

**NGO PARTICIPATION AT THE UNITED NATIONS:  
BARRIERS AND SOLUTIONS**

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## **Disclaimer**

The opinions expressed in this paper are Angela Zettler's opinions and should not be attributed to the United Nations Department of Economic and Social Affairs NGO branch.

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## INTRODUCTION

Non-governmental organizations (NGOs), also known as civil society organizations (CSOs), have existed for hundreds of years, but since the mid-nineteenth century they have been increasing in number and gaining international recognition, particularly among intergovernmental organizations (IGOs). NGOs were accepted and consulted with by the League of Nations during its existence, and were often able to participate in the League's meetings and committees. Due to this recognition, when the United Nations was created in 1945, NGO participation was included in the UN Charter under Article 71 of Chapter 10. Article 71 created the Economic and Social Council (ECOSOC), whose task was to consult with NGOs on matters that concerned it. This article opened the door for the 3,287 NGOs in consultative status today.<sup>2</sup> This sizeable number is a clear indicator that NGOs find consultative status to be of value; otherwise they would not bother applying. However, the usefulness and level of participation of NGOs in the UN has been hotly debated since NGOs were first granted consultative status, which has led to a number of barriers. This paper will explore some of these barriers, and then discuss some recommendations proposed in the 2004 Cardoso Report that could help reduce them. It concludes with the assertion that if implemented, these solutions from the Cardoso Report could assist NGOs in playing their vital role of carrying out the mission of the United Nations.

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<sup>2</sup> United Nations. (2009, September 1). *List of non-governmental organizations in consultative status with the Economic and Social Council as of 1 September 2009*. Retrieved from <http://esango.un.org/paperless/content/E2009INF4.pdf>

## CONSULTATIVE STATUS AND ITS ADVANTAGES

Over the years, participation of NGOs in the UN has ebbed and flowed. However, in the last fifteen years the UN has been working to enhance collaboration with NGOs across the entire UN system and in all areas of its activity. The UN and its agencies have grown increasingly dependent on NGOs to carry out field services, as well as implement UN resolutions and goals. This reliance on NGOs has helped them to gain influence and importance in the international community. "International organizations and movements have been very influential in shaping the discourse within which international decision-making and action occurs."<sup>3</sup> Many UN agencies hold regular meetings with NGOs, and new forms of NGO involvement are emerging across the UN system. Some of the activities NGOs engage in include disseminating information, raising awareness, policy advocacy, joint operational projects, and providing technical expertise. Consultative status is an additional mechanism of involvement that grants NGOs physical access to the UN and the possibility of speaking at meetings. This status brings with it a number of advantages which can help further the aims of both NGOs and the UN.

Having consultative status allows NGOs to formally participate in the international political system. NGOs with status can participate in international conferences and events convened by the UN, where they can learn about and contribute to various issues. More formal methods of participation include submitting written statements and presenting oral statements to ECOSOC and its subsidiary bodies on issues of the NGO's expertise. They can set up booths at certain UN events as well as organize their own events.<sup>4</sup> Many NGOs use their status to network with other NGOs, with whom they can form partnerships.<sup>5</sup> Most importantly, NGOs can designate representatives who have access to UN grounds,

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<sup>3</sup> Otto, D. (1996). Nongovernmental Organizations in the United Nations System: The emerging role of the international civil society. *Human Rights Quarterly*, 18, p 127.

<sup>4</sup> United Nations. (1996, July 25). 1996/31. *Consultative relationship between the United Nations and non-governmental organizations*. Retrieved from <http://www.un.org/documents/ecosoc/res/1996/eres1996-31.htm>

<sup>5</sup> Clark, A., Friedman, E., & Hochstetler, K. (1998). The Sovereign Limits of Global Civil Society: A comparison of NGO participation in UN world conferences on the environment, human rights, and women. *World Politics*, 51(October), 1-35.

where the opportunity to lobby delegates and member states is possible. Making face-to-face contact with government officials and representatives can sometimes be more effective than speaking at official proceedings. “Even when they are not asked to contribute to policy formulation, NGOs can insert their ideas into policy debates by lobbying governments and helping to broker agreements among divergent positions.”<sup>6</sup> Finally, having a consultative relationship with the UN gives NGOs a level of credibility and legitimacy within the UN system and in the eyes of governments and other organizations, which they might otherwise be unable to attain.<sup>7</sup> However, despite all the advantages that come with consultative status, significant barriers exist which prevent many NGOs from ever realizing those benefits.

## **BARRIERS TO NGO PARTICIPATION**

In order for NGOs to advance their own agendas, they need access to certain audiences, such as state delegates, who NGOs can influence to further their goals. UN access allows NGOs to win influential allies and affect political outcomes.<sup>8</sup> If access to these important people is limited, influencing policy may become more challenging. There are a number of barriers involved with consultative status that limit NGO access to important decision-makers. One barrier is the uneven access of NGOs from the North, or developed countries, versus the South, or developing countries. While the number of NGOs in consultative status from the South is increasing every year, the vast majority are from the North.<sup>9</sup> Northern NGOs are often larger and better resourced, giving them greater access to worldwide conferences and meetings. As a result, Northern NGOs are in a better position to influence policy-making at the state and global level, promoting agendas which may or may not be advantageous to the

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<sup>6</sup> Smith, C. (2006). *Politics and Process at the United Nations*. Boulder: Lynne Rienner Publishers, p 115.

<sup>7</sup> Martens, K. (2004). Bypassing Obstacles to Access: How NGOs are Taken Piggy-Back to the UN. *Human Rights Review*, April-June, 80-92.

<sup>8</sup> Joachim, J. (2003). Framing Issues and Seizing Opportunities: The UN, NGOs, and women's rights. *International Studies Quarterly*, 47, 247-274.

<sup>9</sup> Global Policy Forum. (2009). *NGOs in consultative status with ECOSOC by region*. Retrieved from <http://www.globalpolicy.org/tables-and-charts-ql/ngos-tcql/32120.html>.

South. Without sufficient funding, NGOs from the South will be at a disadvantage due to their limited access to UN meetings and world conferences. In addition, organizations that have headquarters in the North are more likely to achieve status than those headquartered in the South. NGO representatives who speak at UN meetings are primarily white, male, and Northern.<sup>10</sup> This imbalance indicates that representation of NGOs in the UN is skewed to the North, which poses a significant barrier to participation among Southern NGOs.

Another barrier to participation for NGOs all over the world is the complicated accreditation process for getting consultative status. Information regarding the application process may be difficult to access as today it is located primarily online, which poses a significant problem for NGOs from the South with limited access to the internet. In addition, NGOs must submit a large volume of supporting documentation such as financial statements, annual reports, registration certificates or tax identification numbers, charters or constitutions including by-laws, and any additional documentation validating the existence of the NGO. Some of this documentation could be difficult to attain in certain countries, particularly if the NGO is suppressed by the government. Once the proper documentation is submitted, the application must be screened by the NGO Branch and then submitted to the Committee on NGOs, which will recommend whether the organization should or should not be accepted by ECOSOC.<sup>11</sup> This extensive process can take years to complete, due to the limited resources of the NGO Branch and the politics that inevitably arise among certain member states when discussing which NGOs should be accepted or rejected. The review process is long and expensive, costing an estimated \$26,000 per accredited applicant, and an NGO may be denied accreditation based on political reasons rather than

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<sup>10</sup> United Nations. (2004, June 11). *A/58/817. We the Peoples: Civil society, the United Nations and global governance*. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/376/41/PDF/N0437641.pdf?OpenElement>.

<sup>11</sup> United Nations. (2009). *Apply for consultative status*. Retrieved from <http://esango.un.org/paperless/Web?page=static&content=apply>

technical reasons.<sup>12</sup> The problem of politics can, at times, become a significant obstacle, and is thus the next barrier to be discussed.

Both the Committee on NGOs and ECOSOC are made up of member states, and each member has its own agenda and set of values. The Committee on NGOs is a subsidiary body of ECOSOC and meets twice a year. It is comprised of nineteen member states elected on the basis of equitable geographical representation for a period of four years. They include representatives from five African, four Asian, two Eastern European, four Latin American and Caribbean, and four Western European and other member states. Seats on the committee rotate and there is no limit to the number of times a country may serve.<sup>13</sup> ECOSOC consists of 54 member governments elected by the General Assembly (GA) for overlapping three-year terms. Seats on the Council are allotted based on geographical representation with fourteen allocated to African, eleven to Asian, six to Eastern European, ten to Latin American and Caribbean, and thirteen to Western European and other states.<sup>14</sup> The Committee on NGOs makes recommendations to ECOSOC on which NGOs should be accepted or rejected, and ECOSOC makes the final decision. However, the decisions made by both bodies may not be based on technical merit but on political motives. Certain countries, such as China and Cuba, have successfully halted the applications or suspended the consultative status of organizations with adversarial or anti-government stances. For example, in 2005 an organization called A Woman's Voice International (AWVI) was suspended for having a taser gun while delivering a statement at the 61<sup>st</sup> session of the Commission on

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<sup>12</sup> United Nations. (2004, June 11). *A/58/817. We the Peoples: Civil society, the United Nations and global governance*. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/376/41/PDF/N0437641.pdf?OpenElement>.

<sup>13</sup> United Nations. (2009). *Committee on nongovernmental organizations*. Retrieved from <http://esango.un.org/paperless/Web?page=static&content=committee>

<sup>14</sup> United Nations. (2009). *ECOSOC members*. Retrieved from <http://www.un.org/ecosoc/about/members.shtml>

Human Rights in Geneva.<sup>15</sup> AWVI was speaking about the use of torture in China and claimed it was only demonstrating a torture device.<sup>16</sup> ECOSOC ultimately suspended the organization for its illegal breach in security,<sup>17</sup> but some might claim the suspension was politically motivated by China, who wanted to silence AWVI. Because of incidents such as these, “the NGO Committee is...one of the most debated committees of the UN and, by many, is regarded as the committee with the worst reputation.”<sup>18</sup> While ECOSOC has the ability to overturn a denial or suspension recommended by the Committee, there is no one to overturn decisions made by ECOSOC. This can become a serious obstacle to NGOs that are seen as antagonistic to some member states.

Each of these barriers, and others not covered in this paper, can constrain effective participation by NGOs at the UN. Despite the wishes of some governments that the role of NGOs be minimized, Article 71 of the UN Charter and its subsequent resolutions give NGOs a legal basis for participation. However, they do not give every NGO a legal claim to attain consultative status even when meeting all the criteria. Despite the objections of some governments and even some NGOs about decreasing barriers and improving access to more NGOs, improvements have been made. For example, Resolution 288(X) of 1950 gave NGOs a legal basis for access to the UN Headquarters and categorized NGOs into three consultative arrangements;<sup>19</sup> Resolution 1296 of 1968 reiterated eligibility criteria for NGOs and renamed the three categories; Resolution 1996/31 again renamed two categories and offered clearer

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<sup>15</sup> United Nations. (2005, June 15). *E/2005/32 (PART II). Report of the Committee on Non-governmental Organizations on its resumed 2005 session*. Retrieved from <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/385/55/pdf/N0538555.pdf?OpenElement>

<sup>16</sup> A Woman's Voice International. (2005). *United Nations NGO Committee in New York to suspend A Woman's Voice International*. Retrieved from <http://www.awomansvoice.org/nl1-2005-6.html>

<sup>17</sup> United Nations. (2005, August 10). *Resolutions and decisions adopted by the Economic and Social Council at its substantive session of 2005*. Retrieved from <http://documents-dds-ny.un.org/doc/UNDOC/GEN/N05/458/02/pdf/N0545802.pdf?OpenElement>

<sup>18</sup> Martens, K. p 84

<sup>19</sup> Liang, Yuen-Li. (1954). The question of access to the United Nations Headquarters of representatives of non-governmental organizations in consultative status. *The American Journal of International Law*, 48(3), p 444.



guidelines for participation.<sup>20</sup> Notwithstanding these improvements, in 2003 former UN Secretary-General Kofi Annan set up a panel of experts to identify ways to improve cooperation between NGOs and the UN. The subsequent “Report of the Panel of Eminent Persons on United Nations—Civil Society Relations,” or the Cardoso Report,<sup>21</sup> laid out a number of recommendations to enhance relations between the UN and civil society. If implemented, these improvements could potentially reduce a number of obstacles to participation that NGOs face.

### **SOLUTIONS: THE CARDOSO REPORT**

Due to the ever-growing association between civil society and the UN, Secretary-General Kofi Annan requested a report in the spring of 2003 reviewing existing procedures and practices in the UN that affect NGO participation. The goal of the panel was to put together a proposal recommending changes needed in the UN system that could improve the relationship and make it easier for NGOs to contribute. The report affirms the importance of the relationship between NGOs and the UN, stating that “enhanced engagement could help the United Nations do a better job, further its global goals, become more attuned and responsive to citizens concerns and enlist greater public support.”<sup>22</sup> The report offers thirty proposals covering issues ranging from fostering multi-constituency processes, to strengthening the dialog between civil society and the Security Council, to streamlining the accreditation process. For the sake of time, this paper will only review a few of the proposals that pertain to the barriers outlined above.

Proposal 26, which can be used to address the first barrier involving North-South imbalances, states the following:

*The Secretary-General should make redressing North-South imbalances a priority in enhancing United Nations–civil society relations. He should enlist donor support for enhancing the capacity of the United*

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<sup>20</sup> Smith, C. p 121

<sup>21</sup> Former president of Brazil Fernando Henrique Cardoso was the chair of the panel.

<sup>22</sup> United Nations. A/58/817, p 8

*Nations to identify and work with local actors, establishing a fund to build Southern civil society capacity to participate and ensuring that country-level engagement feeds into the global deliberative processes.*<sup>23</sup>

Creating a trust fund to pay for travel expenses for Southern NGOs would help overcome the discrepancy in representation at UN events and meetings and provide them with the opportunity to influence political outcomes. When funds have been established for past conferences, they have helped to increase involvement from NGOs that would otherwise have been unable to attend. For example, at the High-level Plenary Meeting of the General Assembly of the September 2005 Summit, a trust fund was created with the help of the Governments of Finland, Canada, and Norway to increase participation from NGOs of developing countries. Out of 230 participants, 134 were from developing countries.<sup>24</sup> This fund was able to significantly improve participation from Southern civil society at an important UN event. In addition to funds, providing financial support to Southern NGOs at the local level will put them in a better position to help the UN further global goals. By fully implementing Proposal 26, the UN would have the ability to reduce North-South inequality.

Proposal 20, if applied, could help solve the problem of a complicated accreditation process facing NGOs. It states the following:

*Member States should shift the task of reviewing applications to the Secretariat so as to reduce time inefficiencies and increase the technical focus of the review. An Accreditation Unit should be established within the General Assembly secretariat, incorporating staff now responsible for accreditation in various departments (therefore it would be budget-neutral). The Unit would help to set up an advisory body that would offer guidance on whether applications should be recommended or not. A designated General Assembly committee would decide on accreditation based on that guidance. The Secretariat should ensure increased use of information technologies to manage the accreditation process. The Secretary-General should encourage the United Nations agencies, country offices and others to cooperate in the system-wide effort.*<sup>25</sup>

If the UN were to create a new accreditation office within the GA secretariat and formulate a simpler process, while at the same time reducing bureaucracy, certification of NGOs could run smoother and faster than it does in the existing format. With this arrangement the new accreditation office could

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<sup>23</sup> Ibid, p 21

<sup>24</sup> United Nations. (2005, August). *NGLS Roundup: General Assembly hearings with NGOs, civil society and the private sector*. Retrieved from <http://www.un-ngls.org/orf/pdf/RU123-GA%20hearings-online.pdf>

<sup>25</sup> Ibid, p 20

expand its services to offices outside headquarters and give NGOs greater access to staff that could help them complete the accreditation process. In addition, the Accreditation Unit's advisory body would ideally have no political influence on who is accepted and who is not. By implementing Proposal 20, the UN has the opportunity to improve the current difficulties NGOs experience and simplify the process.

Finally, Proposal 19, if employed effectively, would help the UN depoliticize and simplify the process of accreditation. This proposal states the following:

*The United Nations should realign accreditation with its original purpose, namely, it should be an agreement between civil society actors and Member States based on the applicants' expertise, competence and skills. To achieve this, and to widen the access of civil society organizations beyond Economic and Social Council forums, Member States should agree to merge the current procedures at United Nations Headquarters for the Council, the Department of Public Information and conferences and their follow-up into a single United Nations accreditation process, with responsibility for accreditation assumed by an existing committee of the General Assembly.<sup>26</sup>*

Once again, the panel saw the utility in creating an entirely new accreditation office and merging other offices that do essentially the same thing in order to reduce repetition and streamline the process. If member states are able to base applicants' credibility on expertise, competence, and skills alone, more NGOs that today are rejected for political reasons would be able to gain access to the UN. While this proposal would likely be extremely difficult to implement, the utility of it is clear. Less politicization increases balance and gives all parties an equal voice.

Each of these proposals offers a solution to barriers that NGOs face when trying to access the UN system and influence political decisions that could affect them and the people they represent. The Cardoso Report was presented to the GA during its 58<sup>th</sup> Session and was followed by a report by the Secretary-General during the 59<sup>th</sup> GA session in September of 2004. In his report, Kofi Annan committed himself to executing the changes necessary to increase civil society participation. "Achievement of the Millennium Development Goals will depend on a collaborative approach made possible through

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<sup>26</sup> Ibid, p 20

partnerships with governments and NGOs on the ground.”<sup>27</sup> However, even with backing by the Secretary-General, a resolution to pass the recommendations made by the panel was never passed, despite several attempts by the Brazilian government.<sup>28</sup> The barriers mentioned in this paper, along with a great deal of others not mentioned, are still playing a role in preventing adequate participation by NGOs in the UN. Perhaps there is still hope for the Cardoso Report to be acknowledged and implemented by the GA, but it seems less likely with each passing year. Thus, other solutions to these barriers will need to be established if the UN is ever going to see adequate and balanced participation. Some improvements have been made, as can be seen in the fund established for the High-level Plenary Meeting of 2005, but more work is needed to strengthen and adapt the UN to the constantly changing world.

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<sup>27</sup> United Nations. (2004, September 13). *A/59/354. Report of the Secretary-General in response to the Report of the Panel of Eminent Persons on United Nations-Civil Society relations*. Retrieved from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N04/507/26/PDF/N0450726.pdf?OpenElement>

<sup>28</sup> Martens, J. (2006, January). *FES briefing paper: The future of NGO participation at the United Nations after the 2005 World Summit*. Retrieved from <http://library.fes.de/pdf-files/iez/global/50188.pdf>

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