned. Furthermore, evaluating progress towards objectives and scrutinizing the exercise of authority are of utmost importance to constraint power and ensure that the decisions made are positively contributing to the provision of public goods. At the global level, accountability means that “actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been met” (Grant and Keohane, 2005: 29). While checks and balances and other administrative law mechanisms are designed to prevent abuses of power by requiring cooperation among actors and certain procedural steps in the policymaking process, accountability mechanisms operate after the fact, by subjecting actions and decisions to review, and appraising and approbating them.

A central challenge to accountability at the global level is the absence of a clear principal-agent model, where power wielders act as agents of principals who entrusted them with power. Instead of a central authority through which authority is delegated in an effective and legitimate manner, in multi-level global governance such act of authorization is largely missing and many decisionmakers acquire their

power without any sort of delegation. In fact, many times actors learn what problems they are solving and what solutions they are seeking through the very process of problem solving. For this reason, new forms of accountability are needed at the global level and—given the anomalous nature of the governance structure—these mechanisms must be flexible and adjustable. As Cohen and Sabel, 2005, explain, a form of dynamic accountability is necessary: “accountability that anticipates the transformation of rules in use” (778). Thus, a system for assessing the legitimacy of the MDGs’ outputs must include many dimensions: hierarchy, supervision, funding, legality, market repercussions, reciprocal surveillance, and reputation.

3.5.1. Hierarchical

Hierarchical accountability relates to bureaucratic organizations and the relationships within them. As Grant and Keohane, 2005, explain, “superiors can remove subordinates from office, constrain their tasks and room for discretion, and adjust their financial compensation” (36). For the MDGs, the key multilateral organizations that can be held responsible under this mechanism are the UN, the OECD, and the World Bank. While the UN Secretariat is to be held accountable by the General Assembly, the OECD and the World Bank have executive boards whose role is to do just that.

From a hierarchical perspective, the UN is regarded as a very accountable institution. Not only is it closely supervised by State officials, but civil servants are constantly being scrutinized about their ability to serve their member-states, as well as their capacity to prove their utility and value. While the bureaucratic nature of the UN is often criticized for hindering its effectiveness and ability to respond in a timely and

appropriate manner to the many issues and crises it is entrusted to deal with, this feature also embeds important constraints that allow for actions to be identified and decision to be judged in due order.

While the OECD Council, which provides oversight and strategic direction to the organization, is composed of all thirty-four member countries plus a representative from the European Commission, the DAC membership is limited to the twenty-three donor states plus one representative from the European Union Institutions. While, as a committee, the DAC is only charged with discussion and implementation,¹¹ it largely functions as a separate donor club, as meetings and recommendation are limited to the members of the committee (Hulme, 2007: 5). Within this context, the DAC carries out its activities with a strict line of hierarchical accountability, with clearly spelled-out mandate given by the Council and oversight exercised by donor states.

The World Bank has a weighted system of voting, where each country is allotted 250 votes plus one additional vote for each share it holds in the World Bank's capital stock. The quota assigned by the IMF is used to determine the number of shares allotted to each member country of the World Bank. Five Executive Directors are appointed by the members with the five largest numbers of shares (currently the U.S., Japan, Germany, France and the United Kingdom). China, Russia, and Saudi Arabia each elect its own Executive Director. The other Executive Directors are elected by the other members. Thus, while the OECD-DAC hierarchy is limited to donor countries, with all making decisions by consensus, the World Bank has an

¹¹<http://webnet.oecd.org/OECDGROUPS/Bodies/ShowBodyView.aspx?BodyID=869&BodyPID=8050&Lang=en&Book=True>.

elaborate voting system, based on the financial contribution of each member, with the five major donors having the power of appointing their executive directors and the other 187 members choosing the remaining twenty.¹² Despite issues of legitimate representation within the organization, hierarchical lines of accountability are clearly established within the World Bank bureaucracy, that is, between the executive board and the civil servant entrusted with fulfill orders.

3.5.2. Supervisory

Supervisory accountability occurs in relations between organizations, where one effectively acts as a principal and the other as the agent (Grant and Keohane, 2005: 36). While official oversight of the UN, the OECD, and the World Bank is carried out by member states and executive boards, these organizations are also subject to control by institutions within states. As Kingsbury *et al.*, 2005, explain, as the global regulatory power and reach expanded, there was also an extension of domestic supervision to intergovernmental regulatory decisions that affect a nation (16). For example, domestic courts could demand that international organizations follow procedures that meet standards of international law (Stewart, 2003: 452). Furthermore, civil society can put pressure on international organizations through their domestic political institutions.

The MDGs were set as global targets, meaning that “all countries together, through a grand coalition, [were] to achieve the quantitative and time-bound targets collectively (Vandemoortele, 2011: 522). Given the initial condition of some poor countries, many goals would be impossible to achieve individually. Therefore,

¹² <http://go.worldbank.org/VKVDQDUC10>.

countries pledged to reduce global hunger by half, cut infant mortality by two-thirds, decrease maternal mortality by three quarters, and so on at the global level. The implementation and progress assessment of the MDGs, however, has been carried out at the country level. This misinterpretation of the MDGs has allowed extensive domestic scrutiny of the outcomes associate with the MDGs. Nevertheless, such allowance to employ supervisory accountability mechanisms is dependent on the domestic realities of each country: states that have these mechanisms embedded in their democratic institutions are better able to supervise implementation. The UN also actively sought to involve national parliaments so that they can hold executive branches of government accountable to their MDG commitments. In a joint effort, the Inter-Parliamentary Union (IPU) and the UN Millennium campaign have worked together to help parliaments play such supervisory role in their respective countries.¹³ Civil society has also acted to help ensure the implementation of the MDGs at the national level, and has organized that the global level, such as under MDG Global Watch,¹⁴ to supervise progress towards the MDGs.

In developed countries, the domestic mandate of the MDGs is fragile, since their role is seen as donors and supporters of the initiative in poorer countries. Goal 8 which had the explicit focus of holding the North accountable for its development assistance lacked concrete dates and many indicators did not include quantitative targets (Hulme, 2007: 16); hence, given that the North's role is to carry out policies that would largely benefit countries in the developing world, there is no supervisory line of accountability, but in fact only what Rubenstein, 2007, has called "surrogate accountability," where a third party (in this case domestic institutions and civil

¹³<http://www.un-ngls.org/spip.php?article2763>.

¹⁴<http://www.mdg-globalwatch.org/index.html>.

society in the North) has the roles of sanctioning the actions of a power wielder (Northern governments) on behalf of accountability holders (domestic institutions and civil society in the South) (624). Such type of accountability is not legitimate because the third parties themselves can never be sanctioned for their actions and inactions.

3.5.3. Fiscal

Fiscal accountability is the means through which funding agencies and donor countries can demand accounts, explanations, and detailed information from agencies that receive their funding and they can subsequently sanction them (Grant and Keohane, 2005: 36). At the 2002 Finance for Development meeting in Monterrey fifty heads of state and government gathered and approved the Monterrey Consensus, whereby developed countries agreed to finance the MDGs by committing 0.7 per cent of gross national product (GNP) as official development assistance to developing countries and 0.15 to 0.20 percent of GNP of developed countries to least developed countries. At the Gleneagles G8 meeting in 2005 countries agreed to double aid to Africa. Furthermore, a number of countries have made commitments to increase aid and the U.S. launched the Millennium Challenge Account in 2004 to form partnerships with poor countries by providing grants to fund solutions for reducing poverty. In 2006 the Spanish government made a contribution to the UN system for the establishment of the MDG Achievement Fund to accelerate progress of the MDGs around the world.

The Millennium Challenge Corporation (MCC) has approved 8.4 USD in grants to date. It only forms partnerships with poor countries committed to good governance,

economic freedom, and investments in their citizens and only well-performing countries are provided with funding. It distinguishes itself by providing “smart assistance” that aims to benefit both developing countries and U.S. taxpayers. The Board of Directors is composed by the Secretary of State, the Secretary of the Treasury, the U.S. Trade Representative, and the USAID Administrator as well as U.S. private sector representatives.¹⁵ Aside from legitimacy deficits associate with priority setting, country selection, and the lack of representativeness of the Board, the projects carried out with MCC funding are under close scrutiny and have strong accountability mechanisms embedded within them. This is the case not only because the account is fully entrenched in the domestic institutions, but the U.S. system of accountability is highly advanced. Information is extensively available and civil servants closely monitor the projects, which allows for a thorough assessment. The four public members of the Board are appointed by the U.S. President with the advice and consent of an elected Senate. In fact, the U.S. Congress, which is elected by the American people, is the one holding the purse strings and can ultimately enforce fiscal accountability.

The MDG Achievement Fund (MDG-F) was established with a 528 million Euro donation from the Spanish government to the UN System, with an additional 90 million Euro donated in 2008. Projects in all eight programmatic areas of MDGs are funded and they are all joint programs, meaning they bring together an average of six UN agencies in a collective effort to deliver as one entity.¹⁶ Fund management at the international level is composed of the UNDP (the administrative agent) and the donor country and management at national level (once funds have been disbursed)

¹⁵ <http://www.mcc.gov/pages/about>.

¹⁶ <http://www.mdgfund.org/aboutus>.

includes the national government, the UN resident coordinators, and the donor government.¹⁷ MDG-F operates through the UN development system and finance and only select countries are eligible to apply to the MDG-F for country level support. These countries are those identified in the Spanish Master Plan for International Cooperation, approved by the Government and Parliament of Spain.¹⁸ Apart from these restrictions, there are strong accountability links between the government of Spain, the UN system (via UNDP), national governments, and local implementing partners. Given that many UN agencies are intimately involved in these projects on the ground, providing technical assistance and support, and that the donor government is present at the national and international levels, accountability holders are able to evaluate outcomes and sanction results.

The World Bank also finances projects in support of the MDGs. In addition to the shareholder fiscal accountability, accountability functions through international private investors who supply capital for its project as well. UNICEF and the World Health Organization (WHO) too are known for drawing large sums of their income from the private sector, companies, NGOs, and foundations (Koenig-Archibugi, 2010: 1150)—while the former receives a myriad of smaller donations, the latter receives larger ones, notably from the Gates Foundation. Having multiple and diverse accountability holders may either enhance or impair fiscal accountability, depending on the ability of funders to sanction recipients.

¹⁷ <http://www.mdgfund.org/accountability>.

¹⁸ http://www.mdgfund.org/sites/all/themes/custom/undp_2/docs/MDGFFramework.pdf.

3.5.4. Legal

Legal accountability pertains to “the requirement that agents abide by formal rules and be prepared to justify their actions in those terms, in courts or quasi-judicial arenas” (Grant and Keohane, 2005: 36). Examples in world politics include the WTO Dispute Settlement Mechanism, International Court of Justice and the International Criminal Court. There is no such mechanism to hold governments legally accountable for their MDGs commitments at the global level. As Mcinerney-Lankford, 2009) explain, the approach used was non-legal, principled-based (70). As discussed above, “[d]evelopment policies and activities tend to be evaluated by individual institutions or agencies relative to internal accountability mechanisms or systems of evaluation which lack a normative element grounded in separate legal commitments. There are few external forms of assessment or evaluation” (71).

Despite this fact, the MDGs have indeed been embedded in human rights law. There are numerous instances in which the “MDGs are implicated in or can be related to human rights law” and they “have found expression also in other legally binding or non-binding documents” (Hey, 2008: 3). Moreover, the MDGs and associated targets are related to provisions under many human rights covenants and other human rights instruments and, from this perspective, states and authorized UN organs and specialized agencies could allegedly take legal disputes to the International Court of Justice (ICJ).

Table 3.1: Millennium Development Goals and Human Rights Standards [*/](#)

Millennium Development Goal	Key Related Human Rights Standards
Goal 1: Eradicate extreme poverty and hunger	Universal Declaration of Human Rights, article 25(1); ICESCR article 11
Goal 2: Achieve universal primary education	Universal Declaration of Human Rights article 25(1); ICESCR articles 13 and 14; CRC article 28(1)(a); CEDAW article 10; CERD article 5(e)(v)

Goal 3: Promote gender equality and empower women	Universal Declaration of Human Rights article 2; CEDAW; ICESCR article 3; CRC article 2
Goal 4: Reduce child mortality	Universal Declaration of Human Rights article 25; CRC articles 6, 24(2)(a); ICESCR article 12(2)(a)
Goal 5: Improve maternal health	Universal Declaration of Human Rights article 25; CEDAW articles 10(h), 11(f), 12, 14(b); ICESCR article 12; CRC article 24(2)(d); CERD article 5(e)(iv)
Goal 6: Combat HIV/AIDS, malaria and other diseases	Universal Declaration of Human Rights article 25; ICESCR article 12, CRC article 24; CEDAW article 12; CERD article 5(e)(iv)
Goal 7: Ensure environmental sustainability	Universal Declaration of Human Rights article 25(1); ICESCR articles 11(1) and 12; CEDAW article 14(2)(h); CRC article 24; CERD article 5(e)(iii)
Goal 8: Develop a global partnership for development	Charter articles 1(3), 55 and 56; Universal Declaration of Human Rights articles 22 and 28; ICESCR articles 2(1), 11(1), 15(4), 22 and 23; CRC articles 4, 24(4) and 28(3)

* ICESCR (*International Covenant on Economic, Social and Cultural Rights*)

ICCPR (*International Covenant on Civil and Political Rights*)

CERD (*International Convention on the Elimination of All Forms of Racial Discrimination*)

CEDAW (*International Convention on the Elimination of All Forms of Discrimination Against Women*)

CRC (*Convention on the Rights of the Child*)

Source: UN High Commissioner for Human Rights¹⁹

Another legal proposition has been to look upon constitutions as “an instrument to eradicate poverty, as a charter of social justice, and a basis of national unity, without which it may be hard to develop social solidarity, which is so essential for achieving the MDGs” (UNDP and UN Millennium Challenge, 2009). Incorporating and reconciling MDGs into national level political and socio-economic rights can provide the global agreement with the ability to be interpreted under the provisions of countries’ constitutions. The importance of this incorporation stems from the fact that the primary responsibility for their enforcement and implementation is given to national governments and despite significant advances in global governance and institutions, there are few tools to prevent states from failing to carry out their commitments.

¹⁹ <http://www2.ohchr.org/english/issues/millennium-development/achievement.htm>

3.5.5. Market

Market accountability refers to the influence investors and consumers exert through the market (Grant and Keohane, 2005: 37), by rewarding and punishing behavior. Governments and private actors who play a key role in the market are the ones exercising such power. Types of penalties include loss of access to or higher cost of capital and rewards comprise financial returns or increased demand for a product or service.

As discussed above, the idea of developing a strategy to achieve global change by objectively identifying measurable goals, targets, and indicators and evaluating results within a time-limited framework had its roots in the new public management ideology, where results-based management was the approach used to improve performance in public services in many developed countries (Hulme, 2007: 2). The MDGs reflect this approach because the OECD donor countries widely approved of it; in fact, mobilizing resources was a key function of setting global targets to begin with (Christiaensen, 2002: 142). Hence, from this outlook, since the MDGs operate in a “market of donors,” they are in that sense subject to market accountability (Grant and Keohane, 2005: 28), as they compete for funding and support from rich governments and private actors to carry out the MDGs’ mandate. Such market accountability mechanism, however, is problematic because the ability of donors to understand the preferences and situation of the intended beneficiaries is dubious (Koenig-Archibugi, 2010: 1157).

Moreover, the methodology used for MDGs implementation has allowed for an interpretation of MDGs as national planning targets rather than global norms

(Fukuda-Parr and Greenstein, 2011). In light of this, many national governments have included MDGs targets in their development strategies in a “one-size fits all” mode of planning, without adaptation. Easterly, 2006, argues that this approach equates to the aid community imposing a “central planning mentality” on aid-receiving governments, where the “answer to the tragedies of poverty is a large bureaucratic apparatus to dictate quantities of different development goods and services by administrative fiat” (1). Furthermore, the preordained nature of such planning, where solutions to problems are determined by a technical exercise beforehand, precludes the necessary feedback that markets can provide, along with the accountability mechanism it can command. In fact, even though international financial institutions (IMF and World Bank) are ardent advocates of free market mechanisms, they have avidly promoted the Poverty Reduction Strategy Paper (PRSP), in which poor countries’ governments are required to do strenuous strategizing for achieving the overall MDGs plan. Thus, the design of the MDGs implementation effectively thwarted market accountability mechanisms, as it focused on calculating costs from goals and top-down planning, as opposed to allowing market feedback to hold implementers accountable.

3.5.6. Peer Review

Peer accountability refers to the mutual assessment of actors and organizations by their counterparts (Grant and Keohane, 2005: 37). Since much of global governance entails cooperation among interdependent actors, those involved in a particular initiative are well-positioned to review the activities and performance of their peers, while fostering individual and collective learning that allows for a reevaluation of the strategies adopted. Hence, actors are accountable to their partners, as they learn from

and correct each other, and are in this way compelled to re-set their approach and establish revamped plans for policy implementation (Cohen and Sabel, 2005: 778).

Within the context of the MDGs, there is no institutionalized peer review mechanism in place. In fact, Reddy and Heuty, 2005, have suggested that an Institutionalized Financing and Learning Mechanism (IFLM), centered on periodic peer and partner review, be established for the MDGs. Nevertheless, many actors involved in the MDGs are subject to peer review mechanisms; the OECD pioneered peer reviews and has successfully used this method of assessment of the performance of its members. According to the OECD, peer review refers to “the systematic examination and assessment of the performance of a state by other states, with the ultimate goal of helping the reviewed state improve its policy making, adopt best practices, and comply with established standards and principles” (Pagani, 2003: 9). The DAC members are also subject to peer review focusing on development cooperation and, even though the focus is not solely to evaluate members’ performance in their MDGs’ commitments, the content of the reviews includes MDGs’ commitment implementation (OECD, 2010: 5)—and further exemplified by many references in the DAC Peer Review Content Guide.

Among developing countries, the African Peer Review Mechanism (APRM), a voluntary initiative established in 2003 by the African Union, has been created to “assess the performance of African countries in terms of their compliance with a number of agreed codes, standards, and commitments” (Hope, 2005: 283). This is carried out through experience sharing and reinforcement of successful and best practices, including identifying deficiencies and assessment of requirements for

capacity building. Although not explicitly stating the objective of reviewing MDGs compliance, the APRM aims are closely in line with the MDGs, especially those under socio-economic development.²⁰

The effectiveness of peer accountability varies significantly according to the particular features of the mechanism being implemented. The value of learning and changing behavior as a result of peer reviews is dependent on the capacity of peers to provide new and reliable information (Reddy and Heuty, 2005: 403). On the one hand, the technical competence of the OECD Secretariat and the examiners has been crucial to the mechanism's success. Additionally, the independence of the Secretariat and examiners, along with the fact that "OECD peer reviews feed into a rich and ongoing policy dialogue and debate in the reviewed country" (Kanbur, 2004: 165), are also central to their positive impact. Finally, the effectiveness of peer review is contingent on the influence and persuasion wielded by the peers (Pagani, 2003: 10) and such "peer pressure" is what explains this type of accountability within the OECD. On the other hand, in light of the considerable capacity required to carry out the peer review exercise for the APRM, in conjunction with the political and governance weakness of African states, peer accountability tends to be feeble (Cilliers, 2003: 14).

3.5.7. Public Reputational

Public reputational accountability occurs when "reputation, widely and publicly known, provides a mechanism for accountability" (Grant and Keohane, 2005: 37). Reputation, in fact, is involved in all other forms described above, because the

²⁰<http://aprm-au.org/thematic-area/socio-economic-development>.

reputation of agents affects the responses of superiors, supervisors, fiscal and legal regulators, markers, and peers. A key component of this mechanism is the strategy of ‘naming and shaming’ as a means to publicize an agent’s violation, mistake, or refusal of act and urge for repercussions. The resulting loss of credibility is a compelling negative sanction mechanism of accountability; conversely, positive reputation allows actors to reap important benefit (Benner *et al.*, 2004: 200). Furthermore, the effectiveness of this mechanism is dependent on the actor’s susceptibility to such public reputational scrutiny, as it is not possible to “shame” rogue states, injurious companies, and corrupt individuals. Nevertheless, since there are few formal means of holding actors accountable in the global arena, public reputation, as opposed to legal means, is the main mechanism to uphold standards of behavior and performance.

Among MDGs’ actors, the UN is under strong reputational pressure, since its credibility is essential to its ability to influence other actors and carry out its mandate; the success of the MDGs is crucial for the UN’s credibility and vice-versa. Indeed, the UN must continuously show its value to its members and the global public at large and “elicit a commitment that its members . . . [will] support real efforts to reform and finance” the organization (Hulme, 2009: 26). Moreover, given that the UN requires numerous partners to assist in the implementation of global policies, the organization is under considerable reputation risk “associated with selecting an inappropriate private sector partner or partnership activity, or being perceived to do so by key stakeholders, and undermining the credibility and reputation of the United Nations body in question, or the entire United Nations system” (United Nations Secretariat, 2001: 12-13).

The World Bank and the IMF are also subjected to public reputational accountability. Their credibility is built on the premise that it is a technically competent institution that conducts its business independently. Their competence, however, came under condemnation especially in the end of the 1990s, as the so-called “Washington Consensus” economic policies endured severe criticism following their failures around the world (Stiglitz, 2003). This reputational loss was one of the factors behind the changing nature of the entire development debate at the beginning of the new millennium, when the MDGs emerged as an alternative vision for global development policy (Rodrik, 2006).

Since 2004, the World Bank and the IMF started to prepare the Global Monitoring Reports, which focus on how the world is doing in implementing the policies and actions for achieving the MDGs and related development outcomes. They are intended to be a framework for accountability in global development policy.²¹ The most recent 2011 report delved into country performances, evaluating progress of each of the goals, grouping countries according to their standing, and providing several analyses on different aspects of the MDGs to date (World Bank and International Monetary Fund, 2011). Even though the information provided must be subjected to methodological and data inspection, its availability is indispensable for reputational accountability, while also supporting other mechanisms. For example, the greatest impact of peer accountability derives when reviews are put in the public domain, since public scrutiny “is most likely to influence change and bring about corrective actions” (Hope, 2005: 290).

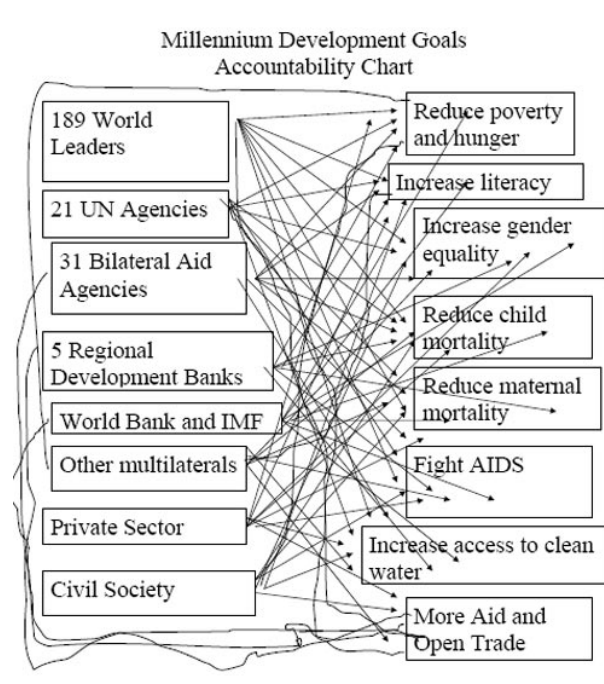
²¹ <http://go.worldbank.org/NNSY329K90>.

3.5.8. Multi-Level Outcome Assessment

Multi-level global governance poses serious challenges to the ability of holding actors accountable for their actions—or inactions—during the implementation of policies. The sources of these challenges lie mainly on two problems: 1) the unclear lines of authorization and delegation which precludes accountability holders from clearly tracing the decisions and activities of those carrying out or influencing policy implementation, and 2) the multitude of actors and diffuse nature of their activities allows for a shared responsibility of outcomes, which in turn weakens the liability of any individual actor and, therefore, the capacity of accountability holders to impose meaningful sanctions.

Even though numerous plans, strategies, and frameworks are in place for the implementation of the MDGs, there are multiple actors contributing to the model, yet no specific agency accountable for any specific task; this leads to a lack of an incentive structure for aid-providing countries, funding agencies, multilateral institutions, national governments, and civil society organizations (Easterly, 2006: 9). Within this context, the MDGs' accountability needs to be assessed by a number of mechanisms that can reach these multiple levels of interaction in a dynamic manner, so that the review and sanction reflect the continuously changing feature of multi-level governance.

Figure 3.2: Millennium Development Goals Accountability Chart



Source: Easterly, William. 2010. Aidwatch.²²
 Based on careful study of many years of documents on the MDGs.

As shown in the chart above, MDGs' accountability is compromised by the very convoluted structure of its system of implementation. Nevertheless, key actors within the arrangement are susceptible to different kinds and different levels of scrutiny and sanctioning. The UN bureaucracy not only constrains its discretionary ability of act, but also allows for lines of delegation to be followed (even though such lines are multiple and connecting numerous actors). Furthermore, the UN is also subjected to extensive public reputational accountability, which is a distinct mechanism that involves forms of participation in the sense that the views of those partaking in implementation and those being affected by it generate pressures for adjustments. Finally, the UN is retrained by fiscal accountability, since it is dependent on member-states' contributions (as well as those from the private sector) to be able to carry out its MDGs' activities; this fiscal mechanism is in effect a means of

²² <http://aidwatchers.com/2010/09/maybe-this-is-why-accountability-for-millennium-development-goals-did-not-work-out-that-well/>.

sanctioning the UN's performance. In this way, under the MDGs framework, the UN is fairly accountable, as there are diverse mechanisms at play that allow the identification of some key actors, the feedback from those involved and being affected, and the sanctioning of activities through funding. However, such UN accountability within the MDGs' governance arrangement has a limited impact on its outcome legitimacy because of the UN's lack of enforcement and funding power.

The main mechanisms affecting World Bank accountability are the same as those impinging on the UN: hierarchical, reputational, and fiscal; nevertheless, there are some nuanced divergences. The difference between UN and World Bank hierarchical accountability is that whereas for the former the line of delegation stretches to the General Assembly, where all member countries have equal voting power, the latter is connected to a board whose voting power is dependent on members' financial power. Moreover, the World Bank's more concentrated voting and fiscal power means that the institution is more vulnerable to the reputational pressures emanating from the public located in those particular countries. Thus, the World Bank accountability within the MDGs' framework is more restricted because accountability holders are mostly located in rich and powerful countries. In addition, since the World Bank provides funding for MDGs' implementation, its accountability is further necessary for output legitimacy.

The OECD donor countries are chiefly exposed to peer and reputational accountability mechanisms. Since goal 8 is largely toothless due to the lack of time-bound and quantitative targets and indicators, the role of developed countries is largely confined to funding and supervising the MDGs' implementation in

developing countries. While these mechanisms are robust among OECD donor countries, having the supervisory mechanism disconnected from those being affected by the MDGs' implementation (i.e. having the developed countries act as "surrogate" accountability holders for the developing countries) pose important output legitimacy challenges. Given the centrality of foreign aid to the MDGs' success, a stronger accountability system is desirable for these actors.

The governments of developing countries are key actors in the implementation of the MDGs; yet changing the behavior of many of them is at the heart of achieving the MDGs (Easterly, 2006: 24). For this reason, the accountability of developing countries' governments is of utmost importance to the output legitimacy of the MDGs. In fact, these governments are exposed to a variety of accountability mechanisms, but their effectiveness is dependent on each country's domestic context (hierarchical, supervisory, peer review, and reputational). The strongest accountability mechanism at play is the fiscal incentive and control offered by donor countries and organizations.

Within the MDGs' multi-level interactions, actors exert their power and influence mostly free from market and legal mechanisms of accountability. This points to two major flaws in the system: the first is that, given the weakness of market mechanism, the MDGs are missing out on fostering learning as an important implementation strategy. Market feedback can provide key information that could be used not only to hold actors accountable, but also assist them in revising their approach and, therefore, increasing the chances of success for the MDGs. The second weakness is the most significant, but also the most challenging given the multi-level, diffused

nature of global governance; however, embedding legal mechanisms of accountability would greatly enhance the output legitimacy of the MDGs since it would strengthen its enforcement and sanctioning aspects of implementation.

3.6. Concluding Remarks

In this chapter, I have situated the establishment of the MDGs within the new development paradigm emerging in the Post-Cold War era. According to this paradigm, development strategies should go beyond the aim of increasing people's income and promoting economic growth and also include other aspects, such as inequality, well-being, and substantive freedoms. The power of institutions in terms of promoting values and ideas, as well as structuring behavior and interactions also became an important dimension of development efforts. Furthermore, the democratic challenges brought about by ingrained globalization called for broader civil society participation and networked forms engagement to tackle development needs. Hence, a governance approach to development was established, whereby multiple actors, at multiple levels of interaction, contribute to the advancement of development goals.

In addition to this theoretical transformation, the end of the Cold War led to the necessary cooperation that allowed the UN to launch a period of world summits in the 1990s, which set global goals for reducing hunger, improving health, eradicating diseases and schooling children. Moreover, the end of animosity between East and West also led to decreasing aid budgets; therefore, the MDGs also emerged from the need of the aid community to justify its existence and to gather public support for development assistance.

The aim of this chapter was to apply to the MDGs the legitimacy framework presented in chapter 2, taking into account the multi-level implications involved at the global level. In terms of input legitimacy, the MDGs' vision is that globalization becomes a positive force for all the world's people, fully inclusive and equitable; values include freedom, equality, solidarity, tolerance, respect for nature, and shared responsibility. While such purpose and values reflect the advancement towards a good global society, the MDGs themselves do not fully incorporate the equality and freedom principles, as reducing inequality and women's reproductive health were not included in the list of goals. Regarding political equality, UN World Summits were largely open forums, with broad government and civil society participation, and provided many opportunities for access during preparations for the events—through unstructured contributions by diverse perspectives via multiple channels: media, informal meetings, and advocacy activities. There were also channels of participation at the national level during the preparations for the Millennium Summit, as NGOs endeavored to influence country delegates. At the same time, however, participation was limited to registered NGOs and individuals, and participation was many times restricted to observing, not speaking. Also, having separate forums for NGOs and governments at the Millennium Summit limited access and there was a strong dominance of Northern, English-speaking CSOs; a short preparation period and having discussions centered at the UN Secretariat in New York were additional barriers. Finally, the fact that only UN technical specialists and high-level officials were involved in final exercise of listing the MDGs was a major limitation to the ability to influence processes of institutionalization and decision-making. Moreover, it is important to note that UN World Summits and related meetings replicate dynamics of power between and within states; therefore, rich Northern countries

dictate decisions and outcomes as there were no explicit measures to level the playing field in favor of weaker actors.

In terms of process legitimacy, there are strengths and weaknesses regarding the ten administrative law mechanisms involved in the framework applied. With regards to checks and balances, the UN was the locus of authority for the MDGs, with the UN Secretariat as the executive power and the General Assembly as the legislative power—but no judiciary branch to review the implementation of the MDGs. Though authority was dispersed and power divided among numerous institutions and agencies, power-sharing was unbalanced in favor of a limited number of actors strongly influenced by developed countries. In terms of monitoring, while there are many documents available to trace the decisions leading up to the MDGs, there was no systematic surveillance over the progress or quality of the MDGs since they resulted from a number of multiple levels events. On the subject of transparency, there is wide provision of information regarding UN activities, including the publication of documents, invitation for civil society contribution, and the availability of a myriad of documents and links to many websites with a variety of perspectives; there is lack of access, however, to information related to the more political debates taking place among country delegations and access to information is dependent on the efforts made at the national level by individual countries; there was also lack of transparency at the high-level meeting where the Millennium Declaration was translated into the MDGs. Regarding notice, the many UN World Conferences were calls to clarify issues, frame policy choices, and engage with country delegates and civil society. Nevertheless, drafts of the “We the People” document and Millennium Declaration were not presented as proposals to be reviewed and

commented on and there was no opportunity to review and comment on the final MDGs. Five regional hearing were held in preparations for the Millennium Summit. In terms of requirements for representation, the UN General Assembly representation is one country, one vote, which means that countries with large populations are underrepresented; member-states are also represented in the boards of UN agencies on a rotating basis UN agencies, but heads of states are not always representative of the people at the national level due to democratic barriers; representation at multilateral institutions is unbalanced since it is based on economic status and contributions of countries. Regarding requirements for deliberation, while the UN World Summits were open assemblies for civil society deliberations and means for public debate and exchanges and deliberations also took place at regional and national levels prior to the UN Millennium Summit, the Millennium Summit itself was an exercise of politically acceptable policies and there was no deliberation in the process of listing the MDGs. The UN Millennium Project was an active endeavor to justify the MDGs. With regards to inspections and audits, there have been reviews by multiple actors and assessments of the continuing relevance of the MDGs and these reviews feed into the implementation of the MDGs—though there has been no actually revising of the established goals. There is no judicial review mechanism to control the UNDP and national governments in their efforts to implement the MDGs.

In terms of outcome legitimacy, there are also strengths and weaknesses regarding the seven dynamic accountability mechanisms involved in the framework applied. With regards to hierarchical accountability, the UN bureaucracy is constrained by State officials and civil servants are scrutinized by member-states and other institutions; the OECD-DAC and the World Bank carry out activities with strict lines

of hierarchy. In terms of supervisory accountability, National Parliaments and civil society can supervise the implementation of the MDGs at the domestic arena and domestic institutions and civil society in the North can sanction developed countries' government for their commitments under MDG 8 and the Monterrey Consensus; however, mechanisms are dependent on the level of sophistication of democratic institutions in developing countries; furthermore, Northern institutions and civil society can only demand "surrogate accountability" because developing countries are the ones being impacted. Concerning fiscal accountability, there are mechanisms embedded in the domestic system of donor countries, recipient countries, UN agencies, the World Bank, and other donors (private sector, companies, NGOs, and foundations), though effectiveness is dependent on the ability of funders to sanction recipients. From a legal perspective, there are mechanism through human rights laws, covenants, and other legally binding and non-binding documents, but there are no mechanisms to hold governments legally accountable for their MDGs commitment at the global level; national constitutions and national level political and socio-economic rights provide potential avenues, but these mechanisms are weak since the MDGs have not been incorporated into domestic legal frameworks. Market accountability works through competition for funding to carry out the MDGs mandate; nevertheless, funders are not knowledgeable about the preferences and context of intended beneficiaries and the central planning mentality imposed in aid-receiving governments is a weakness. Regarding peer review, there is the OECD peer review mechanism and the African Peer Review Mechanism (APRM), but no institutionalized peer review mechanism within the MDGs; effectiveness is dependent on the capacity of peers to provide new and reliable information and on the influence and persuasion wielded by the peers. The UN, World Bank, and the

IMF are all under strong reputational pressure as their credibility is built on their ability to show their value and prove their competence and independence.

Overall, legitimacy deficits at the global level stem from a number of challenges. Firstly, global political and socio-economic power imbalances are the root problem of input legitimacy, as they preclude policies that provide the most benefit for all and constrict political equality. This is reflected in the fact that the West, led by the US, barred reducing inequality from being listed as a MDG, as well as in the dominance of Northern, English-speaking CSOs in UN forums. Power imbalances are also reflected in process legitimacy, as power-sharing is uneven and in favor of a limited number of actors (OECD, World Banks) strongly influenced by developed countries. Secondly, since there is no strong authority above the nation-state, there is no structure to embedded administrative rules and accountability mechanisms. For this reason, it was not possible to monitor developments leading up to the MDGs and there are no means for judicial review. Likewise, mechanisms of accountability are mostly not linked to those who ought to be impacted by policies. Thirdly, the emergence of powerful non-state actors had a defining role in shaping the MDGs, such as the Catholic Church and conservative Muslim groups in blocking reproductive health from the agenda, the OECD-DAC in ensuring the MDGS were in line with the IDGs, and the World Bank in defining policies for implementing the MDGs. Finally, the broad reach and multi-level scope of governance at a global scale inevitably leads to *ad hoc* and informal processes and mechanisms. This is exemplified by the UN Millennium Project, which was a process of legitimizing the MDGs through justification, the OECD-DAC peer review mechanism of accountability, as well as arbitrary supervision and market accountability.

CHAPTER IV

LEGITIMATE GLOBAL GOVERNANCE?

THE MILLENNIUM DEVELOPMENT GOALS ACHIEVEMENT FUND (MDG-F)

Following the making of the MDGs, an extensive international effort is being carried out to achieve the development targets that were set. As was the case at the global level, a closer look at the events taking place allow for a better understanding of the characteristics of the governance arrangement at this level, as well as for an analysis of its legitimacy. Given the myriad of initiatives taking place at the international level, it is only possible to analyze one endeavor; since the purpose of this thesis is the application of the legitimacy framework—as opposed to deciding on the legitimacy of the MDGs *per se*—the choice of case study is not pertinent. At this level, this thesis will examine the Millennium Development Goals Achievement Fund (MDG-F), which is embedded in the UN's MDGs' efforts. It combines the contributions of the UNDP, the UN's global development network, and of one developed country which is member of the OECD-DAC: Spain. After providing some background information on the motivations for offering aid to developing countries, the differences between bilateral and multilateral aid, and the features of the Spanish foreign aid policy, this chapter will analyze the legitimacy of the MDG-

F, including the norms underlying its structure, the rules and procedures guiding the processes and the validation mechanisms that are in place.

4.1. Legitimate Governance at the International Level

4.1.1. Motivations for Aid to Developing Countries

Despite the widely held belief that foreign aid is the fulfillment of an obligation of the developed countries to developing ones, the reality is that aid policy is embedded in diverse political motivations. Morgenthau, 1962, for example, identified six types of foreign aid: humanitarian (the only *per se* nonpolitical), subsistence, military, bribery, prestige, and aid for economic development (301). Regarding development aid, it is largely embraced because of the assumption that economic development can actually be achieved by the transfer of money, services and technical knowhow; however, such type of aid is likely to challenge the power of the ruling groups since, in addition to economic transformations, drastic political change is a necessary condition for policy success. Hence, the very political orientation of foreign aid means that its effects are always “in the minds of formulators and executors;” foreign aid policy is a political function (308-309).

There are a number of studies that investigate the motives of international aid, that is, the reasons behind donors’ decision. The seminal work of McKinley and Little, 1978 and 1979, established two models of aid allocation: 1) the recipient need model, which assumes that “donors endeavor to ensure that aid is equitably distributed among poor countries . . . therefore, the amount of aid allocated to a state is in proportion to its need” (237); and 2) the donor interest model, whereby the donor

“takes advantage of the foreign policy implications of aid and uses aid allocation to pursue its own interests” (238). In this case, the distribution of aid emulates the extent to which the recipients are able to further the donors’ interest. Their conclusion is that the donor interest motive clearly prevailed over the recipients needs when attempting to explain aid allocation.

Within these patterns of allocation of foreign aid, many authors have attempted to explain what kinds of interests determine the decisions of donors. Alesina and Dollar, 2000, find that colonial past and political alliances (measured as voting patterns in the UN) are a major determinants of foreign aid. In fact, such patterns of the flow of aid explain more the distribution of aid than political institutions or economic policies of the recipients. Hence, allocations are effective at promoting strategic interests, but bilateral aid has only a “weak association with poverty, democracy and good policy” (55). Moreover, Younas, 2008, finds that OECD countries allocate more aid to recipient nations that import goods in which donor nations have a comparative advantage in production (661), again indicating that political and strategic considerations are the major determinant, since donors are more interested in increasing their trade benefits and less in responding to the economic needs of recipient countries. Finally, neither respect for human rights, low levels of corruption, nor “good governance” lead to higher levels of aid (Neumayer, 2003a; Alesina and Weder, 2002; and Birdsall *et al.*, 2003). For these reasons, failure of foreign aid can likely lie in the fact that donors, while allocating aid, attach more importance to their economic and political interest to the detriment of development in poorer countries.

More recent studies, however, point to a transition of the international cooperation system to a “new aid architecture,” according to which, following the end of the Cold War and particularly in the late 90s, foreign aid starts to respond more to the economic needs and quality of a country’s policy and institutional environment and less to debt, size, and colonial and political linkages. Claessens et al., describes this “paradigm shift” of increased development efficiency and effectiveness:

Architectural changes range from specific actions such as more debt relief for a larger number of poor countries to other, far broader ‘institutional’ changes, such as a greater move away from project lending towards programmatic lending, a greater emphasis on coordination among donors, more ownership by the recipient country (including beyond the government), and the so-called ‘alignment’ including greater harmonization of lending terms and policies. It has been accompanied by changes in the development approach more generally, including a greater use of Poverty Reduction Strategy Papers (PRSPs), the explicit introduction of Millennium Development Goals (MDGs), and enumeration of the objective of scaling up aid (2).

In line with these changes, recipient countries that abide by the new paradigm should be expected to receive more aid; donors in return should indeed respond to improved economic fundamentals and policies. Dollar and Levin, 2004, have developed the “policy selectivity index,” which evaluates “how well a donor’s assistance is targeted to poor countries, controlling for institutional and policy environments, as well as population” (4). They find that, while in the 1984-89 period there was nearly no policy selectivity, starting in 1995-99 a positive relationship between aid and institutional quality starts to develop; today, there is a clear tendency to allocate more assistance to poor countries that have reasonably good economic governance (13). This historical breakdown shows that policy selectivity is a more recent practice, which is a result of a new understanding that links aid effectiveness to the recipient country’s own institutions and policies—along with the conviction that economic growth depends on aid resource in conjunction with good policies. As a result of

these changes, there is a more rational aid allocation towards the more needy (poorest) and deserving (with better economic policies) countries. Furthermore, there is more coordination among donors, as aid allocations have become more homogenous and more focus on recipients' development prospects.

4.1.2. Bilateral versus Multilateral Aid

In addition to several empirical studies, many donor countries have themselves stated that they do take into account their own national interests, along with other motivations, when allocating their aid; for this reason, it is important to investigate whether there are intrinsic differences in aid provision between bilateral and multilateral donors. While it is important to emphasize that the motives of individual donors vary substantially, some studies point to some aggregate conclusions about the underlying principles of bilateral and multilateral aid.

Maizels and Nissanke, 1984, conclude that whereas the recipient need model (aid given to compensate for shortfalls in resources) provides a reasonable explanation for multilateral aid distribution, the donor interest model (donors' political, security, investment, and trade interests) is a good explanation for bilateral aid. Berthelemy, 2006, also show that self-interest motives prevail over developmental needs when bilateral aid is allocated (with the exception of Switzerland and Nordic countries), where commercial interests play a greater role than geopolitical interests, therefore pointing to a more egoistic as opposed to altruistic motivation. Multilateral aid, on the other hand, strongly responds to recipients' needs, both in terms of GDP per capita and debt ratio. Nevertheless, multilateral donors are not independent actors as decisions are made collectively by the governments that compose their membership.

For example, the European Commission's assistance policy of extremely biased in favor of ACP countries (African, Caribbean, and Pacific Group of States) and for this reason the recipient's need model does not explain aid allocation by this agency (87).

Moreover, given the diverse types of multilateral donors, it is important to understand different factors explaining their aid allocation. Neumayer, 2003b, finds that while regional development banks focus exclusively on economic need as measured by per capita income, UN agencies take into account human development needs in their aid allocations, pointing to a broader view of a country's need for aid; this was particularly the case for the UNDP (113). Furthermore, unlike bilateral aid allocation and different from aggregate multilateral aid allocation, UN agencies give more aid to countries geographically distant from the Western world and Japan, in this way somewhat counteracting the bias of other donors (115).

Finally, regarding the more recent trend towards selectivity, there are also some differences among donor types. Dollar and Levin find that policy selectivity is much stronger for multilateral aid than for bilateral aid (7), pointing to a more targeted multilateral assistance concerning the good policies of recipients. In addition, multilateral assistance is more focused on poverty than bilateral aid, with the top eight in terms of poverty selectivity being all multilaterals (8). Conversely, donors that focus on their former colonies have the lowest poverty selectivity of all (12).

4.1.3. Why Do Countries Provide Aid via Multilateral Organizations?

As discussed above, there is substantial evidence that multilateralism is more effective than bilateralism with regards to aid provision. Nevertheless, aid is an

important instrument of influence because it can affect the policies of countries receiving assistance; therefore, there are considerable political stakes and for many donor governments a key aim of providing foreign aid is precisely the manipulation of policy choices and behavior of recipient countries. Given this inconsistency, the question of under what circumstances do governments choose multilateralism becomes pertinent.

Rodrik, 1995, offers two central reasons for multilateralism. Firstly, since information is a collective good, multilateral agencies are in a better position to provide information related to monitoring of recipient governments' policies than individual donors would by themselves; secondly, if multilateral agencies remain relatively autonomous from their member states, their relationship with recipient countries will be less politicized and, for that reason, they have an advantage when it comes to enforcing aid conditionality, i.e. the necessary changes in government policies. Moreover, multilateralism is a means for donor governments to commit themselves to levels of humanitarian concessions that would be hard to uphold otherwise (2-3). Hence, multilateralism offers greater transparency, effectiveness, and credibility, leading to an overall positive reputation for donor countries.

Despite these clear advantages, most aid is distributed bilaterally and only in some instances do donors choose multilateralism. Milner and Tingley, 2010, describe three possible theories to explain this choice. One option is the hegemonic self-bidding theory, whereby the hegemon first chooses multilateralism and others follow subsequently—this choice is a means to signal to other countries that the hegemon does not intend to abuse its position and to encourage others to participate in the

endeavor (Lake, 2009: 14); however, given the low level of public support in the U.S. for multilateralism the credibility of self-binding is undermined, and this severely weakens this supposition. The second is a normative theory (which focuses on the power of norms to steer state action), whereby countries choose multilateralism because it is widely regarded as the correct means of engagement (Finnemore, 1996); nevertheless, multilateralism in foreign aid has not proven to be a taken-for-granted norm, at least in the U.S. where the norm of sovereignty seems to prevail (Milner and Tingley, 2010: 34).

The third theory is the principal-agent theory, where multilateralism is associated with the choice to delegate to an international organization. Such delegation may lead to two problems: a moral hazard, as the principal cannot fully observe the actions of the agent and the latter can promote policies that are not fully in line with the principal's objectives; and adverse selection, whereby the agent has at its disposal information unknown to the principal and can therefore manipulate certain facts in ways that advance outcomes that differ from the principal's intent (Milner, 2006: 116). Furthermore, with many principals influencing international institutions, it is likely that sometimes the agent will make decisions that are not preferred by one of the principals, since not all have identical preferences. On the other hand, burden sharing is a central issue to be considered, since the provision of aid is a global public good, which faces the common challenges of under-provision and free-riding of efforts by others. Thus, within this context, donor states face a tradeoff between the loss of control over aid policies being implemented and the gains of burden-sharing with other donors.

Given these principal-agent problems, under what circumstances do governments believe that delegation is their best choice? Milner, 2006, argues that the answer lies in the domestic politics of each country. Overall, donor governments prefer to use foreign aid to advance their political and economic interests; their publics, on the other hand, most likely are interested in addressing the economic development needs of recipient countries; in this way, multilateral aid is closer to the public's preference than bilateral assistance. Following this rationale, when the public is skeptical about the benefits of aid, governments decide to channel their aid via multilateral organizations in order to reassure their humanitarian motivations. This means that the choice for multilateralism "serves a credibility enhancing function, but a domestic one" (110); since the redistribution of resources internationally usually has weak domestic support, multilateralism provides a solution for donor governments, especially those facing credibility problems. In addition, governments are also able to induce the public to approve a greater aid budget overall, therefore benefitting from extra resources as well. Conversely, as bilateral aid programs are afflicted by special interest pressures, the public's support for multilateralism is a means of constraining their own governments and committing them to more optimal aid policies, given that multilateral organizations are more likely to give aid according to quality targets criteria.

4.1.4. The Spanish Foreign Aid Policy

Spanish development cooperation is relatively young; in fact, Spain was an aid recipient until 1977 and only joined the OECD-DAC in 1991 (OECD, 2002). By 1998, Spain adopted a comprehensive binding law, the International Development Cooperation Act 23/1998 (Spanish Official Gazette, 1998) and started publishing

four-year Master Plans in 2001. Overall, the Spanish aid allocation can be described as a three-stage decision process (Tezanos, 2008).

Firstly, the Spanish government decides on the total amount of resources that will be allocated to international cooperation and the share of bilateral and multilateral aid, independent of the geographical distribution of funds. The annual aid budget is set within the Spanish General Public Budget, under the foreign policy item, and the Parliament has to approve it (9). Hence, the central government is the one recommending and approving the total volume of aid, before economic agents become involved in additional choices that ought to be made. In the second stage the government chooses the group of recipient countries that will receive bilateral aid, in line with the OECD-DAC's list of eligible countries. And finally, the aid quotas of each recipient country within the Spanish budget are defined (11).

As previously noted there are various and overlapping reasons for donor countries to provide aid. Regarding recipient countries' needs, the Spanish Aid Law states that the main objective of aid is to eradicate poverty (Article 2, C), with an approach to the concept of poverty in all its manifestations and resource allocation based on the less economically and socially developed countries (Article 5). The DAC's guidelines also emphasize the need to concentrate in the poorest countries and the poorest within developing countries (60). Spanish aid, however, is focused on middle-income countries, due to its specialization in Latin America.

Regarding donor's interest, Spain's foreign policy has been directed towards countries with which it shares historical links, particularly Latin America, Equatorial

Guinea, and the Maghreb. In contrast with the above statement, the Spanish Law also state this geographical priority: “Latin American countries, the Arab countries of North Africa and the Middle East, as well as other less developed countries that maintain special historical and cultural links with Spain” (Article 6), which are believed to facilitate a more cooperative relationship; such “comparative advantage,” is also noted in the OECD’s 2002 Review of Spain. At the same time, Spain is advancing its trade and investment interests through the allocation of aid, since these priority regions are also Spain’s key economic partners. Furthermore, Isopi and Mavrotas, 2006, have concluded that “trade relations seem to play a leading role in foreign aid allocation,” though political and strategic factors do not exert relevant impact in the allocation process (14-15).

With regards to factors of aid effectiveness, good governance has become a central objective for DAC’s members, in line with the new aid architecture. The promotion of good public policies is clearly stated in the Aid Law and the Spanish Master Plan, which affirm that under geographical priorities, Spanish aid should take into account “greater commitment by recipient countries to development objectives, and, in particular, the adoption of appropriate policies for reaching the objectives and goals of the Millennium Declaration or other international agreements signed by the recipient country” (72). While the OECD-DAC’s 2002 Peer Review noted that Spain should establish a more results-oriented approach to programming and implementation, the 2007 review stated that the commitment to aid effectiveness has become a key motivation of Spain’s aid efforts.

Finally, Tezanos, 2008, notes aid path dependency as a determinant of aid allocation, whereby an “inertial effect is exerted by previous allocations” (14). Spain’s efforts in priority countries, for example, largely determine the future probability of these countries receiving aid; in addition, in line with more recent approaches, Spain is emphasizing longer-term cooperation programs with those countries receiving greater volumes of aid. With regards to Latin America, Spain’s involvement has been particularly stable and the Master Plan provides a number of institutional and strategic reasons for why “Latin America has been and will continue to be a priority area for Spanish cooperation” (76), pointing to an inertial stance when it comes to their assistance.

Overall, in the 1993-2005 period, the highest probability of receiving aid from Spain lay in being part of Spanish colonial past; greater shares of Spanish exports was also important, pointing to the convergence of aid and trade interests for Spain; finally, path dependency was also key, signaling an inertia in Spanish selection process. Furthermore, there is also a strong aid per capita allocation bias in favor of former colonies (Tezanos, 2008: 20-21). Within this scenario, Spanish aid appears to lack a humanitarian pattern, since policy has not been guided by recipients’ needs and tended to benefit countries with higher levels of income per capita. Nevertheless, among countries with post-colonial ties, aid quotas have been distributed in proportion to the recipient countries’ needs, pointing to a more selective and balanced pattern of allocation. Thus, the lack of selectivity in aid allocation is a result of the peculiarity of the Spanish case, since its former colonies happen to have higher levels of income, leading to a negative bias when it comes to Spain’s commitment to the MDGs and the Aid Law’s requirement to pay special attention to the poorest

countries (27). In fact, Isopi and Mavrotas, 2006, find that Spanish bilateral share of aid devoted to investment in social infrastructure and development projects is significant (14), noting the country's concern with the poorest within their priority countries.

Political changes, however, have had a significant impact on Spanish foreign aid policy. Up until 2004, the Conservative Party's government prioritized national interest in its foreign aid relations. In their approach, they emphasized a bilateral stance, largely supporting U.S. policy in the aftermath of September 11th. In this political context, international development policy was not the focus of foreign relations and ODA disbursements were low according to OECD standards; in 2000, for example, Spain's ODA was USD 1.2 billion, 0.22% of gross national income, ranking 19th out of 22 DAC countries, with a high concentration of aid in Latin America (OECD, 2002).

This approach to development policy encountered strong criticism, not only internationally as seen in the OEDC peer review, but also domestically, especially by NGOs; Intermon Oxfam, for example, started publishing yearly analysis in 2003 about the "reality of aid" in Spain, denouncing the government's lack of orientation towards the international commitments that were made. In other words, Spain was not supporting the new architecture of development assisting that was taking shape with the Millennium Declaration and the MDGs, the Monterrey Consensus and the Rome Declaration on Harmonization of Donor Practices, for instance.

A major shift in policy in international aid came into being when the Socialist Party came to power in 2004. The new government's approach was to drastically change domestic and international opinions about Spain's foreign aid performance. Overall, the government committed itself to international development, promised to substantially increase the volume of aid (with a goal of 0.7% of GNI by 2012), assured greater focus on poverty reduction, while paying better attention to LDCs, and took on a more multilateral approach within the international community (Olivie, 2011: 762). Hence, this domestic condition led to a major change in Spain's development policy in 2004, as the new administration sought to align itself with the international agenda and cooperate with other sectors in a more participatory and planned approach to development policy. In fact, according to OECD data, Spanish ODA tripled between 2003 and 2008 (from USD 1.9 billion to over USD 6.8 billion), with multilateral aid rising sharply (from USD 810 million in 2003 to USD 2.065 in 2008) and most distinctively regarding non-financial institutions (from USD 61 million in 2003 to USD 280 million in 2006 and 260 million in 2008 to UN Agencies). Regarding the geographical allocation, the volume of aid to low-income regions increased (from USD 158 million in 2003 to Sub-Saharan Africa to USD 730 million in 2008), though Spain's traditional specialization in Latin America, and, therefore, middle-income countries, still continues.

4.2. The Millennium Development Goals Achievement Fund (MDG-F)

Following the 2005 UN World Summit, there was a renewed support for international development, with leaders reaffirming their commitment to the MDGs and to committing the necessary resources and assistance needed to achieve the agreed objectives. Also in 2005, ministers of developed and developing countries,

along with heads of bilateral and multilateral organizations, met with the objective to take actions to reform aid delivery and management, leading to the Paris Declaration on Aid Effectiveness, which included 12 indicators to provide a measurable and evidence-based way to track progress and set targets for 11 of the indicators to be met by 2010. Furthermore, Spain’s 2005-2008 Master Plan provided a comprehensive framework for development cooperation, defining objectives and priorities of aid, specifying sector and geographical priorities, and establishing the instruments and mechanism of achieving its strategic vision for improving aid quality and effectiveness; the framework was in line with Spain’s international commitments, particularly regarding the MDGs and the focus on poverty reduction. Finally, the Spanish Agency for International Development Cooperation (AECID) also embraced the new international paradigm, stating that the “Millennium Declaration and the MDGs constitute a program and a methodology common to all in the fight against poverty, and so they are the main points of reference for Spanish international cooperation policy.”²³

Among the many responses to these international advances, the Spanish Government and the UNDP signed an agreement in 2006 to establish the Millennium Development Goals Achievement Fund (MDG-F) with the aim of accelerating progress on the MDGs, whereby Spain would disburse “€528 million²⁴ over the next

²³ <http://www.aecid.es/en/aecid/>.

²⁴ While this is a significant amount (\$710 million USD), according to OECD data, it only represents about 9% of Spanish ODA to multilateral recipients and almost 3% of total Spanish ODA, both for the four-year period between 2007-2010.

Spanish ODA Disbursements in millions of dollars)

Time Period	2007	2008	2009	2010
Recipient(s)				
All Recipients, Total	5139.75	6866.8	6584.15	5949.49
All Multilateral Recipients, Total	1800.81	2065.19	2111.08	1950.63

four years through the UN system, towards key Millennium Development Goals and related development goals in select sectors and countries” (UNDP/Spain MDG-F Framework Document, 2007: 1). This agreement is in line with Spain’s new rationale of increased funding via non-financial institutions, where contributions are more strategic and coordinated on the basis of the MDGs and enhanced by the value-added UN assistance. As stated in the framework document, “with this support, the Government of Spain is demonstrating its firm commitment to international development and to a strengthened multilateral system, and United Nations in particular” and, in line with the priorities set by the Spanish Master Plan for International Cooperation, 2005-2008, “the Spain-UNDP MDG Achievement Fund is a landmark in this expanding institutional partnership” (2).

4.3. The Millennium Development Goals Achievement Fund (MDG-F): Input Legitimacy

4.3.1. A Holistic Vision for Advancing towards a Good Global Society

Input legitimacy refers to the purpose of the governance arrangement which, in order to be legitimate, must include a vision for a good global society and embrace principles of equality. The MDG-F Framework Document (FD) stated that its purpose is to “accelerate progress towards the attainment of the MDGs in select countries” (2). Therefore, the legitimacy of its purpose is deeply intertwined with that of the MDGs themselves. In addition, a number of operating principles guide the activities supported by the fund:

- Programs ought to be anchored in national priorities; national participation in the entire process are considered sine qua non for support by the MDG-F.

- Programs ought to be sustainable and, therefore, the building of national capacities is essential.
- Programs ought to apply the highest standards of quality in formulation, monitoring, and evaluation and management frameworks ought to be oriented towards results and accountability.
- Inter-agency planning and management systems at the country level ought to be consolidated.
- Transaction costs associated with administering the MDG-F ought to be minimized, including having light bureaucratic procedures (3).

Regarding the level of acceptance of these principles, they are aligned with the wider UN MDGs initiative, and the Common Country Assessment (CCA) and UN Development Assistance Framework (UNDAF), which are the common strategic frameworks for the operational activities of the UN system at the country level; they provides an integrated response to national priorities and needs within the framework of the MDGs, the Millennium Declaration and the declarations adopted at other UN conventions. The principles which guide UN programs include:

- Government leadership and participation in all stages of the process.
- Responsiveness to national priorities.
- Focus primarily and coherently on getting results in those areas where the UN collectively can make the biggest difference.
- Ensure an inclusive, dynamic process with a broad range of national and international stakeholders.
- Aim to develop lasting in-country capacities at individual, institutional and societal levels.
- Minimize workload and transaction costs.
- Utilize lessons learned from past development cooperation.
- Address systematically prevention of and response to man-made crises and natural disasters.
- Integrate systematically human rights principles and gender equality as well as sustainable development concerns (United Nations, 2004: 7).

Furthermore, the MDG-F FD reflects the principles of the Paris Declaration of Aid Effectiveness, which have arguable gained support across the development

community. About 136 countries and territories as 27 international organizations have adhered to it and the core principles are:

- Ownership: recipient countries exercise effective leadership over their development policies and strategies and coordinate development actions.
- Alignment: donors base their overall support on partner countries' national development strategy, institutions and procedures.
- Harmonization: donors' actions are more harmonized, transparent and collectively effective.
- Results: managing resources and improving decision-making for results.
- Mutual accountability: donors and recipient countries are accountable for development results.

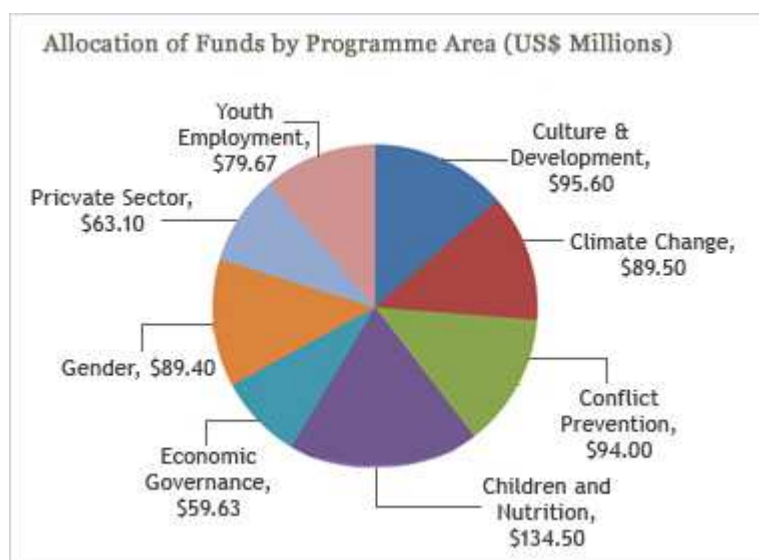
Thus, from a normative perspective, the legitimacy of the MDG-F's principles lie on its upholding of a new consensus about international development, which is that donors and recipient countries ought to interact on equal grounds as partners, as opposed to having a more hierarchical relationship between them. Within this new context, developing countries must also focus on quality and a more result-based approach and donors must align and harmonize their planning and management activities to ensure aid effectiveness. In addition, greater emphasis on sustainability, capacity building, and accountability is sought to achieve the MDGs.

4.3.2. Equal Access to Influence Processes of Institutionalization/ Decisionmaking: Proportional Participation

Regarding inclusion and accessibility to the institutionalization of the MDG-F, a key setback is the strong influence of Spain as a unique player in defining the structure, administration, and eligibility of the fund. Concerning its structure, there are eight program areas that characterize the work of the MDG-F: 1) children, food security, and nutrition; 2) gender equality and women's empowerment; 3) environment and

climate change; 4) youth, employment and migration; 5) democratic economic governance; 6) development and the private sector; 7) conflict prevention and peacebuilding; and 8) culture and development.²⁵ Below is the allocation of funds by program:

Figure 4.1: Allocation of MDG-F Funds by Programme Area



Source: MDG-F website²⁶

While these thematic areas are comprehensive in character and have a valid case for representing the development challenges faced by the poor, programs areas were set by the MDG-F's Steering committee, which is comprised of a representative of the UNDP and the Government of Spain only, therefore inviting little direct feedback from other stakeholders.

For each thematic program, however, terms of reference (TOR) were developed which identify the policy and programmatic goals of the MDG-F in that area. These TORs were prepared by experts on the issue (and approved by the Steering Committee) and they illustrate the types of interventions eligible for support by the

²⁵ <http://www.mdgfund.org/content/whatwedo>.

²⁶ <http://www.mdgfund.org/page/ourprogrammes>

fund. While inclusion and accessibility to this process was still very limited, it did invite the input from civil servants, academics, civil society representatives, and others; even though this was not an explicit requirement, given these experts' professional engagements and advocacy involvement, it is suitable to argue that their views and decisions were informed by the many positions and perspectives that they encountered through their experiences.

With regards to the administration, overall leadership is provided by the MDG-F Steering Committee, composed by the Government of Spain and the UNDP, which according to the FD “sets the strategic direction of the Fund, decides on individual financial allocations, monitors strategic allocations and delivery amongst priorities and countries, and tracks Fund-wide progress” (4). Administration of the funds themselves is entrusted to the Multi-Donor Trust Fund (MDTF) Office of the UNDP, which therefore acts as the administrative agent. Within this administrative structure, there is a clear difference between the international and national levels in terms of participation: while at the international level there is a lack of diversity among those directing and supervising the MDG-F, the national steering committees include the recipient country's government. Even though the Technical Sub-Committees provide advice to the MDG-F Steering Committee, final decisions are limited to only two representatives. While the UNDP provides a more neutral perspective, given the Steering Committee's powers, it should invite a larger and much more diverse group of stakeholders to collectively make decisions in a more inclusive and representative manner.

Concerning the eligibility for the MDG-F, the 57 countries eligible to apply for country level support are those identified in the Spanish Master Plan for International Cooperation, which was approved by the Government and Parliament of Spain.

Table 4.1: MDG-F List of Eligible Countries

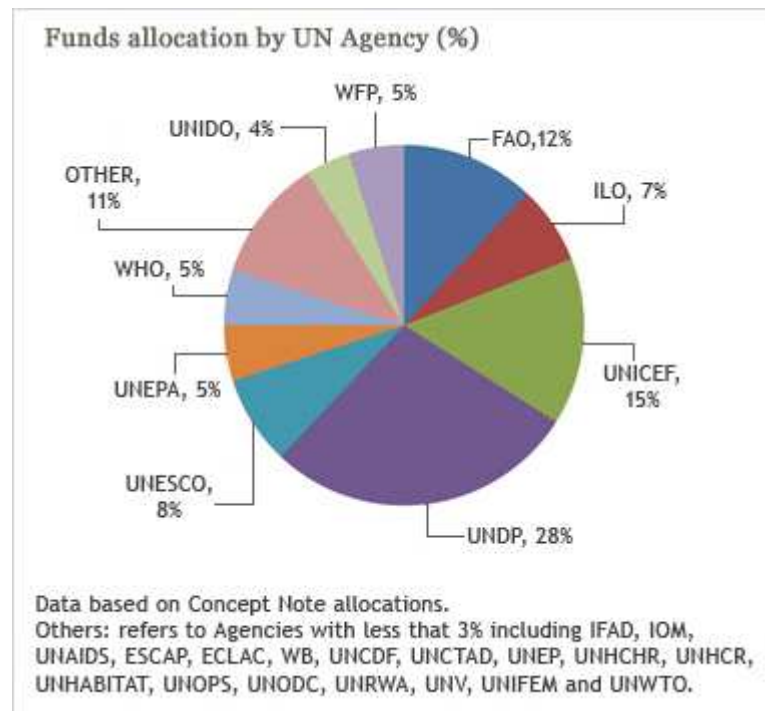
Region (by UNDP classification)	Eligible countries
Africa	Angola, Cape Verde, Democratic Republic of Congo, Equatorial Guinea, Ethiopia, Guinea Bissau, Mauritania, Mozambique, Namibia, Sao Tome & Principe, Senegal, South Africa
Latin America	Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela
Arab States	Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, Palestinian Territories, Sudan, Syria, Tunisia
Europe and CIS	Albania, Bosnia-Herzegovina, Croatia, Kosovo (UN administered province), Macedonia, Montenegro, Serbia, Turkey
Asia	Afghanistan, Bangladesh, Cambodia, China, Timor-Leste, Philippines, Vietnam

Source: UNDP/Spain MDG-F Framework Document: 6

With regards to this aspect, there was a lack of contribution since the decision was restricted to the views and perspectives of the Spanish government and representatives. While the Master Plan provides reasons for this geographical priorities, the focus on Latin America and middle-income countries is largely explained in terms of Spain's comparative advantage; however, given the central involvement of the whole UN Development Group (over twenty), this justification loses its power. In fact, the MDG-F's programs are joint programs and they bring together an average of six UN agencies in a collective effort, as a means of strengthening the UN system's ability to deliver as one entity.²⁷

²⁷ <http://www.mdgfund.org/aboutus>.

Figure 4.2: Allocation of MDG-F Funds by UN Agency



Source: MDG-F website²⁸

Thus, in the setting of the MDG-F, there is a lack of equal contribution to the processes of institutionalization because decisions were restricted to one country, Spain. Despite the input provided by the UNDP, there is a total absence of other stakeholders' influence, since there were no means of participation. Though the MDG-F is a multilateral type of aid provision, given that it is composed by contribution from only one donor, it has a tendency to be characterized more as a bilateral relationship. As noted by the OECD's Peer Review in 2007, Spain's strategy "should ensure that the specific objectives and mandates of multilateral agencies are taken into consideration, as there is a risk that extensive non-core funding might undermine these, turning the organizations into implementers of bilateral donors" (39-40).

²⁸ <http://www.mdgfund.org/page/ourprogrammes>

4.3.3. Capability Equality/Equal Ability to Use Political Freedom: Empowerment of Weak Actors through Resource Compensation

As discussed above, Spain's strong control severely limited the involvement of other stakeholders. The absence of input from developing countries, and the poorest within these countries, means that no effort was made to level the playing field in order to ensure equal ability to participate in the decisions leading up to the establishment of the MDG-F. In addition, those excluded from participation are also the ones who will be most affected by the terms of the MDG-F.

Given the lack of empowerment of weaker actors at the time of institutionalization of the MDG-F, it is only possible to analyze whether the terms of the fund indeed reflect their perspectives, despite their inability to directly voice their opinions. Firstly, the MDG-F supports programs focused on national priorities, that is, activities must be aligned with national strategies and policies. As stated in the FD, the MDG-F ensures the "national participation in the elaboration of applications, an ongoing role in the oversight of supported programs and active participation by national partners in implementation and evaluation processes" (3). This is strongly in line with the new consensus, whereby "development is about autonomy, self-determination, and self-respect, as much as income growth. All these require an aid relationship founded on mutual respect and maximum feasible equality in political power" (Maxwell and Riddell, 1998: 257). In this way, the emphasis on ownership is an attempt to counteract the inequalities of power embedded in the relationship between donors and recipient countries.

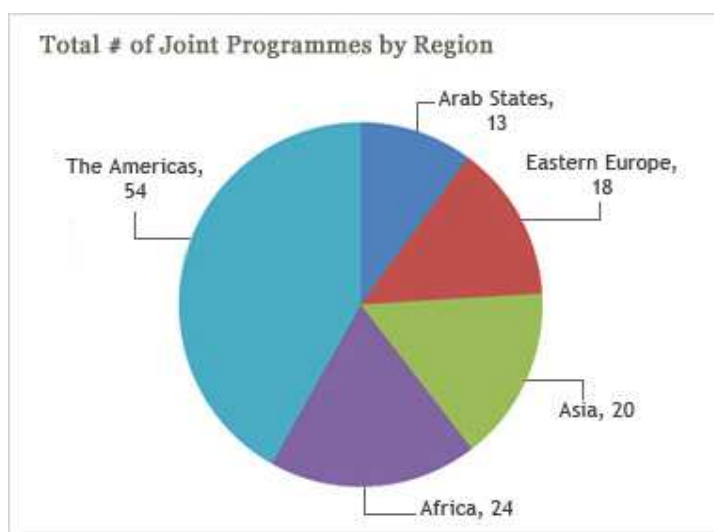
Secondly, the MDG-F emphasizes the need to address national capacities through its very intervention and the FD clearly states this commitment to capacity-building. Following a process of lessons learned and significant changes in the international development cooperation paradigm, a stronger consensus has emerged that aid only works in an environment of good policy. Within this context, there has been an effort to justify aid in a rational manner, by seeking measurable criteria for its effectiveness; good governance standards (for both donors and recipient countries) are a part of the new understanding. Furthermore, the failures of the Washington Consensus highlighted the fact that aid cannot buy good policies, pointing to the complex relationship between poverty reduction and growth policies and the context-dependent character of development processes. Inevitably, structural changes within developing countries are needed, including the readjustment of well-established power structures. Pronk, 2001, explains these dynamics:

A lack of capacity to implement good policy intentions is more often to blame than sheer bad will. It is the conditions for policy-making that matter, and more than ever before the nation state in developing countries is being eroded by forces from outside and within . . . Under such circumstances it is extremely difficult for policy-makers in developing countries to fulfill the conditions of good governance entirely by themselves . . . Countries should be *helped* to stabilize, to adjust, to perform, and to develop, rather than being expected to achieve all this under their own steam . . . Aid can help catalyze the conditions under which development might eventually sustain itself . . . Aid does not create development, but it does help in seeking, finding, choosing and following the right path. That is the purpose of aid (626-627).

It is based on these grounds that the need for capacity building in aid solidified (World Bank, 1998; Hermes and Lensink, 2001). In accordance with this normative approach, MDG-F's support for developing national capacities reflects an effort to empower weak countries (and stakeholders within them) as a means of fostering their ability to exercise their authority in development policy and implementation.

Conversely, a major deficiency in the framework of the MDG-F is that it does not allocate most of its resources to weaker and poorer countries. As discussed above, eligibility for the fund was determined by the Spanish government, which has a strong bias towards former colonies; since these colonies happen to be middle-income, a large portion of funding is not dedicated to the most in need.

Figure 4.3: Total Number of MDG-F Joint Programs by Region



Source: MDG-F website²⁹

4.3.4. Multi-Level Input Assessment

The multi-level aspect of the setting of the MDG-F involves the different interactions that had normative and/or substantive influences on its content. At the center of these interactions was the new international cooperation paradigm that was emerging; the Paris Declaration was the result of a consensus that greater recipient ownership, combined with donor alignment with recipients' priorities and harmonization of actions with other donors, and an overall focus on results and mutual accountability would lead to greater aid effectiveness. Furthermore, within the framework of national ownership, multilateral institutions, such as the World Bank and the UNDP, started to promote capacity building as an integral component of development

²⁹ <http://www.mdgfund.org/page/ourprogrammes>

assistance. Multiple interactions among a myriad of actors took place, from the high-level meetings of the G8 and OECD members to local-level development project implementation, and between heads of state, civil servants, representatives of civil society, and development experts.

At a different level, domestic political transformations steaming from the pressures by the OECD peer review and from strong campaigning by NGOs (such as Intermon Oxfam), led Spain to a paradigm shift of its own with regards to international cooperation. The significant increase in ODA and the Master Plan of 2005-2008 were a reflection of this transformation, which again was the culmination of numerous interactions at many levels. The decision by the Spanish government to set up the MDG-F is arguably the result of these interactions.

Finally, the influence of individuals was also an important one in the making of the MDG-F. The leadership of Spanish Prime Minister, Jose Luis Rodriguez Zapatero took Spanish foreign policy in a dramatic new direction by shifting to a multilateral stance and making serious commitments to the developing world. He renamed the Ministry of Foreign Affairs by adding to it the words “and Cooperation” and promised to spend 0.7% of the country’s Gross Domestic Product on development by 2012—which would have made Spain the first of the top ten industrialized countries to dedicate such an amount. The UNDP’s administrator, Kemal Dervis, headed the UNDP programs in support of the developing countries, and his leadership led to a substantial expansion over the years; he made solid progress in the “delivering as one” agenda concerning the UN’s development work as a whole at the country level, and his ideas had a significant influence in the programmatic design of the MDG-F.

The several individuals involved in the drafting of the TORs for the eight thematic program areas also provided an important contribution to final substantive framework of the fund.

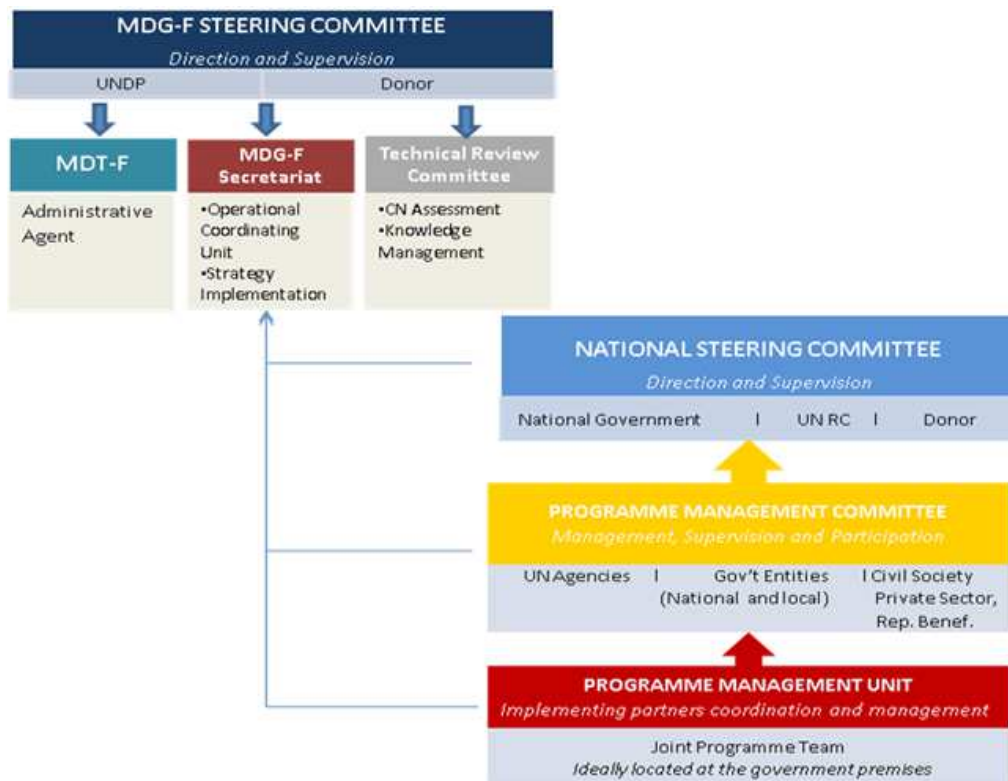
4.4. The Millennium Development Goals Achievement Fund (MDG-F): Process Legitimacy

Process legitimacy refers to the rulemaking aspects and other forms of regulatory and administrative decisions and management of the MDG-F. Principles of administrative law are a useful tool for evaluating the legitimacy of the process leading up to the establishment of the fund.

4.4.1. Checks and Balances

Checks and balances refer to power-sharing in administrative law, where dispersion of authority is a central part of process legitimacy. For the MDG-F this can be analyzed in terms of power-sharing and overlapping rulemaking authority within its structure and how these prevent analytical misconceptions and special interest manipulation of the process. The administrative structure is as follow:

Figure 4.4: MDG-F Governance Structure



Source: MDG-F website³⁰

Regarding the vertical structure, the MDG-F has clear lines of authority, with Steering Committee directing and supervising the operations and implementation activities of the Secretariat (the executive) and overseeing the administrative and fiscal agent (the multi-donor trust fund). In turn, the Technical Review Committee provides knowledge management through expert assessment of programs, therefore providing a check on the Steering Committee’s decisions. At the national context, the national steering committee directs and supervises the program management committee (involving technical assistance, capacity building, expert advice, and activity facilitation), which in turn is in charge of supervising and assisting the program management unit (the actual implementing partners). All these national level units are under the supervision of the international administration.

³⁰ <http://www.mdgfund.org/content/governancestructure>

From a horizontal perspective, authority is more dispersed, with a number of actors exerting influence through both formal and informal means. These actors include the OECD, which exerts influence via Spain's DAC membership; the over twenty UN agencies involved, but particularly the UNDP; the various domestic players in Spain's political arena, including the central government, the Parliament, civil society, and the private sector; and actors within actual and potential recipient countries, as they struggle to influence the process, assert their positions, and secure funding. While power was divided among these numerous actors, the weight of power-sharing was clearly unbalanced, with the Government of Spain (as the donor) exerting a disproportionate level of influence over the process. In this way, there were not any other actors that could discipline or effectively check on Spain's powers, which debilitated policymaking cross-checks in the MDG-F setting.

4.4.2. Monitoring

As previously discussed, the ability to monitor a policy process is dependent on the ability to identify decisionmakers and the process itself and on the availability of documented decisions. In the making of the MDG-F, the key decisionmaker was the Government of Spain and secondarily the UNDP. The process itself can be said to have begun with the transition to the Socialist Government in Spain, in 2004. At that time, the political leadership implemented major reforms that would lead to improved aid effectiveness. The Master Plan 2005-2008 laid out the new strategy which included scaling up its aid volume, a new commitment to sub-Saharan Africa (and therefore greater focus on poverty reduction), and increasing multilateral aid. This 120-page document explains in detail Spain's approach to aid and how it plans to carry it out and can be analyzed as the basis for the MDG-F. Also around the same

period, the signing of the Paris Declaration provides another set of guidelines out of which the MDG-F derives its approach. The UNDP's support for the "delivering as one UN" agenda was its central contribution to the MDG-F programmatic framework. According to this new agenda, the UN family should deliver in a more coordinated way at the country level. The objective is to ensure faster and more effective development operations and accelerate progress to achieve the MDGs. Part of this approach is to work with the UN Resident Coordinators and UN Country Teams to promote a "One UN" approach by influencing UN Development Assistance Frameworks (UNDAF), UN and MDG-F activities.

There are numerous documents available that allow the tracing of these decisions. The OECD Guidelines, the World Bank reports and Poverty Reduction Strategy Papers (PRSPs), the UNDP Reports, Common Country Assessment (CCA) and UN Development Assistance Framework (UNDAF) guidelines, and the Paris Declaration all point to the new international consensus on aid effectiveness; the Spanish Master Plan for Cooperation, 2004-2008 describes the country's new strategy; the OECD Peer Review documents on Spain, 2002 and 2007 and other policy papers (such as the Intermon Oxfam's *La Realidad de la Ayuda*) point to Spain's policy shift. Finally, the MDG-F Framework Document and the TORs for the Thematic Programs provide the background, purpose, objectives, and scope of the governance arrangement.

4.4.3. Transparency

Open procedures are a foundation for process legitimacy. Hence, access to information is necessary to ensure that those who are interested have sufficient and

high quality data and analysis to evaluate the decisions that are being made and carried out.

As stated above, the MDG-F is largely the result of domestic transformations within Spain. From this perspective, the transparency of the process is dependent on the level of transparency of the Spanish government as a whole. As a developed country, Spain's standing is relatively high on transparency levels, ranking 23 in the 2005 Transparency International's corruption index. At the same time, the fact that these processes took place mostly within the country means that access to the information was somewhat restricted. Nevertheless, the sophisticated activities of Spanish civil society led to the divulgation of information, especially since many organizations have transnational links that allowed for greater reach. The Master Plan also provides detailed data and analysis of the Spanish international cooperation strategy, including specific policy objectives, targets, and mechanism for implementation and evaluation.

Even though the details of the negotiations between the Spanish Ministry of Foreign Affairs and Cooperation and the UNDP are not publicly available, information regarding their decisions is available on the MDG-F website and this information is closely in line with previous documents stating both parties' positions and strategies regarding advancing towards the MDGs. Furthermore, this information is also in line with the international commitments of these agencies and the quality of the data and types of analysis provided allow for extensive scrutiny by interested stakeholders.

4.4.4. Notice

Promoting analytical assessment of policy proposals, taking into account different views, and engaging a variety of perspectives are essential for process legitimacy. This can only be achieved by publishing draft policy proposals with notice and comment. The website of the Ministry of Foreign Affairs and Cooperation states that the “strategic planning is based on processes of participation and consensus among all Spanish Cooperation actors as it is described by the Law for International Cooperation, assuring coordination among all actors.”³¹ According to the Spanish Law, the State Secretariat for International Cooperation formulates the Master Plan, following the dictum of the Development Cooperation Council and the Inter-Territorial Commission for Development Cooperation (Article 19.3). The latter is the coordination organ among all Spanish Public Administrations, and it must inform and ensure participation by all such Public Administrations in the formation Master Plan (Article 23.1.c). The Inter-Ministerial Commission on International Cooperation is also to be notified of the process (Article 24.2). The Parliament must debate and approve the plan (Article 15.1) and a Parliamentary Commission for International Development Cooperation must be informed about the implementation of the plan (Article 15.3). Hence, there is an extended process of analytical assessment among Spanish development cooperation agencies, which includes the participation of the various Public Administrations and members of the Parliament; there is not, however, engagement with Spanish civil society at large, which limits the scope of contributions in the process.

³¹http://www.maec.es/en/MenuPpal/CooperacionInternacional/Planificacion/Paginas/planificacion_cooperacion.aspx.

Regarding the opportunity to comment on the MDG-F FD, only the Spanish State Secretariat for International Cooperation and the UNDP, along with their respective civil servants, were involved in the drafting of the policy document. While the positions of these actors were certainly informed by their constituents, no notice was given nor comments requested to be incorporated into the final draft of the document.

4.4.5. Hearings

Interested individual and civil society groups should be provided with the opportunity to observe and contribute to policymaking. There is no requirement for hearing in the Spanish Development Cooperation Law nor were there any hearings part of the formulation of the Master Plan; likewise, during the making of the MDG-F FD, no hearing took place as a means to make decisionmakers aware of the concerns and views of the public. The absence of such exercise of requesting the scrutiny of civil society and in this way linking the public to decisions being made at the international level poses a challenge to the legitimacy of the MGD-F process.

4.4.6. Requirements for Representation

A legitimate global governance process must incorporate a requirement for representation as a means to ensure inclusion of key parts of the international community. Representative institutions are the only legitimate actors that should carry out the implementation of international policies.

At the level of the Spanish Government, representation is defined by the country's democratic system. According to the Economist Intelligent Unit Democracy Index,

Spain was considered a full democracy in 2006, ranking number 16. While this fact does not necessarily guarantee that there is a perfect representation of its citizens, it does point to a relatively developed system of democracy within the current established standards. The involvement of the Parliament (the most representative body) in the Spanish international development cooperation governance demonstrates strong requirements of representation within the country. With regards to the MDG-F process, however, this translates only into limited representation. Given that the fund will mainly affects the people in developing countries, their exclusion severely damages the representational legitimacy of the process. Even though the Spanish people may have poor people's best interest in mind, decisions should be based on their actual representation.

The UNDP is the UN's global development network, operating under the principles and values of the organization. According to the UNDP's website, the "Executive Board is made up of representatives from 36 countries from around the world who serve on a rotating basis. Through its Bureau, consisting of representatives from five regional groups, the Board oversees and supports the activities of UNDP."³² The Board includes a president and four vice-presidents and there are five regional groups, with eight African states members, seven Asian states members, five Latin America and Caribbean states members, four Eastern European members, and twelve Western European and other states members (i.e. developed countries).³³ From a geographical perspective, the UNDP's Board includes all regions and, even though developed countries are over-represented, they are still the minority and the Executive Board's information note clearly states that "it must be responsive to the

³² http://www.beta.undp.org/content/undp/en/home/operations/executive_board/overview.html.

³³ http://www.beta.undp.org/content/undp/en/home/operations/executive_board/membership.html.

needs of program countries.” Thus, representation requirements at the UNDP ensure a more fair distribution of influence among stakeholder, therefore assuring a more legitimate process.³⁴

4.4.7. Requirements for Deliberation

Legitimate governance involves communication between formal decision-making bodies and networks of civil society; furthermore, this process of deliberation should allow civil society to effectively influence policymaking. Since the ability to participate in a meaningful way is not evenly distributed, procedures must be in place to ensure opportunities for consultations.

According to the OECD-DAC Peer Review of Spain, 2007, the Master Plan 2005-2008 was “based on a nationwide consultation exercise, thus ensuring a high degree of support from all Spanish development stakeholders” (10). However, the review also states that autonomous regions and local administrations should be part of these deliberations, clearly stating that such “decentralized actors should be involved in the consultations” (12). Given that these local administrations are in closer proximity to civil society and, therefore, better-positioned to create a link between them and formal decisionmakers, such drawback diminishes the effectiveness of deliberations. Furthermore, the absence of those affected by the decisions (the poor in developing countries), is an even more objectionable feature of these deliberations.

At the same time, however, the MDG-F’s framework is deeply embedded in the MDGs process itself and the new international consensus on aid delivery. For this

³⁴http://www.beta.undp.org/content/undp/en/home/operations/executive_board/information_noteonthe_executiveboard.html.

reason, deliberations that contributed to the setting of the MDGs as the central objective of international development cooperation and the discussions that shaped the resolve to focus on aid effectiveness via new principles had a strong influence in the objectives and scope of the MDG-F. Thus, to the extent that these global civil society deliberations indeed influenced the decisionmakers of the MGD-F, the legitimacy of its process is enhanced.

4.4.8. Requirements for Justification

The popular to consent to a governance arrangement's objectives and procedures through justification is another component of process legitimacy. Following the formulation of a policy, a justificatory discourse is required in order to provide legitimating arguments in favor of the activities being implemented.

Following the policy shift that took place in Spanish international development approach, the government has attempted to justify its donor decisions (particularly to its citizens) on two fronts. Firstly, there is a normative discourse, whereby the fight against poverty is argued to be “the noblest battle in which citizens can engage” and, for this reason, “the Government and Spanish people want to be first in line for this fight.”³⁵ The Master Plan states that eradicating poverty is “a universally held ethical imperative” and that “the need has been recognized to guarantee the provision of what are termed global public goods,” and therefore the main goal of the Spanish government's foreign activity is the fight against poverty (4). In addition, the plan argues this policy, “given the nobility of its objectives and the justice that it aims, is strongly rooted in the conscience of Spanish citizens” (5). Following this line of

³⁵

<http://www.maec.es/en/MenuPpal/CooperacionInternacional/Paginas/Cooperacion%20espaola.aspx>.

thought, it is argued that since the Millennium Declaration and the MDGs are the strong international consensus on how to reduce world poverty, they are to be the main points of reference of the Spanish development strategy (20-21). Secondly, in line with the Paris Declaration, the Spanish government justifies its activities through a results-based discourse, whereby effectiveness *per se* is grounds for intervention. In light of this, the Master Plan argues that the government will strive to improve the management and quality of aid through more coherent policies, harmonization among donors, alignment of policies with those of beneficiary countries, and greater ownership by the latter. On a technical level, it argues it will ensure more planning, foreseeability and measurability of results, along with incorporating lessons learned (5); furthermore, it explains that “the results and impacts desired will be clearly stated and, depending on that, the resources and actions needed to attain them will be identified” (114). Additionally, the Ministry of Foreign Affairs and Cooperation reaffirms “the government’s promise to increase the quality of Official Aid to Development” and argues that the assessment of results will be one of the most relevant activities of its programs.³⁶

Regarding the MDG-F more specifically, the fund’s website also justifies its existence based on the same arguments discussed above. Since the MDG-F largely derives its legitimacy from the MDGs themselves, and the UNDP’s work on advancing these goals, the normative strength of the objective to eradicate poverty is somewhat taken for granted in the rhetoric. Regarding the results-based justification, the website exhibits a lot of data on the number of programs, countries, entities and other partners involved, as well as project-specific achievement to date³⁷ and it is

³⁶ <http://www.maec.es/en/MenuPpal/CooperacionInternacional/Evaluacion/Paginas/evaluacion.aspx>.

³⁷ <http://www.mdgfund.org/ourprogrammes>.

also stated that “with the aim of improving aid effectiveness, all MDG-F-financed programs build on the collective strength of the UN.”³⁸ Finally, the MDG-F Framework Document justifies itself according to these two lines of arguments.

4.4.9. Inspections and Audits

Regularly scheduled policy reviews, audits, or inspections of decisionmaking procedures and outcomes by independent third parties help ensure legitimate processes. The MDG-F FD explicitly states the following:

Activities carried out by the UN Agencies shall be subject to internal and external audit as articulated in their applicable Financial Regulations and Rules. In addition, the Steering Committee will consult with the UN Agencies on any additional specific audits or reviews that may be required, subject to the respective Financial Regulations and Rules of the UN Agencies. Participating Organizations will provide a summary of their internal audit key findings and recommendations for consolidation by the AA and submission to the Steering Committee (11).

All UN agencies are subject to meticulous auditing procedures. The UNDP, for example, maintains internal controls and undergoes external auditing in accordance with UN standards (UNDP, 2000). The MDG-F’s information disclosure policy also states that all relevant documentation on UNDP budgets for management and program activities, such as the audited financial statements and the annual report of UNDP’s Office of Audit and Investigations are publicly accessible.³⁹ Moreover, midterm and final evaluations of all 128 joint programs are carried out by independent consultants, with detailed TORs for assessing performance and improving programs during their implementation period.⁴⁰ In 2011, a MDG-F Lessons Learned Report outlined the efforts made, lessons learned and challenges faced by the MDG-F and its participating countries. The document was based on a

³⁸ <http://www.mdgfund.org/aboutus>.

³⁹ <http://www.mdgfund.org/disclosurepolicy>.

⁴⁰ <http://www.mdgfund.org/content/monitoringandevaluation>.

discussion paper prepared by an independent evaluator and on feedback from country-level experiences. Thus, the MDG-F has an institutionalized a system of independent inspections of the implementation and results of its program; this system includes the readjustment of policies based on findings.

4.4.10. Judicial Review

Judicial review provides a fundamental control on delegated decisionmaking. At the international level, however, such mechanism is weak and means for appeal and reconsideration are lacking. While, as discussed above, the MDG-F has institutionalized measures for review of implementation and outcomes, it is also important to include opportunities for affected people to make claims on the successes or failures of achieving the promises set forth by the fund.

The set-up of the MDG-F can be described as a multilateral aid delivery system. In such setting, the administrative arrangement is one of providing assistance; in this way, the relationship between the fund management and the target audience (the poor) is one of the former helping the latter. In order for aid delivery to be truly effective, such relationship should be converted into one of obligation, rather than assistance. Only a compulsory relationship between assistance-providers and aid recipient can ensure effective results; judicial review could be a mechanism of enforcing such commitment and it should apply to all implementers: donor governments, recipient governments, multilateral agencies, and other implementing organizations.

4.4.11. Multi-Level Process Assessment

In multi-level governance, policy processes are a collection of interactions between numerous of players, within many different contexts. The multi-layered and informal aspects of these contexts can allow abuses of power and negative results, due to harmful actions or failures to act. For this reason, administrative rules are necessary to regulate these interactions and to ensure policymaking processes are carried out legitimately.

The new consensus on international development cooperation, which primary included the achievement of the MDGs and a focus on aid effectiveness, was the international context out of which the MDG-F emerged. Such consensus was the result of a process of multi-level deliberations about progress towards the MDGs and the need to reform the ways in which aid was delivered and managed. These deliberations took place at many different settings, at the local, domestic and international levels and, for these reasons it is hard to track all these interactions, which points to monitoring challenges and a transparency deficit. Moreover, due to the unstructured manner in which events took place, no hearings, notice, or requirements for representation were in place to ensure the inclusion of different views and engagement with diverse analytical perspectives. In fact, the legitimacy of these processes relies mainly on mechanisms of justification, and the Paris Declaration itself, along with the rhetoric employed by donors and multilateral organizations, such as the World Bank, are examples of the rationalization discourse in favor of this new consensus.

Looking at the exchanges taking place within the Spanish domestic context, the key legitimatizing component is that they are embedded in the administrative mechanisms of a developed country. The Master Plan for international cooperation came about through a process embedded in domestic checks and balances, where a thorough process of planning was carried out, notice was given to all Spanish cooperation actors, development stakeholders were consulted, procedures were transparent and monitoring of the process was possible through the identification of actors and documentation of decisions. The government also engaged in justificatory discourse to clarify the objectives and instruments for implementing the policy, which led to a broad consensus and high degree of support (OECD, 2007). Conversely, however, this process excluded those whom the policy would impact the most (i.e. the poor in developing countries), since there were no formal representation of their views nor were they included in the deliberations taking place. Nevertheless, these domestic processes were certainly influenced by the multi-level exchanges taking place in the international sphere and, as discussed above, the domestic political shift that happened within the Spanish government was also shaped by high-level interactions with other world leaders and international organizations and by the transnational links between Spanish and other civil society organizations.

Regarding the context of the MDG-F set-up, process legitimacy was strongly reliant on the international consensus that was established. For this reason, no hearings or notices were carried out and the deliberations that took place outside the immediate MDG-F context were seen as the legitimatizing component of its process; likewise, the justificatory exercise was also largely taken for granted, since there was a broad

international consensus about achieving the MDGs and ensuring a more results-based approach. Representational legitimacy at the international level was embodied by the UNDP, given its more diverse constituency, extensive engagement in developing countries and mandate to help the poor build better lives. At the same time, however, as the sole donor, the Spain government had an unbalanced power when it comes to influencing the MDG-F process, which is problematic since its constituency is limited to the Spanish people and its allegiance resides with them. With regards to other procedural aspects such as transparency, monitoring, and audits and inspections, the MDG-F has taken utmost care in making sure these are implemented in the most thorough manner to ensure its legitimacy. The addition of a judicial review could be a final step to grant affected people the opportunity to appeal the decisions and actions taken on their behalf.

4.5. The Millennium Development Goals Achievement Fund (MDG-F): Outcome Legitimacy

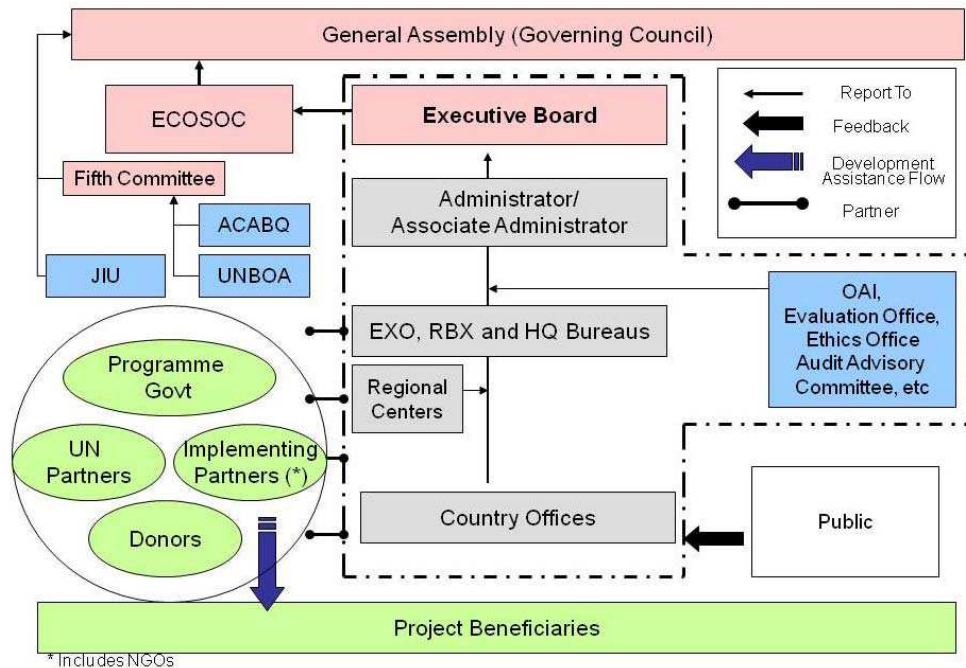
Outcome legitimacy refers to the validation of results based on the assessment of benefits. It is through reviewing the successes and failures of policies that results can be sanctioned. Accountability mechanisms operate after the fact, by subjecting actions and decisions to review and judging them accordingly. As previously discussed, the absence of a clear principal-agent model at the international level allows decisionmakers to acquire their power without any sort of clear delegation. For this reason, accountability mechanisms must be flexible and adjustable. Thus, in assessing the legitimacy of the MDG-F's outputs, different methods of accountability ought to be applied.

4.5.1. Hierarchical

Hierarchical accountability relates to bureaucratic organizations and the relationships within them. For the MDG-F, the key implementing multilateral organization that can be held responsible under this mechanism is the UNDP. As a UN Agency, the UNDP is supervised by State officials and civil servants are scrutinized about their ability to serve the organization, as well as their capacity to prove their utility and value. The Executive Board of the UNDP, comprised of 36 members from five regional groups, was created by General Assembly resolution 48/162 in 1993 and is under the authority of the Economic and Social Council (ECOSOC). Its functions are clearly specified in this resolution, along with membership directives, rules and procedures, decisionmaking and working methods, and reporting and documentation.⁴¹ Furthermore, the UNDP accountability system is described in detail by the UNDP's Accountability Framework and Oversight Policy Document (UNDP AFOP) and the relationship between the key actors involved are explained in the figure below:

⁴¹ <http://www.undp.org/execbrd/overview.shtml>.

Figure 4.5: UNDP Accountability System



Key

- Pink – Governing bodies/committees
- Green – programmatic partners/beneficiaries
- Blue – institutional oversight arrangements
- Grey – UNDP

Source: UNDP Accountability System: 23⁴²

From a hierarchical perspective, the decentralized operations of the UNDP lead to an elaborate bureaucratic system of accountability. Nevertheless, there are numerous procedures in place to precisely articulate roles, responsibilities and authorities. Working under the UN, the UNDP is accountable to program countries, including project beneficiaries, as well as to donors (I.B.5.). Furthermore, one of the principles of accountability includes formal and consistent delegation of authority, whereby “authorities, responsibilities and accountabilities are clearly defined, formally delegated and consistent” (II. A.15.(c)). Finally, regarding organizational accountability, the document states that:

⁴² <http://web.undp.org/excebrd/pdf/dp08-16Rev1.pdf>

As an organization, UNDP . . . is accountable to the Executive Board for the direction of management and for the outputs of programs at the country, regional and global levels, as approved by the Executive Board. . . The resolutions arising from the Triennial Comprehensive Policy Review, the Executive Board-approved UNDP strategic plan and its development results and institutional results matrices form part of the basis of UNDP accountability to the Member States, who, in turn, are accountable to their citizens and/or project beneficiaries for the resultant development goals and priorities (II. D. 21).

While lines of delegation are long and authorities multiple, the bureaucratic nature of the UNDP imposes constraints on actors and allows for decisions and activities to be identified and results to be judged according to pre-determined mechanisms in place.

4.5.2. Supervisory

Supervisory accountability occurs in relations between organizations and between actors, where one acts as a principal and the other as the agent. Within the UNDP accountability framework, staff accountability is highlighted as one of the main components of the system, and it is defined as follows:

[M]anagers are to provide adequate resources and appropriate tools, and delegate appropriate levels of authority to staff. Staff are to utilize these resources, tools and authority in an effective and efficient manner, in accordance with the regulatory framework of UNDP, in order to achieve objectives and results . . . It is the duty of the individual staff member to exercise defined responsibilities appropriately, with a clear understanding of the consequences, and to explain and justify to the official who conferred the authority the results achieved and the manner in which the authority was exercised. Individuals (including managers) in UNDP are accountable to the organization for expected ethical and professional conduct, and to their managers for how they discharge the authority delegated to them in delivering agreed performance results and budgets (II.D.27).

Hence, within the UNDP, staff and the managers who delegate authority have clear lines of supervisory accountability, whereby requirements to explain performance and consequences to the failure to achieve results are included in this relationship.

The Spanish government, as a donor, is supervised by domestic entities. In addition to requesting approval for the Master Plan, the government also reports on its implementation of international development policies to the Parliament; in this way, through domestic mechanisms, the Spanish Parliament exercises supervisory accountability over the government for its performance in overseeing MDG-F programs. This supervisory role of the Parliament is assisted by the involvement of Spanish civil society organizations that take upon themselves the task of supervising the government's activities, usually with the support of local CSOs as well.

Finally, the MDG-F Steering Committee has the explicit role of supervising the national steering committees located in the countries where programs are being implemented. In fact, this is the most direct line of supervisory accountability, since the MDG-F Steering Committee is specifically responsible for scrutinizing the exercise of authority at the national levels, evaluating the results, and sanctioning the outcomes of programs.

4.5.3. Fiscal

Fiscal accountability is the means through which funding agencies and donor countries can demand information about how funds were expended and can sanction them according to their assessment of the data. As the fiscal agent for the MDG-F, the UNDP is the entity in charge of ensuring such accountability. According to the MDG-F FD, participating organizations in receipt of resources will provide an annual financial report as of 31 December each year with respect to funds disbursed to it; a final financial report after the completion of all activities financed with the fund; and a final certified financial statement following the closing of project

activities. Furthermore, the administrative agent prepares a consolidated financial report consisting of the reports submitted by each participating organization and submits the report to the MDG-F Steering Committee; decisions by the Steering Committee are shared with all stakeholders. Finally, internal and external audits are carried out in accordance with applicable financial rules and regulations of UN agencies, and participating organizations provide summaries of audit key findings and recommendation for consolidation by the administrative agent and submission to the Steering Committee. Detailed information is found in the Multi-Partner Trust Fund annual report, including expenditures per country, per thematic area, per program, per organization, and per sector.⁴³

Overall, financial reporting of the MDG-F allows for strong fiscal accountability. Information and data analysis is extensive and exceptionally disaggregated, which allows accountability holders the ability to trace the allocation of funds and correlate expenditures and results. While disbursements alone cannot account for successful outcomes, the fiscal procedures in place grant a measure of outcome legitimacy to the governance arrangement.

4.5.4. Legal

Legal accountability refers to the requirement to abide by formal rules and to have actions judged via official mechanisms. In the case of the MDG-F, the legal basis for accountability lies within the Spanish domestic legal framework. While the MDGs *per se* are not enshrined in law, the 1998 International Development Cooperation Law clearly states that poverty eradication is a central objective of Spanish

⁴³ <http://mdtf.undp.org/factsheet/fund/MDG00>.

international cooperation, and affirms that the law applies to all activities involving the transfer of public resources, material and human, to developing countries, including direct transfers and those via multilateral organizations (Article 1.2). Furthermore, it assigns the main responsibility for formulating and implementing cooperation policy to the Ministry of Foreign Affairs and Cooperation, which is the entity that signed the MDG-F Framework Document and established the fund through an agreement with the UNDP.

Thus, there are strong grounds for legal accountability for the MDG-F. While those affected by the law (the poor in developing countries) have little or no means of forcing decisionmakers to justify their actions in Spanish courts, the normative strength of this formal binding by law provide an important mechanism to hold implementers accountable for the outcomes of the MDG-F programs.

4.5.5. Market

Market accountability refers to the influence donor governments and private actors exert by rewarding and punishing behavior. As discussed above, historically, motivations for aid provision have included many aspects, such as donors' interests, recipient countries' needs and, more recently, the effectiveness of results. In line with the new international consensus on development cooperation, Spanish policy focus has been on the effective delivery of aid. Furthermore, Spain emphasizes its comparative advantage in Latin America, and persists on directing most of its aid to middle-income countries, as opposed to concentrating on poorer countries with greater need.

As the MDGs framework largely operates within the OECD market of donors, recipient countries and organizations ought to behave in ways they expect will be rewarded with additional funding. In the context of the MDG-F, this means managing and delivering aid according to the principles advanced by the Paris Declaration. The MDG-F FD states the following:

The Fund will support innovative actions with the potential for wide replication and high-impact in select countries and sectors, within the framework of the Millennium Declaration's global partnership for development and the Paris Declaration on Aid Effectiveness. The Fund's decisions and approach will be informed by the imperatives of ensuring national and local ownership of Fund-supported activities, alignment with national policies and procedures, coordination with other donors, results-orientation and mutual accountability.

From this perspective, market accountability helps ensure that MDG-F programs focus from the beginning on the results that ought to be achieved; however, it is important to point out that such market mechanism promotes the achievement of overall results, as opposed to encouraging positive changes where the need is greatest. In other words, the market structure of incentives, mainly set by OECD donor countries, helps advance some positive outcomes, but is not able to ensure that the most optimum outcomes (i.e. the ones benefiting those with the greatest need) are the ones pursued. Thus, market accountability mechanisms of the MDG-F produce mix results when it comes to supporting legitimate outputs.

4.5.6. Peer Review

Peer accountability refers to the evaluation of the performance of actors and organizations by their counterparts. Within the context of the MDG-F, the government of Spain and the UNDP are the entities overseeing program implementation by the fund. As an OECD-DAC member country, Spain is subjected to regular peer reviews by other donor countries. When analyzing the 2002 and 2007

reports, it is clear that Spain responded to some strong criticisms, such as including a clearer hierarchy of principles and objectives, with poverty reduction as the overarching goal, in its Master Plan; establishing a more results-oriented approach to programming and implementation; integrating the MDGs and indicators as a framework for assessing performance; and increasing overall aid volume. While these drastic changes in development policy were only possible due to a major shift in Spanish domestic politics, it is evident that the government turned to its peers following its decision to substantially improve its approach; all of these suggestions for improving Spain's performance were incorporated in the 2005-2008 Master Plan, and the MDG-F itself can be interpreted as one of these responses.

Even though there is not a systematized peer review for multilateral organizations, the UNDP has been subjected to a peer review of its Evaluation Office, in an attempt to assess whether the evaluations produced were credible, valid, and usable for learning and accountability purposes; in other words, the peer review was a mechanism to hold the UNDP accountable for its ability to successfully implement its accountability system. Furthermore, the Multilateral Organization Performance Assessment Network (MOPAN), a network of 16 donor countries which assesses the organizational effectiveness of the major multilateral organizations, has also reviewed the performance of the UNDP; as part of the review exercise, the UNDP has also responded to the MOPAN with written comments, effectively leading to a learning exercise. In fact, the reviews of all multilateral organizations are available on the website,⁴⁴ which allows for both exchanges and incentives to ensure better policy implementation.

⁴⁴<http://www.mopanonline.org/publications>.

4.5.7. Public Reputational

Public reputational accountability occurs when the need to preserve credibility provides a mechanism for accountability; the effectiveness of this mechanism is dependent on the actor's susceptibility to such public reputational sanctioning. In the MDG-F context, the government of Spain must uphold its reputation in order to be regarded as a deserving member of the OECD-DAC. As a "donor club," DAC membership can be seen as the achievement of a high status, as members are granted the opportunity to define and monitor global standards in key areas of development. Since Spain only joined the DAC in 1991, it is a relatively new member and therefore in need of demonstrating its equal standing with other more established donors.

Moreover, the government of Spain is under strong reputational pressure in the domestic context. As previously elaborated, support for foreign aid is usually weak and governments must convince their publics of the benefits of international cooperation. Since it is in the government's interest to increase its foreign aid budget, it must uphold its reputation with regards to its ability to deliver positive results. In this way, public reputational accountability is stronger when the government is in need of greater support for international development endeavors.

The UNDP is under strong reputational pressure since its credibility is essential to its ability to carry out its mandate. As the UN's global development network, helping countries with their development needs is at the heart of the organization and the very reason for its existence. Given that the UNDP's work is largely reliant on its relationship with donors and other partners, maintaining a high reputation for its

knowledge-base, procedural integrity, program implementation capacities, and ability to deliver results are necessary for its on-going support and effectiveness. Thus, reputational accountability is a valuable tool in ensuring outcome legitimacy for the MDG-F.

4.5.8. Multi-Level Outcome Assessment

Multi-level global governance poses challenges to the ability of holding actors accountable for their action during the implementation of policies. Principal-agent problems are at the center of these challenges, as the principal may not be fully aware of the actions of the agent and the latter may promote outcomes that do not correspond with the principal's objective. Furthermore, sanctioning mechanisms are weak, so there is a lack of incentive to ensure the best outcome possible.

The Spanish government, as sole donor to the MDG-F and member of the Steering Committee, is largely held accountable by the domestic mechanisms in place, including supervision by the Spanish Parliament, formal rules and procedures set in law, and public reputation of its performance. While in principle these mechanisms exert strong control over the government's actions, the principal-agent problem described above hinders the effectiveness of these controls. Since the Spanish Parliament and the Spanish public are not the beneficiaries of the MDG-F, they are not well informed about nor are they involved in the program activities; for this reason, they are not well-positional to review the fund's performance and sanction their government according to the conclusions reached. The fact that these accountability mechanisms are restricted to the Spanish context and lack the

involvement of affected people (and effective principals) severely damages the outcomes legitimacy of the MDG-F.

The UNDP, as the administrative and fiscal agent and member of the MDG-F Steering Committee, is the key implementing actor. It is held accountable through the extended hierarchical system under which it is set-up and the detailed accountability framework that defines the responsibilities of actors within the organization and allows for the sanctioning of results. Furthermore, the UNDP's susceptibility to peer pressure and public reputation provide an effective control over the organization's behavior. Since the successes and failures of the MDG-F programs are largely determined by the activities carried out by the UNDP, its accountability is of utmost importance and grants the fund a significant level of outcomes legitimacy.

At the level of MDG-F direct management, strong supervisory and fiscal accountability mechanisms are an important legitimizing factor. With regards to market accountability, however, the incentives in place to hold actors accountable for effective results undermine the obligation to hold them accountable for achieving the most needed results. Since output legitimacy involves ensuring the most beneficial outcomes, such dogmatic commitment to effectiveness has a negative impact on the governance arrangement's legitimacy.

4.6. Concluding Remarks

In this chapter, I have linked the establishment of the MDG-F to the motivations that lead to foreign development aid. While some aid allocations are more in line with the recipient's needs, others are more connected to the donor's interest, such as colonial

past and political alliances or trade benefits. In the case of Spain, while the law states that the main objective of aid is to eradicate poverty, foreign policy has been directed towards countries that share historical links; in addition, these countries are also Spain's key economic partners. After the end of the Cold War, and particularly in the late 90s, a "new aid architecture" emerged, whereby foreign aid started to respond more to the economic needs and the quality of recipient countries' policy and institutional environment. The Spanish Aid Law and Master Plan indeed affirm that the government should take into account commitment by recipient countries to development objectives and to reaching the goals of the Millennium Declaration. Nevertheless, in the 1993-2005 period, being part of the Spanish colonial past, having greater shares of Spanish exports, and being a previous aid recipient granted a country the highest probability of receiving aid from Spain. Hence, even though aid quotas were distributed in proportion to need among countries with post-colonial ties, Spanish development aid tended to benefit countries with higher levels of income per capita.

Furthermore, given that Spain is the sole donor and the UNDP is the fiscal agent of the MDG-F, the fund has a unique set-up involving both bilateral and multilateral aid characteristics. While multilateral aid is more closely associated with recipients' needs, bilateral aid is more in line with donors' interests—with multilateral aid being more selective in terms of recipients' good policies and more focused on poverty. Even though there are many reasons that explain why governments choose multilateralism, the answer lies in the domestic politics of each country. In the case of Spain, a major policy shift in foreign aid came into being when the Socialist Party came to power in 2004 and drastically changed the country's development aid

performance in order to align itself with the international agenda. Part of the government's commitment to change was taking a more multilateral approach, including a sharp increase in multilateral aid, especially via non-financial institutions such as the UNDP; however, the traditional specialization in Latin America continued. The MDG-F is an example of this response by the Spanish government to the renewed international commitment to the MDGs following the 2005 UN World Summit and the Paris Declaration on Aid Effectiveness.

The aim of this chapter was to apply to the MDG-F the legitimacy framework presented in chapter 2, taking into account the multi-level implications involved at the international level. In terms of input legitimacy, the MDG-F vision is to accelerate progress towards the attainment of the MDGs in select countries; the principles are national participation; sustainable programs; quality, results-oriented, and accountability; consolidation of planning and management systems; minimization of costs and light bureaucratic procedures. Therefore, it is aligned with the wider UN MDGs initiative, including the Common Country Assessment (CCA), the UN Development Assistance Framework (UNDAF), and the Paris Declaration of Aid Effectiveness. From this perspective, the vision for advancing towards a good global society is closely in line with the purpose and values of the MDGs themselves and, for this reason, the MDG-F largely derives its input legitimacy from them. Regarding political equality, the strong influence of Spain as a unique player in defining the structure, administration, and eligibility of the fund point to the limited access to influence the process of decision-making and institutionalization of the fund; program areas were defined by the Government of Spain and the UNDP only—even though the TORs for each thematic area of the fund were prepared by experts,

including civil servants, academics, and civil society representatives. In addition, the Spanish Government and Parliament defined the eligible countries and for this reason there is a focus on Latin America and middle income countries. With regards to equal ability to use political freedom, according to the MDG-F activities must be aligned with national strategies and policies and there is an emphasis on ownership as an attempt to counteract inequalities of power embedded in the relationship between donors and recipient countries; there is also commitment to capacity building as an effort to empower weaker countries and stakeholders. Nevertheless, the absence of input from developing countries and the poorest within these countries during the establishment of the MDG-F is a major flaw, especially since those excluded from participation are the ones who will be most affected by the decisions; not allocating most of its resources to weaker and poorer countries is another shortcoming of the fund.

In terms of process legitimacy, there are positive and negative aspects regarding the ten administrative law mechanisms set forth by the framework. With regards to checks and balances, lines of authority are divided between the Steering Committee, the Secretariat, the Administrative Agent (UNDP), and the Technical Review Committee at the international level and the National Steering Committee, the Program Management Committee, and the Program Management Unit at the national level; authority is dispersed among many institutions and agencies, including the OECD, over twenty UN agencies, various domestic players in Spain, and actors in potential recipient countries. The weight of power-sharing, however, is unbalanced, with the Government of Spain exerting a disproportionate level of influence. In terms of monitoring, it is possible to identify the Government of Spain and the UNDP as

key decision-makers; the Spanish Master Plan for Cooperation 2004-2008, the signing of the Paris Declaration, and the UNDP's support for the "delivering as one UN" agenda laid out the development strategy to be pursued and events were monitored by Spanish government agencies, Parliament, and civil society; at the same time, surveillance over the process of the MDG-F was mostly restricted to the Spanish domestic arena and high-level officials at multilateral institutions. Concerning transparency, there is a high level of openness in the Spanish government; there was broad divulgation of information due to activities of Spanish civil society and there is extensive information regarding decisions on MDG-F website—though the details of the negotiations between the Spanish Ministry of Foreign Affairs and Cooperation and the UNDP are not publicly available. Regarding notice, there was an extended process of analytical assessment among Spanish development cooperation agencies, including the participation of various Spanish Public Administrations and the Parliament; however, there was no engagement with Spanish civil society and only the Spanish State Secretariat for International Cooperation and the UNDP, along with their respective civil servants, reviewed and commented on the draft MDG-F framework document. There were no hearings during the formulation of the Spanish Master Plan and the MDG-F framework document. In terms of requirements for representation, Spanish institutions are democratic and the Parliament was involved in the Spanish international development cooperation governance. In the UNDP, there are 36 country representatives serving the Executive Board on a rotating basis and five regional groups in the Bureau. Nevertheless, representatives from developing countries were excluded from decisions made within the Spanish context and developed countries are over-represented in the UNDP's Board. Regarding

requirements for deliberation, the Spanish Master Plan 2005-2008 was based on a nationwide consultation exercise, though autonomous regions and local administrations were not part of Spanish deliberations; despite the fact that the MDG-F framework is embedded in the consultation processes of the MDGs and the new consensus on aid delivery, those affected by the decisions (poor in developing countries) were absent from the deliberations. The Spanish government, the MDG-F framework document and the MDG-F website justify the MDG-F through discourses arguing for the fight against poverty and results-based effective intervention. On the subject of inspections and audits, all UN agencies are subject to meticulous internal and external auditing procedures; all MDG-F documentation on budgets, such as audited financial statements and annual reports, are available for inspection and mid-term and final evaluations of all 128 joint programs are carried out by independent consultants. There is no judicial review mechanism to enforce MDG-F commitments.

In terms of outcome legitimacy, there are also positive and negative aspects regarding the seven dynamic accountability mechanisms included in the framework. With regards to hierarchical accountability, the UNDP, as the key implementing organization, is constrained by State officials and civil servants scrutinized by member-states and other institutions; the UNDP's Accountability Framework and Oversight Policy Document articulates roles, responsibilities, and authorities. Nevertheless, long lines of delegation and multiple authorities pose challenges to this mechanism. In terms of supervisory accountability, the UNDP has a system of staff accountability and the role of the MDG-F Steering Committee is to supervise national Steering Committees. The Spanish government is supervised by domestic entities, including the Parliament and Spanish civil society—though Spanish

institutions and civil society can only demand "surrogate accountability" because developing countries are the ones being impacted. On the subject of fiscal accountability, there are annual and final financial reports and final certified financial statement provided by institutions in receipt of funds and the UNDP submits consolidated financial reports to the Steering Committee, which are shared with all stakeholders. The effectiveness of this mechanism is dependent on the ability of funders to successfully review and sanction the financial information provided. Concerning legal accountability, the MDG-F is linked to the Spanish domestic legal framework, including the 1998 International Development Cooperation Law; however, poor people in developing countries have no means of forcing decision-makers to justify their actions in Spanish courts. Regarding market accountability, recipient countries operate within the OECD market of donors and must abide by the principles of the Paris Declaration on Aid Effectiveness; at the same time, this mechanism promotes the achievement of overall results as opposed to encouraging positive changes where the need is the greatest. In terms of peer review, Spain is subjected to regular peer reviews by other donors under the OECD-DAC mechanism and the UNDP is subjected to a peer review of its Evaluation Office and also reviewed by the Multilateral Organization Performance Assessment Network (MOPAN). Finally, Spain is susceptible reputational sanctioning by other OECD-DAC members and by the Spanish public and the UNDP's credibility is under strong reputational pressure from donors, partners, and recipient countries.

At the international level, there are many challenges that hinder legitimate governance. Firstly, the unstructured nature of international governance grants developed states a defining leverage to shape development interventions. Since aid

delivery is largely regarded as a form of assistance to developing states, as opposed to an obligation, donor countries are given almost full control over how and where aid is provided. This is reflected in the fact the MDG-F structure, administration, and eligibility were defined according to the policies set forth by the Spanish government, inviting little input from the countries and people that would be affected by the decisions. Likewise, accountability mechanisms, such as supervisory, fiscal, legal, and peer review, are largely linked to the Spanish government and its willingness to sanction results. Secondly, the multi-level character of the arrangement leads to linkages problems. While within the scope of the MDG-F it is easier to embed procedures and follow lines of delegations, many times those involved in monitoring and overseeing the process are not the ones in the best position to do so. Even though there are monitoring and transparency requirements, as well as inspections and audits, actors at the international level do not have all the knowledge needed to administer the process; similarly, their ability to review and sanction the financial information provided is limited. Finally, the international institutionalization of governance may lead to harmful incentives. Setting standards for processes and outcomes is necessary to ensure purpose and direction, but such standardization may impose limitations. The fact that the MDG-F framework is strongly embedded in the Paris Declaration system that promotes the achievement of overall results also means that interventions where the need is greatest, but results less certain, may be overlooked and not pursued.

CHAPTER V

LEGITIMATE GLOBAL GOVERNANCE?

THE MDG-F IN TURKEY

With the establishment of the MDG-Fund, a myriad of projects were designed and implemented in the eligible countries with the purpose of advancing the objectives of the MDGs. At the country level, global and domestic norms, processes and accountability mechanisms merge and actors are required to find ways of accommodating discrepancies. The aim of this chapter is to assess national level legitimacy of a global initiative given the particular dynamics of this setting. By analyzing the experience of Turkey, with a special focus in one of the projects being carried out, this thesis will depict the many features, challenges, accomplishments, and risks of the governance arrangement. After providing background information on the MDGs context in Turkey, this chapter will examine the project “Harnessing Sustainable Linkages for SMEs in Turkey’s Textile Sector,” which involves the Government of Turkey, three UN agencies, an implementing NGO, and a number of relevant issue-related stakeholders. By scrutinizing the Turkish government’s development plan and the project document and by taking stock of in-depth

interviews with key actors, this thesis will evaluate the legitimacy of the vision, processes and potential outcomes at the country level.

5.1. Legitimate Governance at the National Level

5.1.1. The MDGs Status in Turkey

In many respects, Turkey is on its way to reaching the MDGs targets. According to the Millennium Development Goals Report for Turkey, 2005, the key challenges were the pockets of poverty and significant structural inequalities based on gender and geography. For this reason, the main focus should be on goal 1, eradication of poverty and hunger; goal 3, gender inequality; and goals 4 and 5, child and maternal mortality respectively (11). In the period between 2005 and 2010, however, Turkey achieved significant progress, particularly regarding child and maternal health, so the country is expected to achieve the targets for this area by 2015. Nevertheless, the Millennium Development Goals Report for Turkey, 2010, once again highlighted the geographical and gender inequalities, arguing that special attention should be paid to goal 3, gender equality, which is the area where “Turkey is most likely to encounter serious difficulties and structural obstacles” (13).

This section will focus on the status of Turkey regarding goal 1 (eradication of extreme poverty and hunger); goal 3 (gender equality); and goal 8 (develop a global partnership for development). This thesis will highlight these three goals because the Project under study in this chapter aims at contributing towards the achievement of these particular goals. Turkey officially started to combat poverty in the mid-1990s and efforts gained momentum with the declaration of the MDGs. The objective

centered on decreasing inequalities in income distribution and eradicating absolute poverty (MDGs Report Turkey, 2005: 12). Turkey is not in a grave situation with regards to poverty indicators. Regarding MDG target 1, indicator 1, the proportion of the population subsisting on less than \$1 dollar per day was 1.1% in 1994, 0.2% in 2002 and reduced to nil in 2006. The proportion of food poverty was 1.35% in 2002 and declined to 0.54% in 2008. Hence, extreme poverty does not exist in Turkey and food poverty is at relatively low levels (MDGs Report Turkey, 2010: 14). For indicator 2, the 1994 poverty gap ratio was quite high at 1.54, but it dropped to 0.26 in 2002 and decreased further to 0.21. This means that a great number of poor people that are close to the food poverty line could escape poverty with only a small income transfer (15). Regarding indicator 3, the share of the poorest 20% group in consumption increased between 1994 and 2008, but since 2005 it started to decrease in rural areas only. Nevertheless, the consumption level the richest quintile is approximately four times higher than that of the poorest quintile (15). In addition, there are significant interregional disparities in income distribution between different regions, with the regions of Eastern and Southeastern Anatolia having a low income share (13.4%) compared to their share of population (23.5%) (18). With regards to target 2, Turkey does not face a hunger problem; for indicator 4, the prevalence of underweight children under five years of age was 8.3% in 1998, 3.9% in 2003, and 2.8% in 2008. Furthermore, the urban-rural difference in these numbers is diminishing: in 2003 the proportion of underweight children was 5.9% in rural areas and 2.8% in urban; in 2008 it was 4.8% in rural and 2.1% in urban (22). Regarding indicator 5, in 1994 2.9% of the population could not meet their minimum food costs, while in 2003 the food poverty ratio was 1.29% and in 2008 it was 0.54%. Thus, overall trends indicate Turkey's progress towards achieving MDG 1; however,

employment policy is a key tool for addressing ongoing poverty, which is still significant in rural areas. Labor force participation is 48.3% and participation of women 26.6% (MDG Report Turkey, 2005: 19). While agriculture is the main employment generating sector in rural areas, its share of GDP is disproportionately low compared to the volume of employment and this is an important cause of poverty. In 2003, 33.9% of the population was employed in agriculture, while the share of GDP was only 12.6% (19); in 2009, 24.7% of employment was in agriculture and its contribution to GDP was only 8%. (MDG Report Turkey, 2010: 23). Therefore, policies that diversify the economic resources of poor people, as well as policies that upgrade the qualification and skills of the under-qualified labor force in rural areas and that encourage the participation of women in the work force should be central to alleviating poverty and regional inequalities in Turkey.

Turkey's goal by 2015 is to ensure equality in gender in all fields and promote the empowerment of women by providing education, increasing their participation in the non-agricultural work force, and increasing their participation in the country's administration. With regards to MDGs target 4, indicator 9, the gender ratio of girls to boys in primary education was around 94% between 1990 and 1996. In 1997-1998, compulsory education rose to eight years and the gender ration dropped to 85.7%. Between 2000 and 2009 the gender ratio in primary education increased from 89.7% to 98.9%, which means that Turkey has almost reached the target of eliminating gender inequality in primary education (MDGs Report Turkey, 2010: 29). However, there are fewer girls than boys in the education system in both primary and secondary education. For secondary education the ratio was 74.43% and for tertiary education 74.50% in 2003 (MDGs Report Turkey, 2005: 27). In 2008 the

ratio for secondary education rose to 88.9% and for tertiary education to 80.1% (MDGs Report Turkey, 2010: 30), but these increases are still not satisfactory. Furthermore, the indicator is based on enrollment information, not graduation and given that women's level of education is directly related to their participation in the labor force, these discrepancies remain a significant hindrance for Turkey to achieve its MDGs. For indicator 10, between 1990 and 2002 the ratio of literate females to literate males increased from 91.4% to 96.3%, but the rate of improvement has been slowing down since 1996 (MDGs Report Turkey, 2005: 29). Nevertheless, this indicator is subjective because it is based on individuals' self-evaluation. Regarding indicator 11, only one-fifth of women in wage employment are working in non-agricultural sectors in Turkey (30). In fact, a great majority of working women is involved in agricultural activities as unpaid family workers. In 2009, 41.7% of women were employed in the agricultural sector and 82.5% of women working in non-agricultural sectors were wage-earners (MDGs Report Turkey, 2010: 31). Therefore, increasing women's participation in non-agricultural sectors will increase the ratio of women in wage employment. Finally, for indicator 12, between 1991 and 2007 the proportion of women in the Turkish Grand National Assembly increased from 1.8% to 9.1% (32), but women only have 50 out of the 550 seats and Turkey ranks 107th out of 175 countries when compared worldwide (UNDP, 2008: 332). Thus, while the Turkish Constitution and other laws guarantee formal equality between men and women there is an urgent need to define and implement principles of equal rights and opportunities for women. At the lower socio-economic levels, women's chances of accessing and staying in school decline and at lower levels of education, women's chances of joining wage-earning jobs decreases as well. In turn, education and jobs are crucial for women's empowerment, which affects their

capacity to have a real say in the lives they live and in the decisions made by their government and society that directly impact them.

Goal 8 relates to developing a global partnership for development and it applies to developed countries' responsibility for the poor. While Turkey is certainly a developing country, its middle income status grants it a certain level of responsibility for some relevant targets and indicators. Target 13 relates to addressing the special needs of least developed countries; with regards to indicator 33, the Turkish International Cooperation Agency (TICA) was founded in 1992 and Turkey became a donor country within the framework of South-South cooperation. In the 2000s, Turkey expanded its development assistance to developing countries and total ODA increased from \$73 million dollars in 2002 to \$780 million dollars in 2008, going from 0.032% to 0.11% of GNI between those years (MDGs Turkey Report, 2010: 55). Even though Turkey's contributions are small, such development assistance indicates Turkey's interest in contributing to the efforts of other countries in achieving the MDGs. For indicator 34, in 2008 Turkey was above OECD-DAC average in terms of proportion of total bilateral, sector-allocable ODA to basic social services (education, health infrastructure, and so on), which are the ones that have a significant impact on development (58). Target 16 relates to developing and implementing strategies for decent and productive work for youth. As discussed above, labor force participation, employment rates, and labor education and productivity levels are low in Turkey, particularly for women, while at the same time unemployment rates, share of agriculture in employment, and informal employment are high. In 2004, the unemployment rate for youth was 19.7%, whereas total unemployment rate was 10.3% (MDGs Report Turkey, 2005: 68). Hence, a number

of policies have been developed to reform the labor market to increase the participation of women and youth, to provide vocational education to improve the skills of workers, and to support entrepreneurship and SMEs, which have a high capacity to create new jobs (67). Target 18 refers to making available the benefits of new technologies in cooperation with the private sector. Turkey endeavors to become an information society are at the heart of its development strategy; it hopes to achieve this by improving international competitiveness and welfare through increased resources and cost efficiency, which is to be achieved by effective use of information in economic and social life (68). The information Society Strategy for 2006-2010 demonstrates the Turkish government's approach for using information and communication technology to make a positive contribution to the way public services are delivered, businesses function, and citizens lead their daily lives. Thus, Turkey's economic development has allowed it to align itself with other emerging middle income countries and to take on certain responsibilities that such status entails. The country's entrance into the donor club is a reflection of its aspiration to join the European Union's elite arrangement, but it continues to be an ODA recipient country and it receives significant financial assistance within the framework of full membership negotiations. Overall, Turkey's key long-term development challenge lies in implementing a successful employment policy for youth and women; such policy involves information and communication technologies, institutional reform, and private and public sector development.

5.1.2. The Turkish Development Context

The Turkish Development Plan is the fundamental policy document that lays out the economic, social and cultural development transformations that Turkey aims to

realize. The Ninth Development Plan envisions Turkey as “a country of information society, growing in stability, sharing more equitably, globally competitive and fully completed her coherence with the European Union” (T.R. Prime Ministry, 2006: 11). The drafting of the document involved the establishment of 57 *ad hoc* committees, in which 2252 representatives of the public and private sector participated. Five strategic objectives are set forth: 1) increasing competitiveness; 2) increasing employment; 3) strengthening human development and social solidarity; 4) ensuring regional development; and 5) increasing the quality and effectiveness of public services (12). Ten principles were established as the basis for achieving these objectives:

- an integrated approach including economic, social and cultural aspects
- societal contribution and ownership through strengthen dialogue and participation
- human-focused development and management approach
- competitive market, effective public administration, and democratic civil society as institutional complements
- transparency, accountability, participation, efficiency and citizen satisfaction as standards for the provision of public services
- government withdraw from production of commercial goods and services and strengthen policymaking, regulating and supervising functions
- resource constraints shape prioritization in policy formulation
- subsidiarity principle
- strengthening of social cohesion and structure within the framework of common heritage and shared values
- protection of natural resources, cultural assets and the environment (13).

The key development axes are as follows:

Figure 5.1: Turkey's Strategy of the Ninth Development Plan



Source: T.R. Prime Ministry, 2006: 14

While the development plan makes no direct reference to the achievement of the MDGs, a number of policy areas and policy priorities do coincide. Under the pillar of increasing competitiveness, the government plans to improve the business environment through efforts of supporting corporate governance, particularly in SMEs, as well as raising the education level of the labor force and using information and communication technologies (117). The increasing employment pillar is central for Turkey's achievement of the MDGs and it particularly targets the qualification of labor through a number of policies, such as entrepreneurship training, employment guarantee programs, professional consultancy and guidance services, vocational training courses and industrial training seminars (121-122). Under the strengthening human development and social solidarity pillar, there is a focus on enhancing the

educational system; however, though the document mentions the need to focus on rural areas and girls to reduce school drop outs and increase rates of transition to secondary education (100), a much stronger, targeted policy is necessary in this area in order for Turkey to achieve goal 3. In fact, there is no direct statement regarding gender equality policies despite the fact that this is the area where Turkey encounters the most serious difficulties and action is needed to overcome deep rooted obstacles. Also under this pillar is the objective of improving income distribution, social inclusion and the fight against poverty. Here the government states that it will give priority to the access of disadvantaged groups to education, health, housing, social services and employment services because of their exposure to the risk of poverty and social exclusion; a common database is to be established to identify persons who will benefit from social services and benefits (123). Hence, the approach for reducing inequality in income distribution and poverty is sustainable growth and employment, as well as access to education, health and work benefits/services as opposed to a more aggressive policy of income transfers and policies aiming at leveling the playing field. The ensuring regional development pillar rightfully addresses the issue of reducing interregional disparities. Part of the policy includes building an investment environment for differentiated SMEs, including increasing the financing recourses, facilitating market access, and supporting clusters and networks for driving sectors (124); support will also be given to increase institutional capacity at the local level as well as for cooperation and partnerships among local administration, private sector, and NGOs for the creation of cooperative networks and information exchange (125). And finally, the increasing quality and effectiveness of public services pillar focuses on institutional revamping and restructuring in terms of delegation of powers and duties from the central government, as well as increasing

implementation capacity through a strategic management approach that is participative, transparent, accountable, based on performance and result-oriented (125). Information and communication technologies will be tools in this process, along with the upgrading the legal system and better implementation of the rule of law within the scope of EU norms (61-62).

Thus, the Turkish development plan includes policies that diversify the economic resources of the poor by improving the business environment through corporate governance, raising the educational level of the labor force, and using information and communication technologies. The increasing employment pillar addresses the important aspects related to long-term employment. Also central to the achievement of the MDGs are the policies concerning enhancing the educational system and improving income distribution, social inclusion and the fight against poverty. The regional development pillar targets the problems related to regional inequality and offers specific policies in that area. There is also a focus on making available the benefits of new technologies as a means of improving institutional capacities and cooperation for development. Conversely, the special needs of women are extremely neglected in the scope of the plan; policies to encourage the inclusion of girls in the educational system, that increase the participation of women in the work force, and that highlight principles of equal rights and opportunities for women are lacking. Hence, exactly in the areas where Turkey needs most attention in order to achieve the MDGs, the government has not designed the necessary policies and strategies to overcome the challenges. Part of the reason may lie in the fact that gender equality is hard to achieve through policies alone, as there are deep social and cultural roots keeping it in place. Nevertheless, the empowerment of women in Turkey is the key

development transformation that is necessary for the country to achieve the MDGs and, therefore, policies and interventions should concentrate on changing the structural obstacles of social and economic gender disparities.

5.2. The MDG-Fund Program in Turkey and the “Harnessing Sustainable Linkages for SMEs in Turkey’s Textile Sector” Project

As discussed in the previous chapter, Turkey was one of the countries eligible for MDG-F funding. At the country level, programs are formulated to address national MDGs that are part of the United Nations Development Assistance Framework (UNDAF), the common strategic framework that guides the activities of the UN system in each country. For Turkey, the UNDAF, 2005, focuses on meeting the development challenges within the context of the country’s EU accession process and commitments to achieve the MDGs, by taking into account national priorities and international commitments. Three general themes are set forth: 1) democratic governance (including the environment); 2) reduction of poverty and disparities (covering basic social services); and 3) promotion and protection of rights of women, children, and youth. On the MDG-F’s side, eight program areas were established: Children and Nutrition, Conflict Prevention, Culture and Development, Development and the Private Sector, Economic Governance, Environment and Climate Change, Gender, and Youth, Employment and Migration.

The MDG-F Turkey country webpage states that Turkey has the potential to achieve and even go beyond the MDGs. Furthermore, however, it highlights that there are challenges ahead and “eradication of poverty and hunger, gender equality, reducing child mortality, and improving maternal health remain as primary areas of

improvement for Turkey.”⁴⁵ In this context, four projects were chosen to be supported within the scope of the eight MDG-F program areas:

- MDG-F 1680: Enhancing the Capacity of Turkey to Adapt to Climate Change, under MDG-F program area “Environment and Climate Change;”
- MDG-F 1792: Alliances for Culture Tourism (ACT) in Eastern Anatolia, under MDG-F program area “Culture and Development;”
- MDG-F 1928: Growth with Decent Work for All, under MDG-F program area “Youth, Employment and Migration;”
- MDG-F 2067: Harnessing Sustainable Linkages for SMEs in Turkey’s Textile Sector, under MDG-F program area “Development and the Private Sector.”⁴⁶

While the legitimacy of each of these project choices could be analyzed under the framework provided by this thesis, only one will be taken into account to allow for an in-depth evaluation, taking a holistic and multi-level approach. The project chosen through random selection was “Harnessing Sustainable Linkages for SMEs in Turkey’s Textile Sector.” In order to examine this project, the project proposal document will be reviewed; however, the main source of information will derive from field research whereby key actors were interviewed:

- General Secretariat of Istanbul Textile and Apparel Exporters’ Associations (ITKIB): Özlem Gunes, EU Project Office
- Joint Program Manager: Inci Atac-Rosch, UN Consultant
- UNDP: Murat Gursoy, Program Specialist and Advisor
- ILO: Özge Berber Agtas, Senior Program Assistant for the Project
- Ministry of Economy: Mehmet Emrah Sazak and Hurol Karli, General Directorate of Exports
- Ministry of Development: Emrah Ongut, Textile Industry Expert

The Project document was signed by three UN agencies, UNDP, ILO and UNIDO⁴⁷, and by two national coordinating authorities, ITKIB and the Ministry of Foreign Affairs. As mentioned above, the project tackles MDGs 1, 3, and 8 and in terms of the UNDAF it focuses on the reduction of poverty and disparities and on improving

⁴⁵ <http://www.mdgf-tr.org/index.php?LNG=2>.

⁴⁶ <http://www.mdgfund.org/country/turkey>.

⁴⁷ UNIDO was contacted for an interview but the National Coordinator for the Program, Damla Taskin, did not make herself available.

the status of women. In fact, outcome 2 of the UNDAF highlights poverty and regional and gender disparities as a major development concern, particularly in the eastern part of Turkey, and argues that the UN system will “provide support to the integration of Small and Medium-size Enterprises (SMEs) in local and global chains by means of clustering, entrepreneurship and business development services” (8), among other types of support. Outcome 3 calls for a more protective environment for women, children and youth to claim and fully enjoy their rights, and the UN system agrees to focus on awareness raising and capacity-building at national and local levels on planning, policymaking, reporting, protecting, and enforcing the rights of women, children, and youth (8). Thus, there are two clear lines of alignment between this MDG-F project in Turkey with UNDAF between the UN system and the government.

The Project focuses on two main outcomes: 1) strengthening productivity and innovation capacities of SMEs in the Turkish textile industry, especially in poor and vulnerable areas, through capacity building efforts on clustering, business linkage development, and effective use of information and communication technologies; and 2) integration of sustainable development, corporate social responsibility (CSR) principles, and gender equality into the Turkish SMEs in the textile sector through sector assessment, development of tools, guiding materials and case studies, and sector specific CSR trainings on gender, social, and environmental conduct (3). The first outcome is related to MDG 1 and 8 and to UNDAF outcome 2; the second outcome is related to MDG 3 and to UNDAF outcome 3. Furthermore, the Project establishes eight outputs to achieve these two outcomes:

Table 5.1: Outcomes and Outputs of the MDG-F Project in Turkey

<p>Outcome 1: Productivity and Innovation Capacities of the SMEs in the Turkish Textile Industry, Especially in Poor and Vulnerable Areas, Strengthened through Enhanced Collaboration and Networking for Increased Competitiveness</p>	<p>Outcome 2: Sustainable Development, CSR Principles, and Gender Equality are Integrated into the Business Processes and Practices of the Turkish SMEs in Textile Sector for Increased Competitiveness</p>
<p>Output 1: Value Chain Management Portal (VCMP), a web-based platform that disseminates technologies and ensures collaboration among all sector companies and relevant actors</p>	<p>Output 5: Assessment report on sustainable development, MDGs awareness, and gender, social and environmental conduct among Turkish SMEs in the textile sector</p>
<p>Output 2: Cluster and network development initiative to enhance the capacity of national SME support and advisory institutions in the field of business linkages and policy development (also focusing on ICT)</p>	<p>Output 6: Implementation of awareness capacity building strategy on sustainable development and gender, social, and environmental conduct for SMEs through training programs</p>
<p>Output 3: SME Innovation Research and Advisory Center (IRAC) for effective business-academia collaboration through trainings and consultancy services</p>	<p>Output 7: Development of a CSR strategy report for the textile sector to be implemented in selected firms and integrated into National Strategy/policies</p>
<p>Output 4: Support scheme for innovation in pro-poor and gender sensitive business models</p>	<p>Output 8: Strengthening the awareness of national authorities about the environmental impact of the textile sector</p>

Source: Project Document

Thus, there are clear linkages between the Project’s outcomes and those established by the Turkish government and the UN system. The following section will analyze the Project’s legitimacy in terms of its structure and purpose, processes, and accountability mechanisms, while taking into account the international, national, and local dimensions (multi-level approach).

5.3. The MDG-Fund in Turkey: Input Legitimacy

5.3.1. A Holistic Vision for Advancing towards a Good Global Society

Input legitimacy refers to the overall purpose of the project which, in order to be legitimate, must include a vision for a good society and uphold principles of equality.

The Project's document states that it aims to "enhance the international competitiveness of SMEs in the textile and clothing sector of Turkey, especially those located in poor and vulnerable regions, in order to integrate them into the global and domestic value chains" (3). The JP Manager argues that the project will contribute in terms of "preparing the textile sector for the future by improving the utilization of technology [for business] . . . and by increasing awareness about CSR issues." According to her, these two interventions will impact the community level by increasing efficiency and competitiveness. ITKIB highlights the concept of increased awareness from a societal level and how this can help SMEs see the value in changing their practices. The ILO sees the project as a means of increasing cooperation among the many stakeholders and contributing to changing the minds of people about their rights as workers and the rights of women; however, she underlines that many of the concepts, such as gender equality, are culturally embedded in society and, for this reason, the issues at stake have multiple effects on the way people want to live their lives. The Ministry of Economy views the Project as a means to solve the employment problems in Turkey and, given the significant participation of women in the sector, also contribute to gender equality. The Ministry of Development argues that the vision of this Project is for the Turkish textile and clothing industry to increase its value-added in terms of production, exports, and wages. The UNDP's vision is that the textile sector in Turkey "becomes the cleanest and most decent value-chain in the world," given that it is the only place in the world where all economic activities for the sector is carried out in a very small geography. Hence, the vision involves both a private sector and a public mandate: on the one hand it envisions a prosperous textile sector that provides employment opportunities and enhances the country's economic performance and on the other it envisages a

society more aware of people's rights and enjoying the benefits of better business practices.

The principles underlying this vision are “responsible competitiveness” and “decent work environment” (Project Proposal: 3). The approach includes three interconnected pillars: 1) productivity: the adoption of modern business management practices, the formation of clusters, and utilization of information and communication technologies; 2) innovation: openness to innovative business models; and 3) corporate social responsibility (CSR) and sustainability: abiding by CSR principles (2-3). More specifically, these principles include a number of standards, such as environmental responsibility, protection of human rights, such as the abolition of child labor, and working conditions, including gender equality, safety and fair treatment (Gunes, Personal Interview). Regarding the level of acceptance of these principles, productivity and innovation are at the heart of modern society and the engine of growth of the economic system (Mills, 1951; Tejinder, 2010). While they are seen as fundamental for economic development, by themselves they do not encompass the necessary values that allow for human development. In the absence of other social values, productivity and innovation will not automatically lead to the building of a good society.

CSR principles are closely aligned with the UN Global Compact, which are ten universally accepted principles in the areas of human rights, labor, environment and anti-corruption.⁴⁸ These principles have been upheld by several UN resolutions, numerous international organizations, such as the European Commission and

⁴⁸ <http://www.unglobalcompact.org/AboutTheGC/index.html>.

Parliament, the G8, the G20, the African Union, as well as individual governments, civil society organizations, and businesses. These principles are:

- Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights;
- Principle 2: make sure that they are not complicit in human rights abuse;
- Principle 3: Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- Principle 4: the elimination of all forms of forced and compulsory labor;
- Principle 5: the effective abolition of child labor;
- Principle 6: the elimination of discrimination in respect of employment and occupation;
- Principle 7: Businesses should support a precautionary approach to environmental challenges;
- Principle 8: undertake initiatives to promote greater environmental responsibility;
- Principle 9: encourage the development and diffusion of environmentally friendly technologies;
- Principle 10: Businesses should work against corruption in all its forms, including extortion and bribery.

Moreover, these principles are also in line with many ILO conventions. According to Agtas, “the project argues that it is going to raise awareness on CSR and decent work, which is the framework initiated by the ILO; the decent work agenda is part of this project as well. Therefore, the overall framework was shaped by the ILO’s norms and standards” (Personal interview). Thus, from a normative perspective, the legitimacy of this Project’s principles lies on the promised welfare that should result from economic growth and on a number of internationally supported codes of conduct regarding business practices and workers’ rights. The challenge to its legitimacy, therefore, is the balance among these different principles, for productivity and innovation may thrive in the midst of bad business behavior and working conditions, while at times implementing good business practices and upholding workers/gender rights may come at the expense of productivity and innovation in the short-term.

5.3.2. Equal Access to Influence Processes of Institutionalization/Decision-making: Proportional Participation

Regarding inclusion and accessibility to the institutionalization of the Project, a key feature is the strong leadership of the UNDP Turkish office. According to Gursoy, when the MDG-F launched its call for proposal, the UNDP program managers came together to discuss which projects proposals would fit best with the priorities set forth by the secretariat. The approach was to “see how the UNDP’s Turkey’s portfolio and project proposals at hand matched with the priorities of the MDG-F” (Personal interview). He explained that the Turkish ministries were involved from the beginning and as soon as there was internal agreement within the UNDP that certain projects could be submitted for funding, the UNDP engaged with other UN agencies and then reached out to relevant ministries. Given their ongoing engagement resulting from the Country Program Action Plan (CPAP), which lays out the types of intervention the UNDP wants to carry out in Turkey for the next five years, the ministries are already aware of what the UNDP would like to do, as UN agencies are constantly exchanging ideas with government officials. In fact, at the top, there is the United Nations Development Cooperation Strategy (UNDCS), which is a document prepared by all UN agencies in cooperation with the government of Turkey and each UN agency also prepares a CPAP, their individual action plan. Therefore, the government/ministries are aware of the goals and activities of the UN agencies in Turkey. Furthermore, once a project is developed, a Local Project Appraisal Committee (LPAC) is formed to give the final “go ahead” for the project. It is composed by the Ministry of Foreign Affairs, the Ministry of Development, and all concerned ministries. Even if the project was approved by the

MDG-F Secretariat, it could not be carried out without LPAC approval; hence, the government was heavily involved in the project's preparation and endorsement.

There was limited inclusion beyond UN and government involvement in the identification of the MDG-F projects in Turkey. According to Gursoy, there was no needs assessment carried out to find out which projects would have the greatest impact in helping Turkey achieve the MDGs. Furthermore, Atac-Rosch argues that this project was not designed by the communities nor does it come from the grassroots; in fact, she explains that there is a fatigue of projects at the moment as there are too many EU projects being implemented and the communities are "fed up;" the region was chosen without knowing it (Personal interview). Regarding the choice itself, she explains that Turkey does not need much support in private sector development; however, once private sector development chosen, focusing on the textile sector was the right choice. Nevertheless, she argues that if the aim is to develop a project for poverty reduction, it is important to look at different provinces and then identify the sectors that are relevant in those places and not the other way around; it is necessary to look at the poorer provinces and decide what can be done in the interest of those provinces. Regarding the MDGs in Turkey, she believes that the highest priority should have been a project focusing on gender issues, as this is the area where the country lags behind the most. In her view, in order to ensure access to the institutionalization and decision-making of the project, potential beneficiaries should have been allowed to apply. For example, local governments or local NGOs/universities should have been allowed to reach out to the UN and demand project they believed would benefit them the most. There was participation at the national level, but not at the local level.

With regards to the administration, there are three committees managing and coordinating the Project. The National Steering Committee consists of a representative of the Turkish Government, a representative from the Government of Spain, and the UN Resident Coordinator; this committee makes decisions for all four MDG-F projects being implemented in Turkey. The Program Management Committee (PMC) provides operational coordination to the project and includes the UN Resident Coordinator, all participating UN agencies (UNDP, UNIDO, ILO), ITKIB, relevant ministries (Ministry of Industry and Trade, Ministry of Labor and Social Security, Ministry of Economy, and Ministry of Development), the Southeast Anatolia Regional Development Administration (GAP RDA), and the Chambers of Commerce and Industry of Kahramanmaras, Gaziantep, Adiyaman, and Malatya. The Technical Advisory Committee (TAC) provides technical advice to support project implementation. It is coordinated by the PMC and the Joint Program Manager and consists of 8-10 experts (Project Proposal Document: 30). According to Agtas, trade unions, employer organizations, academics through universities, different chambers, development agencies, and public institutions related to the Ministries, as well as the Corporate Social Responsibility Association, which is a nationally-based NGO, are part of this committee; however, there are no locally-based NGOs because in those provinces there are not many local NGOs and there are few NGOs operating in these places.

Thus, contributions to the institutionalization of the MDG-F in Turkey were marked by the decisions made at the national level by the UNDP country office and by government ministries. From this perspective, legitimacy is grounded on prior work and engagement by the UN at the national and local levels and on the element of

continuity and support to development efforts being carried out by the Turkish government. The UN derives its legitimacy from being a knowledgeable and experienced actor and the government from being the rightful representative of the people. Nevertheless, access to influence these decisions was restricted at the local level, as no effort was made to seek out their views and ensure they were included in the choices made. While civil society organizations and other local stakeholders can be invited to the committee meetings of the Project, there is no formal presence in these decision-making institutions aside from the chambers of commerce and industry, which provide only a limited perspective. Even though participation in the TAC is broader, this committee only has an advisory role regarding implementation. Furthermore, while the programs chosen were aligned with domestic development priorities, it is not clear whether they particularly targeted the MDGs challenges faced by Turkey: highest poverty rates are found in rural/agricultural areas; private sector is relatively developed when compared to other developing countries; and there is no project focusing particularly on the main problem identified in the MDGs country report—gender equality (though this issue is included under the CRS component). Hence, the legitimacy of this Project is defied by the lack of grassroots demand and involvement at the local level.

5.3.3. Capability Equality/Equal Ability to Use Political Freedom: Empowerment of Weak Actors through Resource Compensation

As explained above, there was little direct input from local level stakeholders into the institutionalizations of the MDG-F projects. In the view of Agtas, while there are discussions about the increased involvement of ground level groups into the decision-making processes at the global level, there is not much happening in

practice because global actors do not have concrete policies on how to engage local actors or vulnerable groups. Regarding efforts to level the playing field and ensure equal ability to participate, Gursoy states that this is a very difficult issue, especially in public organizations or settings where those with the greater skills inevitably have a stronger voice; therefore, he cannot claim that the project was able to capture all the weaker voice. Nevertheless, while no particular effort was made to seek out the input from weaker and more vulnerable actors during the preparation of the project, Agtas explains that through the TAC trade unions and other partners can share their opinions about the implementation of the project, which all implementing organizations take into account. Furthermore, the ILO follows the training seminars in workplaces and attends the trainings to understand how workers feel and sense their environment. In fact, some have made concrete suggestions on the content of the topics being discussed and the ILO took note of these and made changes in line with these suggestions. However, these are not systematic; they are indeed minor cases, but this is one way through which weaker actors can contribute and the ILO encourages this participation and takes account of the feedback that is provided. Gursoy also explains that most of the time weaker stakeholders tend to reach the implementing organizations: “maybe not during the official meetings with hundreds of people present, but perhaps during the coffee break they may feel comfortable to approach the project leaders and ask to express their views. This is not a systematic approach or way of doing things and it is true that organizations sometimes do not reach out to the people who need the most, but it is the reality of life, a difficulty and challenge of carrying out development projects.”

Moreover, it is valid to highlight that the one of the aims of the project itself is to empower weaker actors—though this is not an easy task. According to Ongut, the national figure on women’s employment in the textile clothing industry is 46%, the highest of all industries in the country. In his view, this Project’s activities will enhance this sector’s sustainability and offer an important opportunity for women to start working: “when women start earning money they can become more independent and empowered and can make decisions with the money they earn . . . this can transform their ideas, their vision, and then they can do something for themselves; this project is a way of empowering people.” Furthermore, Agtas explains that many of the transformations that the Project is trying to achieve are changes in the minds of people and in their behavior, that is, the idea is to empower people through awareness-raising workshops that teach people about their rights and responsibilities and encourages them to demand these rights and obey the responsibilities that are stipulated by legislation and international standards:

These behaviors are rooted culturally and there are many dimensions that need to be impacted, such as religion, culture, perceptions of gender equality and even the perceptions of workers are very problematic. The poor implementation of labor laws is not just the result of the behavior of employers, but happens because of the behavior of workers as well; for example, workers demand higher wages, but not social security. Therefore, there are many dimensions: workers’ perceptions, employers’ perceptions, trade unions’ perceptions, and the government’s perception [legislation] . . . Working women feel empowered—empowerment through employment. It is a process; it does not happen all of a sudden. It is possible to see their self-confidence. When the project provides them with the opportunity to speak loudly and freely, they start to talk, even if a little bit, questioning assumptions that women are supposed to stay at home, given that they do not feel that are doing something wrong by working as they are earning money for their children and their husbands and so on. Therefore, they start criticizing these arguments and thinking about the important role of women in employment. While on the one hand some male participants argued that women should stay at home—at least they would not allow their sisters and wives to work—, on the other hand they accept their women colleagues; it is very contradictory. When one asks them whether they “look” at their female colleagues in that certain way they respond that of course they do not, that they respect them. But then, they perhaps start to think or at least the project is putting the issue in front of them and forcing

them to explain their position. Therefore, the ILO poses some questions and allows them to discuss as the trainings are not meant to tell them the right way of thinking and behaving; they are designed with the purpose of having workers participate and engage.

Thus, there was little effort to empower weaker actors to ensure their ability to participate in the formulation of the Project and in the decisions leading up to it as the process was very top-down and settled among elite authorities at the national level; the absence of input from these vulnerable groups weakens the legitimacy of the Project. Efforts to empower weaker actors were carried out during the implementation phase through capacity building activities that foster their ability to form opinions about issues and encourage them to exercise their rights and responsibilities.

5.3.4. Multi-Level Input Assessment

From a multi-level perspective, the formulation of the local project in Turkey came about as the culmination of a multitude of global, international, and national demands. At the global level, there is the normative imperative of achieving the MDGs; at the international level, the MDG-F provides stipulations regarding the types of programs that should be designed and the manners through which they ought to be implemented; at the national level, the government and UN agencies ensure that projects fit in which national development strategies and plans already set forth by their common framework; at the local level, stakeholders endeavor to assimilate these different aspects and find meaning in them within their own realities. The center of these interactions is the national setting, where the intersection between the different levels coincides and decisions are made in terms of defining the interventions at the local level.

At the national level, the government has the dual objective of fulfilling its international obligations regarding the MDGs and implementing its own development strategy. In terms of the MDGs status in Turkey, gender inequality and geographical disparities stand out as the key challenges for the country. Nevertheless, gender issues were only included in the project under the CSR component and the regional focus is not on rural areas where poverty rates are higher and increasing—though according to Ongut improving the textile sector in Turkey will increase the demand for the growing cotton production in the region following the construction of a major dam. As a middle income country, the government positions the Turkish development path as one aiming at achieving the exclusive stage European Union membership—as opposed to focusing on lifting out of poverty the poorest of the poor because in fact extreme poverty and hunger do not exist. Hence, there is no mention of achieving the MDGs in the country’s national development plan. According to Sazak, for the Ministry of Economy one of the main focuses is increasing the export capacity of companies because in this way companies will employ more people and income levels will be higher—and this will directly affect the people. Ongut explains that one of the Ministry of Development’s priorities is to reduce income unbalances. These views are reflected in the choice of supporting the export capacity of textile companies and, within the textile-producing areas, choosing the poorer region of Southeastern Anatolia as the location of the project. Therefore, at this level of interaction, government officials and UN civil servants worked together to influence and to find common grounds between these two related objectives, within the framework and requirements under the MDG-F.

Another level of interaction involves the decisions taking place among civil servants at the UNDP. As the lead organization under the MDG-F, UNDP program managers came together to discuss project proposals at hand and to decide on potential interventions given ideas already available. While the decisions made were grounded on the extensive knowledge and experience of the UNDP country office, there was no additional outreach to ensure broader input into these discussions.

The drafting of individual projects is one more level of interaction. At this level, all partner implementing organization incorporated their own perspectives and ideas. According to Gunes, the ITKIB already had the idea for the value chain management portal and it was part of the organization's objectives; this component was later included in the project. Regarding CSR, ITKIB also "drew a line for the UNDP with regards to the possibilities and potential limitations" of this component. Likewise, the ILO and UNIDO used their specialized expertise to feed into the ideas of the project, and access to such input was crucial for the multi-perspective aspect of the project and the "one UN" principle established by the MDG-F.

Finally, there were also the less visible influences of individuals. Prior relationships established between UN civil servants and the many government ministries were extremely important during the definition of areas of intervention. Furthermore, given the different perspectives of the four implementing organizations, such individual level interactions come to determine the ultimate substance of the Project. Gunes, Atac-Rosch, Agtas, and Gursoy all highlighted this level as significantly important to the success of the project's design and long-term collaboration that will lead to its sustainability.

5.4. The MDG-Fund in Turkey: Process Legitimacy

Process legitimacy refers to the decision-making and reporting aspects, such as regulations, administrative decisions, and management of the Project. Principles of administrative law are a useful tool for evaluating the legitimacy of the process of establishing and implementing a Project under the MDG-F.

5.4.1. Checks and Balances

Checks and balances refer to power-sharing in administrative law, where the distribution of authority is a central element of process legitimacy. For this Project, this can be analyzed in terms of power-sharing and overlapping rulemaking authority within its structure. Such division of power should ensure systematic decisions and reasoned ideas, as well as provide a check on potential abuses of special interests in the process.

Regarding the vertical structure of the Project's administration, there are three committees:

- National Steering Committee, consisting of non-implementing parties—a representative of the Turkish government, a representative of the Spanish government, and the UN Resident Coordinator—to allow for independence;
- Program Management Committee, consisting of the participating UN agencies, ITKIB, the Joint Program Manager, relevant government ministries, the regional development agency, and local chambers of commerce and industry, to provide operational coordination; and
- Technical Advisory Committee, consisting of subject matter experts, to provide technical advice and support to project implementation.

Regarding the vertical structure, the Project has clear lines of authorities, with the National Steering Committee overseeing the operations and implementation of all four projects at the national level, the Program Management Committee providing

administrative and programmatic coordination and support to the Project, and the Technical Advisory Committee offering guidance and assessment on issue-specific concerns or challenges. Within this arrangement, the power-sharing structure of the management committee is particularly important, since it has a direct impact on the implementation of the project—with the steering committee’s overseeing and the advisory committee guiding. Though ITKIB is the lead implementing organization, the ILO and UNIDO are key ground partners and there are *de facto* divisions of authority among them. Thus, these three organizations effectively check and balance each other as activities can only be successfully carried out with the agreement of all partners.

From a horizontal perspective, several institutions, agencies, and decision-makers also exercise authority over the Project. As the lead implementing organization, ITKIB is influenced by its Board of Directors and General Secretariat regarding the norms and policies it aims to advance through the Project; furthermore, all textile companies have leverage over the Board and the Secretariat. Therefore, there is a strong business perspective exercising authority over the project. At the same time, numerous actors within the UN system also have power over the Project, such as UNDP, ILO, and UNIDO staff, and each brings in its unique positions and views. According to Gursoy, each agency has a particular target audience; for the ILO, workers; for UNIDO, business; and for the UNDP, the people since it has a broader mandate. Hence, the perspectives of each of these groups (workers, businesses, communities) impact the decisions of the UN agencies involved. The different ministries also have their own mandates and government officials at different levels also use their power to shape the choices made in relation to the project. Finally, the

many consultants, trainers, and individual SMEs involved in the project exercise authority within the somewhat more limited scope of their involvement. While power is divided among these many actors, the greatest weight of power-sharing is concentrated in ITKIB and those influencing the organization, since it is the actor with the most authority over the Project's implementation and all others must work with ITKIB to advance their views.

5.4.2. Monitoring

In order to monitor the policy process it is necessary to identify decision-makers and the process itself and to have documents available that record and support the decisions that were made. At the Project level, the scope of the process is narrower, which brings to light the actors involved and the steps taken during the implementation of the action plan. For this project the key decision-makers are ITKIB, the ILO, and UNIDO, with each carrying out activities in coordination with one another. According to Gursoy, the UNDP provides an advisory function and one of the roles of the organization is being the interlocutor of the relationship between the three organizations, trying to get the parties closer to each other; it also provides a light supervision on behalf of the UN Resident Coordinator. The other key actor is the Joint Program (JP) Manager, who was hired by the UN to ensure the strategic direction of the project, manage the program, supervise the implementing organizations, and provide advice. In reality, however, Atac-Rosch says that her management role is not very strong because there is no financial management authority as part of her position; but she is strong in her coordinating and moderating roles. The JP Manager is the actor who keeps track of the project, writing the monitoring reports and trying to keep up with the work plan; she also reports

regularly to the Program Management Committee on the status of the project implementation. According to Atac-Rosch, the work plan gives an idea/direction to follow, even though it is not always possible to obey the deadlines and sometimes plans must shift. She writes regular monitoring reports in line with the monitoring framework and indicators—and those involved in the project try not to fall much apart from those indicators. She explains:

There are indicators at the activity level, but these are usually quantitative indicators. Qualitative indicators are at the outcomes/results level, but these are not available and are difficult because they are impact-oriented and take a longer time to measure. Therefore, while activities are being implemented, it is not possible to measure qualitatively, only to measure quantitatively. For example, if a training on gender issues is carried out for 200 people, it is not possible to know how many people got something out of the activity—so qualitatively it is difficult to measure impact. Nevertheless, qualitatively there are indicators and they are followed for monitoring purposes.

Moreover, Gursoy adds that the UNDP hires independent consultants for the specific task of monitoring because project managers have a conflict of interest with this task—it is hard to stay objective if one monitors and evaluates one's own work. For this project, there is a consultant on a retainer contract who works in coordination with the JP Manager. He highlights the benefits of bringing in an outsider as a means to shed light on issues that might be overlooked by those involved in the project.

There are many documents available that detail the action plan, trace the progress of the Project, and explain the decisions made. The key documents include the Project Document, which is the signed project proposal that includes the joint program monitoring framework; the mid-term evaluation report (and there will be a final

evaluation report); the improvement plan document; the joint program fact sheets; and progress reports.⁴⁹

5.4.3. Transparency

Transparency is the basis for process legitimacy. It is necessary to have quality information and data analysis available and accessible in order for interested stakeholder to evaluate the decisions made and activities being carried out.

As explained above, the MDG-F projects in Turkey resulted from discussions between the UNDP country office and the relevant government ministries. These were largely internal discussions at the national level where actors negotiated potential projects within the scope of previously drafted agreements, proposals, and strategic documents at hand. There is no accessible document that explains the rationale for the decisions made; in fact, even though the projects were approved between 2008-2009, the UN Resident Coordinator at time is no longer at the UNDP country office and it is not clear which specific actors were involved in the decisions as there was no systematic approach, but a more informal process instead. Hence, while documents might have been drafted during the decision-making process, these were not available and accessible for a better understanding of the course of action taken.

At the project level, there is substantial information and data available on the UNDP and MDG-F websites. From this perspective, transparency mechanisms are strongly in line with the transparency and disclosure procedures established by the UNDP and

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<http://www.mdgfund.org/program/harnessingsustainablelinkagessmesturkey%E2%80%99stextilesector>

the MDG-F and there is a genuine effort to provide analytical and quantitative information regarding the progress, achievements, and challenges of the Project in a timely manner. These documents, however, are all written in English and there is only a short summary of the project goals and activities in Turkish; while there are certainly internal documents written in Turkish, there is neither a Turkish version of the project document available nor a website in Turkish containing official reports. As a result, accessibility to the information and data provided is limited to those stakeholders fluent in English, which greatly impairs the transparency mechanism and the process legitimacy of the Project.

5.4.4. Notice

In order to be legitimate, policy proposals and project interventions should be analytically reviewed by broadly engaging and taking account of multiple views. Therefore, draft policy proposals and proposed project activities should be published with notice for comments. Regarding the Project proposal document, according to Gunes, Agtas, Gursoy, and Ongut, drafts circulated internally for discussions among the key stakeholders involved: ITKIB, UNDP, UNIDO, ILO, and relevant government ministries. While each of these actors called upon experts to provide comments and the Technical Review Committee of the international MDG-F Steering Committee also reviewed and commented on the proposal (the first draft was rejected according to Gursoy), these drafts were not published to invite the assessment of other stakeholders not directly involved in designing the project. Having multiple organizations, agencies, and ministries take part in the drafting of the proposal already allows for the engagement of different perspectives, but this setup does not provide an opportunity for interested stakeholders to offer their

comments, as they are not aware of these processes and decisions since no announcement or notification was given and no drafts were published.

Concerning the Project activities, Atac-Rosch explains that there is a communication strategy and that there are channels of communication—though these do not always work very well at the local level. According to her, announcements are made in the local newspapers and sometimes local television programs regarding the project activities. She argues, however, that these means of communication are not very effective because people do not tend to read a lot and instead hear the news from each other. For this reason local counterparts, such as the chambers, are very important and project implementers have a close connection with them. Thus, at the level of implementation, there is greater effort and feasibility to notify stakeholders and invite their feedback on the Project's interventions.

5.4.5. Hearings

Interested stakeholders should be given the opportunity to contribute and influence the decisions being made on their behalf. Public hearings are a means to learn and assess people's needs and opinions about how to tackle their development challenges. There were no requirements for hearing at the national and local levels. In fact, as discussed above, no broader needs assessment took place in terms of finding out which groups or which interventions would be best in order to advance towards achieving the MDGs in Turkey. Furthermore, once the Project was identified, there was no open request for public scrutiny in the regions where it was going to be implemented. Depriving civil society from the opportunity to be heard breaks an important link with the public and weakens the legitimacy of the Project.

5.4.6. Requirements for Representation

Balanced representation ensures the inclusion of all stakeholders into the governance processes. Hence, the institutions involved in the implementation of MDG-F projects should be representative and actors involved should embody the various concerned factions in order to carry out policy in a legitimate way.

ITKIB, the lead implementing organization, is the association of textile and apparel exporting companies of Turkey. It is a non-governmental organization connected to the Ministry of Economy. According to Sazak, historically these organizations were completely under the Ministry of Economy, but after new legislation they became officially separate. Ongut argues that in a developing country like Turkey creating an NGO is very difficult because it is hard to find the financial resources and cooperation and collaboration is weak; it is difficult to get companies to come together and work together. For this reason, there was a need for a “government push,” though in the future the objective is for decreased government involvement. Hence, ITKIB incorporates both a public and a private mandate as it is partly funded by membership fees and partly funded by a percentage of export taxes, which goes to the association according to government law. Membership is mandatory and includes all textile and clothing exporting companies, who elect their board of directors. Sazak explains:

Historically these organizations were wholly public institutions; now they have public roles as well as private ones. But it would not be correct to state that they are wholly public, as their role is not the same as the Ministry’s. These organizations have a Board, and their Board members are not the same as the public servants working for the ministries; they are not official delegates: they are representatives of their firms. With the transition, these organizations’ roles went from being more public to becoming more private; therefore, with time, ITKIB is becoming a more private-oriented institution.

Thus, it would be sound to characterize ITKIB as a sector representative or an interest group organization lobbying for the interest of textile exporting companies in Turkey—with funding and support of the government. Representatives include the companies themselves and the Secretariat carries out policies in accordance with the directions given by its Board, which again is composed of representatives of the business/private sector.

The UNDP, UNIDO, and the ILO, as UN agencies, also have Boards that oversee and support their activities. The Boards of the UNDP and UNIDO consist of country representatives from member states who serve on a rotational basis; from this perspective, they represent the views of international governments. The ILO has a more complex arrangement, as Agtas explains:

In the ILO's governance structure, 25% of the seats belong to workers, 25% of the seats belong to employers, and 50% of the seats belong to governments. Without the representation/consensus of workers, for example, the ILO cannot make any decisions; all decisions have to be made at the tripartite level. The ILO's constituents have very strong power in the decision-making process and it is a real process of negotiation, compromising, fighting and all of it together. However, all the decisions are made by consensus.

Hence, the ILO provides a more multifaceted representation of international governments, businesses, and workers.

Moreover, there are representatives of the Ministries, bringing in the government perspectives, and representatives of the local Chambers of Industry and Commerce, which represent the local business interest. However, there is a lack of civil society representation in the committees, as CSOs can only provide their input in the Technical Advisory Committee or be invited to the other committees in an *ad hoc* manner. Atac-Rosch argues that there could not have been additional actors because

the project is too complex and the project would not be successful if CSOs were invited to decision-oriented committees. Gunes explains that for this Project “the ILO is more than enough,” but that CSOs were invited to the activities carried out by the ILO. Nevertheless, the ILO argues that lack of CSO representation debilitates the Project:

The voices of local communities are definitely missing . . . local communities and local NGOs are absent because the project did not design the structure of the committee in that way. The structure of the committee was designed for the partners and does not include local actors—we should have thought about it, actually. This project should have built a stronger relationship with the local NGOs.

Thus, while there is strong representation of business, at the national and local levels, and government, at the international and national level, there is no representation of civil society in the decision-making committees. This leads to a more bias orientation towards the perspectives of the majority represented, which challenges the legitimacy of the Project.

5.4.7. Requirements for Deliberation

Legitimate processes must include thoughtful exchanges between Project implementers and a wide range of stakeholders, including local civil society, whereby affected communities are able to influence the policies and activities being carried out on their area. Furthermore, procedures must be in place to ensure meaningful opportunities for effective participation in the consultation process.

The Project Document lists the following stakeholders as participants in the consultation meetings during the formulation phase of the Project: ITKIB, UNIDO, ILO, Ministry of Industry and Trade, Ministry of Development (former State

Planning Organization), Ministry of Foreign Affairs, Undersecretariat for Foreign Trade, Spanish Embassy, Corporate Social Responsibility Association of Turkey, Oziplik-Is Trade Union, KOSGEB Small and Medium-Sized Industry Development Organization, IGEME Export Promotion Center of Turkey, DISK Tekstil-Is Textile Labor Union, TUTSIS Textile Employers' Association, KalDer Turkish Society for Quality, CISCO Systems Turkey, Kahramanmaras Sutcu Iman University, Kahramanmaras Chamber of Commerce and Trade, Chamber of Tailors and Garment Manufacturers, Kahramanmaras Governorate, and Matesa Textile (86-87). Thus, the perspectives of UN agencies, government ministries, embassies, business sector organizations, employers and workers associations, academics, chambers, companies, and local governments were included; however, the views of NGOs and local communities that were to be impacted by the Project are missing from the process of deliberation.

During the implementation phase, according to Agtas, Project implementers met with labor unions, employers' associations, and the chambers of industry and commerce. She explains that the project first started by listening to SMEs about their problems and suggestions for the future of the sector. While the ILO and all UN agencies are working in Ankara, in a regulated and safe environment, these SMEs work in a very problematic area and therefore, from their perspective, it is valid "to feel annoyed by any organization, even UN agencies, coming from a different world and pressuring them to implement changes." For this reason, project implementers engaged with SMEs and listened to their concerns. The ILO also prepared a report on women employment and labor conditions in the textile sector and ILO experts used this report during their communication and interviews in the region. Moreover, according

to Gunes, hundreds of SMEs were interviewed and participated in a survey conducted by ITKIB. In her view, the strategy of the project is “not only to tell SMEs what to do and how to do it, but also to build relationships.” Finally, Gursoy adds that UNDP personnel carry out site visits in the region to learn how the project is progressing and whether local groups are satisfied.

There are many challenges in the deliberation process. Given the more concentrated regional scope of the project, it is somewhat easier to reach and communicate with stakeholders. Nevertheless, consultations were generally carried out with the Project’s direct target audience, mostly in an effort to engage them in Project activities. In addition, there was a contentious relationship with the SMEs, the main target audience. As Gunes explains, ITKIB is well aware of the realities on the ground and the reality that it is not possible to reach all SMEs. Atac-Rosch argues that SMEs are largely not interested in the Project’s activities and instead are interested in direct support and benefits: “from their perspective, they see that they are doing something for the Project rather than getting something from the Project; this is the case because the beneficiaries are the private sector . . .they are business-oriented.”

Regarding engaging in deliberations with the local communities, the Project leaves much to be desired. This is partly the case because, according to Agtas, there are not many local NGOs and there are few nationally-based NGOs operating in the Project area. She explains:

It is necessary to be more visible in the local provinces . . . It is nonsense to sit in Ankara and try to operate some activities in the regions without really being there. The ILO tries to at least attend one training of each company to present itself and understand the atmosphere; but it is not enough because they do not

feel that the ILO is a part of their lives. Local presence would mean having local focal points, staying in the regions, cooperating with the companies and workers on a regular basis, communicating with them and so on. This is definitely needed for the project.

Thus, one key legitimacy challenge of the process is lack of deliberations with local communities. This challenge stems from the absence of organized civil society in the region and the lack of Project procedures ensuring a stronger local presence and more thoughtful and effective communication with affected communities.

5.4.8. Requirements for Justification

Another important aspect of process legitimacy is the justification of the Project's objectives and interventions as a means to attain and sustain the consent of affected people. After the formulation of the Project, implementing actors must engage in a justificatory discourse by providing legitimate arguments that uphold the actions being carried out.

Following the approval of the Project, all UN agencies, ITKIB, and government ministries involved have attempted to justify their decision to support the Project on three fronts. Firstly, there is a discourse on the role of the textile and clothing sector in the economic development of the country. According to Atac-Rosch, explanations and justifications for the Project are in terms of Turkey's development priorities and in terms of preparing the textile sector for the future by increased efficiency and competitiveness. Gursoy explains that, as a labor-intensive industry, any action taken in the textile sector leads to direct and indirect benefits to a large community; in the case of Turkey, the amount of employment generated by the sector is huge, therefore it is possible to argue that "if one supports the clothing industry in Turkey the trick

down effect will be very high.” Sazak justifies this project in terms of increasing employment and income levels and decreasing regional inequalities; this project contributes to this by increasing the export capacity of the textile industry and increasing the employment of less qualified workers in poorer regions. Finally, Ongut explains that leaving the textile and clothing industry alone may have very adverse effects because of its role in the economy and presence in remote areas. Especially in recent years, the textile sector in Turkey has experienced competitive pressures from China, India, Bangladesh, and other developing countries and the industry encountered problems in terms of maintain its competitiveness vis-à-vis these nations. Hence, he argues that, given the centrality of the sector in terms of generating foreign currency and creating employment, especially for women, it is necessary to intervene and help sustain the economic benefits that the industry provides to the country and the regions.

Secondly, there is a discourse about the benefits of implementing CSR standards. According to Gunes, the rhetoric of the benefits of CSR is at the core of the project and raising awareness about this issue is a central objective. Therefore, part of the work being carried out by ITKIB is to convince SMEs that implementing these principles is crucial for the sustainability of the sector. Given that the European market demands these standards and that the EU is the largest market for Turkey’s textile, ITKIB argues that complying with CSR regulations is a means for these SMEs to have access to the big producers and increase their exports in the longer term. Agtas explains that the poor implementation of labor laws in Turkey lead to serious risks in the textile sector: it is un-unionized and unorganized; the informal sector is very strong; there are serious labor violations. Hence, the argument is that

there is a need to improve working conditions, which will benefit workers and eventually have a positive effect on the growth of the sector as well; women will particularly benefit because of their relatively high participation in the labor force and because training include topics on mobbing and sexual harassment, gender-based violence, women's economic rights, and so forth. Gursoy also highlights the environmental benefits of the Project, arguing that there will be a strong value-added as UNIDO is working on the environmental sustainability aspects of CSR: "there are many practices that damage the environment in the textile industry; for example, dyeing is a part of this process and if there are no treatment facilities this practice kills the environment."

Finally, actors justify the Project as a means to build sustainable partnerships for future interventions. According to Agtas, this project was a good opportunity for the ILO to learn about ITKIB's perspectives and views on doing business in the textile sector and ITKIB also learned a lot from the ILO about why labor standards are needed and this built a mutual understanding among the organizations. She argues that "from this front and building on this cooperation, the ILO could develop further projects together with ITKIB, UNDP, UNIDO and other partners as well. Therefore, this project establishes a basis for further projects and further cooperation in the textile sector." Furthermore, Sazak also emphasizes the importance of future cooperation among organizations and with the ministries. He argues that this Project was essential to establish the institutional collaboration that is necessary for the sustainability of long-term development goals.

Thus, there are sound justifications for the Project in terms of the sustainability of a key industrial sector, increased exports and employment, better working conditions, increased awareness of gender issues, better environmental practices, and future partnership and interventions. However, even though the Project Document states that one of the aims is to help achieve MDG 1, there are few arguments emphasizing poverty reduction, aside from choosing a poorer region with a strong textile sector presence. Atac-Rosch and Gursoy state that in terms of poverty, there is not a strong justification for the Project since poverty in Turkey is concentrated in rural areas. Furthermore, there is a weak justification in terms of improving gender equality, since this is the greatest MDGs challenge for Turkey and arguments are limited to increasing employment and improving the work environment.

5.4.9. Inspections and Audits

Process legitimacy is enhanced by regular policy reviews, audits, and inspections of decisions and interventions, especially when carried out by independent third parties. According to Atac-Rosch, each MDG-F project has an audit at least once and this Project has already been audited by an independent party. The Project also went through a mid-term evaluation and there will be a final evaluation after the conclusion of activities. The audit follows UNDP policies on audit reports as they are under UNDP final responsibility; evaluation reports are public and available on the MDG-F headquarters' website. She explains the review and inspection procedures:

There are five standard criteria used for evaluation, each with additional subtitles. These are 1) Relevance, 2) Efficiency, 3) Effectiveness, 4) Impact, and 5) Sustainability. There are different definitions under each of them; in the case of relevance, for example, it is necessary to look at ownership, the quality of the design of the project, and so on. For efficiency/effectiveness, it is necessary to look at indicators. Therefore, each involves different aspects. An independent evaluator is the person carrying out the evaluation, meaning someone completely independent, who looks at the project documents back

home and then makes a site visit. During the site visit they have a chance to interview all the stakeholders. Sometimes the JP Manager defines the stakeholders—which was the case for this project—but the evaluator also makes her own connections and visits as well . . . Impact will be evaluated in the end, when the project is completed and the final report is done. It is possible to measure the effectiveness in the end of the project, but for impact it is necessary to wait a year or so at least. The evaluator also visited some of the beneficiaries as well, that is, the textile companies in the four provinces.

Moreover, GURSOY adds that aside from the evaluation reports commissioned by the MDG-F Secretariat, the Project recruited an expert to try to identify what has changed in the field since the Project started. There is some baseline data and therefore the consultant will be able to see what has changed, talk to the stakeholders to identify their emerging needs and future actions that can be taken; the consultant will then present an evaluation report to all UN agencies involved in the Project. He explains:

These kinds of evaluations help the UN agencies communicate the recommendations to the counterparts [ITKIB] by arguing that if certain things are carried out there will be a better prospect of sustained impact for a project. Another aspect that has been observed is that these kinds of evaluations provide new ideas that can be turned into projects proposals . . . Thus, there is an independent evaluation by the Secretariat and there will also be honest internal evaluations, not just intended for lip service . . . The finding of these evaluations feed into the inter-UN agency system for the UNDCS [United Nations Development Cooperation Strategy], the country strategy document that bind all UN agencies. There are working groups that monitor the strategy's progress towards achieving its targets and all these evaluations feed into the working groups' assessment as well.

Hence, this Project is subjected to the thorough auditing and review procedures according to UNDP policies. All UN agencies themselves also undergo their own external auditing and evaluations in line with UN standards. Therefore, there is an institutionalized process of independent inspections of the Project's implementation and review of results—along with a system that feeds these findings into the Project's activities and future interventions.

5.4.10. Judicial Review

Judicial review offers an opportunity for affected people to make claims on the successes or failures of the decisions and interventions carried out on their behalf; it is a means of appeal that can help control the power delegated to decision-makers. At the national level, the judicial system provides one mechanism, but the linkages are weak since the lines of delegation of responsibility are long and spread out.

At the Project level, the relationship between the implementing actors (ITKIB and UN agencies) and the target audience—SMEs, workers, women, and local communities as a whole—is one of providing assistance in the sense of helping them achieve the objectives set out by the Project. The government’s relationship with the target audience, however, is one of obligation. Given the strong government involvement in the formulation of the Project, its approval of the interventions proposed, and knowledge of the actions carried out, there are grounds to place this project within the judicial review system of the country. As there is a compulsory relationship between the government and the people, judicial review offers a mechanism of enforcing the commitments made to achieve the results delineated in the Project. Nevertheless, given the small scope of the Project within the overall development interventions of the government, it is difficult for stakeholders to use the broad national judicial system to make claims to reconsider the outcomes of the Project—or lack thereof.

5.4.11. Multi-Level Process Assessment

Multi-level governance processes take place in different settings, among many actors interacting within different contexts. The obscurity and informality of these settings

provide opportunities for abuses of power that can lead to sub-optimum or harmful results. Therefore, rules and regulations that control and constrain the power and discretion of decision-makers are necessary to ensure legitimate processes in these multi-layered environments. At the national and local levels, governance processes can benefit from the administrative procedures and rule of law established domestically; at the same time, the need for stronger controls gain particular relevance because the types of interventions chosen, and the outcomes that can potentially result from them, will have a genuine impact on lives of people.

The national context of the MDG-F was the interactions between the UNDP and other UN agencies and the many government ministries that led to the definition of the four MDG-F projects in Turkey. The consensus within the UNDP regarding the need to achieve the MDGs, the National Development Plan, and the UN Development Assistance Framework (UNDAF) were the foundations of the decision-making process; hence, it was a process of identifying intersections between global level commitments and national level priorities. At this level, deliberations took place mostly with the main target audience and invited little feedback beyond the positions of high-level officials and business groups. Though UN civil servants and government official are supposed to embody the broader views established by global concord and domestic democratic contestations, there were no direct venues for affected people to influence this process, as there were no notices, hearings or requirements for representation at this level. Furthermore, lack of transparency and ability to monitor this process posed additional legitimacy challenges; for this reason, UN agencies and government ministries had rely on mechanisms of justification to

legitimize their decisions. Thus, lack of participation at the level where the MDGs were translated into national programs is major deficiency of the process.

At the Project level, having three implementing organizations (ITKIB, UNIDO, and ILO) carrying out activities on the ground provided important checks and balances, as authority is shared and actors are forced to find common grounds for interventions. In turn, finding common ground encourages these actors to engage in justificatory discourses as a means to argue in favor of their ideas and positions. On the other hand, the uneven representation of these organizations and lack of local representation present significant procedural hurdles to legitimacy. Moreover, this level is also influenced by the internal decision-making taking place within each organization; the lack of transparency and monitoring of these interactions is problematic, especially because they have a very direct impact on activities on the ground.

Another level of interaction occurs between the JP Manager and the MDG-F Secretariat; at this level, local interventions are connected to the international structure of the MDG-F. This intersection ensures key legitimizing procedures, such as monitoring, transparency, inspections and audits. Having an additional actor monitor the activities of the JP Manager and an independent actor evaluate the progress of the Project adds a supplemental layer of legitimacy to the process.

Local level interactions mostly involved the implementation phase of the Project. Local actors were included in processes of deliberation through consultations and during their involvement in the Project's activities. However, those consulted were

largely the direct target audience of the Project itself and the weak grassroots demand from local stakeholders hampered the process of deliberation. Furthermore, the lack of local representation stems both from the governance structure of the Project and from the absence of organized civil society in the region, a legitimacy challenge grounded in the procedures and the local context of the Project. Thus, while there were no hearings to connect the local public to the Project's decisions, notices and awareness raising activities sought to engage local actors by making issues more visible and stakeholders more empowered. Means of appeal through judicial review provide a potential final recourse for stakeholders impacted by the Project's decisions and interventions.

5.5. The MDG-Fund in Turkey: Outcome Legitimacy

Outcome legitimacy derives from the evaluation of policy results and the ability to sanction those responsible for the outcomes. Such assessment is only possible if there are means to review the successes and failures of interventions in order to validate the benefits provided; accountability mechanisms are useful tools for this purpose. At the national and local levels, the relationship between principals and agents is more visible and it is relatively easier to trace the lines of delegation. Nevertheless, the presence of multiple actors and overlapping jurisdictions renders traditional domestic accountability methods less effective and, therefore, it is necessary to apply a more dynamic system of accountability to assess the legitimacy of this Project.

5.5.1. Hierarchical

Hierarchical accountability refers to bureaucratic organizations and the relationships within them. For this Project, there are several implementing organizations, with

ITKIB being the lead actor. Five institutions signed the Project Document: UNDP, UNIDO, ILO, ITKIB, and the Ministry of Foreign Affairs on behalf of the Turkish government.

At the international level, the three multilateral organizations are supervised by State officials through their respective Executive Boards and there is an established hierarchy that supervises civil servants to ensure their ability to serve the organizations. As explained above, the UNDP and UNIDO have Boards comprised of representatives of UN member states, whereas the ILO's Board includes governments, employers, and workers. The UNDP and ILO possess stand-alone formal accountability frameworks and accountability web pages for the public (Zahran, 2011: 13); though UNIDO does not have a formal framework, it does have an internal control framework and policies on delegation of authority, performance assessment and management, standards of integrity and ethical conduct, administration of justice and oversight, standards of personal accountability (17). At the national level, in addition to being accountable to UN member states, the UNDP country office is also accountable to the donor state, Spain. Hence, from a hierarchical perspective, there is an elaborate bureaucratic system of accountability that articulates standards, roles, responsibilities, authority, and performance assessment; such system imposes constraints on actors and provides means through which decisions and results can be judged by the establish mechanism in place.

ITKIB, the lead implementing organization, is supervised by its Board of Directors, composed by elected textile exporting companies' owners. Within the association, there are clear lines of authority and an established bureaucracy that delegates such

powers. Given that SMEs are the main target audience for this project, ITKIB's system of accountability provides an important means through which these stakeholders can hold decision-makers accountable. However, other local stakeholders are not embedded in this hierarchy and therefore cannot benefit from these mechanisms of sanctioning.

While relevant ministry departments are the leading executing agencies for the three other MDG-F projects in Turkey, this is not the case for the Project under analysis—as ITKIB has this role as discussed above. Nevertheless, the government of Turkey is a signatory of the joint program and sits in the National Steering Committee; relevant ministries also have advisory roles in different committees and the Project outcomes are going to feed into the National Development Plan. Furthermore, the government is the main actor responsible for the achievement of the MDGs in Turkey and for the development strategies in underdeveloped regions of the country. From this perspective, the bureaucracy that connects the many public officials from the ministry departments involved to the decisions and outcomes of the Project also provides means for hierarchical accountability. However, though the system of government accountability provides strong mechanisms for sanctioning, the feeble authority of the government within decision-making processes and the implementation of activities weakens the linkage since these mechanisms are not embedded in the governance structure of the Project.

5.5.2. Supervisory

Supervisory accountability is carried out through the direct relationships between organizations and between actors, whereby authority is delegated from one (the

principal) to the other (the agent). The authority delegated to the European Union Project Office within ITKIB (the agent) is granted by the Turkish textile exporting SMEs (the principal); at the same times, some of these SMEs are also the target audience for this project. Hence, there is a clear principal-agent relationship at this level, whereby SMEs can directly sanction ITKIB for the results of the Project. However, ITKIB cannot be sanctioned by other stakeholders, since there is no direct line of delegation from them.

Moreover, the JP Manager, who is responsible for facilitating project implementation and ensuring the coherence among different components of the Project, was hired by the UNDP, which in turn has a direct supervisory role over the her activities and performance. Moreover, the JP Manager's place of duty is in ITKIB's headquarters and this allows her to oversee the day-to-day activities of the implementing organization.

All three UN country offices involved are supervised by the UN Resident Coordinator (RC). According to the Project Document, "the UN Resident Coordinator is ultimately responsible for facilitating collaboration among participating UN agencies to ensure that the Joint Program is on track and that its results are being delivered" (30). Therefore, there is a principal-agent relationship between the RC and the three UN country offices, with the principal having the authority to hold actors accountable for the responsibilities delegated to them. In addition, the lead actors within each UN agency are supervised by their managing staff at the UN countries offices, who have the power to sanction their decisions and interventions. Furthermore, the country offices of these multilateral organizations are

also *de facto* accountable to project beneficiaries given their mandate under the UN Development Assistance Framework (UNDAF). Hence, project beneficiaries, as the principals, can supervise and sanction UN agencies for their performance.

Finally, the National Steering Committee was established with the purpose of overseeing the MDG-F Projects in Turkey. Thus, this committee has the purpose of scrutinizing the authority delegated to the implementing organizations, by evaluating the results and sanctioning the outcomes of the Project.

5.5.3. Fiscal

Fiscal accountability includes the mechanisms that allow funding agencies and donor countries to gather information about Project expenses, assess the data, and sanction decision-makers for their choices and the outcomes resulting from their actions. For this Project, the donor country is Spain and the fiscal agent is the UNDP. The total budget for the Project is 2,698,477.50 USD, with 1,438,922.50 allocated to ITKIB and the UNDP, 858,675 USD allocated to UNIDO, and 410, 880 USD allocated to ILO. According to Atac-Rosch, the funds were disbursed separately to each UN agency; the JP Manager made a budget request and the funds were disbursed firstly to the headquarters of each of the three UN agencies and then sent to their Ankara offices in Turkey to be expended. This is the model for all MDG-F projects, but for this Project there is an additional step because ITKIB is the implementing partner of the UNDP, so the funds dispersed to the UNDP are partially transferred to ITKIB for implementation; ITKIB requests funds from the UNDP in three month intervals. Regarding the financial reports, Atac-Rosch explains:

Reporting is activity-based, but individual spending information is also collected because they are aggregated by different definitions and different

purposes; sometimes an activity is disaggregated for example into contracts, operational costs, supplies, and so on. In terms of detail, the project reports on items such as travel costs, but not individual expenses, such as hotels, airfare, and so on; they are aggregated as one.

Furthermore, as explained before, there are financial audits that are under UNDP final responsibility, meaning that the UNDP is the entity in charge of ensuring fiscal accountability. In Gursoy's view the MDG-F Secretariat found the right balance by "not being too picky and trying to monitor each single financial transaction of every project." It is instead trying to monitor the financial progress of projects through aggregate data. In his view, this is enough since further requirements would be extremely expensive and the MDG-F Secretariat is not in a position to analyze it because each UN agency has its own financial rules and regulations, which are different. He explains:

For example, the UNDP's direct contract increment is 2,500 and the ILO's is 500 dollars. The overhead rate of the UNDP is different from other UN agencies. Therefore, if the MDG-F Secretariat were to start asking questions about procurement, it would encounter many challenges. For this reason, the Secretariat left accountability, transparency and fiduciary aspects to the regulations of individual UN agencies and just requested the audit reports. In this way, it is sure that the funds are well-spent, at least for the purposes that they were allocated for. For instance, every year the UNDP projects are audited by a certified, chartered public accountant, following the terms of reference that the headquarters has designed. The audited financial progress reports are sent to the MDG-F Secretariat. Therefore, transparency and accountability fit into the UN requirements. The UNDP knows how to produce financial reports, procurement ratios—these are all hard data and there are clear thresholds to report on. But measuring efficiency is hard and it would be hard to tell whether the funds were spent efficiently.

Thus, the fiscal accountability mechanisms are embedded in the mechanisms of each of the UN agencies involved in the Project. UN agencies report their expenditures and conduct their audits in conformity with the international standards on auditing and the financial regulations and rules of the UN; therefore, this Project follows the necessary fiscal procedures that allow accountability holders to trace the allocation of

funds and correlate expenditures and results. Furthermore, it is important to highlight that hard data alone cannot account for effective and successful outcomes; it is also necessary that those with the knowledge and capacity to review the data are the ones in fact in charge of doing so—and that reports are written in a language accessible to those with such responsibility. Hence, in addition to international institutions, it is imperative that domestic actors review, approve, and hold accountable decision-makers, since they are better-positioned to measure the fiscal efficiency and effectiveness of the Project.

5.5.4. Legal

Legal accountability relates to the formal rules and official mechanisms that bind and judge decisions and actions. For this Project, international labor standards provide grounds for legal accountability. According to the ILO website, the Turkish government has ratified numerous conventions;⁵⁰ these conventions, therefore, are

⁵⁰ The following ILO Conventions have been ratified by Turkey: C 2 Unemployment Convention, 1919; C 11 Right of Association (Agriculture) Convention, 1921; C 14 Weekly Rest (Industry) Convention, 1921; C 15 Minimum Age (Trimmers and Stokers) Convention, 1921; C 26 Minimum Wage-Fixing Machinery Convention, 1928; C 29 Forced Labor Convention, 1930; C 34 Fee-Charging Employment Agencies Convention, 1933; C 42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934; C 45 Underground Work (Women) Convention, 1935; C 53 Officers' Competency Certificates Convention, 1936; C 55 Shipowners' Liability (Sick and Injured Seamen) Convention, 1936; C 58 Minimum Age (Sea) Convention (Revised), 1936; C 59 Minimum Age (Industry) Convention (Revised), 1937; C 68 Food and Catering (Ships' Crews) Convention, 1946; C 69 Certification of Ships' Cooks Convention, 1946; C 73 Medical Examination (Seafarers Convention, 1946; C 77 Medical Examination of Young Persons (Industry) Convention, 1946; C 80 Final Articles Revision Convention, 1946; C 81 Labor Inspection Convention, 1947; C 87 Freedom of Association and Protection of the Right to Organize Convention, 1948; C 88 Employment Service Convention, 1948; C 92 Accommodation of Crews Convention (Revised), 1949; C 94 Labor Clauses (Public Contracts) Convention, 1949; C 95 Protection of Wages Convention, 1949; C 96 Fee-Charging Employment Agencies Convention (Revised), 1949; C 98 Right to Organize and Collective Bargaining Convention, 1949; C 99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951; C100 Equal Remuneration Convention, 1951; C102 Social Security (Minimum Standards) Convention, 1952; C105 Abolition of Forced Labor Convention, 1957; C108 Seafarers' Identity Documents Convention, 1958; C111 Discrimination (Employment and Occupation) Convention, 1958; C115 Radiation Protection Convention, 1960; C116 Final Articles Revision Convention, 1961; C118 Equality of Treatment (Social Security Convention), 1962; C119 Guarding of Machinery Convention, 1963; C122 Employment Policy Convention, 1964; C123 Minimum Age

official mechanisms for recourse that stakeholders and affect people can use to demand accountability.

At the national level, the legislation on labor standards, gender equality, and environmental protection also provide legal bases for accountability within the CSR component of the Project. At the same time, Agtac highlights that Turkey has been criticized in terms of the applications of labor standards and because of poor legislation. Nevertheless, actors are able to take advantage of legal mechanisms and engage with entities that have authority over the issues under concern. For this reason, within the scope of this Project, the ILO has been active on revising labor laws and reached out to the Board of Labor Inspections:

For the past three years there has been a strong debate on revising the current labor legislation and the ILO has engaged in this process. Now the new labor legislation has been drafted in consultation with trade unions and employers' organizations, but it is still on the agenda . . . Furthermore, the ILO initiated a cooperation with the Board of Labor Inspection because it has a critical role in the implementation of regulation. Therefore, the ILO signed a protocol with the Board of Labor Inspection, which is placed under the Ministry of Labor and Social Security, to carry out together training programs, sessions for works and employers and also to prepare booklets, particularly on workers' rights as well as on different topics, and disseminate them. This was the most concrete step that the ILO took, by signing a protocol with the Board of Labor Inspection. The ILO and the Board are still working together and have prepared booklets on several issues involving seven topics, such as occupational hazards and safety in textile, mobbing and sexual harassment/gender-based violence, women's economic rights, workplace cooperation, and so on. This initiative is

(Underground Work) Convention, 1965; C127 Maximum Weight Convention, 1967; C133 Accommodation of Crews (Supplementary Provisions) Convention, 1970; C134 Prevention of Accidents (Seafarers) Convention, 1970; C135 Workers' Representatives Convention, 1971; C138 Minimum Age Convention, 1973; C142 Human Resources Development Convention, 1975; C144 Tripartite Consultation (International Labor Standards) Convention, 1976; C146 Seafarers' Annual Leave with Pay Convention, 1976; C151 Labor Relations (Public Service) Convention, 1978; C152 Occupational Safety and Health (Dock Work) Convention, 1979; C153 Hours of Work and Rest Periods (Road Transport) Convention, 1979; C155 Occupational Safety and Health Convention, 1981; C158 Termination of Employment Convention, 1982; C159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983; C161 Occupational Health Services Convention, 1985; C164 Health Protection and Medical Care (Seafarers) Convention, 1987; C166 Repatriation of Seafarers Convention (Revised), 1987; C182 Worst Forms of Child Labor Convention, 1999.

within the scope of this particular project and it is the most concrete cooperation with a Ministry; training programs reached more than 800 workers. This cooperation protocol helped the ILO reach and approach employers and workers as well.

At the policy level, Ongut states that the Ministry of Development is in the process of preparing the new national development plan and that a report on the textile industry will be included. According to him, the outcomes of this Project will influence the government's decision regarding CSR policy and if more effective measures are put into place in terms of regulation and implementation, there will be stronger legal accountability means at the domestic level.

Thus, formal rules ingrained at the national level are an important mechanism of accountability. Even when policies and the implementation of regulations are not up to ideal standards, domestic stakeholders can still call upon decision-makers to uphold norms and enforce the official commitments made at the international and national arenas regarding working conditions, gender discrimination, and environmental responsibility.

5.5.5. Market

Market accountability refers to the influence that private actors wield by rewarding or punishing behavior. Given that the Project under analysis is a private sector development project, market forces play a particularly strong role in ensuring outcome legitimacy. Increased productivity, improved innovation, and responsible business practices are at the heart of the Project's outcomes; hence, private actors exercise great power in their ability to promote the achievement of intended results.

Atac-Rosch highlights the fact that while awareness-raising activities can encourage people to demand changes in practices, they “do not have the power to change things by themselves . . . because the only way for real change to take place on environmental practices and working conditions is through the market forces.” In her view, therefore, market forces are a strong accountability mechanism by encouraging or discouraging certain types of behavior. She explains that “if buyers and big companies decide not to buy products if the environmental conditions are not up to standards, then practices will change.” Furthermore, these international buyers are influenced by consumers, international organizations, NGOs, and the media—and all these actors can be effective at the market level. Moreover, Gunes adds that consumers’ consciousness about CSR have a direct impact on SMEs, as it becomes easier for them to see the value of changing their practices to attend to new market demands. Gursoy explains this market process in detail:

The textile sector is one of the most globalized industries; even though all industries are very globalized, for the textile sector the main consumer markets for the industry are Europe and North America/United States, which together consume about 65% of the total production in the world and have the most sophisticated consumer base—which has a strong interest in good business practices. Therefore, the demand for better CSR comes from the market in the case of textile, that is, from consumers and the big companies, who realized that if they did not act it would affect their business. The strong consumer reaction triggered a lot of changes and all the big companies started their own initiatives to try to control or supervise their supply chain to avoid further backlash. Therefore, the market demand for better social conduct forced big retailers to check their value-chain. In Turkey, large companies, producers, exporters have seen that if they do not follow the social audit procedures of their buyers, they will stop buying. In this way, firstly, these companies improved their working space and adopted better environmental practices in their manufacturing processes just to entertain the requests from their buyers. Now, however, most of the large companies, large exporters—maybe not all of their management, but the key people—have understood that making these changes is not just about entertaining the requests of their buyers, but it is also about the sustainability of their value-chain because if they do not protect the environment, soon there will be no cotton produced and they will not have anything to sell; if they do not improve the working conditions in their manufacturing facilities, they will not find people to work for them. This is the reality of this sector. In Southeast Anatolia, if the working conditions are not

improved in this sector, most people will leave their work and find a seasonal agricultural job.

Thus, market accountability works through consumers' demands and the demands from big retail companies—which in turn are influenced by many societal level actors. Ongut explains that while in supplier-driven industries the producer has the power, the textile sector is a buyer-driven industry and the “big buyers” (companies) and consumers have the power to change the behavior of SMEs. In addition, the market should reward the successful implementation of CSR standards and business clustering (connecting local SMEs to international buyers) activities of the Project with the creation of new employment opportunities and, given the nature of the garment industry and regional scope of the Project, there should be a particular increase in women's employment and employment for those with greater need.

5.5.6. Peer Review

Peer accountability refers to the evaluation of the performance of organizations and actors by their counterparts—and the influence such assessment exerts on their behavior. The entities involved in this Project are UN agencies, the Government of Turkey and ITKIB. Multilateral organizations are increasingly using peer review mechanisms as a means of accountability. The OECD-DAC Evaluation Network and the UN Evaluation Group (UNEG) have worked together to review the evaluation functions of UN agencies in a peer review exercise. The UNDP Evaluation Office was reviewed in 2005 and the evaluation function of UNIDO was reviewed in 2011; these reviews assess whether the evaluations produced were credible, valid, and usable for learning and accountability purposes. The Multilateral Organization Performance Assessment Network (MOPAN) has also reviewed the performance of the UNDP in 2004, 2007, and 2009 and the ILO in 2006; both organizations

responded to each of the MOPAN studies with comments. Furthermore, the Consultative Group to Assist the Poor (CGAP) conducted a peer review of donor organizations to assess aid effectiveness and improve donor practices; the UNDP and the ILO participated in this exercise of being scrutinized by peer donor organizations (CGAP, 2004). In fact, in response to the CGAP review, the Director-General of the ILO formed a task force to examine the recommendations and regional briefings invited the input of a wide range of social partner organizations (International Labor Office, 2005: 4). Thus, UN agencies have engaged in different methods of peer reviews that led to exchanges among them and incentives for better policy implementation and accountable of results.

The development policies of the government of Turkey are under the ongoing scrutiny by the European Union. The Pre-Accession Economic Program drafted in 2011 assesses economic developments in Turkey, including policies that increase welfare and policies that ensure stable growth environment supporting job creation (2). The Strategic Coherence Framework 2007-2013, prepared by Turkish authorities in close cooperation with the EU Commission, is a strategic document for the operations of EU programs under regional development and human resources development (5). While these documents are drafted by the government of Turkey, as opposed to by its counterpart, they are *de factor* policy reviews, whereby the EU exerts peer pressure through the evaluation of development decisions and the strategic intervention in planning activities under the background of accession negotiations. Such influence is a mechanism to hold the Turkish government accountable for its development programs.

ITKIB, as an association of textile exporting companies, had utilized peer review as a strategy for the accountability of SMEs within the scope of this Project. According to Gunes, inviting SMEs to review the performance of their counterparts was the ideal means of attaining a truthful assessment of their behavior regarding CSR policy. She explains:

During one of the activities, ITKIB set up some interviews and carried out a survey with SMEs about their working and environmental conditions, as well as about sustainability issues. The respondents simply answered what they knew was the right type of behavior (no child labor...). In this way, the results made it seem like there were no CSR problems in the region, which ITKIB was aware was not true since it does not correspond with the reality in the region. To address this problem, ITKIB went back and asked SMEs the same questions about the performance of their neighbors and that is how ITKIB was able to get more reliable information.

Thus, the process of peer evaluation provides an useful tool to demand accountability from SMEs, even though the extent of the influence such review exercise can have in terms of holding individual SMEs to account will only be unveiled after the final CSR report is published.

5.5.7. Public Reputational

Public reputational accountability takes place when actors and organizations have a strong need to protect their credibility; their vulnerability to public approval determines the extent to which this mechanism of accountability is indeed effective. Under the democratic system of the country, the Turkish government is fully accountable to the public. The extent of such accountability, however, is dependent on the level of sophistication of civil society. At the local level, weak CSOs presence in the region where the Project is carried out grants little power to reputational accountability. At the national level where civil society is relatively more developed,

reputational pressures would target broader areas of government credibility, such as regarding the textile sector industrial strategy or CSR and employment policy.

UN agencies are under strong reputational pressures since their public credibility is what grants them the ability to carry out their mandate. The UNDP, ILO, and UNIDO must preserve the public's belief in the UN's capacity to help developing countries with their development needs, to promote social justice and labor rights, and to support sustainable industrialization if they wish to retain the responsibilities assigned to them. Furthermore, their ability to function relies on their relationships with national publics; therefore, they must keep a high reputation in terms of knowledge, integrity, capacity, and effectiveness in order to maintain public approval and support. Given that the UN has a presence on the ground for this Project, it is susceptible to strong reputational accountability from those it is trying to impact.

As an organization, ITKIB can be described as a sector interest group; from this perspective, its credibility is only subjected to sanctioning by the sector it represents: Turkish textile exporting companies. While the reputation of the sector as a whole is weakly susceptible to public pressure through consumers' demands, ITKIB is only vulnerable to the extent to which member companies transmit such pressures to the association. ITKIB's credibility is only dependent on the perceptions of its member companies, as it only seeks reputational approval from them. Thus, mechanisms of public reputational accountability are very weakly connected to ITKIB—the lead implementing organization of the Project.

5.5.8. Multi-Level Outcome Assessment

Principal-agent problems in multi-level governance pose many challenges to the ability to hold actors and institutions accountable for their decisions and interventions. While it is easier to identify actors (agents) at the national and local levels, the ones with the power to sanction their actions and ensure the accountability of results (principals) are not always the ones affected by the intervention. Even though accountability mechanisms are in closer reach, there are many weaknesses regarding their ability to promote better outcomes and punish or reward those who have the responsibility for bringing about effective results.

UN agencies have strong hierarchical and supervisory accountability mechanisms, which define their responsibilities, provide internal controls over the activities of civil servants, and allow for the sanctioning of actors and results through the policies in place. These mechanisms, however, are only loosely connected to the affected publics through Turkish government participation at the international level. There are also thorough fiscal reviews carried out by the UNDP, as the designated administrative and fiscal agent—though once more the UNDP bureaucracy and the Spanish government are not in the best position to judge whether funds were well expended. Peer review and public reputational mechanisms provide effective means of accountability, with the former working through international channels and the latter at national and local levels. Overall, UN agencies have relatively strong and diverse mechanisms of accountability that grant the Project outcome legitimacy; nevertheless there is need to ensure that accountability lines are better connected to those affected by the outcomes.

The Turkish government is largely held accountable by domestic democratic mechanisms; therefore its accountability is very dependent on the effectiveness of these hierarchical mechanisms. From a legal perspective, the government is bound by ratified international conventions and domestic legislation in force; the effectiveness of these mechanisms rely on the quality these rules and the implementation of standards and regulations through enforcement bodies. The government is also susceptible to peer pressure from the EU and public reputation, but there are not direct links between these mechanisms and the government's accountability to specific interventions of the MDG-F in Turkey. Thus, while the Turkish government is held accountable for national and local level development policies and outcomes, the mechanisms to hold it accountable for the outcomes resulting from the MDG-F projects in Turkey are weak.

ITKIB, the lead implementing actor, is a private organization. The nature of the Project's intervention, however, involves both public and private objectives; this leads to serious accountability challenges because as an agent ITKIB is authorized by the private sector to carry activities with mixed public-private purposes. Hierarchical, supervisory, peer review and reputational mechanism are only linked to textile exporting company owners. Given that Atac-Rosch, Agtas, and Ongut all argue that ITKIB has the greatest responsibility for this Project's success, the lack of stronger and broader controls to sanction the organization deeply tarnishes outcome legitimacy at the local level.

In addition to holding individual implementing organizations accountable, multiple actors can sanction the Project through the market. As discussed above, as a private

sector development project, successful outcomes are only possible if private actors, by rewarding or punishing behavior, endorse the decisions and interventions of Project implementers. Hence, because of the very nature of the Project, market forces are the most powerful mechanism of accountability; the legitimizing effect of this mechanism, however, is contingent on the benevolence of market influences and the ability of these influences to ensure the most positive outcomes.

5.6. Concluding Remarks

In this chapter, I have situated the establishment of the MDG-F programs in Turkey within the development context of the country. With regards to the MDGs status in Turkey, the main challenges involve geographical and gender inequalities, with the biggest difficulty being the achievement of goal 3. The focus of the Project under analysis was advancing goal 1 (eradication of extreme poverty and hunger), goal 3 (gender equality), and goal 8 (develop a global partnership for development). Regarding goal 1, Turkey is not in a grave situation, since the proportion of the population subsisting on less than \$1 dollar per day is nil and the proportion of food poverty is only 0.54%—though there are significant interregional disparities in income distribution; furthermore, poverty is significant in rural areas, where agriculture is the main employment generating sector. In terms of goal 3, there are serious discrepancies in gender ratios of girls to boys in education and only one-fifth of women in wage employment are working in non-agricultural sector—while a great majority of working women is involved in agricultural activities as unpaid family workers. For goal 8, Turkey has expanded its development assistance to developing countries and has put in place a number of policies to reform the labor market to increase the participation of women and youth, to provide vocational education to

improve the skills of workers, and to support entrepreneurship and SMEs; the Turkish government has also focused on using information and communication technology to make a positive contribution to the way public services are delivered, businesses function, and citizens lead their daily lives.

Moreover, as established by the MDG-F, programs in Turkey are to be in line with the development plans of the national government. The Turkish Development Plan envisions “a country of information society, growing in stability, sharing more equitably, globally competitive and fully completed her coherence with the European Union.” The five objectives are 1) increasing competitiveness, by improving the business environment through corporate governance, raising the educational level of the labor force, and using information and communication technologies—which in turn diversify the economic resources of the poor; 2) increasing employment; 3) strengthening human development and solidarity, with a focus on enhancing the educational system; improving income distribution, social inclusion, and the fight against poverty; 4) ensuring regional development, in order to reduce interregional disparities; and 5) increasing the quality and effectiveness of public services, including the utilization of information and communication technologies as a means of improving institutional capacities and cooperation for development. While a number of policy areas and priorities coincide with the steps needed for Turkey to achieve the MDGs, the main gap is the neglect of the special needs of women, such as policies to encourage the inclusion of girls in the educational system, that increase the participation of women in the work force, and that highlight principles of equal rights and opportunities for women. This is particularly alarming in light of the fact

that gender equality is the area where Turkey needs the most attention in order to achieve the MDGs.

Even though there are four projects being implemented in Turkey under the MDG-F, the aim of this chapter was to apply the legitimacy framework presented in chapter 2 to one of these projects, the “Harnessing Sustainable Linkages for SMEs in Turkey’s Textile Sector,” taking into account the multi-level dynamics taking place at the national and local levels. In terms of input legitimacy, the Project’s vision is to enhance the international competitiveness of SMEs in the textile and clothing sector of Turkey, especially those located in poor and vulnerable regions; the principles are responsible competitiveness and decent work environment through productivity, innovation, corporate social responsibility (CSR) and sustainability. Therefore, the vision is grounded in the welfare that ought to result from economic growth and CSR principles are aligned with the normative standards set forth by the UN Global Compact and ILO conventions; however, there are weak linkages to the MDGs priorities in Turkey, since poverty is concentrated in rural areas and the greatest challenge for Turkey lays in gender inequalities. Regarding political equality, it should be highlighted that the Turkish ministries and UN agencies were strongly involved in the processes of institutionalization and decision-making of the Project, and decisions were based on prior work and engagement that took place during the preparations of the Country Program Action Plan (CPAP) and the United Nations Development Cooperation Strategy (UNDCS); the Local Project Appraisal Committee (LPAC) also had to approve the Project and there is alignment with domestic priorities. Nevertheless, the strong leadership of the UNDP Turkish office limited inclusion beyond UN and government involvement. No needs assessment

was carried out to ensure the greatest impact on MDGs challenges; in fact, the Project was not designed by the communities, nor was there grassroots demand and local level participation. With regards to equal ability to use political freedom, there was no systematic effort to seek out the input from weaker and more vulnerable actors, as there was little direct input from local level stakeholders. At the same time, the empowerment of weaker actors is an aim of the Project itself, so there are opportunities for weaker actors to provide input during the implementation of activities.

In terms of process legitimacy, there are strengths and weakness regarding the ten administrative law mechanisms describes in the framework. With regards to checks and balances, power is divided with clear lines of authority among three committees: National Steering Committee, Program Management Committee, and Technical Advisory Committee; there is *de facto* power-sharing between the implementing partners: ITKIB, ILO, and UNIDO; and several institutions, agencies, and decision-makers also exercise authority: businesses, workers, UN staff at different levels, ministries, consultants, trainers. At the same time, the greatest weight of power-sharing is concentrated in ITKIB and those influencing the organization. In terms of monitoring, actors and decisions are easier to identify; the Project work plan gives directions to be followed and the Joint Program Manager keeps track of the Project; there are regular monitoring reports in line with the monitoring framework and indicators and regular updates to the Program Management Committee; an independent consultant also monitors the Project and there are documents available that detail the action plan, trace progress, and explain decisions. On the subject of transparency, there is substantial information and data available about the Project on

the UNDP and MDG-F websites and transparency mechanisms are in line with transparency and disclosure procedures established by the UNDP and MDG-F; however, the MDG-F projects in Turkey resulted from discussions and internal negotiations between the UNDP country office and relevant government ministries only and most available documents are written in English. Concerning notice, the draft Project Proposal document circulated internally for discussions among the key actors: ITKIB, UNDP, UNIDO, ILO, relevant ministries and experts called upon by these actors; it was also reviewed by MDG-F Technical Review Committee; there are announcements regarding program activities in local newspapers and television programs and there is communication with local counterparts, such as chambers. On the other hand, the draft Project Proposal document not published to invite assessment by stakeholders not directly involved in designing the Project. There were no requirement for hearings at the national and local levels and no needs assessment carried out. With regards to requirements for representation, UNDP and UNIDO Boards consisting of country representatives from UN member-states who serve on a rotating basis; ILO Board is representative of governments, employers, and workers; there are also ministries and local Chambers of Industry and Commerce represented. Conversely, ITKIB's membership is restricted to Turkish textile and clothing exporting companies and is representative of the sector only and there is lack of civil society and local representation in the committees. In terms of requirements for deliberation, consultations were carried out with UN agencies, government ministries, embassies, business sector organizations, employers and workers' associations, academics, chambers, companies, and local governments. During the implementation phase, there was engagement with labor unions, employers' associations, chambers of industry and trade, and SMEs and the UNDP

conducted site visits to local communities. Nevertheless, there was lack of consultation with NGOs and the local communities that were to be impacted by the Project; in fact, consultations were mostly carried out with the Project's direct target audience in an effort to engage them in activities. All UN agencies, ITKIB, and government ministries justify their decisions with a discourse on the role of the textile and clothing sector in the economic development of the country; a discourse about the benefits of implementing CSR standards; and justifications in terms of building sustainable partnerships for future interventions. Regarding inspections and audits, audits were carried out by independent parties following UNDP policies and there are mid-term and final evaluations by independent consultants. The UNDP also recruited an expert to carry out assessment and findings feed into the United Nations Development Cooperation Strategy (UNDCS). The judicial system at the national level provides one mechanism of appeal, as the government has obligations to the target audience; however, there are weak linkages to national level judicial system and, given the small scope of the Project within overall development interventions of the government, it is difficult for stakeholder to make claims to reconsider outcomes.

In terms of outcome legitimacy, there are also stronger and weaker aspects regarding the seven dynamic accountability mechanisms of the framework. With regards to hierarchical accountability, UNDP, UNIDO, and ILO are supervised by State officials through their respective Boards and the bureaucracy that supervises civil servants; the ILO is also supervised by employers and workers' organizations and the UNDP country office is supervised by the donor, Spain. The UNDP and ILO have stand-alone formal accountability frameworks and UNIDO has an internal control framework and accountability policies. ITKIB is supervised by its Board of

Directors, with clear lines of authority and a bureaucracy that delegates powers; public officials from ministry departments are also supervised by their respective bureaucracies. Within this mechanism, the greatest weaknesses are the fact that local stakeholders are not embedded in ITKIB's hierarchy and the weak authority of the government in the implementation of the Project. In terms of supervisory accountability, SMEs supervise ITKIB; the UNDP supervises the JP Manager and the JP Manager in turn oversees ITKIB's activities; the UN country offices are supervised by the UN Resident Coordinator and lead actors within UN agencies are supervised by their managing staff at the country offices; the National Steering Committee oversees MDG-F projects in Turkey; and finally, the Project beneficiaries supervise UN country offices. While there are many lines of supervision, the greatest weakness is that ITKIB cannot be controlled by other stakeholders. Concerning fiscal accountability, the Joint Program Manager allocates expenses and prepares annual and final financial reports; the UNDP oversees disbursements to ITKIB and financial audits are also under UNDP responsibility; audited financial progress reports are sent to the MDG-F Secretariat for approval. Hence, there is a strong system in place, though UN agencies differ in their financial rules and regulations and it is hard to measure whether funds were spent efficiently. On the subject of legal accountability, there are international labor standards and ILO conventions ratified by the Turkish government; national legislation on labor standards, gender equality, and environmental protection, as well as CSR policies, are also legal mechanisms, though the poor legislation and application of labor standards in Turkey are an important challenge. Market accountability works through the influence of market forces exert in rewarding increased productivity, improved innovation, and responsible business practices with the creation of new employment opportunities, especially for women

and the poor; international companies, consumers, international organizations, NGOs, and the media can also encourage better standards and practices. With regards to peer review, the OECD-DAC Evaluation Network and the UN Evaluation Group (UNEG) conducted peer reviews of the evaluation function of UNDP and UNIDO; the Multilateral Organization Performance Assessment Network (MOPAN) carries out peer reviews of UNDP and ILO; the Consultative Group to Assist the Poor (CGAP) has done a peer review of UNDP and ILO; the EU also reviews the Turkish government's development policies; and peer reviews of SMEs were done through ITKIB's project activity—though the extent of the influence of SMEs' peer pressure is unclear. In terms of public reputation, the government of Turkey is accountable to the public and UN agencies are under strong reputational pressures by national publics as well. Nevertheless, the strength of this mechanism is dependent on the level of sophistication of national civil society and there is weak CSOs presence at the local level; ITKIB's credibility is only vulnerable to the perceptions of member companies.

At the national and local levels, there are different challenges to legitimate governance. Firstly, the redefinition of the role of the State in light of global interdependence means that national governments must cooperate with international actors in order to advance their development policies. Therefore, governments need to reconcile their international and national commitments, while at the same time taking into account local level realities and demands. In the case of this Project, this exercise of reconciliation was unbalanced to the detriment of the MDGs in Turkey. Despite the government's commitment to achieving the MDGs, the national development plan does not focus in the areas where the country is lagging behind the

most—gender equality. In view of this discrepancy, while there is a gender component within the CSR strategy of the Project, a much stronger focus is needed to grant stronger input legitimacy. Secondly, partnerships emerged as an important new mode of governance in international development; this means that there is a substantial increase in private sector participation in development programs. Under the premise of this Project, partnering with SMEs in order to promote productivity, innovation, and responsible business practices is regarded as the path to development and achieving the MDGs; however, private sector development are inherently business-oriented and does not always lead to the necessary improvements in human welfare and social development. Hence, from this perspective, the Project’s approach runs the risk of benefiting more advantageous groups, at the expense of the more vulnerable ones. Thirdly, international institutionalization has granted institutions a significant amount of leverage and authority. For this Project, this is reflected in the normative power of the UNDP. While administrative rules are better embedded at the national and local levels, the legitimacy of the process is largely dependent on the policies and regulations of the UNDP, such as those related to monitoring, transparency, notice, requirements for representation, inspection and audits; however, since these mechanisms are mostly linked to the international level, they invite little involvement and scrutiny by local actors. Furthermore, such authoritative power also allowed the UNDP to take the lead on project selection, without carrying out a needs assessment based on MDGs country priorities. Fourthly, powerful non-state actors had a strong influence in shaping the governance intervention. ITKIB, as an industry sector interest group loosely linked to the Ministry of Economy, has a dual private and public role; at the same time, it is composed of company owners and its staff owes allegiance only to its Board of Directors. Hence, even though ITKIB is

the lead implementing organization, with the greatest responsibility for the Project's success, accountability mechanisms are very weak in their ability to allow stakeholders—other than textile and clothing company owners, to sanction the organization for its decisions and interventions, as well as for the outcomes of the Project. Finally, at the national and local levels, governance legitimacy can be enhanced by the domestic democratic system of the country. Government involvement, approval and support for the Project allows the only true representative of the people to connect the public to the intervention and to link domestic administrative rules (such as judicial review) and accountability mechanisms (such as legal and supervisory) to the Project's framework. Nevertheless, the strength of these rules and mechanisms is deeply dependent in the democratic make-up and realities of each country, including the rule of law, quality of laws and regulations, and the sophistication of civil society organizations at the national and local levels in their capacity to take advantage of the tools at their disposal.

CHAPTER VI

CONCLUSION AND DISCUSSION

Drawing on a multi-level perspective, this thesis developed a comprehensive framework for evaluating the legitimacy of global governance and applied it at three levels to the Millennium Development Goals (MDGs). As globalization augmented interdependence and international exchanges, complex problems that can only be addressed at the global level emerged and new international institutions started to intrude into national societies. This study first analyzed the global governance structure that resulted from these changes, including the establishment of various institutions, the development of diverse regulatory processes and mechanisms, and the growing number of actors that participate, influence, and make claims on a global scale. Furthermore, it discussed new types of governance that took shape as a result of these transformations. Since there is no real executive power at the global level, there is a system of indirect and informal rules, with serious enforcement problems; the multi-layered aspects lead to problems of rule of law and accountability; and the emergence of powerful private actors brings into question the public purpose that governance ought to have. Thus, the central issues that were examined are 1) the re-conceptualization of sovereignty and the relationship between states and societies; 2)

new modes of governing at the international level and the proliferation of powerful non-state actors; 3) the legitimacy and accountability of actors and institutions that exercise authority; and 3) the need to design participatory mechanisms to enhance international democracy.

This thesis argues that global governance matters because it is imperative to design mechanisms that ensure the effective provision of public goods and such provision has a tangible impact on the lives of people. A multi-level approach was chosen because such arrangement leads to specific governance challenges: it obfuscates decision-making processes and outcomes; it amplifies power inequalities among international actors; and it disrupts the democratic underpinnings traditionally embedded in modern political systems.

Moreover, this thesis defines legitimate global rulemaking in terms of the validity of political decisions and their claim to legitimacy and societal acceptance of such political decisions and belief in the legitimacy of such orders. The validity and acceptance of global governance matters for several reasons. Firstly, since global governance constrains state sovereignty, the legitimacy deficit of global governance affects the legitimacy of nation-states. Secondly, given that global governance is rarely binding, the effectiveness of global institutions and the implementation of global rules are dependent on them being viewed as legitimate. Finally, as essential public goods can only be provided at the global level, the way governance is carried out has distributional implications; therefore, legitimacy has a substantive impact on the well-being of and opportunities granted to people because legitimacy means ensuring the public mandate of governance.

In developing a legitimacy framework, this thesis proposes a holistic approach that includes three pillars. The first regards the governance structure and the substantive values underlying it, to ensure a legitimate way of attaining authority: input legitimacy. The second concerns the rules and procedures that guide the process, to ensure a legitimate way of exercising authority: process legitimacy. The third involves the mechanisms that guarantee the evaluation and sanctioning of outcomes, to ensure a legitimate way of holding responsible the actors and institutions that exercise authority: outcome legitimacy. In terms of the level of standards, it is important to take into account the delegation-legitimacy link: the further global governance intervenes in formally national issues, the higher the standards of legitimacy it must abide to; the greater the power exerted by actors and institutions, the greater the degree of legitimacy and accountability that is expected.

In terms of methodology, to evaluate the level of input legitimacy this thesis identified the overall purpose that the governance arrangement should serve and the principles or values perspectives that guide it. The vision must set forth what a good global society would be, including many aspects such as cultural vibrancy, democracy, distributive justice, ecological integrity, individual liberty, material well-being, moral decency, or solidarity; the purpose should be to secure global public goods and uphold the global public interest. Concerning its structure, it must ensure a balance of powers to counteract global inequalities, by ensuring political equality within the global public sphere through equal access to political influence and capability equality via empowerment of weaker actors. The multi-level aspect of input legitimacy regards the structured informality of global governance, where relationships are kept loose while at the same time building enough organization and

framework to allow for action. In other words, multi-level governance is a battle for power between actors regarding the shaping of problem definition and the entry of actors into the network of decision-making; differences in the distribution of resources matter and actors use them to influence the substance of decisions. Since resources are not equally distributed among actors, governance arrangements can operate to the advantage of some and to disadvantage of other actors because they are formed by unequal interactions and such inequalities are incorporated into the arrangement. Hence, the multi-level legitimacy input challenge is to develop instruments that ensure inclusiveness and equal opportunity to shape problem definitions, objectives, and desired solutions and to incorporate criteria for the empowerment of weak actors.

To evaluate the level of process legitimacy, this thesis identified administrative law by analyzing global governance as administrative action: rulemaking and other forms of regulatory and administrative decisions and management. According to this framework, governance arrangements need to incorporate disciplinary measures into their practices to ensure that decisions are made according to its normative purpose: to carry out public functions that help advance towards a good global society. The tangible tools offered by the framework are: checks and balances to ensure power-sharing and divided authority; monitoring to identify decision-makers and trace documented decisions; transparency and access to information; the publishing of drafts with notice and comments; hearing as opportunities for public participation; requirements for representation to avoid special interest manipulation; requirements for deliberation for opinion evaluation; requirements for justification to promote a shared understanding; inspections and audits; and judicial review to evaluate

decisions and provide means of appeal. The multi-level aspect of process legitimacy is that policy processes are a collection of interactions that take place within networks of interdependent players and policies can only be realized on the basis of cooperation; such cooperation, however, are informal bargains, negotiations, and collaborations. Therefore, there is the risk that power politics, as opposed to law and formal procedures, become the determining factor in the series of interactions leading to policymaking. For this reason, regulating mechanisms are needed to control the significant *de facto* discretion of actors operating in such a complex and convoluted environment. Hence, the multi-level process legitimacy challenge is to develop formal and legal constraints to ensure that all interested actors participate and cooperate so that governance caters to the interest of all stakeholders, that is, contributes to the provision of public goods.

To evaluate the level of outcome legitimacy, this thesis identified a system to review and sanction the success or failures of fulfilling the function of providing global public goods; validation is earned by the actual benefits (positive outcomes) provided to the public. Since authority is largely exercised through indirect and informal means that lack principal-agent accountability relationships, the framework offers dynamic accountability mechanisms: hierarchical, via bureaucratic arrangements that constrain discretion; supervisory through relations between organizations where one acts as the principal with respect to specified agents; fiscal, through mechanisms whereby funding agencies and donors can demand reports and sanction agencies and recipients; legal, through the need to abide by formal rules and justify actions in judicial arenas; market, via private actors who exercise influence through the market; peer review via mutual evaluations by counterparts; and public reputational, through

the need of agents to preserve their credibility. The multi-level aspect of outcome legitimacy is the *ad hoc* nature of global governance, which means that there are rarely *ex ante* formulated and finalized goals that can serve as criteria for the evaluation of outcomes; this also means that it is difficult to assign responsibility to actors and institutions for successes and failures. Actors and organizations largely operate without being officially granted authoritative roles or given certain tasks to fulfill and their position in the network arrangement is neither clear nor permanent. Furthermore, there is a lack of enforceable sanctions. Hence, the multi-level outcome legitimacy challenge is to ensure that accountability encompasses a number of mechanisms that can reach the multi-level interactions, grasp ways of identifying and evaluating the performance of different players, and sanction results.

Thus, the legitimacy framework provided tackles a number of challenges posed by global multi-level governance. At the same time, it is important to emphasize that the framework itself cannot reverse the engrained problems related to justice, democracy, and equality that are at the very heart of international relations. Firstly, despite the changes brought about by globalization, there is still no true global public sphere to allow for the solidarity that is needed to build a global vision of governance. In light of this, developed countries are not willing to pay the cost of global solidarity, donor countries' allegiances still belong to the domestic arena, and national governments are not willing to realign priorities according to international commitments; in other words, the tools provided cannot compensate for the lack of a global civil society. Secondly, there is a need for global administrative reform in order for controls and oversight over policy decisions and implementation to be effective. This includes strengthening of the authority of the UN at the global level,

ensuring that there is multilateral, as opposed to bilateral, international administration and oversight, and national authority must be decentralized to ensure sub-national participation and control; in effect, the power of administrative law is considerably constrained in the absence of these deeper transformations. Finally, global actors must have a public mandate and a connection to those affected by global policies is necessary if public goods are the desired result. For this reason, Northern-dominated organizations must broaden their constitution to ensure a global mandate, international assistance must be carried out by actors and organizations whose allegiance belong to the affected people, and private actors' authority must be offset by public organizations. Accountability mechanisms will not be able to prevent special interest influence as long as global actors are largely detached from the public.

When applying this framework to a case study that focuses on a specific issue-area—global development—it is possible to draw several conclusions regarding the legitimacy of the governance arrangement at different levels. First, looking at the making of the MDGs, there are serious challenges to input legitimacy at the global level. While the value of equality is strongly embedded in the vision of inclusive and equitable globalization for all the world's people, the need to decrease global inequality is not listed in the MDGs. In terms of political equality, while UN World Summits invited broad participation, there was only a small group of high-level officials at the time of final definition of the MDGs. This dynamic clearly reflects the battle for power between actors that was described above, where actors with greater resources use this advantage to influence the substance of decisions. At the global scale, it is hard to ensure inclusiveness and to empower weaker actors because

political and socio-economic power inequalities are rooted at the societal level. Such power imbalances can only be reversed if the powerful actors (rich states, donor countries and institutions, and Northern organizations) were forced by their constituents to share their influence, since there is no top-down authority at the global level that can control them. Regarding process legitimacy, while many administrative law mechanisms help constrain actors, it is clearly difficult to control the *de facto* discretion in their informal negotiations and collaborations. The strongest mechanisms are linked to the activities of the UN, given its more structured composition and the formal representation of states. However, powerful actors, such as the OECD-DAC, the World Bank, the Catholic Church and conservative Muslim groups, are largely outside the constraints. Once again, because of the global scale of the arrangement, it is extremely difficult to monitor and take stock of the views of all stakeholders. Therefore, process legitimacy can only be enhanced if administrative law mechanisms are embedded in a stronger global level authoritative structure of formal and legal rules; such structure can only be built if nation-states are willing to strengthen the authority above them. With regards to outcomes legitimacy, long lines of delegations and the lack of valid principal-agent relationships are the main challenge at the global level because it is difficult to hold actors and institutions accountable. While all the mechanisms of accountability applied assist in assigning responsibility, evaluating performance, and sanctioning results, they are largely linked to wealthy states and to actors in the developed world: OECD-DAC and World Bank hierarchies; supervision, fiscal, market, and peer review mechanisms mostly dependent on sanctions by Northern actors. Since accountability mechanisms cannot be strengthened if developed countries' governments, donors, and Northern-led institutions (the agents) are not bound to the larger public on behalf of whom they act

(the principals), what is necessary to enhance outcome legitimacy is to ensure that those that act as agents in global governance indeed have a truly global mandate.

Secondly, looking at the MDG-F, there are particular challenges to input legitimacy at the international level. The vision of the arrangement is to accelerate progress towards the attainment of the MDGs, in line with UN international and country level commitments. From this perspective, input legitimacy is largely based on the legitimacy of the MDGs—an important multi-level aspect. In terms of political equality, this arrangement is strongly influenced by the government of Spain, as it was a unique player in defining the structure, administration, and eligibility of the fund. The UNDP—as the UN agencies assigned to lead the programmatic work for MDGs achievement—was also an important actor in helping define the program areas of the fund as well as other aspects. However, while activities must be aligned with national priorities and there is an emphasis on ownership to counteract inequalities of power and commitment to capacity building to empower weaker stakeholders, there is an absence of input from developing countries during the formulation at the international level. This reflects the fact that powerful actors with resources use this advantage to influence the substance of decisions. At the international level, Spain, as the donor, is granted decision-making power over the MDG-F because it is providing the resources, even though the decisions are going to affect developing countries and the poor within those countries. The involvement of the UNDP grants the MDG-F a level of legitimacy because it is the lead organization chosen at the global level to carry out the MDGs mandate. Nevertheless, lack of political equality is a major deficit that is reflected in the fact that funds are largely allocated to middle income countries, in accordance to Spain's domestic interests.

Such incongruence could have potentially been counteracted if the MDG-F was a truly multilateral arrangement, so that there could be broader input into its formulation. Regarding process legitimacy, while many administrative law mechanisms are in place, processes leading up to the establishment of the MDG-F mostly took place within the Spanish context and therefore, monitoring, notice, representation, deliberations are confined to that country. UNDP participation provides some checks to the process and strong inspections and audits help ensure that the arrangement caters to the interest of all stakeholders. At the same time, process legitimacy would be enhanced if the MDG-F formulation process moved from the Spanish national arena to a more international context, where administrative law mechanisms could be extended to reach developing countries. With regards to outcome legitimacy, lines of delegation are easier to follow than at the global level, so accountability mechanisms are stronger: hierarchical, supervisory, fiscal, legal, market, peer review, public reputational. Nevertheless, while affected people (the poor in developing countries), as the principals, are better positioned to sanction the UNDP, Spain is held accountable by domestic actors and its peers (other donor countries). Thus, once again, outcome legitimacy would be enhanced if accountability mechanisms were not linked to Spain.

Thirdly, looking at the MDG-F program in Turkey, other challenges to input legitimacy are encountered at the national and local levels. The vision of the Project is to enhance the international competitiveness of SMEs in the textile and clothing sector of Turkey, especially those located in poor and vulnerable regions. While there is alignment between this vision and the national development strategy of the Turkish government, there are weak linkages to the MDGs priorities in Turkey—

namely, gender equality. From this perspective, input legitimacy encounters a disconnect between global development commitments and national development priorities—a multi-level challenge. In terms of political equality, legitimacy largely stems from the democratic representation of the people by the government at the national level and the involvement of UN agencies in providing a global development perspective. However, there was no local level participation during the definition of MDG-F projects in Turkey and no systematic effort to seek out the input from weak and more vulnerable actors. This results partly from the international institutionalization of development, where the authority of the UNDP becomes a powerful force in shaping development interventions, and partly from the authority of the government, which continues to be the most powerful actor in the national context. At this level, input legitimacy would be strengthened if a needs assessment was carried out, whereby the UNDP and the national government engaged with local stakeholders in the process of defining MDG-F projects that assist Turkey's advancement towards achieving the MDGs. Regarding process legitimacy, administrative law mechanisms are stronger at this level because they are embedded in the UNDP framework (monitoring, transparency, inspections and audits), there is power-sharing among the three implementing organizations, and deliberation and justification mechanisms are a necessary component of project implementation. At the same time, ITKIB has the greatest weight of power-sharing and there is limited representation of local stakeholders in the committees managing the Project. In line with partnership arrangements, process legitimacy would be enhanced if, in addition to the private sector, this Project also involved local communities in the administrative aspects of the intervention. With regards to outcome legitimacy, lines of delegation are clear at the national and local levels,

which strengthen accountability mechanisms, such as hierarchical and supervisory; furthermore, the UNDP has strict fiscal controls and UN agencies undergo many peer evaluation exercises; there are also legal recourses at the national level and the government is under public reputational pressure. Finally, as a private sector development project, market mechanisms are especially relevant. Nevertheless, the performance of ITKIB, a powerful non-state private actor, is largely unchecked, as it is only accountable to member company owners. As the key organization responsible for the outcomes of the Project, this poses a serious legitimacy challenge. A possible way of addressing this accountability deficit would be to ensure that a more public institution shares such responsibility alongside a private one.

When analyzing the findings of the case study, it is possible to assess the effectiveness of the legitimacy framework provided. At first glance, there is an obvious legitimacy paradox in the fact that a global development project centered on the MDGs is somehow translated into funding the textile industry in Turkey. How was that possible? One reason is because the purpose of the governance arrangement is redefined at each level of interaction and contextualized according to the perspectives of the leading actors in charge. Given the complexity of the MDGs, it is possible to shape policies and interventions in ways that detour from its original purpose, while still having a level of connection for rationalization. At the World Bank meeting where the MDGs were listed, only high-level officials participated and decisions were made with the aims of rallying the international aid community for action, as opposed to defining the optimum strategy for global development. From this perspective, the target audience for the MDGs was developed countries themselves, and not developing countries and the poor as the original stated objective

in the Millennium Declaration. This is highlighted in the fact that the World Bank and the OECD-DAC were the leading organizations involved and that goal 8, which targets developed countries, was inadequately defined, with weak indicators that lacked timeframes. As a result, since the MDGs were identified by developed countries' actors, for developed countries' governments, the costs are not equally shared and developing countries have the greatest burden in terms of achieving the MDGs. This contradiction stems from the serious political inequalities that prevent effective influence by disadvantaged groups; even though the UN is at the center of the initiative, Northern organizations are the ones drawing the line between what is acceptable in terms of global development goals—and are able to make sure that their constituents do not pay their fair share when it comes to abiding by global commitments. Hence, the *de jure* beneficiaries of the MDGs, the poor in the developing world, are very weakly connected to the actors in charge of establishing the MDGs, as the allegiance of the OECD-DAC and the World Bank is clearly to the governments of developed countries. Furthermore, this contradiction grants a significant amount of additional leverage to these Northern organizations, as the mandate provided by the MDGs gave rise to a multitude of policies and interventions in support of decisions that were made in line with the interests of developed countries, but in the name of the interest of developing ones.

At the international level, the MDG-F programs have tangible impacts on the development prospects of developing countries. At this stage, it would have been crucial to ensure that programs target those with the greatest needs; however, the program was defined according to the interest of one powerful actor only, the government of Spain as the donor country. As a result, the MDG-F is closely in line

with the domestic interest of this country as opposed to focusing on the developing needs of the target audience. Because of this contradiction, funds are largely directed to countries with historical and economic ties to Spain, in accordance with the national cooperation strategy of the country. Consequently, middle income countries are eligible for most of the funding, which in effect impairs the global commitment to achieve the MDGs. Ironically, this is normatively acceptable because donor countries are “supposed” to be in control of the funds they disburse because aid is regarded as a form of assistance and not an obligation to help the world’s poor. Furthermore, the process is led by Spain and the UNDP, in a top-down oversight and management structure. While a number of control procedures are in place, these do not ensure that the most needed interventions are the ones carried out. For example, countries like Turkey and many Latin American countries are able to submit numerous well-written proposals, with sound rationale and strategy, and get funding for three to five different projects, while countries like the Democratic Republic of Congo, on the other hand, where the needs are enormous, have little capacity to design such proposals and, therefore, receive less funding because they are less likely to turn out to be successful interventions. In this way, the MDG-F spreads itself too thin and the results-based approach makes it less likely that the most needed interventions for the achievement of the MDGs are the ones indeed chosen to be supported. In fact, since the affected publics have no direct way of holding Spain responsible, there is little incentive to ensure successful MDGs results in the first place. In light of this, the MDG-F is basically a foreign intervention, grounded in the domestic demands of Spain, instead of being a true multilateral effort to help advance the MDGs where it is mostly needed and in the best way possible.

At the national level, the kinds of projects defined by domestic governments have strong substantive and distributional impacts on the lives of people. While legitimacy can be enhanced by the domestic democratic system, the national government is not a perfect representative of the people's will; ignoring the need to focus on gender equality and directing funds towards an already relatively developed industrial sector does not contribute to the achievement of the MDGs. As the MDGs report for Turkey clearly states, the country's reality regarding gender inequality is the greatest drawback, which points to an obvious government failure that should have been addressed. Instead of sorting through existing projects and ongoing interventions, UNDP civil servants and government officials should have looked at the gender equality loopholes in the country and reached out to local communities to identify grassroots demands for project targeting this crucial shortcoming. In fact, diverging attention to a project that supports the government's economic strategy conveys the wrong message that such intervention is what is needed for Turkey to achieve the MDGs. By equating private sector development with the development interest of the country, this Project also reinforces the erroneous idea that there lies the answer to the many development challenges faced by Turkey. Even more puzzling is the fact that these scarce funds, which are supposed to help the world achieve the MDGs, are allocated to a strong sector clearly capable of funding the intervention on its own. In effect, the Project's target audience is the Turkish textile SMEs, and the potential indirect benefits that may come about to the communities is the positive MDGs component, instead of being the other way around: target communities in need, with the private sector possibly benefiting from the changes as well. Furthermore, having a system of decision-making and control centered at the national level insulated decision-makers from important substantive and procedural

contributions from the local level; in fact, this was perhaps a necessary strategy in order to move forward with the Project, since there was clearly no grassroots demand for it to begin with. Instead of taking stock of this lack of demand and searching for other possible interventions, part of the approach carried out by the Project was to push for compliance, given that it had already been decided that this was the course of action to take—in line with the national development strategy. Therefore, while the technical portion of the Project is able to be implemented and trainings are able to be “checked off” the list of activities carried out, it is unclear what profound impact they will have. Finally, having a solely private organization as the main actor responsible for the results of the Project brings into question the very publicness of the intervention. At the end of the project cycle, UN agencies and the government will not be involved in the sustained efforts that are needed to ensure that the activities carried out by the Project indeed bear fruit; in this way, affected communities have no means of demanding the deeper transformations envisioned by the implementers, as only ITKIB and its member companies will be in control of the instruments granted to them through this MDG-F Project. Given that these are business-oriented actors, there is no guarantee that their interests and future decisions and interventions will reflect those of the local communities—who are the ones who ultimately ought to benefit from the Project.

Given these essential input legitimacy flaws, other controls and mechanisms provided by the framework have limited effectiveness in terms of compensating for a fundamental diversion from the purpose of inclusive and equitable development. Furthermore, the actors and institutions exerting the greatest power do not have a global mandate nor are they directly connected to the affected publics. Thus, as long

as key actors do not incorporate a real public mandate, the accountability mechanisms provided by the framework have little reach in terms of ensuring that actors make more legitimate decisions and carry out more legitimate interventions.

This thesis makes several contributions to the study of global governance. The first implication is the operationalization of the concept of legitimate global governance. By taking a holistic approach, this thesis offers a comprehensive conceptualization of the term legitimacy. While the literature focuses on different legitimate aspects of governance, this study formulated an inclusive framework that allows a governance arrangement to be assessed according to three all-encompassing pillars. The significance of this approach is that it brings to light the multifaceted aspect of legitimate governance, meaning that piecemeal studies may allow for important analytical assessment gaps. For this reason, a holist approach is the only suitable way of achieving a valid legitimacy assessment of a governance arrangement. Furthermore, this thesis provides the tools and a method of application for the framework, which allows future studies to apply it to different governance arrangements as a means of assessing their level of legitimacy.

The second contribution relates to the actual application of the method provided to an empirical case study with the purpose of measuring its level of legitimacy. This case study exercise not only proved the framework's usefulness, but also offers important findings regarding the choice of taking a holistic approach. For example, one interesting finding is the way in which the three pillars relate to each. If the level of input legitimacy is very low, meaning that the vision for a good global society is weakly defined, with values and principles not widely shared by all, and there is

unequal political participation, then the policies that will derive from it will lack legitimacy, despite the processes and outcomes follow. In addition, legitimate processes may in fact grant a level of legitimacy to an originally “illegitimate” governance arrangement likewise, wrong lines of accountability may also legitimize and “illegitimate” process. However, if there is a level of input legitimacy, but there are flaws with this pillar, strong administrative law mechanisms can help grant a higher level of legitimacy to the arrangement because these requirements have the power to transform the governance arrangement for the better by shaping policy implementation in a positive direction. Furthermore, strong dynamic accountability mechanisms affect both input and process legitimacy by encouraging/forcing actors and institutions to change their decisions and interventions in ways that legitimizes governance. Therefore, while input legitimacy sort of sets the standard of the governance arrangement, the three pillars feed into each other in ways that either strengthen or weaken legitimacy; in other words, they are not completely separate framework, but indeed influence and compensate each other. Another related finding is that it is not always possible to compartmentalize these legitimacy requirements quite neatly. In fact, input, process, and outcome do not usually take place in a linear course of action: requirement for transparency, monitoring, representation and deliberation may be established during input; legal accountability is dependent on the inspections and reviews of the process; supervisory accountability is related to the processes of institutionalization. Thus, there is a fluid relationship between the different requirements and mechanisms and this is another level of analysis of the holistic approach.

Finally, the third contribution is the multi-level perspective, which is an approach that attempts to disentangle the complex linkages among diverse actors and institutions by tracing interactions at different levels. The significance of this approach is that it allows for an understanding of how legitimacy is either enhanced or undermined at different settings and how the multi-layered aspect of the structure and processes of global governance themselves grant to detract such legitimacy. For example, while on the one hand international institutionalization and standardization has allowed for the emergence of important multilateral agencies, like the UNDP, and promoted broad consensus, such as the Paris Declaration, at different levels this means that the UNDP's authority may override the need for more grassroots input or the focus on effective results may mean that the most needed changes will be overlooked because of the limited possibility of success. Another multi-level challenge is the incongruence between global and domestic priorities. Understanding which mandate supersedes the other is context-specific and decisions regarding which route to take or where exactly to draw the common ground line can either strengthen or weaken legitimacy. Finally, multi-level governance allows powerful actors to take upon themselves authoritative roles in an *ad hoc* manner. The authority of Spain in setting up the MDG-F was granted at the domestic level, but the legitimacy of the arrangement is dependent on the manner in which it was formulated and implemented at different levels. Similarly, powerful non-state actors at the local level, such as ITKIB, are granted fundamentally national public roles and legitimacy relies on the results delivered by a largely unaccountable actor.

With the conclusion of this study, it is also possible to identify a number of shortcomings. From a substantive point, the legitimacy framework provided does not

offer a clear baseline to be used as a starting point for assessment. For example, given the realities of power inequalities, what is a legitimate level of political equality? Furthermore, if civil society is not organized at the level of intervention, i.e. it is yet to be built, what is a legitimate level of engagement? Part of the challenge of establishing such baseline is that each governance arrangement is context specific; however, the framework could benefit from better guidance in order to have a clearer “scale” of legitimacy.

Another substantive shortcoming is that the framework does not sufficiently incorporate the financial challenge of governance, in terms of the high administrative cost of legitimate processes and the “timing” of governance, meaning the need for rapid intervention for effective action. Given limited resources and urgent problems it is important to incorporate these aspects into legitimate governance as well.

Finally, from a methodological standpoint this thesis does include a comparative case. While the framework proposed was a good fit to analyze a global development arrangement, it is not clear whether it would be applicable to other issue areas. A comparative case could bring to light whether different legitimacy frameworks are needed to evaluate more technical governance areas, such as financial regulation or security.

An important topic for further study would be to delve into the many administrative and accountability requirements set forth by this thesis to examine ways of enhancing them and to identify additional mechanisms. There is a rich literature emerging on global administrative lawmaking and governance accountability and

this framework could benefit from different perspectives regarding how to better embed constraints into global policymaking and interventions. This thesis provided robust arguments in favor of a holistic approach to legitimacy and the three pillars stand on strong grounds in terms of reflecting this complex approach: input (balance power inequalities and ensure common good purpose); process (administrative rules); and outcome (dynamic accountability mechanisms). Nevertheless, there is room for revamping the framework in light of new ideas and ongoing transformations in the global governance context.

Another area for further research would be to apply this framework to different governance arrangements in order to assess its relevance and applicability to other issue-areas. Such exercise would provide additional tests to the robustness of the framework presented and findings would offer further insights into the multi-level dynamics of global governance.

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