

Towards a consensus in shaping the future of United Nations - NGO relations

Clarification of some common concerns and apparent misunderstandings

On 16 September 2004, the UN Secretary-General, H.E. Kofi Annan released his response to the Cardoso Panel report: “We the Peoples: Civil Society, the United Nations and Global Governance”. The Secretary-General’s response can be found on the UN website at <http://www.un.org/reform/index.html>.

Strengthening the UN’s engagement with Civil Society, if properly organized, is a win-win proposition for all parties concerned.

- Member States can draw on the manifold resources of non-governmental organizations in determining policy options as well as in implementing them.
- The United Nations will gain in stature and popular support as the legitimate intergovernmental body to address global challenges.
- Civil society, notably non-governmental organizations (NGOs), will benefit by seeing their aspirations met more effectively through collective action at local, national and global levels.

Further institutionalizing the UN’s interaction with NGOs will help to rebuild trust in meaningful multilateralism and at the same time strengthen the nation state.

The suggestions and recommendations in the Secretary-General’s report merit active support by Member States and NGOs alike. By building on tested experience and best practice, they offer a realistic framework for balancing interests and for respecting the different mandates of member states and NGOs. They open the door towards a more effective world organization which is able to shoulder the challenges of the 21st century.

Various briefings, consultations and meetings have been held with both governments and NGOs on what are the next steps that the Secretary-General could recommend to the General Assembly for strengthening the UN’s relations with NGOs.

This paper explores the legitimate concerns and apparent misunderstandings of various governments and NGOs about possible changes to the United Nations relations with civil society, particularly NGOs. It seeks to identify these concerns and clarify misunderstandings or place the issues in a larger context, on the basis of a positive reading of the intent and nature of the proposals in the Secretary-General’s report to the General Assembly.

The aim is to prepare the way for a clear and forward looking debate at the General Assembly, leading to the early adoption of a substantial resolution.

Concerns of Governments

1. **Opening up the UN to greater participation of non-governmental organizations (NGOs) could impact on the balance of power within the UN, raising fears of the erosion of state sovereignty and prerogatives:**

- **Some governments are concerned that their power and influence over the UN agenda will be undermined if the consultative status of NGOs is enhanced.**

The UN is an intergovernmental organization where member states have the decision-making power, including on all participation and financial matters. The Secretary-General's recommendations do not change this. NGO participation in the UN has served to strengthen the intergovernmental decision-making processes by increasing the resources and knowledge made available to governments on a cost-effective and transparent basis. As has been written in several previous submissions, competent NGO input enhances governmental output.

- **Some governments fear that strengthening the role of NGOs in global politics could further limit their authority over domestic policies and make them more vulnerable to external influence, i.e. possible NGO inspired sanctions on grounds of alleged human rights or environmental violations or NGO pressure to attach further conditionality to aid (ODA).**

Governments have committed themselves to norms and standards of human rights and environmental protection at the global level through legally binding conventions, resolutions and declarations. NGOs operate in an open and transparent way and can alert governments to impending difficulties on the ground and for international relations. The proposed changes aim to improve dialogue between NGOs and governments and encourage governments and the UN to derive optimal benefit from the experience and competence of responsible NGOs to find practical and co-operative solutions to perceived problems.

- **Some governments are wary of the role of NGOs in their own countries and reluctant to see the UN engage more closely with them.**

On many of the issues on the UN Agenda, government strategies which harness the energy and technical skills of NGOs to achieve specific outcomes are proving very successful – a good case in point is the way President Cardoso mobilized civil society support for the Brazilian campaign on HIV/AIDS, resulting in the most effective program in Latin America and one that is being duplicated globally. Another example is the way the UN Commission on Sustainable Development now organizes its program of work to focus on the policy dimensions of a specific issue (e.g. water) one year, followed the next year by a focus on implementation strategies, a process through which the contribution of NGOs has been constructive and insightful, particularly at the country level. Multiple others examples exist in such fields as HABITAT, UNICEF, OHCHR,

UNHCR, IFAD and in specific program areas such as cooperatives, safe motherhood, education for all, for example.

- **Governments question the assumption that it is NGOs, not the government, that really “represent the grass-roots people” of the country**

NGOs are not elected by the people and therefore do not have a “representative” function. Some however have constituencies running into the millions and rightly claim to represent their concerns. The principal attribute of NGOs is to bring a complementary perspective to policy formulation and implementation.

- **Some governments question the need for parliaments and parliamentarians to have a special relationship with the UN**

The Secretary-General’s response to the Cardoso Panel proposals recognizes that more could be done to strengthen the UN’s links with parliaments and parliamentarians, but makes it clear that this is a matter for decision by the General Assembly.

- **Some governments are concerned that an increase in the number of NGOs will further unbalance North-South relations within the UN**

It is proposed to create a Trust Fund to counteract the present imbalance and to increase and facilitate the participation of NGOs from developing countries in the work of the UN at the global level. Many NGO global policy networks are focused on specific issues; participating NGOs, from both the North and the South act together based on shared interests – which are frequently vital planetary interests - rather than based on their geographic origin or location.

- **Some governments are concerned that the underlying aim of this process is to increase the bureaucratic strength of the Secretariat.**

The major thrust of the Secretary-General’s proposals call for internal restructuring and streamlining, with modest budget implications. The intent is to integrate the best accreditation practices developed at the world conferences of the 1990’s, in order to enhance the efficiency of the process of accreditation for NGOs, over which governments will retain the final say.

2. Some governments have legitimate concerns about the impact of NGOs on the effectiveness of the UN

- **Encouraging more NGOs to participate will overburden the already complex governmental deliberative processes**

There are many different context-specific solutions to this problem. Answers may depend on the physical conference facilities, effective use of Information and

Communication Technologies and the level of NGO interest in a particular theme or issue. Recent UN conferences have shown that NGO networks and caucuses have a self-organizing capacity to manage the interface with member states at the UN in order to make their contributions on an efficient and cost-effective basis.

It is proposed to make a clear distinction between the accreditation to the UN of NGOs which have consultative status, in contrast to the association of NGOs with the Department of Public Information for purposes of supporting the UN's outreach activities. The current criteria for NGO accreditation will be reviewed in the process of shifting from ECOSOC to the General Assembly. Other UN bodies, such as UNICEF, WHO, ILO, UNCTAD have their own procedures for working with NGOs.

- **Preserving the confidentiality of deliberations between member states is important and may be undermined if NGOs are always around.**

It is always possible for member states to hold closed meetings if they so wish. When NGOs have been called upon to contribute their knowledge about situations before the Security Council under the Arria formula, they have demonstrated a high level of professionalism and respect. Breach of confidentiality has never been a problem. Member states and NGOs benefit from the opportunity to exchange information, discuss solutions and improve their dialogue and understanding.

- **The accreditation process will continue to expand and become more cumbersome**

Streamlining the accreditation process will simplify the procedure by which NGOs are accorded consultative status within the UN. More effective use can be made of ICT in receiving and processing applications as well as in monitoring and evaluating the UN-related activities of accredited NGOs.

- **At the country level, the UN offices are basically focused on the government and should not be diverted from their work by local NGOs**

In over 30 countries, the UN has set up NGO Advisory Groups which add real value to the work of both the UN and government in implementing agreed development projects and programs. It is proposed to set up a Trust Fund to increase the country-level capacity for the UN to engage with NGOs and enhance the capacities of NGOs.

3. Governments do not want to invest additional resources in the UN Secretariat

The cost of further integrating NGOs into the UN system is modest compared to its great benefits. The Trust Funds will be managed on a transparent and

accountable basis. Relatively small investments can be used to leverage substantial additional resources for the implementation of UN projects.

Concerns of NGOs

1. NGOs are concerned that the proposed new accreditation mechanism could erode their existing rights

In section 3 of his report the Secretary-General links accreditation to Article 71 of the UN Charter. The advice of the UN Legal Office is that the changes proposed to the accreditation procedures can be accommodated under this Article. There is no need to change the UN Charter.

The new accreditation process for the General Assembly will be built on best practices, such as practiced in recent global Conferences, in particular the World Summit of Information Society (WSIS), and in the UN Commission on Sustainable Development.

All existing NGO rights would be preserved. There would be no roll-backs of NGO rights or privileges and responsibilities.

2. NGOs are concerned that the criteria for accreditation at the level of the General Assembly will be stringent and have the effect of reducing the number of NGOs eligible for consultative status to the UN

It is expected that the criteria for accreditation to the General Assembly would be determined in consultation with NGOs and member states. It may be necessary to modify the categories of accreditation that now apply to ECOSOC. NGOs would have the opportunity to apply for accreditation to the General Assembly.

According to the Legal Office, no NGOs currently accredited to ECOSOC would lose their consultancy status as a result of these changes.

3. NGOs are concerned about which accredited NGOs will be selected to participate in UN events, such as the proposed public hearings, and how such selections will be made

Some NGOs feel that clear and transparent consultative mechanisms, drawing on existing best practices, should be established to determine who and how NGOs would be selected to participate in UN events and public hearings.

The Secretary-General's response encourages the development of a code of conduct that would commit NGOs to the aims of the Charter and to act in a manner that reflects the intergovernmental character of the organization.

4. NGOs are concerned about the elevation of the private sector over and above NGOs: the UN may get hijacked by for-profit organizations

The relationship of NGOs to the United Nations cannot be compared to the relationship of individual business to the United Nations, largely through the Global Compact. NGOs have rights and privileges regarding intergovernmental bodies that individual business do not and will never have. The Secretary-General's response to the Cardoso Panel report is clearly focused on matters relating to NGOs.

5. NGOs are concerned about any changes that further increase the weight of Northern NGOs at the expense of NGOs from the South

Hand in hand with the new accreditation process would be the establishment of a Trust Fund to facilitate the participation of NGOs from the South in the work of the United Nations. Another Trust Fund would focus on the capacity-building needs of NGOs in developing countries.

6. NGOs are skeptical about the likely level of support for the proposed Trust Funds, how funds will be allocated and the extent to which recipient NGOs will be constrained as a result of receiving funding support

Questions about how funds are raised, allocated and accounted for would be resolved in consultation with NGOs and member states. Governance structures for all Trust Funds will comply with UN fiscal and administrative standards.

7. Some NGOs are concerned that NGLS may lose its special accessibility and responsiveness capacities within the UN system

NGLS has brought over 5000 NGOs from the developing countries to the UN in the last 12 years. It is expected that in the new administrative arrangements NGLS would have more consistent funding support and that the status and capacity of NGLS as a Liaison Service to NGOs would be strengthened.

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