
THE MATRIX OF HUMAN RIGHTS GOVERNANCE NETWORKS

By James P. Kelly, III*

Twenty years ago, no reasonable person could have successfully argued that it was possible for the United Nations to globally govern economic and social affairs. More recently, however, a combination of events has given rise to UN global governance ambitions and activities. These factors include the increased global awareness of economic disparities among nations, enhanced global communications capabilities, greater availability of research and information, and the growing international human rights movement.

At the beginning of this century, the United Nations examined the manner in which a networks approach could be used to address pressing global problems. The organization focused on what it referred to as “global public-policy networks,” consisting of cooperative arrangements among three groups: governments, businesses, and civil society. Today, there exists a matrix of ten human rights governance networks in which UN global governance of economic and social affairs occurs.

While some people who desire expanded UN global governance over economic and social affairs welcome these developments, others are concerned that, by forming external global governance partnerships with civil society and transnational businesses, the UN is exceeding its mandate and undermining the authority and sovereignty of its Member States.

This article describes the UN’s study of global public-policy networks; considers the proposals for global governance contained in the report of the Panel of Eminent Persons on United Nations-Civil Society Relations; examines how the UN has applied the global public-policy networks approach to create a matrix of human rights networks for the governance of economic and social affairs; explains how the UN is using the matrix to globally govern in the area of the right to health; and concludes that the UN’s creation, promotion, and management of a matrix of human rights governance networks without formally adopted UN reforms or Member State approval undermines the intergovernmental, multilateral nature of the UN.

UN STUDY OF GLOBAL PUBLIC POLICY NETWORKS

At the end of the twentieth century, UN officials, social and political scientists, and international policy-makers concluded that new arrangements were needed to allow governments, public and private organizations, and individuals around the world to work together to address pressing global problems. Surveying the existing arrangements, the UN specifically focused on the global public-policy networks (“GPP Networks”) that had “developed in the shadow of traditional multilateralism.”¹ UN officials realized that governments, businesses, and civil society (*i.e.*, non-governmental organizations and individuals) were creating “trisectional” GPP Networks 1) to provide the

information, knowledge, and tools needed for policy-makers and public institutions to respond to complex global policy issues, and 2) to ensure the participation of the general public or the affected stakeholders in addressing those issues.

In short, UN officials recognized that, to secure their desired leadership position in the growing global governance movement, they needed to shed the limitations of their intergovernmental multilateralism and partner with the GPP Network participants who had begun to assemble a potential global governance system.

In 1999, in an effort to salvage for itself a central role in the global governance movement, the UN instituted its Vision Project on Global Public Policy Networks. In 2000, in cooperation with the UN Vision Project on GPP Networks, the International Development Research Centre published *Critical Choices*, a report on the study of GPP Networks. The study was funded by the Better World Fund, a sister organization to the United Nations Foundation founded by Ted Turner. From the outset, the authors of the study explained that:

A typical network combines the voluntary energy and legitimacy of the civil-society sector with the financial muscle and interest of business and the enforcement and rule-making power and coordination and capacity-building of states and international organizations.²

Critical Choices presented practical advice on the design, implementation, and promotion of GPP Networks and explored how GPP Networks could help address the risks and opportunities presented by globalization.

The report highlighted six important functions for GPP Networks in which the UN could play a vital role:

1. Create and discuss a global policy agenda;
2. Negotiate and set global standards;
3. Develop and disseminate knowledge to address transnational challenges;
4. Create new markets or strengthen markets that are failing to produce public goods (*e.g.*, medicines);
5. Implement ideas and decisions, especially those contained in traditional intergovernmental treaties and agreements; and,
6. Create inclusive processes that build trust and social capital in the global public space.

Additionally, *Critical Choices* detailed the following specific roles that UN agencies could play in the development of GPP Networks:

1. Convene and educate key stakeholders to create the necessary conditions for consensual knowledge-building;
2. Provide a platform and neutral place for network building;
3. Promote social entrepreneurs who are adept at creating GPP Networks and promoting inclusion, effectiveness, and results once they are operational;

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4. Serve as norm entrepreneurs by using GPP Networks as platforms to advance norms in such areas as sustainable development and human rights;
5. Manage GPP Networks at all levels of engagement (*i.e.*, coordinate program activities; consolidate “change coalitions” at the national level; provide technical resources; provide financial resources); and,
6. Serve as capacity builders to enable people and organizations to participate in a network to strengthen their ability to live up to their commitments.

The UN study of GPP Networks and the publication of *Critical Choices* was an important first step for the promoters of global governance. However, UN officials and global governance advocates recognized that they would need to secure the support of independent experts who were not a formal part of the nascent global governance movement.

NETWORKED GOVERNANCE:

THE CARDOSO REPORT ON UN - CIVIL SOCIETY RELATIONS

In spring 2003, the UN Secretary-General, Kofi Annan, established a panel to review the relationship between the United Nations and civil society and offer practical recommendations for improved modalities and interaction.³ In June 2004, the Panel of Eminent Persons on United Nations-Civil Society Relations, chaired by former Brazilian President Fernando Henrique Cardoso, released its report “We the Peoples: Civil Society, The United Nations and Global Governance” (the “Cardoso Report”).⁴

The Cardoso Report contains the following proposals on how the UN can use its convening role to foster multi-constituency processes to advance global governance:

1. In exercising its convening power, the United Nations should emphasize the inclusion of all constituencies relevant to the issue, recognize that the key actors are different for different issues, and foster multi-stakeholder partnerships to pioneer solutions and empower a range of global policy networks to innovate and build momentum on policy options. Member States need opportunities for collective decision-making, but they should signal their preparedness to engage other actors in deliberative processes.
2. The United Nations should embrace an array of forums, each designed to achieve a specific outcome, with participation determined accordingly. The cycle of global debate on an issue should include:
 - Interactive high-level round tables to survey the framework of issues
 - Global conferences to define norms and targets
 - Multi-stakeholder partnerships to put the new norms and targets into practice
 - Multi-stakeholder hearings to monitor compliance, review experience and revise strategies.
2. The Secretariat should innovate with networked governance, bringing people from diverse backgrounds together to identify possible policy breakthroughs on emerging global priorities.

It should experiment with a global Internet agora to survey public opinion and raise awareness on emerging issues. The Secretary-General should initiate multi-stakeholder advisory forums on selected emerging issues and feed their conclusions to appropriate intergovernmental forums.

3. The United Nations should retain the global conference mechanism, but use it sparingly, to address major emerging policy issues that need concerted global action, enhanced public understanding, and resonance with global public opinion. The participation of civil society and other constituencies should be planned in collaboration with their networks.

4. The Secretariat should foster multi-constituency processes as new conduits for discussion of United Nations priorities, redirecting resources now used for single-constituency forums covering multiple issues. The Secretariat, together with other relevant bodies of the United Nations system, should convene public hearings to review progress in meeting globally agreed commitments. Being technical and concerned with implementation rather than the formulation of new global policies, such hearings could be convened by the Secretary-General on his own authority. Proceedings should be transmitted through the Secretary-General to the relevant intergovernmental forums.

5. The General Assembly should permit the carefully planned participation of actors besides central governments in its processes. In particular, the Assembly should regularly invite contributions to its committees and special sessions by those offering high-quality independent input. The participation arrangements should be made in collaboration with the relevant constituency networks. The Secretariat should help to plan innovative and interactive sessions linked to but outside the formal meetings.

Some critics from civil society expressed concern that the Cardoso Report proposals call for too large a role for transnational corporations (“TNCs”) in global governance, while minimizing the role of civil society. They also expressed concern about the less-than-desired “very cautious formulation” taken for the participation of civil society at formal UN General Assembly meetings.⁵

While the UN Secretariat, TNCs, and members of civil society supported the enhanced multi-stakeholder “partnerships” contemplated by the Cardoso Report, in response to inquiries made by the President of the 60th UN General Assembly, Member States expressed the following concerns:

1. Member States strongly affirmed that the United Nations must maintain the integrity of its intergovernmental nature, whereby Member States are the sole decision-makers.
2. Many Member States pointed out that they engage non-governmental organizations at the national level and include them on their delegations to United Nations conferences. Some felt that an active consultation at the national level should reduce the need for engagement at the international level.
3. Many considered that United Nations meetings are too pressed for time and space to allow for interventions from

numerous non-governmental organizations and that the sheer number of non-governmental organizations attending United Nations meetings may create a chaotic environment.

4. Some had reservations regarding the participation of organizations that are culturally insensitive, politically motivated, in particular in the context of human rights, or that represent a small interest group.

5. Many Member States were deeply concerned about the predominance of non-governmental organizations based in the developed world. Noting that these organizations represent a biased perspective, they stressed the need to redress this imbalance by involving more equitably non-governmental organizations from developing countries.

6. Regarding the presence of non-governmental organizations in the meeting rooms during intergovernmental negotiations, certain delegations were not opposed to that, provided that the organizations have been scrutinized and that there is a transparent process for determining how they can observe. Others deemed the presence of non-governmental organizations to be unacceptable and inhibiting, especially in negotiating situations. They would prefer to channel non-governmental organization views exclusively through mechanisms that do not interfere with the intergovernmental process.⁶

Ultimately, the Cardoso Report left the following questions unanswered:

1. Who decides which issues of global concern the UN should address through its global governance processes?
2. Who decides which constituencies and key actors are relevant to an issue of global concern?
3. To what extent should the UN and its “multi-stakeholder partnerships” with business and civil society be involved in putting “new norms and targets into practice” in sovereign Member States?
4. How does the UN Secretariat resist the temptation to unilaterally decide “policy breakthroughs on emerging global priorities” and then shape the participation of compliant civil society and business partners to achieve the desired outcomes?
5. How can the UN “permit the carefully planned participation of actors besides central Governments in its processes” without violating its organizational charter or diluting the importance of the deliberations and outcomes of its formal inter-governmental meetings?
6. How can the citizens of UN Member States hold UN officials, businesses and civil society accountable for their global governance activities that occur outside formal UN intergovernmental processes?

Regardless of the concerns expressed by UN Member States and the unanswered questions regarding GPP Networks and the Cardoso Report proposals, the UN Secretariat and its civil society and TNC “partners” pressed forward with their global governance ambitions, especially in the areas economic and social affairs.

THE MATRIX OF HUMAN RIGHTS GOVERNANCE NETWORKS

At the heart of the networked governance approach contemplated by the Cardoso Report is the proposal for a “cycle of global debate” on issues. Over the course of its existence, the UN has exhibited a capacity for convening meetings on a regional and global basis. Thus, to the supporters of global governance, the UN appears to be uniquely suited for convening a cycle of global debates to frame an issue, define norms and targets, put the norms and targets into practice, and monitor compliance, review experience, and revise strategies.

It is in the area of economic and social human rights that the UN has been most successful in implementing its vision for a cycle of global debate and networked global governance. The UN Office of the High Commissioner for Human Rights (the “UNOHCHR”) and the Social and Human Sciences Sector of the UN Educational, Scientific and Cultural Organization (“UNESCO”) play an instrumental role in developing and facilitating networks for the promotion and protection of certain economic and social human rights contained in the International Covenant on Economic, Social and Cultural Rights (the “ICESCR”).

On December 16, 1966, following almost twenty years of drafting debates, the UN General Assembly adopted the ICESCR and opened it for signature, ratification, and accession by States. On January 3, 1976, the ICESCR gained the force of law. As of April 12, 1996, 133 States had ratified the ICESCR thereby voluntarily undertaking to implement its norms and provisions. Although, in 1977, U.S. President Jimmy Carter signed the ICESCR, the U.S. Senate has not ratified it.

The economic, social, and cultural rights contained in the ICESCR include, but are not limited to, the right to work; the right to the enjoyment of just and favorable conditions of work; the right to social security; the right to an adequate standard of living, including adequate food, clothing and housing; the right to the enjoyment of the highest attainable standard of physical and mental health; the right to education; and the right to enjoy the benefits of scientific progress and its applications.

The UN Economic and Social Council created the Committee on Economic, Social and Cultural Rights (the “Committee”) to monitor compliance by States parties with their obligations under the ICESCR. Drawing on the legal and practical expertise of its eighteen independent expert members, the Committee also seeks to assist governments in fulfilling their obligations under the ICESCR by issuing specific legislative, policy, and other suggestions and recommendations.

The Committee decided in 1988 to begin preparing General Comments on the rights and provisions contained in the ICESCR with a view to assisting States parties in fulfilling their reporting obligations, and to provide greater interpretative clarity as to the intent, meaning and content of the ICESCR. In the opinion of the UNOHCHR, general comments are a crucial means of generating jurisprudence, providing a method by which members of the Committee may come to an agreement by consensus regarding the interpretation of norms embodied in the ICESCR.

UN global governance of the economic and social rights contained in the ICESCR occurs within a matrix of human

rights governance networks (the “Matrix”). The Geneva-based UNOHCHR is the architect of the Matrix. In its role as the architect of the Matrix, the UNOHCHR encourages and facilitates the work of the agents who manage the human rights networks comprising the Matrix (the “Agents”). Within the Matrix, the Agents cooperate to promote and protect a human rights code designed to globally govern economic and social affairs (the “Code”). The Agents also monitor the conduct of TNCs and States to determine whether their economic and social activities are in line with the Code. If they are not, the Agents attempt to eliminate the offending conduct through peer pressure (*i.e.*, naming and shaming), public pressure (*i.e.*, boycotts), or administrative and legal proceedings. Those TNCs and States who are willing to trade a certain degree of their freedom or sovereignty in exchange for the ambiguous protection offered to them by the Matrix energize the UN human rights system through their financial contributions and compliance.

As formulated by the author of this article, the ten human rights governance networks comprising the Matrix include:

1. *Advocacy networks*: The networks of international human rights activists that articulate and advocate for human rights, including so-called “emerging” economic and social human rights.
2. *Research networks*: The networks of social scientists and academics that conduct research on how the lack of human rights protection negatively impacts individuals and society.
3. *Policy networks*: The networks of government officials and other policy makers that discuss and formulate human rights policies.
4. *Standards-setting networks*: The networks of multilateral international organizations that meet to adopt treaties or declarations containing or expressing human rights norms or standards.
5. *Interpretive networks*: The networks of human rights treaty body committees and UN-sanctioned expert committees that interpret the norms and standards contained in human rights treaties and declarations.
6. *Explanatory networks*: The networks of UN agency field staff that explain the human rights interpretations to members of civil society at the local, national, and regional levels.
7. *Implementation networks*: The networks of national legislatures that, upon the recommendation of the human rights experts, adopt laws promoting and protecting human rights.
8. *Assessment networks*: The networks of non-governmental organizations that encourage the use of human rights impact assessments by legislatures and businesses to measure the potential human rights impact of proposed legislation or products.
9. *Enforcement networks*: The networks of local, national, and regional courts that decide cases involving human rights.
10. *Funding networks*: The networks of governments, TNCs, and private foundations that fund the promotion and

protection of human rights by supporting one or more of the other human rights governance networks.

The ten human rights governance networks comprising the Matrix work in successive stages. The advocacy networks generate the idea for an emerging economic or social human right; the research networks conduct the research necessary to support the right; the policy networks design the policy that embodies the right; the standards-setting networks publicly adopt or declare the right as a norm or standard; the interpretive networks determine the nature and scope of the right; the explanatory networks explain the right to the affected parties and their supporters in civil society; the implementation networks adopt the legislation that promotes or protects the right; the assessment networks encourage government and business respect for the right; the enforcement networks penalize those who violate the right; and the funding networks help sustain one or more of the human rights governance networks comprising the Matrix.

INSIDE THE MATRIX:

UN GLOBAL GOVERNANCE OF THE RIGHT TO HEALTH

UN officials and non-governmental human rights organizations are relying upon the matrix of human rights governance networks to advance what is commonly referred to as the right to health. The right to health is recognized in numerous international instruments. Article 25.1 of the Universal Declaration of Human Rights states: “Everyone has the right to a standard of living adequate for the health of himself and of his family, including food, clothing, housing and medical care and necessary social services.” The ICESCR provides the most comprehensive article on the right to health in international human rights law. In accordance with article 12.1 of the ICESCR, States parties recognize “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” while article 12.2 enumerates, by way of illustration, a number of “steps to be taken by the States parties... to achieve the full realization of this right.” To promote the right to health, UN officials and NGOs are using the Matrix in the following manner.

First, from the perspective of *advocacy networks*, in October 2004, the U.S.-based Center for Economic and Social Rights published a report, funded by the Ford Foundation and the John D. and Catherine T. MacArthur Foundation, calling upon U.S. health care and government officials to embrace the right to health.⁷ After setting forth the legal framework for the right to health, examining the current U.S. health care system, and applying the international standards in the U.S. context, the report recommended that all Americans have full access to health care as a matter of right; that the U.S. health care system be simplified; that health care be universally available and accessible at government expense; and that the federal government take responsibility for ensuring that health care is of good quality, non-discriminatory, and respectful of cultural differences.

Once advocacy networks articulate a vision for the right to health, *research networks* support that vision with research evidencing how the failure to realize the right to health negatively impacts individuals and society. For instance, in March 2005,

the World Health Organization established the Commission on Social Determinants of Health (the “CSDH”). The CSDH brings together leading scientists and practitioners to provide evidence on policies that improve health by addressing the underlying determinants of health, such as access to safe and potable water and adequate sanitation; an adequate supply of safe food, nutrition and housing; healthy occupational and environmental conditions; and access to health-related education and information. The CSDH collaborates with countries to support policy change and monitor results.

The CSDH established nine research-oriented “knowledge networks” to synthesize knowledge to inform the CSDH of opportunities to improve action on social determinants of health by fostering the leadership, policy, action, and advocacy needed to create change. The CSDH knowledge networks include: Early Child Development, Employment Conditions, Globalization, Health Systems, Measurement and Evidence, Priority Public Health Conditions, Social Exclusion, Urban Settings, Women and Gender Equity.

In October 2007, the Measurement and Evidence Knowledge Network presented its final report to the CSDH.⁸ The report examines a series of over-arching principles and issues relating to monitoring and evaluation in the social determinants of health and outlines a framework for developing, implementing, monitoring, and evaluating policy.

Next, there is a link between research networks and the *policy networks* that rely on research to formulate health care policies. UNESCO is taking concrete measures to establish the social science research-policy linkage on a regional basis. In February 2006, officials from the UNESCO Management of Social Transformations (MOST) program convened an International Forum on the Social Science-Policy Nexus in Argentina and Uruguay. The objective of the International Forum on the Social Science Policy Nexus (the “IFSSPN Conference”) was to explore the different regional and thematic dimensions of the nexus between public policy and social science research, and to suggest ways to overcome the existing gap between these two areas. Approximately 2000 participants from eighty countries took part in ninety-nine workshops, five high-level round tables and two technical consultation meetings. Social development and education ministers from Africa, Asia, and Latin America participated in the IFSSPN Conference.

UNESCO is further institutionalizing the social science research-policy linkage through the MOST Program’s Fora of Ministers for Social Development. The objective of the regional fora is to develop links between policy-making national ministers for social development and regional research networks. UNESCO has convened fora of Ministers for Social Development in various regions, including Latin America, South Africa, West Africa, South Asia, and the Middle East. The goal is to establish a Permanent Forum and Secretariat in regions around the world to coordinate social science research and policy in thematic areas such as combating poverty, social development, and human security.

Once policy networks adopt right to health policies, *standards-setting networks* negotiate and adopt intergovernmental instruments establishing norms or declaring standards that eventually evolve into norms. For instance, in 2005, the

UNESCO Member States adopted the Universal Declaration on Bioethics and Human Rights, Article 14 of which declares that “progress in science and technology should advance access to quality health care and essential medicines.”

It is the task of *interpretative networks* to determine the nature and scope of the various aspects of the right to health contained in standards-setting instruments. For instance, in 2000, the UN Committee on Economic, Social and Cultural Rights produced its General Comment 14 containing a detailed description of the various dimensions of the right to the highest attainable standard of health. Similarly, in 2007, the UNESCO International Bioethics Committee Working Group on Social Responsibility and Health produced a Preliminary Draft Report discussing the meaning of Article 14 of the Universal Declaration on Bioethics and Human Rights. Also, in 2007, Paul Hunt, the UN Special Rapporteur on the Highest Attainable Standard of Physical and Mental Health, issued Draft Human Rights Guidelines for Pharmaceutical Companies in relation to Access to Medicines.

After the interpretative networks define the various aspects of the right to health, *explanatory networks* explain the right to health to local, national, and regional audiences in civil society. For instance, the UNESCO Assisting Bioethics Committees (ABC) Project supports the establishment and operation of bioethics committees in UNESCO Member States. UNESCO regional field office staff help educate interested parties in the nature and scope of the Declaration on Bioethics and Human Rights, with special emphasis on Article 14 calling for social responsibility in health care. They encourage local activists and experts to establish bioethics committees to promote bioethics and human rights.

Next, representatives of the explanatory networks educate and encourage *implementation networks*, consisting of national legislatures, to adopt legislation that implements the right to health. The UNESCO Global Ethics Observatory is establishing a collection of legislative activities and documents, such as laws, regulations and guidelines that facilitate the implementation of the Universal Declaration on Bioethics and Human Rights.

After implementation networks have adopted legislation promoting and protecting the right to health, *assessment networks* promote the use of human rights impact assessments to measure the human rights impact of government programs and corporate activities. Measuring human rights impacts has become an issue of growing interest to policy makers, non-governmental organizations and academics. In 2006, UNESCO commissioned UN Special Rapporteur Paul Hunt to produce a case study on the need for governments and corporations to conduct human rights impact assessments (“HRIA”) to promote and protect the right to health. Also, the Human Rights Impact Resource Centre is an online database that brings together a wide range of information and documentation on the use of HRIAs.

As the assessment networks generate evidence of those governments or corporations that are not measuring up to right to health norms or standards, *enforcement networks*, consisting of national and regional courts, are called upon to enforce the right to health through legal action. Regardless of the ambiguous and evolving nature of the right to health in its various forms,

human rights activists are promoting the justiciability of the right to health. For instance, in June 2006, the UNOHCHR convened a Colloquium and Workshop for Judges and Lawyers on the Justiciability of Economic, Social and Cultural Rights in the Pacific Region. Such regional conferences of the judges and lawyers comprising the enforcement networks help promote a welcoming environment for groundbreaking legal claims for alleged violations of the emerging right to health.

Finally, *funding networks*, consisting of TNCs, private foundations, and governments, provide financial support for many of the human rights governance networks comprising the Matrix. The UN Global Compact plays a leading role in encouraging TNCs to philosophically, practically, and financially support the mission and activities of the international human rights movement. Also, the U.S. government pays 22% of the UN's and UNESCO's annual assessed budget.

TRANSFORMING THE UN AND UNESCO TO FACILITATE A NETWORKS APPROACH TO HUMAN RIGHTS GOVERNANCE

By relying on a matrix of human rights governance networks to globally govern economic and social rights, UN and UNESCO officials find themselves in a difficult position. On the one hand, the organizational charters of the two organizations clearly emphasize their multilateral, intergovernmental nature, with Member States having ultimate authority. On the other hand, the business and civil society participants that are essential to the effective operation of the Matrix expect to be full partners with the UN and UNESCO in the governance of economic and social rights. This was the implicit message of the Cardoso Report's call for the full engagement of business and civil society.

During the October 2007 UNESCO General Conference, representatives from some Member States of UNESCO, along with representatives of the business community and civil society, convened an International Forum of Civil Society-UNESCO's Partners. The Outcome Document from the Forum calls for:

UNESCO to continue to act as an interface between the various spheres of civil society and to create the necessary forums for dialogue with a view to promoting multi-stakeholder partnerships at the international, national and regional levels through its field offices and in liaison with the National Commissions for UNESCO.⁹

In a nod to potential Member State concerns regarding the dilution of their power, the Outcome Document highlighted the fact that Article XI.4 of the Constitution of UNESCO stipulates that UNESCO "may make suitable arrangements for consultation and cooperation with non-governmental international organizations concerned with matters within its competence."¹⁰ This raises the important legal and political question of the degree to which UNESCO officials, absent the specific approval of its Member States, can institutionalize a matrix of human rights governance networks to coordinate the global governance of economic and social rights with its business and civil society partners. In spite of the far-reaching impact that formal UNESCO-civil society "multi-stakeholder partnerships" would have on the nature and operation of UNESCO, UNESCO officials did not present the Outcome

Document to the Member States for their consideration at the General Conference.

CONCLUSION

During the past decade, the UN, UNOHCHR, and UNESCO have studied and adopted a networks approach to global governance. The author has identified a matrix of ten human rights governance networks that the UN and its agencies are using to globally govern economic and social affairs. The UN has been most aggressive in its governance of the right to the highest attainable standard of physical and mental health. In order to successfully implement a networks approach to human rights governance, UN officials are taking steps toward transforming the UN and UNESCO from multilateral, intergovernmental organizations controlled by their Member States into multi-stakeholder partnership organizations in which Member States, transnational corporations, and civil society share power under the management of UN and UNESCO officials. In doing so, these officials face significant legal and political hurdles. Nevertheless, without receiving the formal approval of their Member States, the UN and UNESCO are poised to continue their use of a matrix of human rights governance networks to create justiciable economic and social rights, the exact nature and scope of which are yet to be determined.

Endnotes

- 1 WOLFGANG REINICKE & FRANCIS DENG, *CRITICAL CHOICES* 28 (2000).
- 2 *Id.* at 29.
- 3 ANNAN, KOFI, *Strengthening of the United Nations: An Agenda for Further Change* 25 (2002), available at <http://portal.unesco.org/es/files/12698/10545492181unc133e.pdf/unc133e.pdf>
- 4 *We the Peoples: Civil Society, The United Nations and Global Governance*, Panel of Eminent Persons on United Nations-Civil Society Relations (2004), available at [http://www.unog.ch/80256EDD006B8954/\(httpAssets\)/09916F545454357BC1256F5C005D4352/\\$file/A-58-817.pdf](http://www.unog.ch/80256EDD006B8954/(httpAssets)/09916F545454357BC1256F5C005D4352/$file/A-58-817.pdf).
- 5 *Comments on the Report of the Cardoso Panel*, Global Policy Forum (2004), available at <http://www.globalpolicy.org/reform/initiatives/panels/cardoso/08gpf.pdf>.
- 6 Ishar Jenie Rezlan & Johan Lovald, *The Relationship Between Member States and Civil Society, Including Non-Governmental Organizations: Report to the President of the 60th General Assembly* (2006), available at <http://un-ngls.org/site/IMG/pdf/0705hearingsreport.pdf>.
- 7 *The Right to Health in the United States of America: What Does it Mean?*, Center for Economic and Social Rights (2004), available at [http://cesr.org/filestore2/download/733/health%20report%20final%20on%20website%20\(oct%2028\).pdf](http://cesr.org/filestore2/download/733/health%20report%20final%20on%20website%20(oct%2028).pdf).
- 8 *The Social Determinants of Health: Developing an Evidence Base for Political Action*, Commission on the Social Determinants of Health (2007), available at http://www.who.int/social_determinants/resources/mekn_report_10oct07.pdf.
- 9 *Report, International Forum of Civil Society – UNESCO's Partners*, UNESCO (2007), available at <http://unesdoc.unesco.org/images/0015/001544/154463e.pdf>.
- 10 Article XI.4, Constitution of UNESCO (1945).