

***UN SYSTEM AND CIVIL SOCIETY –  
AN INVENTORY AND ANALYSIS OF PRACTICES***

**Background Paper  
for the  
Secretary-General's  
Panel of Eminent Persons  
on  
United Nations Relations with Civil Society**

**May 2003**

## ***I. Introduction***

This paper is intended to assist the work of the panel established by the Secretary-General by describing the journey the UN has taken to date with civil society and helping the Panel identify the best routes for reaching attractive future destinations.

The role and presence of civil society actors in the UN processes dramatically increased especially in the last two decades. This has been the subject of a number of internal reviews and discussions, as well as external commentary. We have drawn extensively on that literature and UN documents in compiling this report, and provided the most important references. There are also two reviews of the issue currently underway within the UN Secretariat, both due to be completed very shortly: one was requested by the Chief Executives Board (CEB – see below); the other is by the Department for Economic and Social Affairs (DESA) of its own civil society related practices.

The main focus of this paper is the engagement of civil society in the **deliberative** (that is inter-governmental) processes of the United Nations. We start with an account of how UN-civil society relations have evolved; the following section describes some of the most important recent innovations and identifies the major success factors in these; and then we look at the areas of controversy – first describing how the different key actors have reviewed the relationship so far (especially member states and the Secretariat); then summarizing the concerns and problems described by those actors. This is used to compile a set of reform proposals that have been suggested by different actors. Finally we suggest what might be some of the broader, global imperatives that drive the current relationship (this section connects with the paper presented by President Cardoso).

We hope that this paper is a useful tool in what is likely to be the two most important contributions of the Panel:

- Identifying changes in the rules and procedures that would unblock obstacles to improved UN-civil society relations and providing compelling arguments for those changes, taking into account contemporary geo-political trends; and
- Examining important innovations and path-breaking work within the international system and advising on how today's best practice could become tomorrow's norm throughout the UN.

UN-civil society relationship in essence concerns **participation**. Handled well, it enhances the quality of decision-making, increases ownership of the decisions, improves accountability and transparency of the process and enriches outcomes through a variety of views and experiences. But – handled badly – it can confuse choices, hamper the inter-governmental search for common ground, erode the privacy needed for sensitive discussions, over-crowd agendas and present distractions at important meetings.

## **II. Evolution of Civil Society Engagement in the United Nations.**

*“The Economic and Social Council may make suitable arrangements for consulting with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organisations after consultation with the member of the United Nations concerned.”*

*United Nations Charter, Article 71*

Thousands of Civil Society Organizations (CSOs) today participate in the major UN conferences and participate in many other UN activities – increasingly as active participants, not just observers. CSOs gave one third of the plenary speeches at the Fourth World Conference on Women in Beijing and used one third of the general debating time at this year’s Commission on Human Rights session. They have spoken at special sessions and committees of the General Assembly, addressed Security Council members on various occasions, are involved in preparatory committees and serve on the governing board of some programmes and initiatives. Engaging with civil society is now a major aspect of the UN’s affairs – for member states’ delegations and Secretariat officers alike. Is this huge industry all built on one flimsy, conditional sentence in the UN’s Charter? This clause may have opened a door at the outset, but the importance of civil society within the UN system reflects more the changing nature of the world we live in and the contemporary challenges of global governance (see *“Civil Society and Global Governance: Contextual paper prepared by the Panel’s Chairman - Fernando Henrique Cardoso”*) than the deliberate efforts of the UN to elevate the contributions of NGOs.

This section provides a brief history of the relationship and the key landmarks in this rapidly evolving landscape. If the Panel is to advise on how the UN can improve its relations with civil society, it first must start by looking at the journey trodden so far and the topography of the terrain; this helps in identifying possible future destinations and the routes for reaching them.

### ***The early days***

Until recently, the United Nations has been the only inter-governmental organization to enshrine NGO-relations in its founding charter, albeit this confined the relationship to the Economic and Social Council (ECOSOC) – rather than the UN’s other five “principal organs”<sup>1</sup>. From the start, NGOs have engaged with the Secretariat, the deliberative processes, the information and education work and the operational activities of the UN – formally and informally. NGOs can apply for accreditation to “consultative status” with ECOSOC and can be admitted into one of three categories<sup>2</sup>: General Status (large international NGOs whose interests extend to most of ECOSOC’s agenda); Special Status (those with “special competence in a few of the fields of activity of the Council”) and Roster NGOs (those primarily concerned with one or more specific issues who can be consulted on an ad hoc basis). The Department of Public Information was also charged with regarding NGOs as amongst its clients since its creation in 1946 (General Assembly Resolution 13 (I) of 1946) and has an NGO Section for this purpose.

### ***The Cold War Days***

In the 60s, although the participation of NGOs had become increasingly visible (and fuller roles had been opened up including participation in hearings, panels, regular briefings and dialogues with governments), it had also become increasingly controversial and entangled in Cold War politics. Some Western countries (USA particularly) regarded many NGOs from Warsaw Pact countries as communist fronts and conversely a number of anti-communist Western NGOs were seen across the Iron Curtain as CIA-funded. Some of this controversy played out in ECOSOC's Committee on NGOs that deals with applications for accreditation to ECOSOC (now comprising 19 governments; it is the only inter-governmental committee that focuses specifically on NGO matters). The heightened suspicion of NGOs resulted in a review of the issue. The resulting Resolution 1296 (XLIV) of May 1968 set out new procedures for consultation, a requirement for regular reports from accredited NGOs (including details of any contributions received from governments), a procedure for withdrawing accreditation, but few other changes. The resolution specifically encouraged engaging with developing country NGOs.

In the 60s, NGO participation in special UN events started to become prominent. In particular a major group of human rights NGOs took part in the 1968 International Conference on Human Rights and NGO participation in the 1972 Conference on the Human Environment (Stockholm) was in many ways as much of a turning point in UN-CS relations as its Rio counterpart 20 years later (Ritchie, 1997).

### ***Plain Sailing: the 70s and 80s***

This period saw a steady rise in the participation of NGOs in UN activities (operational as well as policy-related) and relatively little in the way either of new concessions or new controversy. During this relatively calm period, both the Member States and the Secretariat became increasingly confident about the contribution of NGOs to policy development, as witnessed, for example, by their participation in the major environment, women's decade and other UN events. There was also increasing respect for the emerging ability of NGOs to shape the global development agenda, as illustrated by their roles in fighting apartheid, advocating an international code of conduct for the marketing of breast-milk substitutes, improving and increasing official aid (including food aid) following the African famine of mid-80s, and working with UNICEF and others to reform structural adjustment – recognizing the social impact of these programmes. At the same time, NGOs showed themselves to be increasingly important operational partners, particularly in response to humanitarian crises (especially in Kampuchea, 1979-80 and Ethiopia, 1984-5). NGOs became increasingly visible during this period and new roles emerged with relatively little controversy including participation in hearings, panels and briefings and in dialogues with governments. There was a gradual increase in the prominence of Southern NGOs.

This gradual role-expansion led Secretary-General Boutros Boutros-Ghali to say (September 1994) that NGOs “are a basic form of popular participation in the present-day world. Their participation in international organizations is, in a way, a guarantee of [their] political legitimacy”; he also observed that the UN is no longer a forum for sovereign states alone, and that “NGOs are now considered full participants in international life”.

### ***The NGO Explosion: the conference decade and the present day***

During the 90s there was an explosion of NGO involvement in all activities of the UN. Their involvement in the cycle of major conferences, in particular, charted new territory (qualitatively as well as quantitatively). Whereas in early UN Conferences (such as the Human Rights conference in Tehran, 1968 and the Stockholm environment conference in 1972) there had been a significant and influential NGO presence, this was largely confined to the specialist UN-followers (largely Northern-based) who sought to put specific ideas forward and debate with fellow technicians from national delegations. What emerged in the 90s (and a precursor to this was NGO participation in the three women’s conferences in 1975-85) was a completely new phenomenon. These events were truly multi-purpose; they focused on a single issue but addressed it in multiple ways: they were opportunities for lobbying, prototype “global parliaments”, teach-ins, trade fairs for NGOs and others to parade their programmes, demonstrations, cultural events, information dissemination and week-long media spectacles. Some disparagingly refer to the melee of activities as like a “medieval fair”; others regard them as a truly 21<sup>st</sup> Century phenomenon – a compelling product of the Network Age and a corrective to the failings of traditional democratic institutions (which focus on the parochial and short-term in an age when people are increasingly worried about the global and long-term).

For the first time ever on such a scale, these events brought together specialists in the given subject from all the key institutional constituencies: governments, specialist agencies, NGOs, mass membership organizations, think tanks, trade unions, private sector, the media, parliamentarians, faith-based organizations and other shapers of public opinion. Including the preparatory processes, these events allowed intensive debate on critical topics over periods of several weeks. Many splits and tensions emerged – between delegations and lobbyists, between North and South, between engagers and radicals, and between faiths, cultures, generations and genders. Almost unnoticed, the single global cleavage of the Cold War had been replaced by these multiple fault-lines.

Although revealing the disparate nature of civil society, these events demonstrated the *collective* power of civil society to set (not just influence) agendas, to shift policy makers and to shape world public opinion. There was much discussion about the emergence of “global civil society” and its potential to challenge the deficiencies in – if not provide the remedies for – today’s mechanisms of global governance. The United Nations can be credited (or blamed) for providing the forums that made much of this possible. As the political importance of these events became apparent – including the networking opportunities of the parallel NGO Forums – a flood of CSO activists put them on their schedules. The dissemination of information by Internet spread word of the opportunity

and demystified the processes (so lowering the barriers to participation). A number of foundations and bilateral donors recognized the opportunities presented for the dawning of civic power and became generous funders of civil society participation. This – and the relative cheapness of air travel – enabled strong participation by Southern civil society. The following table shows, quantitatively, the emerging phenomenon – with the Rio Earth Summit (UNCED) being a turning point in terms of participation in the formal conference and the Women’s decade being the harbinger of the global networking opportunities offered by such global conferences.

**Table 1. NGO Participation (numbers) in Major UN Conferences**

Year	Venue	Conference Issue	New NGOs accredited	Parallel NGO Forum Participants
1968	Tehran	Human Rights	57	None
1972	Stockholm	Human Environment	>300	Not known
1975	Mexico City	International Women’s Year	114	6000
1985	Nairobi	End of Women’s Decade	163	13,500
1992	Rio de Janeiro	Environment & Development	1378	18,000
1993	Vienna	Human Rights	841	c.a. 1000
1994	Cairo	Population & Development	934	?
1995	Copenhagen	Social Development	1138	c.a. 30,000
1995	Beijing	4 <sup>th</sup> World Conf. On Women	2600	300,000
2001	Durban	Racism	1290	c.a. 15,000
2002	Monterrey	Financing for Development	107	?
2002	Johannesburg	Sustainable Development	737	35,000

Sources: Clark et al 1998; UN Secretariat, 25 May 2001; Foster 2002

These conferences were critical in mobilizing a wide range of non-state actors, giving them incentives to network and launch joint campaigns, offer their experience and views, and seek to influence the inter-governmental decisions. There was a tendency for Northern CSOs to concentrate on lobbying and Southern CSOs on networking, and each somewhat resented the other (Clark et al, 1998). Most who engaged have remained active in the post-conference implementation and monitoring efforts (through engaging with the relevant ECOSOC Commission) despite their growing frustration with the outcomes of the events and the lack of implementation of agreements.

Though the major conferences have provided a valuable forum for the assertion of civil society policy-leadership and for network- and caucus-building, most commentators would argue that the relationship has been symbiotic. The involvement of civil society has ensured global media and parliamentary attention, has persuaded governments to give more serious (and high-level) attention to the issues, and has provided serious monitoring of the national and global commitments made. For example CSOs engaged with the Social Summit follow-up publish an *Index of Fulfilled Commitment* describing governments’ action or lack of it (Chiriboga, 2001). CSOs’ involvement in some cases significantly contributed to the conferences’ ability to reach consensus in difficult policy

areas (notably reproductive health and women's rights). In this way, CSOs have enhanced public understanding of the issues, sharpened policy-making, encouraged more concerted international efforts to tackle "global public goods" issues, and has reduced the gap between governments' action and policy rhetoric. Most member states and UN officials see these as positive contributions (or at least contributions to robust democracy) and therefore welcome the expanded roles played by civil society (Williams, 2001).

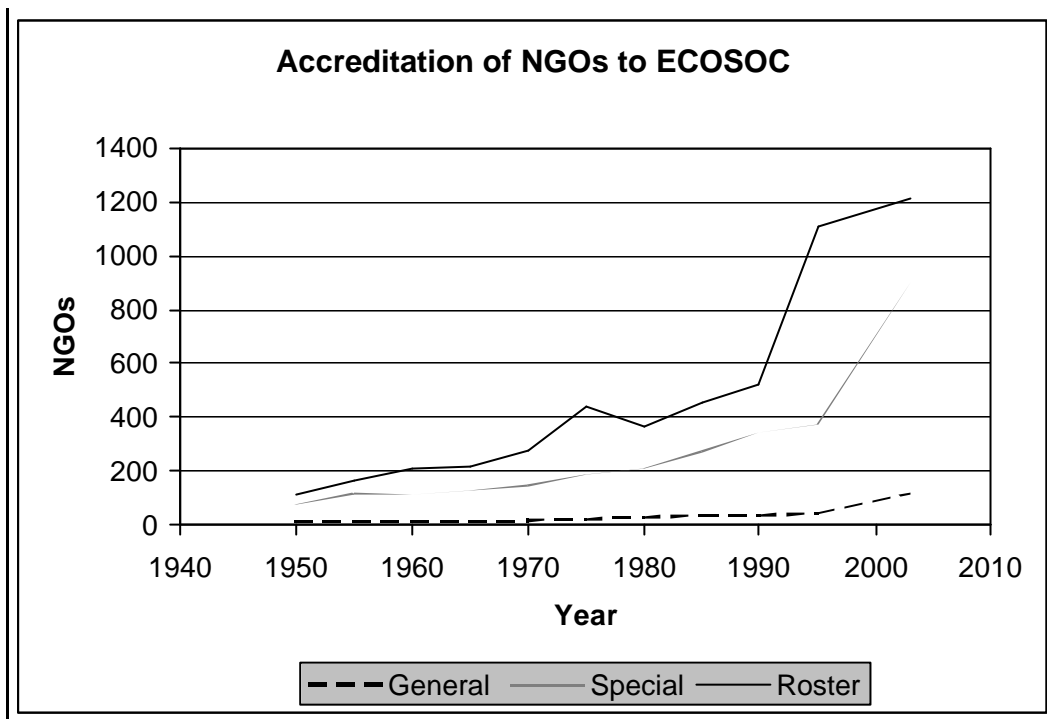
UNCED had pioneered engagement of CSOs in the preparatory process over a two-year period leading up to the conference; this taught many activists about how policy is made at both the national and international levels. The agreed product of the conference (Agenda 21) enshrined the importance of civil society as essential stakeholders if development is to be sustainable. The language about "major groups"<sup>3</sup> has become a standard setter not just for the on-going work of the Commission for Sustainable Development, but also for other activities of the UN. In UNCED and subsequent major conferences, CSOs became increasingly prominent – present in the informal negotiating sessions where final conference text was refined, invited to be on the formal government delegations and presenting plenary speeches (a handful in Rio, 29 in Copenhagen and 51 in Beijing – about one third of all plenary speeches).

The pioneering involvement of CSOs in the preparatory process for UNCED was more or less duplicated in the subsequent major conferences of the 90s (and indeed by the more recent "+5" follow-up conferences). A considerable amount of delegates' time in the Prep-Coms, however, was consumed in discussion of NGO participation – mostly centring on issues of accreditation (although very few applications were actually rejected: 3 in the case of Rio, 1 for Copenhagen, 2 in Johannesburg). There was increasing resentment in many quarters about this bottleneck and the sense that NGOs were "taking over" the conferences. The NGO issue was also a lightning rod for differences between member states over political priorities and cultural values.

#### ***Accreditation with ECOSOC:***

The growing significance of the UN conferences (in influencing the policies of governments nationally and collectively, as well as influencing the UN system), a growing interest of CSOs in inter-governmental organizations and "global governance", and the 1996 reforms that eased the entry of national, as opposed to international, CSOs led to a steep increase in CSO applications for ECOSOC accreditation. This is illustrated by the following graph (showing accreditation by the three categories). What compounds the picture (as the graph does not reveal) is the growing bottleneck as the current process is unable to cope with today's demand. In the 70s and 80s there were on average 20 new applications to ECOSOC per year. This had risen to 400 in '98-99, 800 in '99-00 and over 1000 subsequently. Some regard accreditation as being an overstated aspect of UN-CSO relations (it is much discussed not necessarily because of its intrinsic importance but because it can be readily quantified). It does, however, provide a number of practical benefits, such as obtaining passes to enter UN grounds, attend meetings and interact with governments or secretariat staff (as does being on DPI Register). In addition, ECOSOC accredited NGOs are also automatically accredited to major UN conferences, which

enables them to enter into the conference preparatory process early and therefore have greater chance of influencing the outcomes.



**Table 2. Privileges and Obligations of NGO accreditation to ECOSOC**

<i><b>Privileges/obligations</b></i>	<b>General</b>	<b>Special</b>	<b>Roster</b>
Relevance to the work of ECOSOC	All areas	Some areas	limited
Are in consultative status with ECOSOC	yes	yes	yes
Designate UN representatives	yes	yes	yes
Invited to UN conferences	yes	yes	yes
Propose items for ECOSOC agenda	yes	no	no
Attend UN meetings	yes	yes	yes
Can speak at ECOSOC	yes	no	no
Circulate statements at ECOSOC meetings	2000 words	500 words	no
Circulate statements at ECOSOC subsidiary bodies' meetings	2000 words	1500 words	no
Can speak at ECOSOC subsidiary bodies' meetings	yes	yes	no
Must submit quadrennial reports	yes	yes	no



### ***Accreditation with the Department for Public Information***

Currently about 1400 NGOs, mostly Northern, are accredited with DPI (about 600 of which overlap with ECOSOC list). These commit to sharing the UN's ideals and to disseminating information about its work to important constituencies via their newsletters, journals, magazines etc. DPI accreditation (which is guided by an advisory committee of NGOs and is not subject to inter-governmental decision-making) does not give formal access to inter-governmental meetings such as those under ECOSOC, but it does provide ground passes that permit access to the buildings and meeting rooms. The DPI NGO Section has recently been weeding out the inactive ones from its register and emphasizing partners in Southern and transition countries. An annual DPI-NGO meeting (planned with its NGO advisory committee) is the largest regular UN-NGO exchange, through which DPI informs NGOs about the UN's work and provides opportunities for interaction with senior UN staff.

### ***UN-Non-Governmental Liaison Service (NGLS)***

ECOSOC and DPI are the two principal offices of the UN with formal NGO links but another very important point of contact between the wider system and NGOs is NGLS, established in 1975. The small secretariats in Geneva and New York are voluntarily funded by programmes and specialized agencies in the system and by bilateral agencies and foundations. It has done a great deal to interpret the UN system and its work to civil society and to facilitate CSOs' engagement in its activities – in particular by mobilizing and administering resources for Southern NGO participation in the major conferences. NGLS also advises agencies across the system on their civil society strategies and convenes occasional informal meetings of the NGO focal points across the system to discuss common challenges and share experience.

### ***Operational links***

Collaboration with NGOs has continued to expand in many programmes throughout the system, though this is less controversial than engagement in inter-governmental deliberative processes. UNHCR channelled \$272 million via 443 NGOs in 131 countries in 1997; UNICEF regularly partners with NGOs but also receives about one third of its income from its national committees and other NGOs; IFAD gave grants to 228 NGOs; about 15% of UNFPA's programme budget goes via NGOs, and about one half of World Bank-financed projects involve NGOs.

### ***Informal relationships***

These are often based on joint projects or operational tasks, or on information exchange. This relationship may include NGOs or youth groups staying in touch with an inter-governmental body secretariat on particular issues, exchanging information, asking for briefings on the political process, disseminating information about the process etc. It

may also include relationships formed between a UN country office and local or national civil society groups exchanging information, providing briefings, helping organize town-hall style meetings, disseminate information etc. The informal relationships provide a great deal of information to the UN (particularly to the secretariats of inter-governmental processes) and help with the task of monitoring progress on specific global goals and targets. These relationships do not require formal accreditation of the civil society actors. While they are flexible, informal relationships do not provide civil society partners access to direct participation in inter-governmental processes; this requires a formal relationship with the UN.

### **III. Examples of Innovative Practices in Participation**

Until recent years, participation in UN meetings has been, for CSOs, a largely passive process, except for the opportunity provided for lobbying in the margins. It entailed access to meeting rooms where they observed but did not engage in the process. They might request and perhaps be granted opportunities to speak if the Chair feels there is time and s/he is interested in hearing their views. NGO statements are usually at the end of a session when many delegates have left and there is little feedback to their statements. Civil society participants may organize in caucus groups or similar coalitions that prepare lobbying strategies. Those who can circulate statements usually submit them too late for translation and UN's text translation capacity is overstretched to accommodate additional work. Those that can submit agenda items often don't do so because they believe the agenda to be pre-set. They may distribute information materials outside or in the back of the meeting rooms but not directly to the delegates – because this often elicits complaints. They are not *involved* in the negotiations but may observe those meetings that are open; this may expose them to a lack of receptivity to the proposals they have promoted. They may have a press briefing in which they voice their frustrations with the process.

There have been major improvements in recent years, however, as various forums have pioneered new modalities and new entry points for civil society influence. In many ways these have made the so-called 'privileges' of accreditation listed in [Table 2](#) largely redundant. A few examples of these new modalities and practices follow.

#### ***Commission on Sustainable Development (CSD)***

This Commission has a unique engagement with civil society actors based on *Agenda for the Twenty-first Century* (Agenda 21). This inter-governmentally agreed framework presents the concept of **Major Groups** (see endnote 3), and contains chapters describing what contribution each of these nine constituencies can make to sustainable development and what support they can expect from governments and the UN. It also provides a unifying concept regarding private sector and civil society.

The CSD is a functional commission of ECOSOC and its meetings are subject to the Council's rules and procedures, which do not fit well with the requirements of Agenda 21. The former allows NGOs to observe the process while the latter requires them to be

participants in decision-making.<sup>4</sup> The compromise was to design modes of participation that directly *inform* the decision making process.

The most innovative CSD mechanisms are the multi-stakeholder dialogues, initiated in 1998 based on a recommendation of the 19<sup>th</sup> Special Session of the General Assembly (“Earth Summit+5”).<sup>5</sup> The multi-stakeholder dialogues allow major groups and governments to interact on equal footing on a specific agenda issue, with parliamentary rules put aside in favour of an interactive discussion. The preparation for the dialogues is itself a multi-stakeholder process, involving a steering group of organizing partners (credible networks who are invited by the Bureau to facilitate the engagement of their major group and are trusted by their group in this role) from each major group. The content of the dialogue is determined in consultation with the CSD Bureau and the organizing partners facilitated by the CSD secretariat. The organizing partners engage in consultations with their major group to draft a ‘dialogue starter paper’ (a position paper) and determine who will speak for the group at the dialogue. The dialogue papers are released as part of the official documentation in languages without editing the content.

The multi-stakeholder dialogues have influenced CSD decisions considerably. For example, 80% of the international work programme on sustainable tourism development adopted by CSD in 1999 came from proposals made and discussed at the multi-stakeholder dialogue on tourism. Some dialogues have precipitated multi-stakeholder processes (such as the review of Voluntary Initiatives by Business for Sustainable Development, from 1998-2000) and CSDs’ requests to other UN bodies to engage in multi-stakeholder dialogues (such as the request to FAO in 2000).

A post-WSSD addition to CSD’s participatory process is the Sustainable Development Partnerships (SDPs), which are multi-stakeholder coalitions that have made a public commitment to achieving a set of specified sustainable development targets. The partnerships are an effort to de-link implementation from negotiated agreements as inter-governmentally negotiated targets tend to supply watered down actions compared to the needs. The nearly 250 partnerships launched during and since WSSD involve governments, major groups and UN agencies. They pose an important challenge to participatory arrangements. All partners in these arrangements have ‘equal’ footing, each contributing their skills, knowledge, resources and networks. Since the partnerships are an outcome of WSSD – an inter-governmental meeting – the monitoring and reporting on them will require all partners to come as equals to the CSD. It is too early to assess the SDPs’ effectiveness from this perspective, but they are likely to be the next evolutionary step in the relationship between UN and civil society.

### ***Economic Commission for Europe***

The regional economic commissions provide another link to civil society actors into the economic and social work of the UN. By virtue of relative physical proximity, the regional commissions are more accessible to civil society in their regions. Although participation in the regional commissions also requires ECOSOC accreditation, some regional commissions have developed additional mechanisms to accommodate the

regional needs. For example, ECE has charted new territory in its civil society partnerships with the drafting and adoption of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, which originated from Principle 10 of the Rio Declaration.<sup>6</sup> Much of the text of the Convention was drafted by environment and development NGOs with consent of the governments. The final text was a product of close collaboration between the non-governmental and governmental actors, which made its eventual adoption and ratification relatively fast. Its follow up also reflects the collaborative and open spirit: civil society actors are formally part of the Convention's monitoring and implementation. Unfortunately efforts to expand the Convention's reach to the global level have not succeeded and it remains to be a regional instrument.

### ***Commission on Human Rights***

Since their defining role in the evolution and adoption of the Universal Declaration of Human Rights<sup>7</sup>, civil society has been crucial in the work of the Commission. The engagement spans both the charter and treaty-based processes. The former revolves around the Commission's various subcommittees that invite and receive confidential reports from NGOs and other civil society actors on human rights violations and related situation at the ground level. The procedures that allow these inputs are defined by inter-governmentally agreed resolutions. The treaty-based processes are linked to optional protocols that allow individual communications on human rights violations as part of the country files. Often human rights violation instances, monitoring of the state of implementation of the various instruments, as well as demands for new instruments and procedures originate in civil society campaigns. NGO participation in the CHR is well defined, strongly regulated, and highly politicised. Nevertheless, the engagement is an example of *direct* inputs by civil society into the implementation and monitoring of significant international instruments.

### ***Engaging with the General Assembly***

NGOs first addressed a GA committee (its 2<sup>nd</sup>) in November 1993 during its preparatory work for the International Conference on Population and Development. On that occasion it formally suspended the meeting but delegates stayed in the room to hear the head of the NGO Planning Committee (Billie Miller). Since then, CSOs have spoken at a number of plenary meetings of GA Special Sessions. The first occasion was the 19<sup>th</sup> special session of the General Assembly (on Rio follow up). Subsequent +5 events replicated this (on population issues, small island states, women, human settlements and HIV/AIDS).

### ***Engaging with the Security Council***

On at least three occasions CSOs have briefed members of the Security Council (through the so-called Arria Formula) on particular topics, such as child-soldiers. The briefings are held outside the Council's regular room, labelled as informal briefings, and are not technically part of the SC meeting schedule. However they have been well attended and welcomed by members of the Council.

### ***Summits and Special Sessions***

UN Summits have been the occasions where participation rules have been most stretched. Rio encouraged the involvement of large numbers of non-state actors and ensured this continued through to the follow-up. Habitat II included NGOs in drafting its decisions, made an effort to include local authorities as official participants (not NGO observers) and proposed a quadripartite governance mechanism for follow-up.

Financing for Development held hearings with both NGOs and private sector representatives. Its follow-up, in the General Assembly, includes proposals to grant accreditation to the non-state actors. The Monterrey Conference and Johannesburg Summits held multi-stakeholder roundtables with Heads of State. Johannesburg was the most participatory summit with non-state actors in the same venue and interacting directly, rather than in parallel forums. Johannesburg also provided space for non-state actors to present critical comments on the summit's outcomes at plenary. The upcoming World Summit on Information Society has created a Civil Society Bureau, a first in the UN, to facilitate the contribution and participation of civil society in the process.

### ***Office for the Coordinator for Humanitarian Affairs (OCHA)***

Humanitarian relief programmes and policy-making have always engaged both local and international civil society – as conduits of assistance and sources of information and analysis. Civil society plays a crucial role in the work of OCHA, which is an inter-agency coordination structure. For example, since 1991, the Inter-Agency Standing Committee, which is served by OCHA as secretariat, includes the leaders of five NGOs<sup>8</sup> as well as the Executive heads of the humanitarian agencies of the UN, and representatives of the World Bank and UNDP. IASC meets every three months to make policy recommendations on humanitarian issues and emergencies.

By necessity OCHA also collaborates with the private sector but under the UN guidelines for this purpose. The Task Force for this – comprising the UN Global Compact, Business Humanitarian Forum, the International Chamber of Commerce and the head of OCHA – meets regularly to identify the humanitarian needs and match them with voluntary private sector contributions.<sup>9</sup>

### ***NGO Engagement Throughout the System***

Many departments of the UN, as well as funds, programmes and specialized agencies have their own arrangements (and designated Focal Points) for working with CSOs. Some of these are described in the following box. An Inter-Departmental Working Group comprised of all New York-based focal points is periodically convened by the Assistant Secretary-General for External Relations, providing an opportunity for information exchange and coordination throughout the system. Wider coordination, including specialized agencies, is addressed through the occasional system-wide exchange among NGO focal points convened by NGLS.

### ***UNAIDS and Other Emerging Coalitions***

This new body was established to coordinate the work of the UN system on HIV/AIDS. It is the first UN organization to include non-governmental actors in its governance structure. Its Programme Coordinating Body (PCB) includes 22 governments, 8 UN agencies, and 5 NGOs, including associations of people living with HIV/AIDS.

A number of new coalitions on global issues have also been emerging in the last several years. These are multi-stakeholder in nature and focused on a specific problem or issue. Their governance structure is participatory, based on equality among the partners involved. An example is the Global Alliance for Vaccines and Immunization (GAVI) – a collaborative partnership that includes multinational and bilateral agencies, international development banks, foundations, the pharmaceutical industry, NGOs, and national government health programs. Its objective is to increase financing for activities related to immunization, including development of effective measures to ensure that health and immunization services are available to those most in need. It is endeavouring to reach the target of 80% immunization coverage globally by 2005.

### ***International Criminal Court***

The establishment of this body was an outcome of unusual collaboration between a large number of NGOs (coordinated through the Coalition for ICC – or CICC), governments (coordinated through the Like Minded Governments group), and the UN. CICC grew from 45 to 800 organizations from its inception in 1994 to today. The Coalition not only conducted ‘regular’ activities that NGO groups often carry out (information, awareness raising, lobbying) but also became the central information source for both governments and non-governmental actors. The ICC process is considered to have created a ‘new diplomacy’ in the UN: a treaty-making process whose outcomes are based on the position of like minded parties rather than the position of a handful of dominant countries. An interesting function that CICC carried in the final step towards the ICC was handling the NGO accreditation for the Rome Treaty Conference in 2001, by request of the UN. Positions were narrowed down through collaborative engagements between the Coalition members and the Like Minded Governments group. Some Coalition members also provided legal experts to country delegations attending the Rome meeting, hence increasing their ability to handle technical issues during negotiations.

### ***ECOSOC’s Permanent Forum for Indigenous Issues***

This newly created advisory body is one of the outcomes of the Decade of Indigenous Peoples (1994-2004). It has a total of 16 members, all experts participating in their individual capacity, with half appointed by the President of the Council based on nominations made by indigenous peoples’ organizations, and the other half selected by the Council on the basis of nominations received from member states. The Forum reports directly to the Council and advises it on economic, social, cultural, environmental, health

and human rights issues as they relate to indigenous communities and peoples. This forum is a first given its specific focus on a particular civil society sector.

### **CSO links with different parts of the UN system**

**ECOSOC:** the principal formal organ for consulting NGOs. Its 19-member NGO Committee decides on NGO accreditation. The NGO Section of the Secretariat's Department of Economic and Social Affairs staffs the accreditation process and the Council's relations with civil society. It has a new outreach programme – IRENE – to encourage the engagement of Southern civil. About 500 of the 2200 eligible NGOs are members of CONGO – the Committee of NGOs accredited through ECOSOC.

**Department of Public Information:** also has formal links with 1400 NGOs, through which the NGOs get access to UN buildings and meeting rooms as well as to documents. DPI has an NGO Section; this is guided in its work by a committee comprising 18 NGOs. It holds an annual 3-day DPI/NGO conference and a weekly NGO briefing.

**UNDP:** no formal accreditation procedure; guided by its policy statement of June 1997; it has just instigated a UNDP -civil society committee.

**UNICEF:** has formal relations with 191 NGOs.

**World Food Programme:** invites NGO observers to its Executive Board; they can speak on request; annual WFP-NGO Consultation (agenda & participation determined by NGOs).

**UN High Commission for Refugees:** similarly allows NGO observers to Executive and Standing Committees; also hosts consultations.

**IFAD:** no formal consultative status; NGOs may observe Governing Council; annual consultation since 1990 (an advisory NGO group chooses themes and invitees).

**Food and Agricultural Organization:** 190 NGOs have formal status; can attend sessions of FAO's Council and Conference, expert meetings and special seminars.

**UNESCO:** 580 international NGOs have formal status; operational relations with other NGOs.

**World Health Organization:** formal status with 180 international NGOs; cooperates and consults with many others (including national NGOs, with government consent); NGOs can participate but not vote in WHO meetings.

**UNFPA:** has an NGO Advisory Committee (comprising 25-30 NGOs).

**UNIDO:** has "appropriate relations" with about 100 NGOs (with national NGOs subject to government clearance) – as approved by its Industrial Development Board (IDB); NGOs can participate in IDB, the General Conference and other meetings.

**World Bank:** has had a World Bank-NGO Committee (26 NGOs plus senior Bank staff) since 1982 – decentralized in early 90s to the regional level and now undergoing a major review. Some sectoral advisory groups of NGOs and other specialists exist, such as the External Gender Advisory Group. No other formally accredited NGOs, but large numbers seek and get accreditation to attend WB/IMF Annual Meetings, with consent of government concerned. About half of Bank-financed projects now involve NGOs and about 60 country offices and 10 HQ departments now have civil society focal points.

**International Labour Organization:** in many ways this is the most innovative yet also the earliest agency in the system to formally relate to NGOs. Since its founding in 1919 it has had a tripartite governing board: governments, employers and trade unions.

**UNAIDS:** this is the newest innovation; its Programme Coordination Board has 22 member states, 8 IGO cosponsors and 5 NGOs (including reps of people living with AIDS).

*Source: UN GA A/53/170 and interviews with UN officers*

### **Notable Success Stories Outside the UN**

Civil society coalitions have been able to put important issues on the agenda and press home important policy agreements in a variety of areas. The Jubilee 2000 (and follow-up) debt campaign has secured billions of dollars of additional debt relief for poor

countries; the trade unions and NGOs focussing on trade (as well as the Seattle demonstrations) have encouraged ministers to affirm that the next trade round must be a “Development Round”. NGOs, health professionals and groups representing people living with AIDS have gained dramatic reductions in the price of essential drugs for HIV/AIDS. NGO coalitions have successfully pressed for liberalized disclosure policies and the establishment of Inspection Panels in the World Bank and other inter-governmental agencies. And civil society pressure has done much to advance practices of corporate social responsibility. The World Social Forum, held three times in Porto Alegre, has been an impressive “General Assembly” of civil society.

### ***Some Success Factors***

The few good practices above have come to being because individuals and organizations (within civil society and the UN) have had the courage to pioneer new partnership approaches. The general experience is that when inter-governmental decisions are informed by civil society, when actions involve their contributions and sense of ownership, and when monitoring is a joint effort, the results are more sustainable and tangible. The benefits of participation appear to greatly outweigh the counter-arguments. Some factors that make the process succeed well may include:

- Providing timely information to civil society about the inter-governmental process
- Aiming for meaningful interaction and dialogue, not just public relations
- Emphasizing both informal and formal interaction for learning and trust building
- Acknowledging the diversity of civil society and seeing benefit in bringing this diversity into the inter-governmental decision making process
- Working with and respecting self-organized mechanisms of civil society
- Interpreting flexibly UN rules on participation and making them better understood by civil society
- Developing an attitude of openness within the secretariat staff
- Allocating human and financial resources for enhancing participation
- Encouraging secretariat staff and leadership to interact with civil society directly and listen seriously to their ideas, experiences and criticisms
- Seeing participation as an enhancement of the inter-governmental process.

## **IV. Reviewing the Relationship<sup>10</sup>**

The presence of civil society in the UN has always been characterized by a dichotomy: willingness of the member states to allow participation on the one hand and their desire to keep it firmly under control on the other. This creates dislocations and dissonance, placing the relationship between civil society and UN member states at a pivotal juncture. This is revealed by discussions amongst both member states and management.



### *The Question of the General Assembly*

In February 1993, shortly after the Rio “Earth Summit”, ECOSOC decided to start a “general review of current arrangements for consultation with NGOs, with a view to updating them.” This was guided by an ECOSOC Working Group, chaired by the Pakistan’s Ambassador to the UN. The intent was to review/update existing procedures as set out in the 1968 ECOSOC Resolution 1296 and to examine the broader question of NGO participation “in all areas of work of the UN”. This review lasted until July 1996 when ECOSOC adopted by consensus Resolution 1996/31 and Decision 1996/297. The former gave eligibility for accreditation to national, regional and sub-regional NGOs, including national affiliates of international NGOs and set out a standard procedure for NGO accreditation to and participation in international conferences. It formally recognized that non-ECOSOC NGOs could also participate in international conferences and placed special emphasis on encouraging Southern NGO participation (a Trust Fund was proposed to support this). Though some International NGOs suggested that access of national-level NGOs be limited to major conferences and regional commissions, most parties welcomed the changes.

It was Decision 1996/297 that proved controversial. This requested the General Assembly to examine at its next session “the question of the participation of NGOs in all areas of work of the UN”, understanding that this limited the scope to matters that fall within the GA’s mandate – but since this includes Security Council issues, and at least one member (USA) had stipulated that no changes in NGO access be extended to the Security Council, controversy was sure to follow. Moreover some developing country governments felt that NGO access to UN processes had already gone too far and they didn’t welcome the idea of the GA’s doors being opened. The GA Working Group on strengthening the UN set up a Sub-Group to consider the NGO issue (under Ambassador Kamal of Pakistan).

Immediately there were problems defining the scope of work. Northern countries wanted it limited to GA matters (the New York NGO lobby urged that the ECOSOC rules simply be extended to the GA) while the Group of 77 and the Non-Aligned Movement (G77, NAM) insisted that “all areas ...” also meant the Bretton Woods institutions and Security Council. This proved impossible to resolve and the sub-group was disbanded, with the GA President commenting that “NGO participation has become a political football in this group, and that plays into the hands of governments who don’t want anything to happen with NGOs”.

As a fallback, the GA requested a Secretary-General’s report on current arrangements for NGOs. This was issued the following year (A/53/170, 10 July 1998). It demonstrated the widespread (and positive) engagement of NGOs in many areas of UN activity, and listed various comparative advantages of NGOs: closeness to clients, flexibility, their participatory approaches, strong commitment, local accountability, independent assessment of issues, specific expertise, important constituencies, important conduits of information and awareness-raising. It also recognized typical NGO constraints: the numbers and diversity of NGOs, organizational weaknesses, fragility of grassroots organizations, often divergent positions, tensions with governments, and sometimes lack of independence. It concluded

that the balance sheet is overwhelmingly favourable to strengthening cooperation both at headquarters and in the field, and made various proposals for doing so: harmonizing NGO databases and experience exchange across the system, expanding the NGO Liaison functions, improving NGO access to information (especially via Internet and the Official Document System), setting up a Trust Fund (for Southern NGO participation) etc, but on the question of the GA it simply suggested that ECOSOC-accredited NGOs be allowed to occupy a number of seats “as available” in part of the GA hall during public debates, where they should also be able to access documents.

Many NGOs welcomed the tone of the report but were disappointed by the modest nature of the conclusions. The political stalemate continued. The only agreement of the GA was to request the Secretariat to compile another report asking member states, specialized agencies, NGOs and others for their views on the S-G’s report. This latter (A/54/329, 8 September 1999) was similarly inconclusive in that it simply listed the views and recommendations of the different stakeholders. Very few governments responded (Germany, on behalf of all EU member states, and 12 others – including China, Cuba, Egypt and USA). Most of the 130 NGOs who responded to the Secretariat’s questionnaire were Northern-based and regretted the report’s inference that expanded NGO numbers constituted a problem to be addressed rather than an opportunity to be harvested. They largely concentrated on issues concerning their status and access. They urged support for African NGO capacity building for engaging in international policy debate and underlined the importance of advancing NGO access to the GA processes. However the 1999 report made no progress in this latter regard. In frustration, some large international NGOs have started to seek special status for themselves with the GA (namely the Inter-Parliamentary Union, and IUCN – the World Conservation Union).

Having failed to resolve the “all areas” question through the formal GA deliberative process, the question was put on ice. The developments over the next 3 years were largely driven by two factors: the innovations in some UN activities, which sought stronger NGO involvement; and the increasingly disruptive civil society protest activity that is largely assumed to have started with the WTO Ministerial Meeting in Seattle, November 1999. The former is described in Section III and comprise an imaginative set of ad hoc measures to chart new territory. The latter has precipitated considerable soul-searching and not a little confusion in senior management of the organization and the wider UN system.

### ***Where now with NGOs? The Management Dilemma***

Coordination throughout the UN system is largely through its Chief Executive Board (CEB) and its subsidiaries – particularly the High Level Committee on Programmes. Coordination within the United Nations itself (the Secretariat and the funds and programmes that are run directly by the UN) is largely through the Senior Management Group (SMG). Both these forums have discussed the vexed subject of civil society on various occasions in recent years. Although the importance of civil society has been strongly recognized, these discussions have proved inconclusive in terms of agreed action. This parallels the diverging views apparent with member states.

Management stresses the importance of adopting a trilateral relationship, including governments in their dialogue with civil society and vice versa where feasible, in order to avoid the erosion of the UN's legitimacy in the eyes of NGOs and the broader public. However the rapid growth of CSO numbers and demands, and the lack of clear definitions, are seen as problematic. Management finds it increasingly difficult to verify the *bona fides* of NGOs seeking accreditation to ECOSOC or to major meetings. And some member states resist increased CSO activity and question their legitimacy, representativity, sources of funding, their "hidden agendas" and their tactics of playing for the limelight and for funding. The "competing agenda" phenomenon is heightened by globalization, yet at the same time constructive partnerships have multiplied, for example concerning the negotiations for the International Criminal Court and the Landmines treaty, and – operationally – in humanitarian relief, AIDS, vaccines for major diseases, information technology and sustainable development.

A particular sticking point concerns the impasse over the question of CSO access to the GA and its processes. This issue risks becoming even more politicised now that divisions are emerging between EU and US over global governance, and parallel divisions are emerging within the South. There is no longer a straightforward North-South divide. And in light of disruptive demonstrations at major international events, some member states and some in management consider it time to rethink NGO accreditation to ECOSOC and the UN conferences. The latter are seen to have become a sort of 'medieval fair' where all causes 'set up their stall'.

Management discussions shortly after the large-scale demonstrations in Seattle and Prague focused on the need to allay public fears about globalization and global governance, and the important role CSOs play in raising these issues, but they also concentrated on issues of violence and disruption. Management considered that the time had come to address accountability and transparency issues of NGOs, to press for greater self-discipline and self-regulation within the CSO sector, and to review the UN's NGO accreditation processes. However, few of the CSOs engaged in the demonstrations were ECOSOC-accredited NGOs; those that were (such as the trade union federations) only took part in the peaceful manifestations; most of the disruptive CSOs were not interested in dialogue within the UN orbit, and there was no evidence that anyone had abused their accreditation status.

Subsequent management discussions appreciated the mounting sense of civil society frustration, due to governments' lack of response to their concerns and abnegation of international obligations and also to the UN system seemingly moving towards a pro-globalization stance and closer to the private sector. The UN's response, it was considered, should be to recognize CSOs' contributions and concerns, but at the same time to look carefully into the legitimacy and sources of CSO funding, particularly regarding those most aggressive in the major international events. The UN should also persuade CSOs on the positive dimensions of globalization and seek more constructive partnership relations with civil (in particular in the context of the Millennium Development Campaign). Management has become concerned about the competing agendas of governments and civil society, about mounting member state questions concerning the legitimacy, representativity, and sources of funding of some of the CSOs,

and about the impression (again, held by some member states) that CSOs may infringe the prerogative of member states in intergovernmental decision-making processes. It was felt that a more coordinated system-wide approach to civil society is called for.

As a start towards greater coordination, CEB asked its High Level Committee on Programmes to undertake a study on “the state of collaboration between organizations of the system and CSOs, highlighting the policy dimension of such cooperation ... taking fully into account the work of the [Panel of Eminent Persons].” The Non Governmental Liaison Service is helping with the HLCP review, which should be completed in Summer 2003. It will, *inter alia*, consider and assess:

- Reasonable and acceptable parameters for CSO participation in intergovernmental decision-making processes, taking into account the positions of governments
- The impact of CSOs on the outcome of policy decisions taken in international fora where they have been granted a participatory decision-making role.

### ***Civil society asks: where now with the UN?***

It is not just governments and the UN Secretariat that is looking afresh at UN-civil society relations. Many NGOs are also taking stock for various reasons. An increasingly confident Southern NGO community is asking “who is entitled to speak for civil society”, what does civil society encompass, can its value systems be defined and what negotiating mechanisms are needed or are to be wary of (Abugre, 2001). They increasingly voice similar criticisms of the New York NGO lobby that are heard from governments, suggesting that their influence in the UN is determined not by their accountability to a base constituency but by the size of their office, their public profile, and their command of the technical issues that the UN agency in question deals with (Steele, 2000).

Many NGOs are reassessing their relations with the UN, its components, with other inter-governmental agencies and with governments. On the one hand they welcome the access but on the other hand there is frustration that their greater proximity to the deliberations has translated into little substantial change in international agreements or what is done on the ground. We can expect, in future, to see stronger pressure for civil society standards, in particular articulated by Southern CSOs who may find themselves challenged by their more radical counterparts that engaging with the system in the context of changing rhetoric but not changing reality amounts to cooptation – an ill-provided fig-leaf.

## **V. Concerns, Problems and Discrepancies**

This section lists some of the obstacles, problems and discrepancies that have been raised by governments, civil society actors, and UN officials regarding participation in the inter-governmental processes.<sup>11</sup>

### ***Concerns raised by Governments***

Growing CSO numbers presents a concern. This is seen by some governments as overwhelming the system, slowing the decision making process and eroding the focus of

inter-governmental negotiations. There is a view that the UN is far too open to civil society and that this may pose security challenges especially since the events of September 11 and Seattle/Prague.

Some governments see civil society participants as predominantly Northern organizations pushing for a 'northern cultural view' that is not fitting to a multi-cultural organization that emphasizes regional equity.

Civil society demands are seen as unreasonable or unrealistic, particularly those for access to the General Assembly or the Security Council or to be part of the decision-making machinery. Such demands would imply fundamental changes in the UN beyond its current Charter.

Some governments feel consultations with civil society could be streamlined with a view to maximize its benefits. There is a search for ways to limit the numbers of CSO speakers and statements while retaining the benefits of their experiences and views.

The legitimacy, accountability and 'hidden agendas' of civil society are questioned. Many of the accredited NGOs are perceived as lobbyists rather than 'true' stakeholders. Most are seen as not accountable while demanding higher government accountability. Many governments feel *they*, being elected, are the legitimate representatives of society.

#### ***Concerns raised by Civil Society Actors***

Civil society actors feel they are not heard or taken seriously by governments and the UN secretariat. At UN meetings – even with dialogues, hearings and special events – they are made to feel marginal to decision making and their diversity is not recognized.

They feel that the rhetoric of governments and the UN secretariat regarding participation is not matched by action. Access to UN buildings and meetings is more restrictive than a few years ago. Civil society expects the UN to be more proactive with its information dissemination and outreach, and to welcome the newer types of civil society actors such as social movements into its work. The UN is also expected to ensure balance in access of civil society and the private sector (the latter is perceived to have privileged access).

Civil society's formal access to the UN (accreditation) is seen as politicised, lengthy and bureaucratic. The UN is expected to coordinate and streamline accreditation procedures as well as to clarify the rules of engagement across the multiplicity of bodies and organs. The requests for access to the General Assembly and the Security Council continue and there is a concern that serious discussion of this issue is postponed by yet more studies and reports. Access to documentation is inadequate and needs a complete overhaul.

The UN is expected to empower, support and build capacity of Southern civil society organizations given its mandate to prioritise the needs of the poor. Southern organizations need funding, training and information to participate and contribute effectively to the UN's work.

Civil society actors perceive government or secretariat calls for its accountability as a veiled threat to their participation and assert that they are fully accountable to their own constituencies. In response to proposed codes of conduct, they feel transgressions by a handful of NGOs should not lead to sweeping and potentially restrictive codes.

#### ***Concerns raised by the UN Secretariat***

Senior secretariat officials mostly think that the organization is lagging behind the rapid global changes when it comes to its relationship with civil society. Despite innovations, the UN would benefit from more civil society contributions on substantive issues. Statements at inter-governmental meetings by civil society actors are increasingly artificial with too little time allocated to them to allow meaningful contributions.

There is a need for considerable attitude shift in-house with respect to civil society. Both outreach and in-reach need to be strengthened if civil society is to fulfil its role as envisaged in the UN Charter.

Civil society participation in conferences and special sessions is seen to suffer from being ad hoc and confusing. The complex (and widely differing) accreditation hurdles conflict with the welcoming messages the UN seeks to give to civil society. The rules of engagement are not clear and much depends on the discretion of individual Chairs or other political leaders of inter-governmental processes.

Secretariat staff assigned to civil society matters work under huge resource constraints and without tangible support from the leadership. Relationships with civil society organizations from developing countries need significant improvements, which requires human and financial resources. Secretariat staff often go beyond the call of duty to open doors for CSOs, but this rebounds negatively if a few civil society participants “disgrace themselves”; this makes it difficult to continue the openness.

## **VI. Review of Recommendations Made by Key actors**

The above concerns as expressed by governments, civil society and UN officials are also linked with a number of recommendations. This section summarizes some of these ideas. Their inclusion in this list is to indicate the range of existing proposals, not to imply that the panel should consider endorsing them. Indeed, some are contradictory (representing diverging perspectives).

#### ***Formal access to the UN***

- Standardize/streamline/simplify accreditation procedures
- Streamline and coordinate accreditation procedures for global conferences and special sessions
- Use Article 71 of the Charter as the upper **limit** for access; **or** use it as the **baseline**

- Liberalize NGO access to delegate areas of UN HQs and to document offices
- Create mechanisms for NGO access to General Assembly and Security Council (perhaps without the speaking rights afforded by ECOSOC)

### ***New Forums/Mechanisms***

- Create a central UN body (or high level office) for UN-Civil Society relations (proposed by some governments and some CSOs), *or* enhance the individual UN processes to make them more accessible, transparent and participatory
- Expand the mandate of ECOSOC NGO Committee and reform it (such as by adding special advisors from civil society)
- Organize an annual civil society forum to relate to the General Assembly
- Formalize relationships with civil society through multi-stakeholder advisory groups and committees focusing on specific issues

### **Improvements in the Dynamics**

- Strengthen responsiveness to the inputs of civil society
- Increase access to documents during meetings; increase information flow between civil society and the UN by more extensive use of information technologies
- Provide greater access to the UN documentation system, especially the Official Document System (ODS – formerly the Optical Disk System)
- Develop strong links with constituency and issue based networks; encourage CSOs to speak collectively rather than individually
- Develop clear guidelines for working with civil society, private sector and other non-state actors
- Clarify the rules of engagement at inter-governmental meetings and strengthen capacities and procedures for applying them across the system
- Increase civil society accountability and credibility

### ***Resource Allocation***

- Establish a trust fund, with clear selection criteria, to correct North-South imbalance in civil society participation

- Review financial and legal implications of civil society involvement; ensure further openings are budget neutral *or* recognize that effective civil society engagement entails significant costs and seek to mobilize these resources
- Charge civil society for services at the UN; *or* provide CSOs with **more** services and **free** of charge
- Improve human resources allocated to CS work at UN

#### *System wide coordination*

- Include CS representatives in inter-departmental and inter-agency coordination groups and task forces. Allow CS to be represented in the Bureaux of bodies
- Strengthen the mechanisms for exchange between different parts of the system
- Develop a common database across the UN system on CSOs and areas of specialization to facilitate interaction and learning

#### *Concepts, terms and constituencies*

- Clarify the terminology and reduce confusion between terms such as NGO, Civil Society, Major Groups, Social Sectors, and Voluntary Sector
- Distinguish between civil society, the private sector and the governmental sector

## **VII. The Global Drivers**

This paper has described the rapid increase in civil society influence within the UN system, coupled with both defensive resistance and innovative welcome on the part of some governments and some officials. The big story, though, is not about how changes in UN procedures have helped or hindered this evolution. In truth, it is not the UN that has changed – but the world. Civil society has become much more prominent in deliberative processes, in policy-making, in shaping world public opinion – and in the affairs of the UN. At least seven factors emerge from our account as influencing this dynamic:

- *There is increasing public dissatisfaction with the institutions of global governance*, because they seem immune to the accountability and controlling strictures of conventional democracy. Trans-national civil society networks, however, are moving to fill this challenge and enjoy increasing public support as they do so.
- *There is increasing public disenchantment with traditional democracy*, which seems too short-term and parochial in an age of global inter-connectedness and concerns about sustainability. Various UN events – the major conferences in particular – begin



to fill the gap by taking on characteristics of a global parliament in which all the key stakeholders come together to debate and reach common understandings and commitments on specific issues of global importance. This has come about because CSOs have elevated their political profile, have drawn the attention of the world's press and the world's public, and have pressed governments to take them seriously.

- *The power and confidence of Southern voices have risen dramatically*, within civil society internationally in recent years. The major UN conferences have been an important rallying point for them. Their natural authority on the substantive issues at these events is apparent, and immense networking opportunities are offered.
- *The major conferences have begun to level the North-South playing field*. To influence the principle organs of the UN requires a constant presence at HQs, and hence the New York based NGOs have an obvious advantage; few Southern CSOs could dream of maintaining a Manhattan office. However it may be within their reach to invest several staff-weeks to take part in the processes of a major conference (especially as a number of foundations and bilateral agencies are prepared to finance this involvement). While the New York or Geneva groups still tend to play leadership roles, the power gap is much less in these processes.
- *Southern CSOs gain protection from the UN in criticizing their governments*. For those who would find it too risky to lobby or criticize their governments directly, the UN forums provide some protection, some anonymity when needed, and networking opportunities to persuade others in 'safer' countries to take up the cause.
- *Various new roles offered within the UN system have helped expand CSO horizons*. The pioneering engagement of some major meetings, the CSD, UNAIDS etc have offered new roles to many CSOs in dialogue, monitoring, analysis and operations. These have helped many organizations to become more accomplished and more confident – and hence better placed to address powerful stakeholders at home.
- *The new political divides are very different from the old*. Political debate is no longer just about "old" issues such as the ownership of the means of production; modern cleavages are more likely to centre on lifestyle politics (gender relations, sexual orientation, HIV/AIDS, consumption, drugs, reproductive rights etc). In these, CSOs have strong advantages, but traditionalists write them off as "North-driven". Hence civil society has become a political and cultural hot potato. Southern governments generally welcome citizen advocacy on economic and most political issues, but not on lifestyle or human rights issues.

The experience of the five-year follow up processes to the major conferences (the "Plus-5's") illustrates many of these issues. In some ways they have been more politically fraught than the major conferences of the 90s because of the different political context: in particular a conservative US government that eschews multilateralism and global treaties; the rise of fundamentalism and the unclear boundaries between civil society and this extremism (or "uncivil" society); the sense that the UN system is "buying-in" to the Bretton Woods world-view; and heightened security and tension post-Seattle and post-9/11 (Chiriboga, 2001). On the other hand, NGOs have become more sophisticated in their understanding of international processes and how to influence them, particularly as information technology continues to spread rapidly and become relatively cheaper.

The connection between UN-civil society relations and the broader concerns of global governance are discussed more in the paper presented to the panel by President Cardoso. The kernel of the dilemma may be a particular lacuna that has been described by the UN's Under-Secretary General for Economic and Social Affairs<sup>12</sup>. He points out that at the national level there are judiciaries, legislatures, and administrations. In global governance there is only interaction between the latter – the executive agencies – but not between the others. In particular a lack of exchange between parliaments is a crucial gap.

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<sup>1</sup> The six principal organs of the United Nations are: the *General Assembly* (comprising all 191 members – it can discuss and make recommendations on all subjects germane to the UN); the *Security Council* (5 permanent members and 10 elected by the GA; it is primarily for maintaining international peace and security); the *Economic and Social Council* (54 UN members elected by the GA; the UN's work in human rights also falls under this); the Secretariat (which services the other principal organs and manages the field operations; it is headed by the Secretary-General); the International Court of Justice (which mediates in disputes between countries where all parties consent); and the Trusteeship Council (which previously held territories in trust during decolonisation, and which has been inactive since the independence of Palau in 1994). The first four of these are of particular interest to NGOs and all have in practice substantial relations with NGOs. The Secretariat also embraces the UN funds and programmes, including UNICEF, UNDP, the World Food Programme and the UN Environment Programme. In addition there are 16 specialized agencies (including the World Bank, IMF, FAO, ILO, WHO and UNESCO) that are part of "the UN System" and which agree to coordinate through the Chief Executives Board and report on their work to ECOSOC; each has a different membership, leadership and governance structure however.

<sup>2</sup> The definitions of these categories were refined in 1953, 1968 and 1996, but have remained broadly the same since ECOSOC's foundation.

<sup>3</sup> The nine Major Groups defined by Agenda 21 comprise women, children and youth, indigenous people, NGOs, local authorities, workers and trade unions, farmers, business and industry, and the scientific and technology community. This listing has endured for 10 years but not without controversy. For many NGOs, inclusion of business among the major groups is still unacceptable. The indigenous people generally appreciate being distinctly recognized but are not satisfied with being seen as part of the non-state actors given that many consider themselves as nations and their leaders as equal to Heads of State. Some governments do not find it useful to consider local authorities as part of this community since these are mostly elected officials and part of the government arm. There are also numerous other groups (such as the elderly, the disabled, faith based communities, educators, media, etc) who feel left out of the equation by a twist of fate and consider the major groups concept insufficiently thought-out.

<sup>4</sup> Agenda 21, Chapter 23 reads: "*Critical to the effective implementation of the objectives, policies and mechanisms agreed to by Governments in all programme areas of Agenda 21 will be the commitment and genuine involvement of all social groups*" (paragraph 23.1); "*One of the fundamental prerequisites for the achievement of sustainable development is broad public participation in decision-making. Furthermore in the more specific context of environment and development, the need for new forms of participation has emerged. ....*" (Paragraph 23.2)

<sup>5</sup> MIT's Consensus Building Institute conducted a comprehensive and independent review of the multi-stakeholder dialogues, commissioned by the CSD Secretariat as part of the documentation for the WSSD. See: [www.johannesburgsummit.org/html/documents/prep3\\_background\\_papers/msdhstudy2.pdf](http://www.johannesburgsummit.org/html/documents/prep3_background_papers/msdhstudy2.pdf)

<sup>6</sup> Principle 10 of the Rio Declaration reads: "*Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.*"

<sup>7</sup> The adoption of the Human Rights Declaration represented the first major impact of NGOs on the newly created UN. The NGOs involved were primarily 'consultants' included in the US delegation and their

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involvement shaped the later ‘consultative’ arrangements that ECOSOC adopted for civil society engagement (Korey, 1998).

<sup>8</sup> International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, Inter-Action (the US umbrella of development and humanitarian NGOs), the International Council of Voluntary Agencies and the Steering Committee on Humanitarian Response

<sup>9</sup> An example of matching need and supply is the partnership with Ericksson, the firm that supplies humanitarian agencies in the field with the necessary information technology.

<sup>10</sup> This section is based on various conversations with NGOs and UN officials and on UN documents (including UN Secretariat January 2001, General Assembly 1998). It also draws on a useful account of the changes introduced or considered in recent years in the two Barbara Adams references (especially 2001).

<sup>11</sup> It uses the same sources as the previous section and also some NGO literature.

<sup>12</sup> Nitin Desai, Under-Secretary General for Economic and Social Affairs, United Nations – speaking at the Forum International de Montreal, November 2000

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