

# “WE WOULD LIKE TO ASK THE NGO...”

## ***AN ASSESSMENT OF THE CURRENT WORKING PRACTICES OF THE ECOSOC COMMITTEE ON NGOS***

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**ABSTRACT:** The ECOSOC Committee on NGOs is the main gateway for NGOs, as representatives of civil society, to have a voice in the UN. However, the members of the Committee have been criticized repeatedly for alleged bias against NGOs. This paper examines the practices of the gatekeepers by shedding light on the ways the members of the Committee use the flexibility of their guiding Resolution 1996/31 to adjust their work methods. Through analysis of the regular session of the Committee in 2016, the paper provides insight into the functionality of the Committee and the complex relationship between UN member states and civil society actors. A quantitative analysis of the questions asked during the session and a qualitative reading of the debates of the Committee outline the shortcomings, uncertainties and political nature of the practices of the ECOSOC Committee on NGOs.

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## 1. Introduction

*“It is argued that CSOs [civil society organizations] can make the UN more transparent, because they strengthen public awareness of UN processes and policies. In addition, CSOs can make the UN more consultative, since they often contribute to policy formulation. CSOs can also evaluate the implementation of UN policies, as they monitor and assess the execution of agreed measures and make stakeholders aware of non-compliance. By criticizing unsuccessful policies and programs, CSOs may in addition help to correct the UN when its activities go awry and cause harm” (Martens 2011: 43).*

CSOs (civil society organizations), or NGOs (non-governmental organizations)<sup>1</sup> have been part of the United Nations (UN) from the very beginning. Article 71 of the UN Charter from 1945 grants NGOs the possibility to consult with the Economic and Social Council (ECOSOC) (UN Charter 1945). Since then, the nature of civil society cooperation with the UN has changed dramatically, from a few enthusiastic volunteers (Paul 2012) to over 4000 professionalized advocacy groups, which are now in regular exchange with different entities of the UN system.

Despite the increased participation of NGOs once they are accepted as contributors to the UN system, the main gateway to their very participation with the UN remains, since its inception in 1946, the acquisition of consultative status with the ECOSOC. This gateway is being “guarded” (Aston 2001) by the UN Committee on NGOs (henceforth: NGO Committee), which meets twice a year to grant consultative status to an ever increasing number of NGOs. The NGO Committee is therefore of utmost importance to civil society actors trying to influence global politics through the UN system and, given the “lacunae and ambiguities” (Aston 2001: 945) of Resolution 1996/31, which guides its work, the members of the Committee have a lot of leeway regulating the entrance of NGOs to the UN. This makes the NGO Committee at once “an excellent focal point of analysis to illustrate [...] the current mechanism[s] of NGO participation at the UN” (Aston 2001: 945) and “one of the most debated committees of the UN [, which], by many, is regarded as the committee with the worst reputation” (Martens 2011: 84).

After a short introduction into the nature of UN regulations for civil society participation, this paper provides an analysis of the work methods of the NGO Committee based on data analysis of the Regular Committee session in 2016. The aim of this analysis is to understand the way the members of the NGO Committee use the flexibility of the Resolution 1996/31 to adjust their work methods. Through a quantitative analysis of the questions asked during the 2016 session, as well as a qualitative reading of the debates of the Committee regarding uncertainties in its own work methods, the paper sheds light

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<sup>1</sup> While the terms CSOs is used by many (in and outside of the UN) to refer to a broader variety of civil society actors, and while there is no clear UN definition of what defines an NGO or CSO, the UN Committee on NGOs and the ECOSOC consultative status continue to refer to NGOs as formally registered, non-governmental associations/organizations (NGOs) (Anheier/Themudo 2002). This paper therefore adopts this terminology to refer to civil society actors and organization in relation to consultative status.

on the shortcomings, uncertainties and political nature of the practices of the NGO Committee and assesses the viability of the many criticisms that have been voiced at the Committee over time.

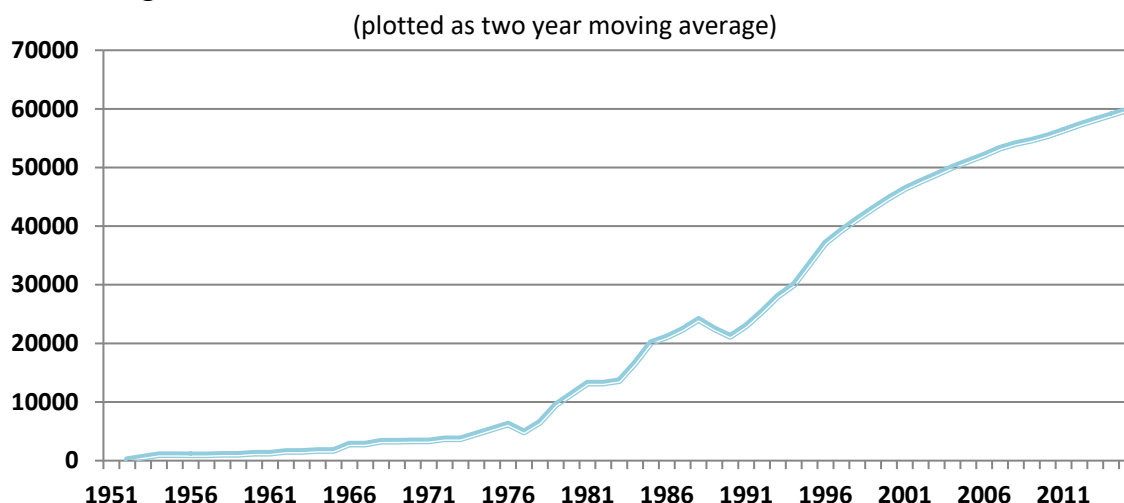
## **2. Civil Society at the UN**

Since its founding in 1945, the UN has been the leading organization to address global challenges, ranging from climate change to regional civil wars, from forced migration to poverty eradication. While the UN remains first and foremost an inter-governmental body, it has always included non-state actors to be “active in UN corridors and field projects” (Weiss et.al. 2009: 127). Already in 1945, 42 organizations had been invited to consult the US delegation during the founding UN Conference (Martens 2011: 45). Since then, civil society participation has increased to over 4000 NGOs with UN consultative status. However, the history of civil society cooperation with the UN has not always been without barriers and has resulted in a complex relationship between the “three UNs” (Weiss et.al 2009) of member states (first UN), UN staff (second UN) and civil society representatives (third UN). This Chapter outlines the increasing importance of civil society UN interaction (Part 2.1.). It further introduces the main access points for NGOs to the UN system as well as the strong controversy regarding these gateways and the entire access procedures of NGOs to the UN.

### **2.1. The rise of civil society**

Since the inception of the Charter 70 years ago, the world of international relations, in which the UN operates has changed, as have its relationships with civil society. On the one hand, trends in economic, social and political globalization have led to a post-Westphalian order of ‘global governance’; “a complex of rules and regulatory institutions that apply to transplanetary jurisdictions and constituencies” (Scholte 2016: 8), which necessitates the inclusion of actors beyond the framework of nation-states to address global challenges. UN Secretary-General Ban Ki Moon has therefore called civil society “an indispensable partner of the United Nations” (Ban 2014) and a “catalyst triggering social progress [and] economic growth” (Ban 2015). On the other hand, the nature of civil society itself has changed as well. While the civil society sector in the 1940s was composed of a handful of volunteers with enthusiasm for the project of the United Nations (Paul 2012), today’s NGO sector is dominated by professionalized advocacy networks and organizations with sometimes very particular interests. Since the 1980s, the number of registered NGOs globally has increased dramatically. Although there is no encompassing data, Figure 1, which is based on data from the *Yearbook of International Organizations* (YIO 2015/16) shows an increase from 176 internationally active NGOs during the first count in 1951 to 60,272 in 2015.

**Figure 1. Number of International NGOs from 1946 to 2015**



**Figure 1** Number of International NGOs from 1946 to 2015, Source: Yearbook of International Organizations, 2015-2016, Volume 5, Statistics, Visualisations and patterns.

Accordingly, since the 1970s, several UN agencies and bodies have increased their cooperation with civil society, granting them access to special advisory bodies and conferences, such as the Commission for the Status of Women, for which UNWomen accredited over 1100 NGOs in 2015. The Department for Information (DPI) hosts regular NGO briefings to disseminate information about UN activities. The UN Non-Governmental Liaison Service (NGLS), founded in 1975, assists NGOs with funds and advice for their participation at the UN (Paul 2012: 66). Despite these several ways for NGOs to influence and contribute to the UN system, most of the newly installed access points remain selective, as they depend on the priorities and policies of specific agencies. Aston (2001) therefore concludes that the main gateway for NGOs to enter the UN system as independent and influential contributors remains the accreditation with the UN Economic and Social Council (ECOSOC), which “entails the most far-reaching rights and privileges” (944).

## 2.2. ECOSOC Consultative Status and Resolution 1996/31

*“The Economic and Social Council may make suitable arrangements for consultation with nongovernmental organizations, which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned”.*  
(UN Charter, Ch. 10, Art. 71)

Chapter 10 of the United Nations Charter is dedicated to the Economic and Social Council (ECOSOC) of the UN and outlines its structure, mandate and decision-making process. It includes Article 71 on consultation with civil society (see above), which is the only article in the Charter concerning NGO participation. Thus, ECOSOC is the only one of the principled organs of the UN<sup>2</sup> with a formalized entry

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<sup>2</sup> The principled organs of the UN encompass the General Assembly, the Security Council, the Economic and Social Council, the Trusteeship Council, and the International Court of Justice.

for civil society representatives. The two main related regulations and practices for NGOs to be granted or rejected access are therefore of highest importance and will be introduced in the following sub-chapters. The first one is Resolution 1996/31, which contains all official directions on process, conditions and consequences of consultative status. The second is the NGO Committee, which, following Resolution 1996/31, provides recommendations for ECOSOC regarding the applications and status of NGOs.

**2.2.1. Resolution 1996/31**

*“In 1993, partly in response to the experience of NGO participation in the Rio Conference of 1992, a working group established by ECOSOC began a review and evaluation of relations with NGOs and Civil Society, leading three years later to the adoption of Resolution 1996/31 as the formal, legal framework for UN-NGO relations”* (Hill 2004).

Under the leadership of ambassador and ECOSOC President Ahmed Kamal, ECOSOC approved Resolution 1996/31, which set up “a new regime for NGOs that widened their role and opened the door to influential national-level organizations for the first time” (Paul 2012: 69). Initially, Kamal had wanted to widen the role of NGOs beyond ECOSOC and ensure their participation in the General Assembly, but his efforts were met with strong resistance by member states (UN 2003). Nevertheless, Resolution 1996/31 is of main significance as it outlines the conditions and consequences of obtaining consultative status with the UN until today. These include representation from developing countries and those countries that have transitional economies. Table 1 lists the conditions as they appear in the Resolution:

| <b>Conditions</b>                                 | <b>Quote</b>   |
|---|--|
| <b>Relevance of the NGO to the UN (Part 1.1)</b>  | “concerned with matters falling within the competence of ECOSOC”   |
| <b>Alignment with UN principles (Part 1.2)</b>    | “aims and purposes shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations”                 |
| <b>Added value to the UN (Part 1.3)</b>           | “the organization shall undertake to support the work of the United Nations and promote knowledge of its principles and activities”      |
| <b>Consultation with member states (Part 1.8)</b> | “in the case of national organizations, after consultation with the Member State concerned”  |
| <b>Headquarters (Part 1.10)</b>                   | “The organization shall have an established headquarters with an executive officer. It shall have a democratically adopted constitution” |
| <b>Accountability (Part 1.12)</b>                 | “The organization shall have a representative structure and possess appropriate mechanisms of accountability to its members”             |
| <b>Resources (Part 1.13)</b>                      | “The basic resources of the organization shall be derived in the main from contribution of the national affiliates. Where,               |

|  |   |
|--|---|
|  | <p>however, the above criterion is not fulfilled and an organization is financed from other sources it must explain to the satisfaction of the Committee its reason for not meeting the requirements. Any financial contribution or other support, direct or indirect from a government to the organization shall be openly declared”</p> |
|--|---|

**Table 1 Conditions for NGOs applying for consultative status as outlined in Resolution 1996/31.**

Once granted consultative status, NGOs gain the possibility to access the meetings of ECOSOC and its subsidiary bodies as well as the Human Rights Council. Moreover, NGOs with consultative status can apply for a UN grounds pass, providing them with access to the UN premises and the possibility to register for all events, conferences and consultations, which are open to civil society participation. Consultative status is granted in three different categories: General, Special and Roster. NGOs in Special status can attend and observe events and meetings, submit written and oral statements, and host side events at conferences and commissions. NGOs in General status can additionally place items on the agenda of ECOSOC and subsidiary bodies, whereas NGOs in Roster status can only attend and observe meetings, but do not enjoy the other privileges of consultative status. All NGOs in Special and General Status have to submit regular quadrennial reports to the NGO Branch of the Office for ECOSOC Support and Coordination (OESC). These reports as well as all new applications for consultative status are then to be assessed by the NGO Committee of ECOSOC and to be approved or rejected by ECOSOC itself, whereby the ECOSOC decision usually follows the recommendations of the NGO Committee (see also: E/1996/31).

Despite the increased possibilities for NGOs Resolution 1996/31 offers compared to its predecessors, there have been many voices calling for a reissuing of the Resolution to expand the role of consultative status from ECOSOC to other bodies and organs of the UN and to widen their participatory rights. Others have called the Resolution vague and ambiguous. According to Aston (2001), “the political compromise found in 1996 after several years of debate merely postponed further controversy to future sessions of the NGO Committee” (946).

### **2.2.3 The NGO Committee**

The practice of recommendation as well as the ambiguity of the guiding Resolution gives a lot of weight to the NGO Committee, which decides “whether, when, how and to what extent it [the UN] interacts with CSOs” (Martens 2011: 43) and therefore basically governs the access to consultative status and NGO access to a permanent relationship with the UN. Paul (2012) points out that while NGO influence was rising during the 1990s, so were the barriers for NGOs, as they were met with suspicion by the first and second UN (66). The complex relationship between member states, UN secretariat and civil society can be seen as mirrored in the current practices and procedures of NGO access to the UN system.



The NGO Committee is composed of 19 ECOSOC member states. The member states of the Committee are elected based on geographical representation as follows: 5 from African States, 4 from Asian States, 2 from Eastern European States, 4 from Latin American and Caribbean States and 4 from Western European and other States. The Committee convenes twice a year; in January (regular session) and May (resumed session). The number of applications for consultative status has increased significantly from 143 for consideration in 2009 to 747 for 2017 (see Figure 2).

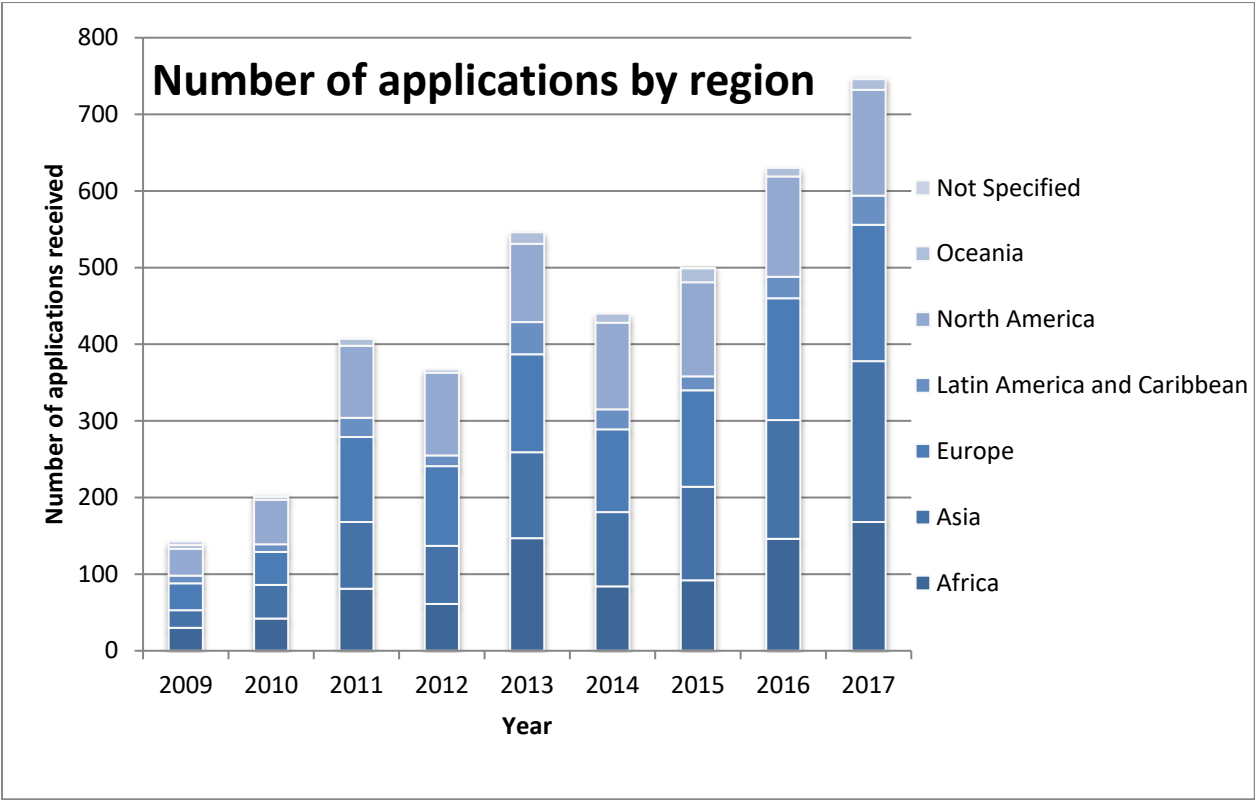


Figure 2 Number of NGO applications for consultative status from 2009 to 2017 by region. Source: NGO Branch UNDESA (2016).

During the sessions, the NGO Committee assesses all incoming applications, which have been processed and checked for formal accuracy by the NGO Branch of the Secretariat before. The applications are reviewed and the member states of the Committee have the possibility to raise questions to the NGO regarding the fulfillment of the conditions for consultative status (Table 1) before deciding on their recommendations to ECOSOC. The Committee further takes note of reports handed in by NGOs on a quadrennial basis, and applications for change of names or reclassifications from NGOs in consultative status. NGO representatives applying for consultative status can be present at the Committee sessions and after applying can be given a slot of ten minutes to present their organization and respond to questions directly. Answers by NGOs to questions asked are also processed by members of the NGO Branch during the Committee session. However, if an NGO fails to answer fast enough or the question is asked in the second round, this means that the application of the NGO is

deferred to the next session. Non-members of the Committee can, with the permission of the Committee, voice their opinions about certain NGOs they support or oppose. Another role of the Committee is the revision of the working methods during their sessions, as it is up to the Committee members to introduce changes in the procedures of the sessions and the preparatory work of the NGO Branch of the Secretariat.

The multitude of applications and tasks of the NGO Committee has led to an increased workload over the course of recent years, which has induced criticisms by member states. However, the main criticisms regarding the NGO Committee stem from civil society advocates, who accuse the Committee of using the methods of work to postpone or prevent the admission of critical NGOs. According to Aston (2001),

*“some NGO representatives fear that a number of states might only be paying lip-service to an inevitable development while, beneath, they are trying to hamper the process as much as possible. Some even go so far as to believe that the practice of the NGO committee of admitting more and more NGOs to the forum was a strategy of some states to overcrowd the boat, thereby intentionally rendering impossible any meaningful collaboration between the UN and NGOs in the long run” (958).*

Several NGOs (e.g. ISDN, IJRC, ISHR) have publically accused the Committee of unfairly deferring applications from NGOs concerned with human rights, thereby trying to muzzle critical voices at the UN (Aston 2001: 943). Some NGOs have reported to the press practices of “bizarre questioning and intimidation” (Sandler Clarke 2015), especially for NGOs dealing with vulnerable groups and minorities. In May 2016, a group of 230 NGOs mobilized to call “on the Committee to respect basic principles of transparency, due process, non-discrimination and respect for fundamental human rights in its work” (ISHR 2016). Not only NGOs themselves but also the UN’s Special Rapporteur on the rights to freedom of peaceful assembly and association has endorsed this call.

These concerns are being justified with a concern over the members of the Committee, whose majority is composed of states “that are frequently targeted by human rights NGOs”, which puts them into a conflict of interests (Aston 2001: 949). “The groups being denied access to the UN are the same communities being denied representation in their home countries.” (Sandler Clarke 2015). With this in mind, Houghton (2014) goes as far as to say that the provisions of Resolution 1996/31 are not reflected in the practices of the NGO Committee, instead “the questions permitted by states at the Committee reflect states’ concerns with the ‘interests’ NGOs represent, rather than their internal governance structures”. US Ambassador Samantha Powers noted “It is increasingly extremely clear that the NGO Committee acts more and more like an anti-NGO committee” (ISHR 2016).

### 3. Analysis of the working methods of the NGO Committee – Methods

Given the importance of the NGO Committee and its methods for the participation of civil society in the global work of the UN, and despite the vocal criticisms of the working methods of the Committee, it is surprising that so far there has not been an encompassing analysis of the Committee's practices. Most criticisms stem from observations made by journalists and NGO representatives and from a few individual researchers covering the process of admission of certain NGOs (e.g. Aston 2001; Boström 2011).

This paper aims to provide an analysis of the Committee methods using both quantitative and qualitative methods. While this is an unprecedented and important step both towards a deeper understanding of the work of the Committee as well as towards a possible reform of current practices, it has to be kept in mind that the paper offers merely a first step towards these ends and that more research from different perspectives on this topic is needed. Due to the limitations of the paper on just one session of the NGO Committee in 2016, as well as due to the general political nature of the topic of analysis, the author aims at opening the research process as much as possible to the reader in order to expose any underlying premises of both the interpretation as well as the analyses. Moreover, to overcome further biases, the analysis is based on both quantitative and qualitative methods to overcome intra-methodological biases (Flick 2008; Guest et.al 2012: 86). This Chapter will therefore introduce the research methods used for the analysis in Chapter 4 and outline the main guiding premises of the research.

#### 3.1. Underlying premises and methodological considerations

This paper understands the work methods of the NGO Committee both in its *function* as a gateway for NGOs to access the UN and as a *representation* of the relationship between the first and the third (and to a limited degree the second) UN. As such, it seems important to understand the actions of the NGO Committee as reflective of the attitude of its members towards civil society. However, the UN is a political arena (as is civil society itself), in which actors are often associated with certain political attitudes or biases, as well as an assumption of national interests. This is especially the case in the NGO Committee, which has been described as “one of the most debated committees of the UN” (Martens 2011: 84). “For highly politicized research topics”, such as this, MacCoun and Perlmutter (2015) have suggested to use ‘blind analysis’ following the model of natural sciences. In line with this model, the names of member states and NGOs will be made unrecognizable throughout the analysis, both to discourage stereotypical depictions by the author and prejudiced associations by the reader. However, due to the fact, that Resolution 1996/31 poses an enormous importance on the grouping of NGOs as well as member states into certain regions (especially North and South) – a principle to make the

process of admission fairer, given existing regional inequalities - the author chose to display affiliations of both NGOs and member states in the pre-defined groups of 'Global North' and 'Global South'.

### 3.2 Quantitative data set

The paper is based on a unique dataset of all questions asked during the Committee session in 2016, covering the following categories and sub-categories:

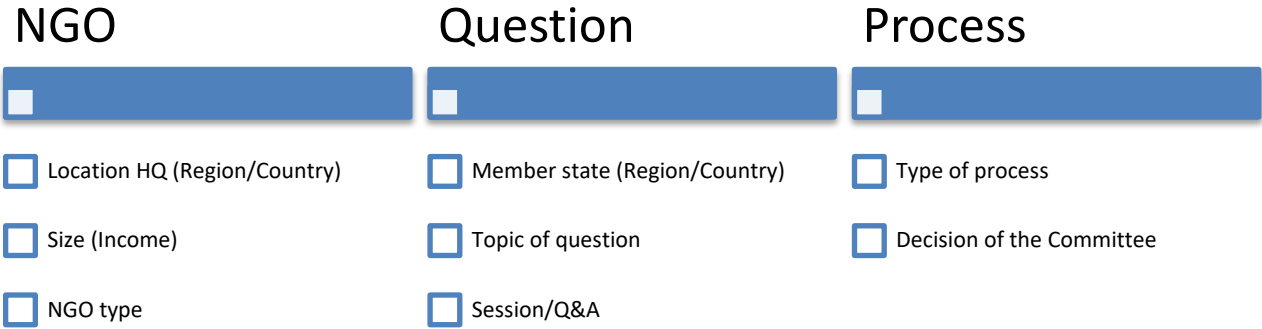


Figure 3 Categories and sub-categories of the dataset used for the analysis of working methods

The information to categorize the questions was gathered from three sources: (1) the entry of the NGO in the open NGO database of the UN secretariat ([iCSO](#)), (2) the application of the NGO to the NGO Committee, in which the NGO describes their work, as well as (3) the transcription of the Committee session in notes, which were taken by at least two members of the secretariat and subsequently checked against one another. While most of the information, including the NGO's type (grassroots, advocacy, research) was taken directly from the wording within the above-mentioned documents, the categories for topics of the questions were coded based on a first reading of the notes of the session, which was followed by a more thorough categorization of questions. There were several types of processes the NGO Committee had to engage with, including new and deferred applications, new and deferred quadrennial reports, applications for change of names and applications for new and deferred reclassifications (from Special to General Status). The main focus of the analysis, as well as the session itself was on the process of applications, which pose the clear majority of workload to the Committee. The other types of processes were also included in the analysis but are treated separately where appropriate.

One important limit of the analysis is in its focus on the questions rather than the entire process, which means that only those NGOs have been analyzed, who have been asked one or more questions, regardless of the process they encounter. This excludes a total of 203 NGOs from the analysis, whose requests for the various processes were not questioned by the Committee.

### 3.3 Qualitative reading

In addition to the quantitative analysis of the session as outlined above, the author conducted a qualitative reading of several incidents during the session, during which the Committee discussed work methods. While this was not done as a specific agenda item, several technical and procedural questions were discussed by the members of the Committee, occasionally under the exclusion of the public. In addition, 35 discussions about specific NGOs were included into the textual analysis. This was not done due to the nature of the NGOs but rather due to the discussions among the Committee members about these NGOs (or in some cases with the NGO in question during the Q&A), which could not be captured in the quantitative data. During the session, three votes were being held, which were also included into the textual analysis. Votes represent a fairly regular practice of the NGO Committee, which can be telling both in regards to regional alliances as well as through the statements on the vote made by members of the Committee before and after the vote.

The so-selected material was coded through methods of thematic analysis, whose declared goal it is to identify and describe “implicit and explicit ideas within the data, thus themes” (Guest et.al 2012: 10). Thematic analysis thus attributes codes and themes to the text and therefore goes beyond simply counting words and phrases within the data. The codes were identified through repeated readings of the material and cover two distinctive streams through a simultaneous coding of the data into (1) type of discussion and (2) methods of work. While in some of the textual material it has shown difficult to disentangle the methods of discussion from the issues that are being debated (due to their nature as controversies about principles and work methods of the NGO Committee), the author tried to keep a set focus not on a reproduction of the issues being debated, but rather the way the NGO Committee members engage with them. The underlying assumption is, that the methods of work of the Committee can be captured best through a reading, which focuses on recurring themes in the lines of argumentation of Committee members.

## 4. The Regular Session of the Committee of NGOs 2016

The Committee on Non-Governmental Organizations closed its 2016 regular session on 16 February 2016, having discussed 475 applications by NGOs, 200 of which had been deferred from previous sessions (E/2016/32). At the end of the session, the Report stated, that:

*“The NGO Committee had recommended 206 applications for consultative status, deferred 245 for further consideration at its resumed session in 2016 and closed without prejudice consideration of the 23 non-governmental organizations that had failed to respond to queries over two consecutive sessions of the Committee. The Committee also had before it six requests for reclassification of consultative status; it deferred its consideration of all six requests. The Committee considered nine requests for a change of name, took note of five of those requests*

*and deferred four. It also had before it 451 quadrennial reports, of which it took note of 361. The Committee heard 20 representatives of the 40 non-governmental organizations that attended the session”*

#### 4.1. Data overview

As outlined above, the paper focuses on the analysis of all questions that have been asked at the Regular Session of the NGO Committee. It is therefore different from the dataset used for the official report (ECOSOC 2016), which focuses on the total number of applications and other processes and not on the total number of questions, which can oftentimes encompass several questions asked to one NGO. In total, 792 questions were asked to 336 NGOs. While the bulk of the analysis with 722 questions focuses on new (338 questions) and deferred (384 questions) applications, it also includes the additional questions asked to NGOs on their quadrennial reports (58), requests for reclassification (7) and change of name (5) (see Figure 4). 719 questions were asked during the session, while the remaining 73 were covered during the Q&A with NGO representatives.

### Number of questions by associated process

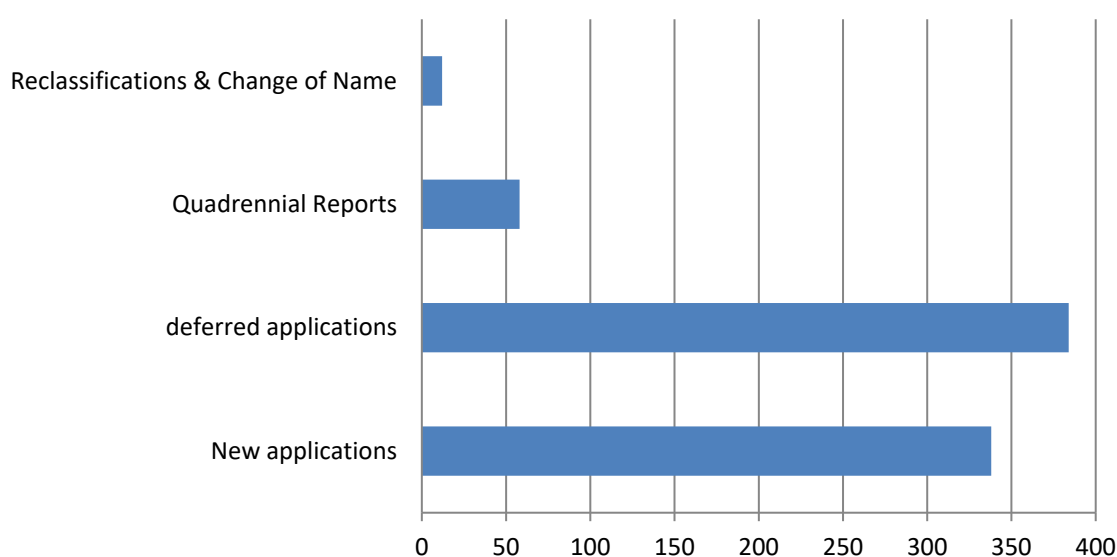


Figure 4: Number of questions by associated process

Out of the 336 NGOs that had questions asked about their respective processes, 47 were recommended to ECOSOC, while 289 were deferred for consideration in further sessions. Out of these 289, 226 NGOs had applied for consultative status and were therefore denied access to the United Nations, while for the remaining 63, the deferral meant a hold on their processes of change of names, quadrennial report, or reclassification.

Because of this immense number of new and deferred applications, it is worth looking only at these processes. When checking the numbers of applications of the unique dataset against the numbers of

the report, it becomes clear that the process of questioning NGOs is directly related to their chances of approval. The approval rate of the general number of new and deferred applications by NGOs is at about 43% for the general dataset, whereas if only looking at NGOs that received questions, it drops to 17%. While the dataset is therefore limited in that it shows a process biased towards those NGOs that have worse chances of being approved, it has the possibility to dive deeper into the work methods of questioning than the regular dataset on NGO numbers.

|   | Granted | Deferred | Total reviewed/<br>questioned | Percentage deferred | Percentage recommended |
|---|---------|----------|-------------------------------|---------------------|------------------------|
| <b>Dataset (NGO with applications questioned)</b> | 47      | 226      | 273                           | 83%                 | 17%                    |
| <b>ECOSOC Report (NGO applications)</b>           | 206     | 245      | 475                           | 52%                 | 43%                    |

Table 2 Details on the number of NGOs with new and deferred applications rates of recommendation or deferral divided by both datasets (ECOSOC Report and the unique dataset on questions).

The new dataset provides information on the number of questions asked to each individual NGO, which can be checked against the rate of deferral or recommendation of the individual NGO. As shown in Table 3, out of the questioned NGOs, 160 were asked only one question by the Committee, whereas 176 had two or more questions posed to them. In total, only four NGOs were asked more than 10 questions.

| <b>Number of questions asked per NGO</b> |      |
|--|------|
| <b>Min</b>                               | 1    |
| <b>Max</b>                               | 15   |
| <b>Average</b>                           | 2,35 |
| <b>Number of NGOs with X questions</b>   |      |
| <b>Only 1</b>                            | 160  |
| <b>2 (or more)</b>                       | 176  |
| <b>3 (or more)</b>                       | 117  |
| <b>4 (or more)</b>                       | 64   |
| <b>5 (or more)</b>                       | 35   |
| <b>6 (or more)</b>                       | 25   |
| <b>7 (or more)</b>                       | 13   |
| <b>8 (or more)</b>                       | 7    |

|                     |   |
|---------------------|---|
| <b>9 (or more)</b>  | 5 |
| <b>10 (or more)</b> | 4 |

**Table 3 Overview of number of questions asked per NGO**

To understand the importance of the questions to the application status of the NGOs, the number of questions per NGO was correlated with the final results for the NGO’s applications, which shows that the percentage of those deferred rises with the numbers of questions asked.

The rest of this Chapter is structured into three topics of analysis: (1) focusing on the nature of NGOs who were asked questions, (2) the questions that are being asked themselves and (3) the qualitative analysis of the general process and its controversies. The sub-Chapters themselves follow a structure of regional and topical analysis.

## 4.2. NGOs

In this part of the analysis, the 336 NGOs that received questions were grouped by region, coded by country of origin. While Resolution 1996/31 prescribes that an equal amount of NGOs from the Global North<sup>3</sup> and South are being reviewed by the NGO Committee, the analysis of questioned NGOs shows, that a majority of questions were directed towards NGOs from the Global North, which received 429 questions compared to 363 questions to NGOs from the Global South. When, instead of the total number of questions, looking at the number of NGOs who received questions, the ratio between North and South (shown in Table 4) doesn’t change substantially. Out of the 336 NGOs that were questioned, 197 had their headquarters in the Global North and 139 in the Global South.

|                     | <b>Percentage of Questions</b> | <b>Percentage of NGOs questioned</b> |
|---------------------|--------------------------------|--------------------------------------|
| <b>Global North</b> | 54%                            | 59%                                  |
| <b>Global South</b> | 46%                            | 41%                                  |

**Table 4 Percentage of Questions and NGOs questioned grouped into regions of Global North and Global South**

This becomes even more pronounced when grouping the questions by countries. The values in Figure 6 show the number of questions asked to each country, which received more than ten questions and further divides the countries into the Global North (with a total of 375 questions asked to NGOs from only 8 different countries) and the Global South (with a total of 223 questions asked to NGOs from only 5 different countries). All 54 countries not depicted in the Graph have received less than ten questions. This mirrors an unequal distribution of NGO headquarters, which are relatively numerous in certain countries whereas in others there are only field operations. However, while this is not controlled for in Figure 6, one can assume a strong focus of the NGO Committee with NGOs that have

<sup>3</sup> The terms Global North and Global South are widely used in international politics to describe, what was formerly known as the developing and developed world.



their headquarters in the Global North, as well as with a group of in total 13 specific countries, which receive the large bulk of the questions.

### Countries with more than 10 questions divided into total and Global South only

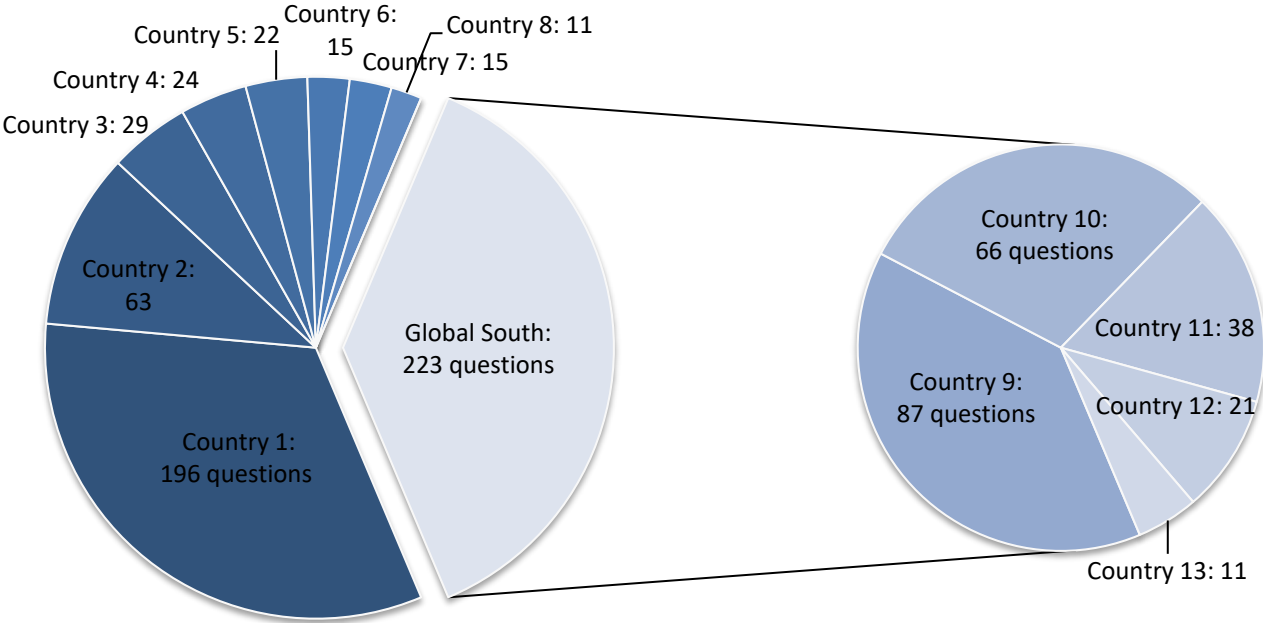


Figure 6 Countries of NGO origin by number of the questions addressed to them, divided into Global North (country 1-8) and Global South (country 9-13).

In a third step, shown in Figure 5, the countries of origin of the questioned NGOs were correlated with the country of origin of the members of the NGO Committee who asked a question to them, in order to assess, if there was an increased interest of the members of the Committee in NGOs originating from the same country or the same region as their government. The regions were grouped by a traditional approach, dividing continents into areas of North, West, South and East. Since regions are defined in very different terms, a more in-depth analysis would require checking the results against

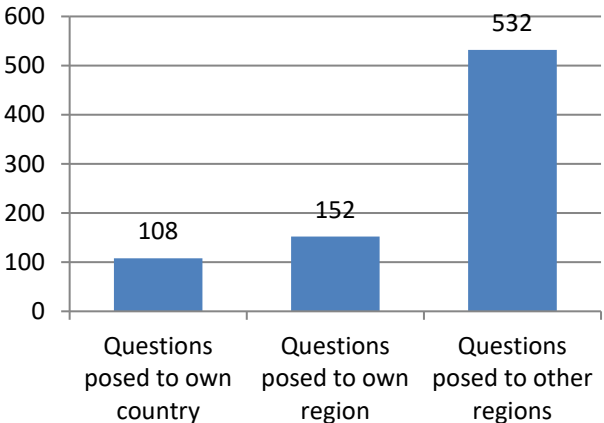


Figure 5 Questions posed by members of to the Committee to NGOs from their own country, NGOs from their own region and NGOs from other regions than their own area of influence.

different groupings of regions. However, this analysis’s goal was to gain a first insight and idea about whether the regional affiliation was a factor at all for the member states to question one NGO more or less. The result shows that this does not seem to be the case. In fact, the majority of questions were directed to NGOs from other regions than the region of origin of the Committee member. In light of the distribution of Committee

members with overwhelming origin in the Global South, this is in line with the observation before that more questions were directed to NGOs from the Global North.

Another way of grouping NGOs is by their main topics of activity, which the NGOs have to state in their description of work in the application form. The NGOs have to place themselves in the categories of ‘advocacy’, ‘research’ and ‘grassroots implementation’. NGOs that have a different or double focus put ‘other’. An additional category ‘n/a’ captures most of the processes different from applications, since such a choice of type of activity does not exist as mandatory field for quadrennial reports, change of names and reclassifications. Due to their different processes, they will in the further analysis be ignored but are added in the Table for completeness.

The NGO Committee has been accused of unfairly targeting NGOs with a focus on vulnerable groups and human rights, while letting others pass easier. One would therefore expect a focus of the NGO Committee on NGOs that describe themselves as ‘advocacy’ related. It was shown earlier in the paper, that the number of question is negatively correlated to the chances for approval of an NGOs application. Table 4 shows that in fact the average number of questions asked to NGOs with a focus on advocacy and research is considerably higher than for NGOs with a focus on grassroots implementation. Accordingly, also the percentage of those deferred is highest in the category of advocacy NGOs. The Committee’s interest in research NGOs is very interesting as well. Considering that those NGOs with a research focus make up for the minority of types, which are being questioned in the first place, they get a lot of attention by the Committee, which deserves further inquiry.

| Type of NGO activity             | Total number of NGOs | Average Number of Questions per NGO | Sum Approved | Sum Deferred | Percentage deferred |
|----------------------------------|----------------------|-------------------------------------|--------------|--------------|---------------------|
| <b>Advocacy</b>                  | 89                   | 2.8                                 | 12           | 77           | 87%                 |
| <b>Grassroots implementation</b> | 95                   | 2.3                                 | 17           | 78           | 82%                 |
| <b>Research</b>                  | 34                   | 3                                   | 8            | 26           | 76%                 |
| <b>Other</b>                     | 61                   | 2.5                                 | 10           | 51           | 84%                 |
| <b>n/a</b>                       | 57                   | 1.1                                 | 0            | 57           | 100%                |
| <b>Total</b>                     | 336                  | 2.34                                | 47           | 289          | 86%                 |

Table 5 NGOs by their self-declared type of activity divided into deferred and approved NGOs

One possible reason for the interest of the NGO Committee in research NGOs could be their size and power. An assumption made by critics of the Committee is that the Committee targets those NGOs, which present a danger to the power of governments, either due to their topic or their size of budget and influence. Every NGO has to state their income of the year of application in their application

documents. For this analysis the income was used as a preliminary indicator for the power of the NGO. Table 5 shows the grouped annual income by number of NGOs and number of questions posed.

| <b>Annual income in US-Dollar</b> | <b>Sum of NGOs</b> | <b>Sum of Questions</b> | <b>Average number of questions</b> |
|-----------------------------------|--------------------|-------------------------|------------------------------------|
| <b>&lt; 5,000</b>                 | 18                 | 47                      | 4.1                                |
| <b>5,000-25,000</b>               | 44                 | 111                     | 2.5                                |
| <b>25,001 – 100,000</b>           | 53                 | 140                     | 2.6                                |
| <b>100,001 – 500,000</b>          | 60                 | 175                     | 2.9                                |
| <b>&gt; 500,000</b>               | 104                | 256                     | 2.5                                |
| <b>n/a = other processes</b>      | 57                 | 63                      | 1.1                                |
| <b>Total</b>                      | 336                | 792                     |                                    |

**Table 6 NGOs and Questions by size of NGO in groups of their annual budget**

The results show that most questions are being asked to NGOs with a high income. However, they also make up the bulk of the questioned NGOs in the first place. This can be either due to the fact, that the process of applying for consultative status is easier to handle for NGOs with a generally higher budget or due to the fact that NGOs with a lower budget are less often questioned and therefore less represented in the dataset. The average number of questions asked by NGO is however highest for NGOs with a considerably low budget. As will be seen in the next Chapter, this can be explained with the type of questions being asked by the NGO Committee members.

**4.3. The Questions**

The Committee has been accused of asking ‘irrelevant questions’, thereby circumventing the intentions of Resolution 1996/31 in order to block certain NGOs from attaining consultative status. This part of the analysis is therefore focused on the questions that are being asked and follows a similar division into a regional and topical analysis as the Chapter before.

When looking at the number of questions being asked by Committee members (Table 7), a very uneven picture unfolds, whereby four members of the Committee posed more than 50 questions, and one member almost 300 questions, whereas a total of six Committee members asked fewer than 10 questions in the entire session. Two members of the Committee did not ask any questions at all, and are therefore excluded from the analysis. In addition to a disaggregated count of questions by members of the Committee the Graph also groups the questions into regional affiliations of the Committee members, which results in an equally uneven picture showing however an overall tendency to direct questions to NGOs from outside the region of influence of the specific Committee member.

| Member of the Committee | Total Questions | Questions to NGOs from own country | Questions to NGOs from own region | Questions to NGOs from other regions | NGOs from the country of the Committee Member |
|-------------------------|-----------------|------------------------------------|-----------------------------------|--------------------------------------|---|
| <b>A<sup>4</sup></b>    | 301             | 33                                 | 109                               | 159                                  | 9   |
| <b>B</b>                | 135             | 1                                  | 7                                 | 127                                  | 2   |
| <b>C</b>                | 106             | 55                                 | 11                                | 40                                   | 21  |
| <b>D</b>                | 55              | 3                                  | 5                                 | 47                                   | 1   |
| <b>E</b>                | 48              | 0                                  | 1                                 | 47                                   | 0   |
| <b>F</b>                | 30              | 0                                  | 10                                | 20                                   | 0   |
| <b>G</b>                | 26              | 0                                  | 0                                 | 26                                   | 2   |
| <b>H</b>                | 21              | 3                                  | 0                                 | 18                                   | 4   |
| <b>I</b>                | 17              | 0                                  | 0                                 | 17                                   | 0   |
| <b>J</b>                | 16              | 0                                  | 0                                 | 16                                   | 2   |
| <b>K</b>                | 11              | 6                                  | 0                                 | 5                                    | 6   |
| <b>L</b>                | 7               | 0                                  | 5                                 | 2                                    | 0   |
| <b>M</b>                | 5               | 2                                  | 0                                 | 3                                    | 1   |
| <b>N</b>                | 4               | 1                                  | 1                                 | 2                                    | 79  |
| <b>O</b>                | 4               | 4                                  | 0                                 | 0                                    | 5   |
| <b>P</b>                | 3               | 0                                  | 1                                 | 2                                    | 0   |
| <b>Q</b>                | 3               | 0                                  | 2                                 | 1                                    | 0   |
| <b>Total</b>            | 792             | 108                                | 152                               | 532                                  | -   |

**Table 7 Questions asked by members of the Committee disaggregated by the origin of the NGOs.**

This seems to be highly dependent on the individual member of the Committee however. While some members direct most of their questions to NGOs from within their area of influence (e.g. members C, K, O), there seems to be no indication that a high number of NGOs from within ones country correlates with the total number of questions asked and to the regional distribution of these questions (e.g. member N with the highest number of NGOs only asked four questions, two of which to an entirely different region). While the divergence of the members in their questioning behavior is immense, Table 7 suggests that their interest in asking questions is not dependent on the regional distribution of NGOs. Two things should be mentioned, which might skew this picture. The first one was mentioned before that the origin of the NGO does not necessarily mirror their area of operations and therefore any tendency of members to ask questions to NGOs operating within their country (without having a

<sup>4</sup> Due to the blind analysis, the members of the Committee are not consistently numbered so the different tables and figures do not allow for cross-checking in regards to the members of the Committee

headquarters there) is not captured by the statistics. The second one is the accusation of critics that NGO Committee members engage in a certain kind of “horse-trading” practice (Aston 2001: 955), whereby certain NGOs that should be blocked are being traded between members to avoid the regional bias. If this is a founded accusation, it would not be able to be captured by the pure numbers of NGO members’ questions. It will be further evaluated in the qualitative analysis.

Due to the limited explanatory factor of Table 7, it is all the more important to conduct an additional analysis of the questions, which is concerned with the topic of the questions asked rather than their regional distribution. The questions were therefore divided into 19 categories shown in Table 8. In addition to a count of the number of questions on certain issues, there is a short description by the author in order to clarify the main content of the questions that were put in the respective category.

| <b>Topic</b>                   | <b>Description</b>  | <b>Number of Questions</b> |
|--------------------------------|---|----------------------------|
| <b>Budget</b>                  | <i>Regarding the budget of the NGO (financial deficit/surplus)</i>  | 128                        |
| <b>Clarification</b>           | <i>Regarding the description of the activities of the NGO (logic, language, understanding)</i>                                      | 98                         |
| <b>Countries of activities</b> | <i>Regarding the countries of activity (not headquarter)</i>  | 92                         |
| <b>Terminology</b>             | <i>Regarding the use of UN terminology (countries, regions)</i>   | 75                         |
| <b>Recent activities</b>       | <i>Regarding descriptions of recent activities and projects of NGOs (impact, beneficiaries, programmes)</i>                         | 69                         |
| <b>Donors</b>                  | <i>Regarding the origin of financial and in-kind contributions</i>  | 67                         |
| <b>Partnerships</b>            | <i>Regarding the partners of NGOs (on specific projects or total)</i>   | 60                         |
| <b>Political affiliations</b>  | <i>Regarding affiliations with governmental agencies (countries or IOs) in the countries of operations or the country of origin</i> | 39                         |
| <b>Planned projects</b>        | <i>Regarding planned projects of the NGO</i>  | 36                         |
| <b>Inadequate response</b>     | <i>Requests for a reissuing of a previously given answer to a question posed by the Committee</i>                                   | 24                         |
| <b>Membership</b>              | <i>Regarding the members of an organization</i>   | 20                         |
| <b>Relevance to ECOSOC</b>     | <i>Regarding the relevance of the mandate or operations of the NGO to the mandate of ECOSOC</i>                                     | 20                         |
| <b>Conferences</b>             | <i>Regarding conferences the NGO hosted or participated in</i>  | 19                         |
| <b>Legal issues</b>            | <i>Regarding the legality of the operations of the NGO</i>  | 15                         |
| <b>Address</b>                 | <i>Regarding the address of the headquarters of the NGO</i>   | 15                         |
| <b>Profitability</b>           | <i>Regarding the classification of the NGO as non-profit</i>  | 7                          |
| <b>Name</b>                    | <i>Regarding the name of the NGO (confusion, double names etc.)</i>   | 4                          |
| <b>UN principles</b>           | <i>Regarding the adherence to and relevance of the NGO to the UN principles</i>   | 2                          |
| <b>Terrorism</b>               | <i>Regarding ties and alleged ties of the NGO to terrorist organizations</i>  | 2                          |
| <b>Total</b>                   |   | <b>792</b>                 |

Table 8 Categories of questions and number of questions by category.

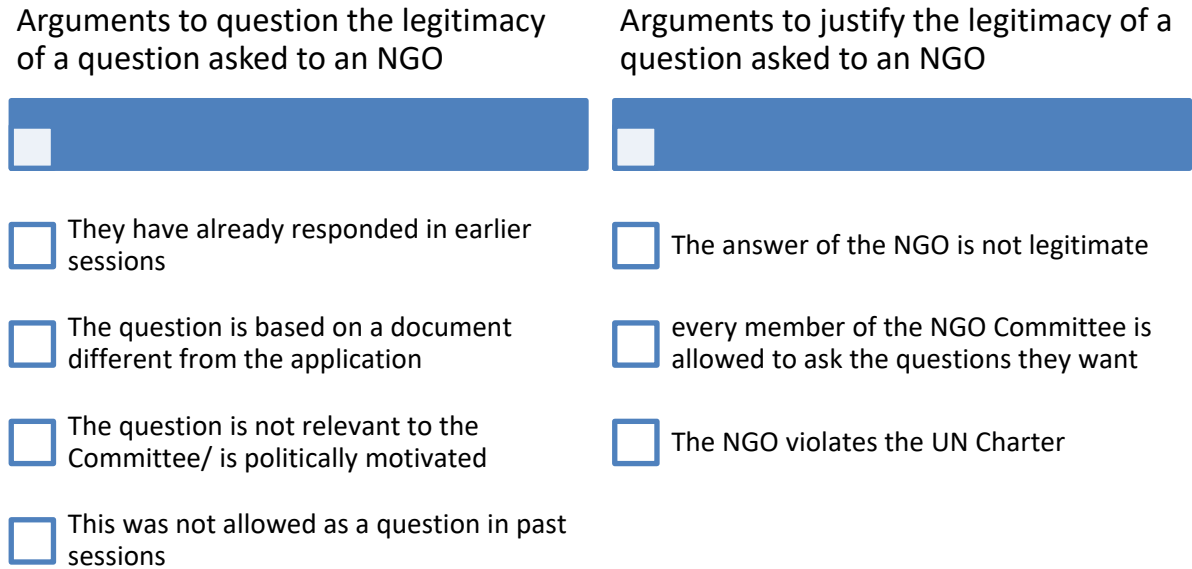
Regarding the topic of the questions' relation to Resolution 1996/31, it is true that the Resolutions' vagueness hampers clear categorization. Only questions with the topics (1) donors, (2) UN principles, (3) political affiliations, (4) relevance to ECOSOC are specifically included in the Resolution, but of course many other question types can be related in one way or another to the prescriptions of the Resolution. The debate about this affiliation of questions with the Resolution will also be apparent in the qualitative analysis. Notwithstanding this lack of clarity, it is worth noting that the majority of questions are asked on four different topics, with budget issues clearly taking the top of concerns of the members of the NGO Committee. This also explains the high attention the Committee gives to NGOs with low income (see Table 6). There has been voiced concern, that especially budget issues are used as a pawn by the Committee to have a reason to defer an organization. While this alleged intention of some Committee members to actively defer NGOs cannot be proven, Table 8 could be seen as supportive of this claim, depending on if budgetary questions are seen as relevant to the operational capacity of an NGO. While the analysis in Table 7 has shown no clear correlation of the origin of the member of the NGO Committee with the location of headquarters, the concern of members of the Committee with the countries of operations of the respective NGO is worth noting. There seems to be a tendency to try regionally defining the operations of an NGO through questions on their countries of operations (92), their organizational partners in operations (60) and their political affiliations (39) (see Table 8), which might call for an additional analysis regarding a possible overlap of the interests of the members of the Committee with the countries of operation with their own country and region of origin. With regards to the interest in clarification, the 2016 regular session of the NGO Committee had some controversies between Committee members as to what extent it is valid to question the aims of the organization in question. These and other controversies will be examined closer in the following Chapter.

#### **4.4. Qualitative analysis of controversies**

As mentioned in Chapter 3, the qualitative analysis of the discussions of the NGO Committee follows the methodology of two thematic streams. The first stream covers the type of discussion, which exposed certain recurring types of discussion that can be grouped into (1) controversies about a particular NGO, (2) controversies about the mandate of the Committee (3) discussions about procedural matters during the session and (4) votes. These categories are of course not distinct but in several cases a controversy about a specific NGO led to a discussion of the general mandate of the Committee itself, which is when the types of discussions overlap and sometimes lead to a vote. Within these different types of discussions, certain other themes emerge, which were coded into the second stream of work methods and will be introduced in the following Sub-Chapters.

**4.4.1. Controversies on specific NGOs**

The controversies on specific NGOs are particularly interesting, because they are mostly introduced with a question asked by a member of the Committee and another member of the Committee questioning the legitimacy of that question. The methods used to question or justify the legitimacy are depicted in Figure 7 below.



**Figure 7 Arguments used by members of the Committee to question or justify the legitimacy of a certain question directed to an NGO, extracted through coding of the methods used in controversies on specific NGOs.**

It is worth noting that these questions about the legitimacy of a certain question were mostly asked by one specific member of the Committee. Moreover, they were not asked consistently, but a lot of questions of the same kind before and after such a controversy could pass undisputed. This suggests a bias of the member asking the questions towards certain NGOs, whose passing they wanted to ensure. However, the results of such debates almost always worked in the favor of the question being passed on to the NGO, which exposes an important practice of the NGO Committee and was part of several discussions between members of the Committee. While the Resolution prescribes that the Committee poses questions as an entire body and the member, who posed the question is not made public to the NGO in question, any member can ask any and as many questions as they want. There is no need for consent by the other members unless they call for a vote. As one Committee member put it: “any Committee member may ask a question of an organization and it is up to the organization to respond accordingly” (Member B, NGO Committee, Notes 26<sup>th</sup> January 2016). Moreover, since Resolution 1996/31 is vague regarding the prescriptions for NGOs to be recommended for status, it is hard for members and NGOs to prove that any question goes against the mandate of the Committee, which is largely based on past practices, but can be reviewed at any point based on the will of the Committee itself. Even if Committee members pointed out that a certain question was already

answered by the NGO, often the member asking the question just slightly rephrased the question but refused to withdraw it. This suggests a bias on the side of the member asking the question as it suggests that the question is not being posed to receive an answer but rather to make sure the NGO is being deferred.

As others have pointed out in earlier analyses (see Chapter 2), the debates on certain questions posed to NGOs expose a rift within the Committee that can be simplified as members 'Pro' and members 'Against' NGO admission, even though this has to be viewed with caution for three reasons. First, the sides of pro and against can change and are not as fixated as some observers have made it out to be; second, the assumption that the pro side be regarded as the positive side made up of governments open to civil society representation at the UN is questioned by the accusation that members of the Committee might aim at 'crowding the boat' and let as many NGOs as possible pass without properly reviewing their suitability for the UN in order to make their voices even less effective within the UN. In spite of these limitations, the controversies between the members of the Committee suggest that there is an underlying structure of taking sides within the Committee.

#### **4.4.2. Controversies about the mandate of the Committee**

This type of discussion of the NGO Committee is not distinct from the controversies about a certain NGO. Rather it often follows the question of legitimacy by one of the members, especially when the method to question the legitimacy is based on an accusation that the question is not relevant to the Committee, or is politically motivated. It is clear to all Committee members that political questions are not allowed within the mandate of the Committee. However, similar to the issue above, it is hard to prove the political motivation behind any question. Quote 1 below outlines an incident between the Chair of the Committee and Member F, while Quote 2 outlines an example of outside intervention of a member state of ECOSOC, who accuses certain delegations of a political motive. Quote 3 is regarding the mandate of the Committee questioning budgetary issues.

F: „We would like to raise a question regarding their view on indigenous people in [our country] because we consider all population as indigenous.

Chair: “We do not have precedents for this as the UN does not have a definition for indigenous people. I also wonder whether there is a rational such as a political reason for your question. Please clarify”

F: “I don't want to discuss any political issue because it is beyond the mandate of this Committee. However, I wonder why the organization is sharing these information/concerns only about [my country] and not about [other countries]

**Quote 1 Controversy about the political content of a question asked and the mandate of the Committee on NGOs.**



Observing state X: “In the 12 past sessions, the consideration of 2 NGOs from X were even though they provided transparent responses. The questions came from member A and G. We called upon these delegations to be impartial. We strongly believe the process of consideration of applications of NGOs should be free from prejudice and political motivations [...]”

A: “My delegation wants to remind the Committee and the representative of X, that the Committee is impartial. Posing questions is the work of the Committee. Depending on the NGO, there are a lot of questions.

G: “G strongly supports involvement of NGOs and follows an impartial approach for all applications. Regardless of any NGOs, we make sure they are in line with UN Charter”.

**Quote 2 Controversy about the political intention of members of the Committee and the mandate of the Committee on NGOs.**

Member H: “We observe that the NGO has a budget deficit of 4 million US-Dollar. If they could share with us how they are going to deal with this deficit”

Member C: “Going back to May 2015, the same question has been asked. I don’t know if the answer is satisfactory to the delegation of H”

Member H: “It is not. If they can provide more information and where they stand as of 2016 with regards to this issue”

Member E: “Perhaps our application form may be part of the reason we have so many questions regarding budget deficits. The financial information in part 3 is a snapshot for the current year they apply in. It’s in not an income statement nor a balance sheet showing the overall health of the organization. A balance sheet would show us exactly what they told us in their response in 2015. [explains that the organization is well off].

Member H: “This is 2016. We can ask for the latest financial statement of the organization so we can get a better picture of the issue”

**Quote 3 Controversy about the practice of questioning budgets based on the information given in the application.**

In all cases, the question was still asked, despite the questions on the legitimacy regarding the mandate of the Committee from different sides. There are no guidelines on the work methods, which entail a clear definition of the limitations of the mandate of the Committee and ways to prevent it from going beyond these limitations. The issue discussed in Quote 3 for example indicates that some shortcomings of the current practices of the Committee are known to the delegates, especially once they have been discussed. In order to change the work practices, the Committee needs to put forward a motion. However, neither of the delegates took steps to review this practice in the application form and following the comment of Member E many more budgetary questions were being asked by the Committee members. As the Chair puts it in one incident, “rules are written, but not practices.

Practices can be modified following the change of realities”. On the one hand, this statement seems to call for a revision of the practices; on the other hand, it encourages the unregulated practice of the NGO Committee and seems to delegitimize the questioning of the mandate.

**4.4.3. Controversies about procedural matters and votes**

The third type of discussions is highly related to controversies about the mandate. Since a lot of the work of the NGO Committee is based on practices, which are not written down, there is some confusion among members of the Committee on what is ‘commonly done’. This led to a range of discussions mostly introduced with one member asking the Secretariat or Chair about past practices. Issues the Committee was unclear about are shown in Figure 8.

**List of procedural matters discussed by the Committee**

- how to address an NGO that has already been considered and moved on from
- if there was going to be a second round of considerations for deferred applications
- whether to grant more time for individual applications
- whether to postpone the decision on closing non-responding applications
- whether to allow outside observer states to make statements
- which questions are legitimate for quadrennial reports
- whether French applications should in the future be translated by the Secretariat
- what is the outcome of a deferral of quadrennial reports, change of name etc.

**Figure 8 List of Procedural matters discussed by the Committee**

One issue that stood out was, whether members of the Committee could ask or withdraw questions after the Chair had moved on. This was particularly the case with one NGO where the member H, who had wanted to advocate for the NGO, was chairing at the moment. The suggestion to resolve the issue by Member D was: “If there is a similar issue in the future, where the vice-chair has to chair an NGO, which is from their own country, measures should be taken to have another vice-chair so they can respond to any question”. This statement shows very openly, that it is accepted knowledge that the interest of Committee members in an NGO should rise if these NGOs are from their own country. It also suggests a (momentary) alliance of member D with member H, considering that member D just previously had argued that answering a question posed by another committee member in defense of an NGO was

not within the mandate of the Committee. Moreover, D withdrew their question to the NGO afterwards, allowing it to move on, without having received an answer. In another incident, in which Member K wanted to ask a question after the NGO had already passed, this was not allowed. In a similar situation, Member I expressed concern about what happens if a question is withdrawn and this

was the only question, suggesting there should be a possibility to ask questions again so that the NGO was not immediately recommended for status. All of these incidents expose a rather interesting component of procedural issues that members of the Committee are worried about, which is focusing on the fate of particular NGOs being recommended or not. This happens in almost total exclusion of the content of the particular questions that have been raised, suggesting that there is an incentive to block or recommend certain NGOs rather than receive an answer to a particular question.

In addition to these procedural matters that were discussed, there were three votes during the session. Two of the votes came after the Chair had ruled a decision, which then has to be overruled by a vote. One motion to vote was put forward by a coalition of members of the Committee to close one application. Closures of applications ‘without prejudice’ come from the failure of the NGOs to respond to questions posed in the allotted time, while closures ‘with prejudice’ always have to be taken by vote. Votes of the Committee have been analyzed for other sessions elsewhere as they are an important method of work of the Committee to take final decisions and on an analytical level allow for an insight into groupings of members within the Committee. In fact, all three votes showed a very similar distribution of voting parties, which is depicted in Table 9.

|                | <b>Vote 1 on adjourning the session (overruling the Chair)</b> | <b>Vote 2 on declining the Q&amp;A to NGO Y (overruling the Chair)</b> | <b>Vote 3 on closing the application of NGO Y (motion put forward by members L; O; P)</b> |
|----------------|--|--|---|
| <b>YES</b>     | A; B; C; E; F; G; H; J; K; L; O; P; R; S                       | B; C; E; F; G; H; J; K; L; O; P; R; S                                  | A; B; C; D; E; F; G; H; J; K; L; O; P; R; S   |
| <b>NO</b>      | I; N; Q  | I; M; N; Q;  | I; N; Q   |
| <b>ABSTAIN</b> | D; M   | A  | M   |
| <b>ABSENT</b>  | -  | D  | -   |

**Table 9 Distribution of votes by the member states on the three votes during the Regular Session 2016.**

In total there were three votes, one on the decision of the Chair to hear one particular NGO (NGO Y) in the Q&A, which some Committee members opposed based on the accusation the NGO’s aims were not in line with the UN Charter. The Committee had then to overrule the decision of the Chair. An additional vote was on the closure of this NGO (Y), which followed a motion for closure by three members of the Committee. The third vote followed a ruling of the Chair regarding an extension of the session, which was overruled by the Committee. While this ruling had come after a decision by the Chair to grant time to speak to NGO Y, it can be seen as a more procedural matter than the other two. However, despite slight differences in the distribution of votes, especially from Members A, D, and M, there are clear divisions within the Committee visible in the votes. It is not surprising that vote 2 and 3 follow a similar pattern of distribution, given that the topic of discussion was NGO Y in both cases,

however in regards to vote 1, the lines of division seem rather fixed, disregarding the issue at hand. While, since the session had only three votes and they were all connected in one way or another to the closure of NGO Y's application, this cannot be seen as representative, the result suggests an alliance building process within the Committee, and therefore confirms observations mentioned earlier in the paper. Certain members seem more inclined to help each other, while some members are being met with confrontation. This is an important insight, which has also been shared by other observers. However, it is vital that this deserves further well-founded inquiry before casting suspicions.

## **5. Outcomes, findings, implications**

The aim of this paper has been to gain insight into the work methods of the NGO Committee and examine the accusations the Committee has been met with by civil society and the press in a more founded analytical way. The paper has relied on data from the Regular Session in 2016, which has been analyzed through a combination of qualitative and quantitative analysis to gain the most reliable insights into the practices of the Committee.

The results have shown that some of the critiques that have been addressed at the NGO Committee are confirmed by the data. For example, the Committee shows a slightly higher attention to NGOs with a focus on advocacy work and research, as well as NGOs with a particularly high or particularly low income. Moreover, the qualitative reading has shown that NGOs dealing with vulnerable groups in certain contexts have repeatedly been a topic of debate by the Committee. One of the key critiques, a regional bias of the total of Committee members has been disproven by the analysis. Most questions out of the Committee, which is mainly made up of members from the Global South were directed to NGOs with a headquarters in the Global North. This means that (except for one exception) no bias could be found in the data towards the own region of influence of the Committee members. However, this is not the whole picture. The origin of the NGO is not the same as the area of operation of an NGO and the analysis shows a high interest of the members of the Committee in the countries of operations of NGOs. A preliminary conclusion on this aspect could be, that outside influence in one's region is seen much more critical by the NGO Committee than the activities of NGOs from within their own area of influence.

Regarding the accusation that questions are being asked intentionally to block NGOs from being recommended for consultative status, there are signs that confirm such an observation. Especially the qualitative reading exposed several cases, in which the members of the Committee discussed questions not regarding to their content but rather their function to avoid admission of the respective NGO. The quantitative analysis supported the suggestion that the number of questions asked

correlates negatively with their possibility to gain status. A more long-term review of this could provide further insight.

Moreover, a reading of the methods of work of the Committee through a review of controversial issues regarding the mandate and procedures of the Committee exposes that the lack of clear guidelines has led to work methods that privilege the members of the committee to ask any question they want, thereby encouraging the use of questions to block NGOs. Overall, the Committee seems unwilling to change the rules of procedure, even though it recognizes in some cases their shortcomings and the fact that they become an issue of debate all too often during the sessions. The analysis also found hints towards a possible occurrence of alliances within the Committee, which deserve further inquiry. Overall, the analysis in this paper does not disprove the possibility of political motivations within the NGO Committee and therefore confirms the assumption that the NGO Committee mirrors the attitudes of the UN or at least the member states of the Committee towards civil society and shows that the relationship is not without hurdles.

While the issue of attitudes towards civil society (and from civil society towards governments and international organizations) is beyond the scope of this paper, it should be clear in the 21<sup>st</sup> century that a treatment of NGOs as instrumentalized agents should not be the outcome of a progressive UN policy. A reflected attitude to the merits and shortcomings of NGOs by governments is highly desirable for the present and future of the UN within a world of transnational governance institutions. The NGO Committee can play an important part in restructuring and reforming such a policy. However, without additional effort in order to achieve a structural and constructive reform of its methods of work and practices, the Committee risks staying a prisoner to its own rules.

## 6. Literature

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