

NGOs and the United Nations

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On the occasion of the Second Report of the Secretary General about the relationship of non-governmental organizations to the United Nations, Global Policy Forum offers the following report to the UN community. It is written not just as "input" to the office of the Secretary General, but also as a document to stimulate discussion among NGO colleagues, delegates in the diplomatic missions, international civil servants, and all others who care about the future of global policy making.

GPF has devoted considerable research and resources to this project. In an effort to do justice to the issues, the report speaks more frankly than is common in most United Nations discourse. It seeks to plainly identify problems and find useful solutions.

Those who wish further information should consult the Global Policy Forum web site, where they can find more than 150 documents and analytical articles on NGOs and the UN system. The site address is www.globalpolicy.org

A number of NGO colleagues read drafts of this report and provided helpful comments, corrections and additional information. We have learned much from them and from others in the UN community who believe in NGOs. In particular, we want to thank the many delegations and Secretariat staff who have offered us their generous and wholehearted support and cooperation over the years. Their help and encouragement are greatly appreciated.

Introduction

1. NGOs have an increasingly vital role to play

Non-governmental organizations (NGOs) participate vitally in the international system. They contribute valuable information and ideas, advocate effectively for positive change, provide essential operational capacity in emergencies and development efforts, and generally increase the accountability and legitimacy of the global governance process.

The Secretary General has frequently affirmed the importance of NGOs to the United Nations. Again and again, he has referred to NGOs as "indispensable partners" of the UN, whose role is more important than ever in helping the organization to reach its goals. He has affirmed that NGOs are partners in "the process of deliberation and policy formation" as well as in "the execution of policies." Other top UN officials, as well as many delegations, have expressed the same ideas. Germany, speaking recently for the European Union, affirmed that NGOs are "essential partners for government and the international community" and spoke of their capacity to "participate constructively in policy-making and implementation."

This report assumes that NGOs will grow in importance in the years ahead and that the United Nations must find ways to be ever more open to NGO partnership. Furthermore, the

partnership must be based on real practice and outlook, not on rhetoric and symbolism. Global policy making today and in the years to come will require new levels of participation of NGOs, if it is to be effective in a globalizing, ever more interdependent world. This partnership must be built with hard work, dedication and leadership, to overcome many substantial obstacles.

NGOs do not claim to be paragons of virtue or perfect expressions of the public interest. Nevertheless, NGOs can bring to the global policy making process a vitally important voice that complements and widens the policy discourse, resulting in better and more legitimate decisions.

For these reasons, it is imperative that the United Nations explore means to widen and make more meaningful the access of NGOs to the organization and its negotiation and decision-making processes - ways that strengthen and also transcend the framework laid down in Economic and Social Council (ECOSOC) Resolution 1996/31, adopting the spirit of Decision 1996/297.

2. A Mixed Picture since 1996

Since ECOSOC adopted Resolution 1996/31 establishing new accreditation rules for NGOs on July 25, 1996, NGOs have enjoyed important advances but also suffered disappointing setbacks.

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(a) Advances

On the positive side, NGOs have set new standards of positive contribution to the UN and reached further levels of access in new settings. During negotiations towards an International Criminal Court, NGOs participated informally but effectively, alongside governments, in a high-level negotiating process. They spoke, circulated documents, met frequently with delegations, and overall had a major impact on the outcome. While NGOs do not enjoy formal decision making rights, they exercise a substantial influence over outcomes through their expertise and creative policy proposals.

The annual sessions of the Commission on Human Rights, held in Geneva, attracts a large number of NGO participants, who provide vital information and substantial input to its deliberations. The Commission has incorporated NGO participation extensively, giving NGO representatives the opportunity to speak at plenary sessions, as well as broad rights to circulate documents. Public support from the worldwide human rights movement has strengthened this process and kept it moving forward.

To provide additional avenues for NGO participation, delegations and the Secretariat have recently experimented with new meeting arrangements in other forums. The panels and consultations of the Working Group of the General Assembly on Financing for Development, organized in 1999, provide a current and significant case in point. They give NGOs a framework to make presentations and to have discussions with delegations in an informal setting, outside the meetings of the Working Group, but still part of its overall process.

NGOs have also experimented with informal dialogues in new policy arenas, such as the Security Council. The NGO Working Group on the Security Council, comprised of some thirty NGOs with active program work on Security Council matters, has been meeting increasingly frequently with members of the Council since mid-1997 and expects to hold over 30 sessions in 1999.

At the same time, various institutions in the UN system have affirmed the importance of NGOs by establishing new focal point offices

and by further opening their decision-making process to NGO voices and input. For several years, the Office for the Coordination of Humanitarian Affairs has held important monthly meetings with humanitarian NGOs. In early 1999, the High Commissioner for Refugees consulted with leaders of about thirty major human rights and relief NGOs - a meeting that resulted in a follow-up dialogue process. The pace of such meetings across the UN system has markedly increased.

The Secretariat and other agencies have also constructed excellent sites on the world wide web, making an increasing amount of UN information and documents available instantly around the globe. Additionally, the Secretariat has strengthened its relations with NGOs by improving some services such as the processing of accreditation applications, the NGO Resource Center and NGO training programs.

Delegations have also set up useful web sites and they increasingly hold meetings and briefings with NGOs on matters of common interest.

(b) Problems and Setbacks

NGOs have also experienced serious problems and even setbacks in their relations with the United Nations, due to intergovernmental action and action by the Secretariat.

Intergovernmental. NGOs are disappointed that member states could not agree to grant formal consultative rights with the General Assembly, a step that seemed a likely followup to Resolution 1996/297. Negotiations on that issue bogged down in the spring of 1997 and efforts since then have failed to obtain results, even though ECOSOC Decision 1996/297 spoke of broadening NGO participation to "all areas of work" of the United Nations.

Some delegations in the ECOSOC Committee on NGOs have recently spoken of a need to place new restrictions on NGOs. NGOs feel that these critics unfairly blame NGOs generally, by exaggerating the actions of a very small number of NGO representatives. The Committee has discussed actively several proposals that would greatly harm NGO work. Member states of every region, including Cuba, Tunisia, the United States and the United

Kingdom, have offered proposals of this kind. NGOs were also alarmed at a 1998 United States proposal in the Fifth Committee suggesting that NGOs pay for the cost of services they receive at the UN.

NGOs have suffered immeasurable loss because the UN has sharply scaled back its global conference series. NGOs greatly profited from these conferences, which provided ease of accreditation, intense interaction with delegations in the preparatory process and outstanding networking opportunities. But after the 1996 World Food Conference in Rome, it appears that there will be very few such events in future, especially because of the opposition of the United States. The UN has shifted to special sessions of the General Assembly or other UN venues. NGOs have encountered serious access difficulties in these new settings.

Recently, NGOs have faced deteriorating legal and financial conditions in many countries. Governments have imposed new restrictions on NGOs, narrowing NGO scope and placing limits on their ability to speak critically and independently. Funding for many such organizations has declined as well. These developments inevitably sap NGO capacity to participate effectively at the global level.

Overall, then, many factors make the current environment much less NGO-friendly than the late 1980s and early 1990s, particularly for Southern NGOs. In addition to domestic problems, they now find the UN more difficult to access on global policy issues. This has drained worldwide NGO interest and support for the UN at a very critical time in the organization's history.

Secretariat. NGOs have been surprised to encounter negative and restrictive action by the UN Secretariat, especially in New York. The Secretariat has recently promulgated restrictive security rules that have made NGO entry to UN buildings more difficult and have closed off sections of the UN headquarters complex to NGOs. Security officers have subjected NGOs to document searches both at the perimeter entries and inside buildings. The Secretariat has changed security rules suddenly, with minimal consultation, little apparent justification, and no advance notice, disrupting the consultative process.

The Secretariat has imposed onerous fees for access to electronic UN documents through the Optical Disk System and it is also considering a fee for access to the Treaty Database, now provided for free. Fee-based approaches of this kind can have an especially negative impact on Southern NGOs, who most need documents in languages other than English, found only sparsely on the web site.

NGOs find many friendly and helpful staff in the Secretariat, but, too often, NGOs also encounter people that are not supportive and not attuned to NGO concerns. Secretariat officials fail to engage NGOs in serious consultation, even in matters of great importance to NGOs, like the Optical Disk System or security rules. NGOs have been especially disappointed at the troubled interaction they have had with Secretariat officials, as well as problems of access to Secretary General Kofi Annan.

In spite of the best efforts of NGOs to explore the significance of the Secretary General's proposed "partnership," there is little evidence of a clear mandate or plan within the Secretariat or at the intergovernmental level for developing this partnership into a meaningful new reality. Contrary agendas are clearly colliding with NGO interests. Only a broad and consistent initiative, that commands the support of NGOs, delegations and Secretariat leadership, can succeed in solving the present impasse.

3. Short-term Action and Long-Term Vision

NGOs need short-term action in a number of important policy and practical areas - action that will address and solve security issues, strengthen support for NGOs within the Secretariat, maximize the availability of documents and information for NGOs, and lead to a better quality consultation and expansion of NGO access to new areas of the intergovernmental process.

While considering and addressing these short-term goals, the UN community should develop a long-term vision about the role of NGOs at the UN in ten, twenty or even thirty years. In this globalizing world, with changing roles for states and non-state actors, and radical shifts in communications technology, we need to think about how NGOs will interact with a changing UN.

Should there, for example, be new forums and formal arrangements for NGO input to the UN? How can Southern NGOs be brought more successfully into the UN's deliberations? Should we be planning for a greater number of NGOs in regular consultation at headquarters and how can facilities be changed to meet such a development? How can communications technology better engage NGOs around the world with the UN and vice versa?

Main issues

1. Access to Information

NGOs seek the greatest possible access to UN information, including official documents. NGOs serve as primary disseminators of UN information and they need these documents for their work in monitoring and policy consultation. NGOs enjoy formal guarantees of access to UN documents in Resolution 1996/31.

In the recent past, the UN has developed a large and very useful web site. The UN made an early commitment to the web, which has paid off handsomely by providing a substantial improvement in information distribution. The site is well-designed and extremely heavily-used. In addition to news releases and other information, the site provides access to about fifteen percent of all current UN documents in English, with much thinner postings in other languages.

The web site enables the UN to service NGO needs without requiring their physical presence. In this way, it has allowed the overall number of accredited NGOs to grow, while the number of NGO representatives actually in the building has stayed the same or even declined. But many documents that NGOs may need are not available on the site. NGO representatives must still obtain these documents in printed form, but they would much prefer to have electronic access, an arrangement that would save UN printing costs and reduce the number of NGO visits.

When the UN made available the Optical Disk System (ODS) to member states in late 1996, NGOs asked the Secretariat for access to this system, which includes all UN public docu-

ments, in all six official languages. The Secretariat eventually decided to charge NGOs an access fee, now \$1,250 per year, per computer, payable in advance, a 50% discount from the commercial rate. Secretariat staff argued that under stringent budget conditions, a fee was necessary to "charge-back" the cost of new computer hardware and phone lines. Recently, NGOs discovered that the new equipment cost in New York and Geneva amounted to only \$30,000. To recoup a sum of about \$100,000 (a larger investment would have been needed for more users), the Secretariat denied information to thousands of potential users, especially affecting Southern NGOs, operating at a distance from headquarters, which have small budgets and need documents in languages other than English. The cost of document printing, plus ODS sales costs, have probably been far more than the technology investment.

The UN may be on the verge of compounding this error. The Secretariat has told NGOs that it is planning to charge a fee for access to the Treaty Database of the Office of Legal Affairs, a database that has previously been available free of charge. Many NGOs use this database heavily and they are very concerned about a future fee, which would impair their work dramatically, especially low-budget Southern organizations.

The ODS is outmoded and that it should be replaced by a newer and more advanced system. Some have argued against providing open electronic data access to NGOs, on the ground that additional investment in an outmoded system would be a waste of scarce UN resources. In fact, according to technical experts in the Secretariat, computer and communications equipment are not specific to the type of database, so the access investments will work with present and future systems. The Secretariat is now planning an entirely new, more efficient document database that could be operational by the summer of 2000. After initial installation costs, the new system promises to be cheaper, faster and far easier to operate, lowering the unit costs of additional users and making free NGO service even more logical and cost-efficient.

The Secretariat is now re-thinking the UN web site, to make it an even more effective vehicle for UN information. Ms. Angela Kane,

Director of the Library and Publications Division of the Department of Public Information, is in charge of this project, on special leave from her regular duties. However much the web site improves, NGOs will continue to need the extended access to documents, especially documents in languages other than English, that the ODS database now provides.

NGOs would also like access to a broadened universe of ODS documents, to include selected draft texts, non-papers and other such materials. These are now generally available only in paper form and NGOs must pick them up in conference rooms, requiring a physical presence in New York or Geneva (the documents exist in electronic form, of course, but access to them is now restricted). Electronic publication (assuming greater ODS access) would make them instantly available around the world, providing much greater opportunity for involvement by Southern NGOs that cannot afford a New York office.

Delegations have improved NGOs' information access, too, by providing more briefings and by posting their own web sites. On some sites missions have posted press releases and the texts of formal speeches. They have also posted informal documents such as non-papers, speeches to General Assembly Working Groups, and Security Council presidential press statements. Delegations could greatly improve information about their work by expanding these web sites and posting more of their documents there.

2. Access to UN Premises

(a) Perimeter Security

According to UN Chief of Security Michael McCann, the UN faces increasing challenges to its perimeter security system at headquarters in New York. He reports that there have been threats to bomb the building and that security has apprehended persons attempting to enter with concealed weapons. Controversial international events have heightened these security problems, which tend to increase during the General Debate in the early fall. But no one has alleged that NGOs have posed threats of this kind.

In response to major protest demonstrations at UN buildings in Geneva in early 1999, the Swiss Army has patrolled the UN precinct there and ringed it with barbed wire. Delegates, staff

and NGOs have often had to use just a single entrance, where all pass through the same security check. By contrast, New York headquarters presents a less ominous visage. But perimeter security has steadily tightened since about 1992, when NGOs lost their ability to "sign in" guests. Since the early fall of 1998, UN security has asked even NGOs with an annual pass to go through metal detectors and have their bags or briefcases scanned. Security has sometimes required all NGOs to enter the building by the 46th Street "Visitors' Entrance." Those with a temporary pass, including NGO representatives attending Prep Comms or conference followups, must now always enter at 46th Street.

NGOs object to passing through metal detector searches when staff and delegations are not searched in this way. Security procedures imply that NGOs pose a far greater risk, diminishing NGOs' sense that they are trusted partners.

UN security now asks even NGO representatives who regularly enter and leave the building to undergo rigorous metal searches, sometimes requiring removal of bracelets, belts, key chains and other articles of clothing. These searches can be time-consuming and humiliating. Furthermore, security staff have set metal detection equipment at unusually high levels - considerably higher than most airport equipment -- leading to routine hand-sweeps by security officers, because shoe tacks, metal fasteners in clothing, credit cards and the like set off the alarms. Security guards "sweep" longtime NGO representatives who must stand by a busy entrance, with hands in the air, looking like they have just been arrested for a street crime, even though they are peacefully going about their business, and in spite of the fact that they may enter the buildings two or three times each day.

In two meetings with NGOs in March of 1999, neither Chief McCann, nor other Secretariat officials were able to provide evidence that NGOs pose a special threat to UN security. One official spoke several times about NGOs' recent "explosive growth" (an ominous term). This argument was not persuasive, because there was no evidence of an actual increase in the numbers of NGOs present at headquarters, nor was there evidence that such an increase would cause demonstrable security

problems. Secretariat and delegates commonly speak in exaggerated terms about the growth in number of NGOs.

Some say that member states are pressing the Secretariat to curb NGOs. This, they say, rather than real security concerns, has shaped the new policy. Whatever the cause, Secretariat officials seem to have assigned very little weight to NGO access needs and their actions fit badly with notions of "partnership."

(b) Document Searches and Internal Security

On a number of occasions in 1998, UN security staff searched NGO representatives for documents, both at the perimeter and inside the UN premises. Security personnel repeatedly insisted on the right to examine and pass judgement on NGO documents. They even refused entry or expelled NGO representatives because of the content of documents. In one well-known case, security officers denied entrance to an NGO representative because he was carrying leaflets announcing the annual vigil on the UN's financial crisis. Though Chief McCann and others later apologized for this incident, NGOs have never received a promised copy of UN policy on this matter, including assurances on freedom of speech for NGOs and a statement of circumstances under which the security department would deem document searches to be permissible. NGOs are alarmed at the potential for future security department control over the content of NGO documents and for the possible "frisking" of NGO representatives.

Increasingly, in 1998 and after, UN security barred NGOs from access to the main floor of the General Assembly chamber or the lower galleries, from the Second floor hallway and meeting chambers in the Conference building, and from the Delegates' Lounge. Assistant Secretary General Sorensen asked NGO leaders on March 31, 1999 to make recommendations for administrative details of restrictive new security arrangements. In a letter dated April 7, 1999, the NGOs refused to be party to these arrangements and instead expressed sharp opposition to the new rules.

Delegates cite recent misconduct of NGOs in both Geneva and New York as a reason for new

restrictions. These incidents, however unfortunate, involved only a very small number of persons and did not pose a serious threat to delegations or UN property. Neither the Secretariat nor delegates have adequately shared information about the incidents with the NGO community, so NGOs know only details of cases discussed in public meetings. In other cases, it appears that corridor rumor has inflated the facts. Since delegates have clear means under Resolution 1996/31 for determining the facts and for imposing sanctions on offenders, they should use them, rather than writing new rules or inflicting group punishment. The overwhelming majority of NGOs has been sensitive and diplomatic, constructive and valued within the UN system.

In a memorandum dated April 19, 1999 Mr. Iqbal Riza, Chef de Cabinet of the Secretary General, issued extensive new rules governing NGOs in New York. The rules now exclude NGOs from the second floor except with a special pass, or in case of ECOSOC-related meetings. The memorandum also announces a regular system of metal-detector searches, bans NGOs from going above the fourth floor in the Secretariat building without an appointment, bans NGOs from the General Assembly chamber except in the fourth floor balcony, bans NGOs from the Delegates' Lounge except in the company of a delegate or carrying a special pass, and imposes other restrictions. NGOs see this memorandum as a serious setback. And they regret that it sets forth new rules after such slight consultation (none with Mr. Riza) and with virtually no concessions to NGO concerns.

(c) Lack of Clear and Consistent Rules

In spite of the Riza memorandum, rules governing NGO physical access and conduct in the UN buildings remain vague and apparently subject to change without notice. This permits the security department to alter the "level" of security, in response to circumstances such as a visit by a head of state. NGOs understand the need for a certain degree of flexibility. But there exists far too much vagueness, obscurity and uncertainty in the overall security environment, so that NGOs lack clear and stable rights.

When a visiting German NGO leader recently tried to distribute a statement by a large group of NGOs at the Copenhagen +5 Prep Comm in May 1999, a Secretariat staffperson confiscated the statement. Realizing the importance of the NGO networks that authored the statement, the staffperson then apologized and placed the statement on a table in the conference room. The NGO representative, who had attended many previous meetings in New York, was astonished at these events and realized that he had no benchmark of rules to consult and no clear rights to invoke.

NGOs do not want to be bound by a big book of rules. But, on the other hand, an absence of rules opens the way to abuse by over-zealous security and Secretariat officers. The UN and the NGO community must jointly consider how to clearly define NGO rights, to protect against abuses in an increasingly restrictive security environment.

(d) Consequences of the Financial Crisis

The UN's financial crisis has deepened problems of NGO access. As we have already seen, it has led the UN to charge for electronic documents. Also, according to the Security Department, it has meant that the security staff cannot provide the needed coverage in all areas of the building, leading to additional restrictions on NGO circulation.

Financial problems have weakened the capacity of UN offices to provide services, shortened print runs of UN documents, slowed development of electronic communications, lowered staff morale and much more that has negatively affected NGOs.

The financial crisis provided the rationale for the December 1998 proposal by the US delegation in the Fifth Committee that the UN should charge fees for services provided to NGOs, including use of the UN premises, provision of documents, translation services and so forth. This proposal caused great alarm in the NGO community. Fortunately, other delegations rejected the proposal and the US withdrew it. It would have had an especially heavy impact on NGOs from the South and on small and low-budget NGOs from every region. NGOs and delegates took note of the irony that this pro-

posal came from the delegation that had failed to pay its assessments and owed the UN more than one billion dollars. NGOs worry that this commercial approach to access may re-appear, since the Secretariat is preparing further information on the cost of NGO services.

NGOs object to a policy environment in which the financial crisis becomes the excuse for denying needed services to NGOs. If the UN is to develop a new partnership with NGOs, it must spend additional (if modest) resources in this area. When delegations insist that all spending occur "within existing resources," they block the positive development of the organization and pit NGO needs against other very urgent crises and mandates. NGOs thus have a high stake in finding a solution to the financial crisis and they are extremely unhappy at those member states most responsible for prolonging it.

(e) Physical Facilities

UN Physical facilities have a great impact on NGOs, affecting their capacity to carry out their work. NGOs suffer particularly from a lack of meeting space and office space in the UN complex and environs. The steadily increasing number of intergovernmental or government-sponsored meetings in the headquarters complex (including conference followup events) tends to squeeze out NGO meetings. NGO Committees that formerly met monthly in UN conference rooms now must find alternative venues, or risk being denied space at the last minute, making planning a nightmare. Alternate meeting space in the UN neighborhood is often simply not available. [For more on this issue, see Section 9 below]

Physical facility problems at the UN reflect the organization's financial crisis, including deteriorating physical infrastructure. The earpieces, used for listening to translators during public meetings, offer a clear example. In most of the UN's public galleries, these earpieces do not work, making it difficult for NGOs to monitor the proceedings. In February 1999, when a number of NGOs attended a Security Council open meeting, they discovered that none of the earpieces in the public gallery of the Council chamber were functioning. When NGOs reported this problem, Secretariat staff

explained that financial constraints made it impossible to fix the earpieces in the near term. Because Council members make use of all the official languages during the course of a typical session, NGO representatives cannot exercise their full right to attend these meetings as long as the earpieces are broken.

3. The Right to Participate

(a) Progressive Consolidation of Resolution 1996/31

Resolution 1996/31 gives accredited NGOs considerable rights to participate in UN meetings. Secretariat personnel and government delegates must elaborate the formal texts in actual practice, to meet a wide variety of needs and circumstances.

NGOs expected that Resolution 1996/31 would greatly strengthen NGO participation, given stronger language than the previous text. They hoped that, beginning in the summer of 1996, the Secretariat and delegates would work towards a "consolidation" of new practices and new precedents across the range of UN forums. In fact, NGO participation has made only modest progress overall and in some areas there has been regression. The Conference of NGOs (CONGO) has called for more consolidation, as have NGO leaders in a number of fields. Unfortunately, many delegations do not support progressive consolidation in the present political climate. But others see progress as possible and even necessary for a healthy UN.

(b) "Existing Practices" and "Best Practices"

Practice not only elaborates and amplifies rules, it sometimes precedes rules or extends them into new areas. This is especially true at the UN, where there are dozens of different forums. Since the earliest years, NGOs have participated far beyond the bounds of ECOSOC, including active consultation with the General Assembly (GA), its Main Committees, Subsidiary Bodies and a variety of other forums. NGO representatives have even spoken to the GA (though formally the session was temporarily suspended) and GA committees regularly find means to hear the views of NGOs.

A large area of practice and regular informal participation has come to assume rule-like

authority. These practices have never been codified, but they have become well-established precedents, recognized broadly in the UN system. Of course, such practices are subject to the good will of the delegates and rely on continued cordial relations between delegations and NGOs. With the steady turnover of delegations, Secretariat staff and NGO staff, institutional memory is sometimes lost and existing practices may change or diminish. At the same time, though, creative new practices arise. So the body of existing practices continues to expand the possibility of fruitful participation by NGOs and to expand the arenas of NGO access. "Best practices," can inspire progressive change and can spread from one forum to another.

Nearly every committee of the General Assembly has practices for consultation with NGOs, including those committees working outside the area of social and economic policy. The First Committee, for example, has developed substantial means for consulting with the Disarmament NGOs [see the paper "Enlarging the Contribution of NGOs to the Work of the First Committee" by the NGO Committee on Disarmament, October 1996]. Another example is the Sixth Committee, which developed close working relations with NGOs during the preparations for the International Criminal Court negotiations, beginning in 1997.

(c) Legal Interpretations by the Office of Legal Counsel

The UN Office of Legal Counsel has long enunciated a restrictive approach to the question of NGO access. The Office has taken the position that only formal rules, such as the Charter or resolutions of intergovernmental bodies, can be a basis for deciding issues of NGO access. In this way, the Office has ignored fifty-four years of practice, which go considerably further than the rules. While Common Law systems place especially heavy emphasis on practice and precedent, all legal systems take such practice into account. So the Office has leaned unreasonably towards restriction.

NGOs have expressed their concerns to officials in the Office and some NGOs believe that the Office has recently adopted a more flexible approach. But others think little has changed. It

seems, therefore, that the Office's stance calls for review. NGOs will continue to press for clarification on these legal issues so that their rights of access can enjoy full support from the Office of Legal Counsel. NGOs want the Office's legal positions to reflect the perspective of partnership and rights-expansion.

(d) NGO Access to the General Assembly

Various NGOs and delegations have proposed that the General Assembly grant ECOSOC-accredited NGOs formal consultative status to its plenary deliberations, its Main Committees and Special Sessions. They see this as the most urgently-needed step in an expanded partnership of NGOs with the United Nations. But progress towards this goal has been disappointing. After consultations in the fall of 1996, GA President Razali Ismail named Ambassador Ahmed Kamal of Pakistan to chair a sub-group on NGO access of the Working Group on the Strengthening of the United Nations System. But after six months of effort, the sub-group could not even agree on its mandate.

Since then, in an effort to move the issue ahead, various parties have proposed draft resolutions, including the United States, Canada, the Netherlands and the World Federalist Movement. Some proposals have included reference to "Subsidiary Bodies" of the General Assembly. But so far, member states have failed to reach agreement.

At a time when conference reviews take place in General Assembly Special Sessions or even in Main Committees, NGOs badly need GA accreditation, not only to move forward but also to maintain best practices. Accreditation of NGOs to the General Assembly would affirm existing practices such as the disarmament NGOs' work with the First Committee and it would re-establish the right of NGOs to attend Committee meetings that take place in the Second Floor conference rooms.

CONGO has proposed that the General Assembly adopt NGO consultative arrangements based on ECOSOC Resolution 1996/31. Recently, on May 3, 1999, the World Federalist Movement-INTGLIM circulated a draft resolution that could be the basis for agreement. Many NGOs hope that the General Assembly will

consider a similar resolution and pass it. If so, a new era of partnership and cooperation can begin.

(e) Conferences and Review Processes

Many NGOs view the world conferences as the UN's most open and democratic process. Member states should re-consider the current restrictions on global conferences and again make use of this important process, both for defining new areas of global policy and for review and elaboration of the work of previous conferences. It seems obvious that governments should hold periodic world conferences on Women, the Environment, Social Development, Population and other topics - perhaps at ten-year intervals. The new, uniform arrangements for conference accreditation, incorporated into Resolution 1996/31, provide a good basis for NGO access to future conferences.

When member states undertake a periodic review of a major conference, they should do this in the most open and accessible forum. The recent results in GA Special Sessions have not been encouraging to NGOs. NGOs have faced onerous new restrictions for six reasons: (1)the insufficiency of conference facilities at UN headquarters, (2)tighter and varying accreditation rules, (3)more limited rules of NGO access to the GA, (4)more limited physical access to the meeting chamber, (5)more irregular scheduling of meetings and (6)fewer available funds for Southern NGO participation. As a result, the Rio+5 session in 1997 disappointed many environmental NGOs, who found it to be much less open than the original event.

In the summer and fall of 1998, the five-year follow-up to the Vienna human rights conference proved to be a particularly negative case. Human rights NGOs prepared carefully for this review process and even organized their own preliminary conference. They were astonished that the intergovernmental review allowed for only one NGO speech and otherwise was completely closed to NGO consultation. A special meeting, organized at the last minute by High Commissioner Mary Robinson outside the formal review process, provided the only substantial opportunity for NGO comment. NGOs have had access problems (though less severe) in the followups to Cairo and Beijing as well

Member states should adopt the spirit as well as the rules of the original conference to insure optimum NGO access. Delegates should never hold closed events such as the Vienna review and they should work to open up followups to Cairo, Copenhagen and other summits.

The European Union and others, speaking on May 24, 1999 at the Copenhagen +5 Prep Comm, called for an open process and also called for the General Assembly to adopt a standard set of rules for this type of event. That statement offered a basis for action to resolve the matter, though NGOs want to especially emphasize their right to speak at followup events. NGOs see broad consultation with the GA as the best solution for ECOSOC-accredited organizations, but they want stable rules for other NGOs as well.

Since UN headquarters offers such limited space for expanded delegations and NGO participants, the UN must consider using more adequate space in New York - for example the Convention Center -- or moving the event to another city. Perhaps the UN needs to build more meeting halls in the headquarters complex area. If there is no space for NGOs, there can be no meaningful NGO participation.

4. Advocacy and Support within the Secretariat and UN agencies

NGOs have very multifaceted relations with the Secretariat. Many NGOs maintain close and cordial relations with Secretariat offices that work on their particular area of policy specialization. NGOs also occasionally relate to high UN officials, such as the Secretary General and his Executive Office - most often in the form of letters, petitions, and other communications about policy matters. And finally, NGOs relate to offices and programs in the Secretariat that work on NGO affairs. The specialized NGO offices can be very helpful in providing information and assistance to NGOs. These offices also work on the process of accreditation and rule-making, the area of greatest friction and conflict.

(a) NGO Offices of the Secretariat

The NGO offices of ECOSOC and the Department of Public Information (DPI)

(known in UN parlance as the "NGO Sections") have important similarities but also significant differences. Though they both supervise accreditation of NGOs, one does so through an ECOSOC intergovernmental process [see Section 7 below], while the other does so entirely through the Secretariat.

The two offices' service reputations have varied in the past. In spite of the importance of these offices to the overall NGO environment, the Secretariat rarely consults NGOs about the service quality. Quality might improve if the Secretariat sought NGO input into a periodic review of these offices and their staff.

At present, the leadership in these offices appears to be committed to good service and the ECOSOC office now has a bigger budget, more staff and even a sorely-needed in-house fax machine. The DPI office gets good marks for timely processing of pass requests and for overall courtesy and helpfulness. But its management of documents in the NGO Resource Center tends to be chaotic. Serious problems exist in both offices.

The DPI accreditation process lacks transparency and it is subject to political pressures like that in ECOSOC. Though the threshold of admittance is supposedly set lower than in the ECOSOC process, the DPI office has been known to reject respected NGOs if they face opposition from powerful member states. DPI must address and correct this problem, particularly as regards the human rights field.

Many NGOs complain that some of the notoriously bureaucratic and unresponsive behavior of the ECOSOC office in the past still persists. The office employs cumbersome and time-consuming procedures for issuing passes, it too often it loses accreditation letters, and its staff can be discourteous. The office imposes an unacceptable three-day wait between receipt of a letter or fax and the issuance of a pass, a wait that DPI does not require. This inexcusable wait can waste precious time during the short stay of an NGO based outside of New York, sometimes ruining the opportunity for participation at critical meetings.

NGOs also find the application procedures for new accreditation in both offices tend to be bureaucratic and paper-bound. Staff have lost or

mislaid accreditation folders and have been inflexible in applying rules for evaluation. The NGO world is changing very fast, in terms of activities and needs, and UN offices that relate to NGOs must be change-oriented and flexible. The offices should consider a streamlined, web-based application system.

(b) Non-Governmental Liaison Service

The Non-Governmental Liaison Service (NGLS) offers support to NGOs across the entire UN system, a very broad mandate. It has the advantage of being free of accreditation and pass-issuing responsibilities. Nor does it issue or enforce rules. Instead, it has a broad role of advocacy and information for the NGO community. Run by a small but very effective staff, NGLS has established a solid record, and it has provided a buffer between NGOs and the more intractable rules and practices of the UN system. NGOs are generally very enthusiastic about NGLS, and they appreciate its several excellent publications.

NGOs are surprised to learn that NGLS is minimally funded and that senior professional staff have been on short-term contracts. One very experienced and well-regarded staff person left in early 1999 from the New York office, doubtless in part because of this situation. NGLS has recently gone through a broad evaluation process that yielded a very positive report. It is time that NGLS be given the budget and staff that it needs, to solidify and expand its activities that do much to foster the NGO "partnership" across the broad UN system.

(c) The Assistant Secretary General's Office

The Office of the Assistant Secretary General (ASG) for External Affairs, Gillian Martin Sorensen, acts as the coordinator for NGO issues within the United Nations and also chairs the Inter-Departmental Working Group on NGOs. NGOs favor a high-level focal point in the Secretariat, and they favor system-wide coordination. However, ASG Sorensen and her office have extremely broad responsibilities in other areas, since they address the whole range of contacts with the "outside world." In this setting, NGO matters apparently do not command consistent attention in the office and con-

tact between the office and NGOs is sporadic. This problem was clearly reflected in the fact that the office produced a report on NGO access in the summer of 1998 without any NGO consultation.

Many NGOs feel that, both symbolically and practically, the NGO portfolio should not be in the hands of an office charged with "external relations," since NGOs are not external but internal to the UN system. CONGO passed a resolution on February 26, 1999 that expressed strong concern about this problem.

NGOs want a focal point that can be a partner, advocate and friend. But the External Relations office has not succeeded in creating such an environment. It interacts very formally and distantly with NGOs. This has heightened misunderstandings, especially because interaction has largely focused on restrictive new rules. Relations between the ASG's office and the NGO community have increasingly deteriorated, particularly in the wake of the security restrictions of the spring of 1999.

In soliciting input for the second report of the Secretary General, the ASG's office missed an opportunity to hold regular meetings with NGOs, especially NGOs visiting from the South. The office devoted only a half-hour segment of a single meeting with New York-based NGOs to this topic. It inexplicably cancelled a second meeting.

Relations with the NGO community have become so strained that the ASG twice declined to have lunch with the President of CONGO to discuss matters of mutual concern in the spring of 1999. Somewhat earlier, the ASG declined to attend (or to send a representative to) the Stanley Foundation conference on NGOs that took place at Arden House in late February. Since a number of key NGO leaders and heads of delegations were present at the conference, it would have been an ideal time to build bridges and discuss problems informally.

(d) The Inter-Departmental Working Group on NGOs

The Inter-Departmental Working Group on NGOs first met more than ten years ago to coordinate policy on NGOs within the Secretariat and the UN system. It has func-

tioned sporadically since, sometimes meeting regularly and sometimes dormant. From the first, the Working Group invited a small number of NGO representatives, usually officers of CONGO and the DPI-NGO Executive Committee, to participate in some of its meetings. The meetings offered the possibility of wider contact and consultation between the leaders of the two main NGO umbrella organizations and UN system officials. After a period of dormancy, the Working Group resumed its work in 1993 with NGO participation. But since early 1998, though the Working Group apparently continues to meet, it has not invited NGO representatives to attend. A useful contact is now broken.

(e) Role of the Secretary General

Secretary General Kofi Annan is very busy and has many demands on his time. Nevertheless, it seems fair to ask what role he does or should play personally with respect to NGOs, since he often says that they are such "indispensable partners" of the United Nations.

The Secretary General (SG) meets often with leaders of important international NGOs like Amnesty International or Oxfam to discuss questions within their mandates such as human rights, humanitarian relief and the like. In this regard, he is accessible and supportive of UN-NGO cooperation. He meets exceedingly rarely, however, with regular NGO representatives for the purpose of discussing the role and access of NGOs within the United Nations. He has come to only one CONGO board meeting in his two and a half years in office, though his two immediate predecessors regularly attended.

On a number of occasions, NGOs in New York have approached the Secretary General and asked for meetings on NGO access, but to no avail. When Mr. Annan first came into office in January 1997, a group of NGOs invited him to have lunch with them to discuss broad NGO issues and concerns. After four months of effort, the organizers were told that the SG was too busy and that they should meet with Ms. Sorensen instead. More recently, when CONGO asked to meet with the Secretary General in March 1999 to express concern about access problems and deteriorating rela-

tions with the office of the Assistant Secretary General, the SG did not agree to a meeting and instead passed the matter back to Ms. Sorensen.

The NGO initiative on the Optical Disk System had a similar fate. After extensive NGO efforts to work with lower-level Secretariat officials, a group of twelve NGOs wrote a letter and memorandum to the Secretary General on April 25, 1997 asking for urgent action. The SG never replied, but instead passed the matter along to the head of the Department of Public Information, Samir Sanbar. Mr. Sanbar finally replied on June 19, promising that "a policy review is under way." In spite of additional efforts on the NGO side, the Secretariat offered no further response. The policy review, if it ever took place, disappeared without a trace.

Most recently, the Secretary General's Chef de Cabinet, Mr. Iqbal Riza, reportedly took a very strong position in favor of reduced NGO access and tighter security regulations for NGOs. This touched the core of NGO interests and has aroused great NGO concern. NGOs wonder: does this represent the position of the Secretary General himself, or is the SG unaware of the matter? Even though the issue is of enormous importance to NGOs, they are unable to discover the answer, since the SG has placed himself beyond the reach of NGO representatives who work day-in-day-out at the United Nations.

NGOs expect the Secretary General to intervene occasionally on their behalf, to help decide matters that are of special importance and urgency to the NGO community. The Secretary General could surely find time once or twice a year to have an extensive chat with NGO representatives, to find out how the organization he heads could really, in practice, develop a partnership with them.

5. Consultation in Administrative Decision-Making

Because the UN system hinges on mandates and pressures from member states, the Secretariat understandably does not give high priority to the views of NGOs. But if NGOs are the UN's partners, some decisions must take NGO views into account. There must be regular consultation with NGOs, especially on administrative decisions that directly affect the general

interests of NGOs, or the interests of an NGO sub-group.

Means exists for consultation. The DPI-NGO Executive Committee and CONGO are two NGO umbrella organizations that offer points of interchange between the Secretariat and the NGO community. These are elected bodies and are broadly representative of NGO opinion.

The DPI-NGO Executive Committee operates at a disadvantage, since it lacks an office or staff. Its volunteer capacities are severely stretched. Further, the Department of Public Information often acts in a controlling way over jointly-sponsored activities and events. Though the Committee is not particularly active on access issues, it works in many ways to express the concerns of DPI-accredited NGOs.

CONGO has a substantial budget, as well as an office and staff. In the past, many NGOs viewed it as a conservative body that was exclusively interested in the privileges of ECOSOC NGOs. But CONGO has now changed its name and taken steps to incorporate and represent all NGOs. CONGO has recently developed a useful electronic mailing list to inform the UN community about NGO access. It has organized a number of meetings on NGO access questions and has developed a statement on this question.

The Secretariat has regularly consulted with the leaders of these two umbrella groups, who until recently participated in meetings of the Inter-Departmental Working Group on NGOs. The Secretariat also occasionally consults beyond CONGO and the Executive Committee, inviting other NGOs with expertise, special knowledge, or additional perspectives to participate in consultation sessions, as was the case with three meetings convened by ASG Sorensen in December 1998 and March 1999.

In recent years, some NGOs have urged the Secretariat to develop policy-consultation groups, which could provide valuable NGO input in policy areas, like the web site and information services. Secretariat staff generally reacted negatively to this idea. In doing so, they have usually expressed two views. First, they have raised problems of representation: who would decide, and on what basis, whom they should

consult? This is a valid concern, but it is one that can be solved practically if there is a will and an interest in solving it.

Another Secretariat reaction is that NGO views are not relevant and do not have to be considered when policies are decided. A number of high-ranking staff expressed this view during the Optical Disk System controversy in late 1996 and early 1997. NGOs responded that they should be consulted as stakeholders . . . or at worst they should be consulted as customers. NGOs asked the estimated cost of the proposed system improvements. They asked for discussions to explore alternative pricing systems. The Secretariat refused.

Sometimes, offices in the Secretariat chose to consult by means of questionnaires or by inviting written input. This sidesteps the problem of representation. Though it appears to be more open to input from NGOs based outside New York and Geneva, in practice it often yields unsatisfactory results. Secretariat offices can select the input they prefer and ignore the rest, and there is no creative interaction between NGOs and Secretariat policy makers. While "input" of various types can be valuable from time to time, it does not substitute for direct face-to-face consultation. Substantial direct discussions would have improved the current consultations on access and on web site improvements.

The problem of consultation is most acute in the areas of access rules and security policy. In recent months, as the Secretariat has developed new rules in this area, the process of consultation with NGOs has been very unsatisfactory. NGOs were astonished that the Secretariat developed important new policies in the absence of NGOs. Then, the Secretariat issued these policies without any serious effort to present justifications. Ideally, Secretariat officials would work with NGOs to clarify problems and jointly work on how to solve them.

The Secretariat additionally has a tendency to announce new rules immediately before their implementation or even after implementation has already started. The memorandum of Mr. Riza, dated April 19 and implemented about the same time, reached NGOs in the post only in late May. NGOs would appreciate timely notifi-

cation, when important new rules affecting them are introduced. The Secretariat could set up a special list-serv for this purpose and it could use the UN Information Centers to relay information more quickly at the national level. The UN might save a great deal in postage costs and reach NGOs world wide far sooner.

The Secretariat also might make use of the UN web site to post more information on NGO issues, including existing rules and regulations, access rights, examples of best practices and so forth. This would be a gesture in support of NGO access and an important move to increase the transparency of NGO rules.

There is no magic formula for how policy consultation should work, how much of it there should be and how much NGO voices should count. Obviously, there are many pressures on the Secretariat and Secretariat officials must make complex political calculations involving the views of member states. Also there are the perceived interests of the Secretariat itself, and its officials' wish to be free from outside interference. Furthermore, consultation is time-consuming (for all parties). This must be especially burdensome in a downsized, under-funded and somewhat demoralized Secretariat, where staff are overworked and under-resourced. But in the end, better consultation will work better. It will strengthen relationships and produce better policy. And it certainly is an essential ingredient in partnership.

6. Relations with Delegations

NGOs' relations with the United Nations depends a great deal on their relations with the diplomatic missions of member states. Many delegations offer vital support to NGOs' quest for access to particular UN forums. Delegations provide background information and private reports on the progress of negotiations. They intervene with the Secretariat on NGOs' behalf. They promote informal access to meetings and new formal rights. And they help NGOs to meet and work with other delegations. Without such support, NGOs could not function effectively in the UN system.

Cordial relations with delegations does not come to NGOs as a matter of right, but rather they result from a mixture of NGOs' diplomat-

ic efforts, mutual NGO-delegation interest, and a sense among delegations that NGOs are indispensable partners and useful sources of information.

A considerable number of delegations have recently offered more briefings, receptions and other meetings with NGOs. They actively brief NGOs on their major policy work and they seek input from selected NGOs in specialized areas of their work. The US and UK delegations, among others, have developed active and effective outreach programs of this kind. Many delegations have also established web sites, some of which are especially valuable. These make more information available to NGOs and the public than ever before.

Delegations are selective in their relations with NGOs. They make strategic choices about their NGO contacts and allies. Delegations inevitably chose NGO partners whose goals coincide with their own national policies and agendas. But many delegations interact broadly with the NGO community.

Sometimes, the personal commitments of individual delegates, including Permanent Representatives (PRs), have made an especially important contribution to progress in the work of NGOs. For the recent past, a few outstanding examples are Ambassadors Juan Somavia of Chile, Antonio Monteiro of Portugal, Razali Ismail of Malaysia, Richard Butler of Australia, Ahmed Kamal of Pakistan, Hans Dahlgren of Sweden, Paolo Fulci of Italy and Samuel Insanally of Guyana. Below the level of PR, there are very many persons who have given NGOs tremendous help, and who interact intensively with NGO representatives. The Canadian and Dutch delegations, among others, have a reputation for outstanding support for NGOs.

The strong and growing network of relations between delegations and NGOs promises to solidify NGO relations with the United Nations and move it forward in the years ahead. It will continue to be the keystone of NGO action.

7. The ECOSOC Committee on NGOs

The Committee on NGOs of ECOSOC consists of 19 members, with new elections every four years. The Committee reviews applications

for accreditation, conducts a quadrennial review of those NGOs already granted accreditation, and considers general policy matters and rules governing NGO access and activities. It has an extremely heavy volume of work. The Committee has held consultation meetings with NGOs from time to time in the past and it has held such meetings in December, 1998, and June, 1999. There appears to be better dialogue with NGOs than in the recent past, but Committee members usually have heavy responsibilities for other committee work and time pressure limits their capacity for lengthy interaction. NGOs are very concerned about several dimensions of the Committee's work.

(a) Accreditation Process

NGOs are concerned that the process of granting accreditation is politicized. Qualified NGO applicants can be denied accreditation if they face the concerted efforts of one or more powerful member states, or a bloc of states. Similarly, NGOs that do not adequately fill the qualifications may be accepted if they have powerful member states or blocs as sponsors. Too often, government-sponsored NGOs ("GONGOS" in UN parlance) achieve accreditation.

The most politicized area of the Committee's work concerns NGOs in the human rights field. In early June of 1999, the Committee denied accreditation to Human Rights in China, a respected and well-established group. Such decisions weaken the credibility of the accreditation process in the eye of NGOs and they weaken UN-NGO relations.

NGOs wonder whether new means can be found to reduce the politicization of the accreditation process. For example, the Committee could invite a panel of experts to make recommendations, or the Committee could establish clearer rules that would be applied in a more even-handed manner. The Committee should act to ensure the fairest possible process for all applicants, especially those in the human rights field.

(b) Proposals for Restricting NGO Access

The Committee has recently considered proposals that would restrict the number of NGO representatives accredited to particular meet-

ings, impose requirements that NGOs submit membership lists, place punitive regulations on the quadrennial review, and impose a new "code of conduct." NGOs have spoken on the shortcomings of these proposals to the Committee in December 1998, but a few comments are in order here.

Firstly, NGOs are aware that a few cases of misconduct have occurred and that NGO consultations are not always as fruitful as they could be. Discussions between the Committee and NGOs can address these problems and seek to resolve them. But general rules of the kind that Committee members propose would seriously set back relations with NGOs and weaken the United Nations.

If delegations restrict the numbers of NGO representatives at any one meeting, they would hamper the work of major international NGOs that bring many representatives from their national sections to important forums. Human rights NGOs accredit many persons, since they need a diversity of voices and expertise to address world wide conditions at the Human Rights Commission. Similarly, during the Prep Comms of the International Criminal Court process, some NGOs accredited many representatives, helping to provide legal expertise and diverse international views. There are many other cases of legitimate use of significant numbers of passes by single NGOs.

If delegations demand membership lists as a condition of accreditation or as part of regular review, they would create impossible problems for NGOs. Large international NGOs may have millions of members in hundreds of chapters world wide. Most do not maintain centralized lists and in any case they would want to protect their members' privacy. If delegations withdraw accreditation of NGOs who are just slightly late in submitting their quadrennial review documents, they may punish those who have fallen prey to problems of postal service, unstable political conditions, or similar reasons beyond NGO control. This would obviously be unfair.

Finally, if delegations impose a general code of conduct on NGOs, they will be interfering unduly in the free operation of these organizations. NGOs should consider the need for such a code among themselves, but they certainly

should not be subjected to a code that is invented in an intergovernmental process.

The Committee, wisely, has not passed any such resolutions. But proposals remain under active consideration. NGOs are very concerned but they are encouraged that the Committee, in its June 1999 session has decided to widen its problem-solving dialogue with NGOs. NGOs hope that after further consultation, delegates will decide to set these proposals aside and that it will turn to more positive solutions.

(c) Other Issues

Looking ahead, NGOs would like strengthen dialogue with the Committee. They would like the Committee to regularize its NGO consultation process (perhaps making it a feature of every bi-annual meeting) and to include NGOs in the agenda-setting for such consultations.

NGOs also urge the committee to operate more transparently and to share information on problems that it perceives, including details of cases of unacceptable conduct by NGO representatives. NGOs think the Committee would do well to make more use of the disciplinary process that is mandated in Resolution 1996/31, rather than considering broad new rules that negatively affect all NGOs. The Committee should develop a grievance or disciplinary procedure that affirms NGO rights and conforms rigorously to due process

8. The Problematic of "Civil Society"

We will not comment at length on the question of the developing relationship between the United Nations system and "civil society" including business corporations, a question that has far-reaching practical, ethical and political ramifications. It is worth noting, however, that NGOs are worried about the long-term implications of this new policy direction and concerned that it may hamper UN-NGO relationship.

When the Secretariat increasingly uses of the term "civil society" in UN reports, interchangeably with the term "NGOs," it blurs an important distinction that is made in the UN Charter. At the very least, there should be a thorough and meaningful consultation between the Secretariat, delegations and NGOs about this issue.

9. Office and Meeting Space

As we have already noted, NGOs suffer from a serious shortage of office and meeting space. This shortage is growing more acute, as more NGOs seek access to the UN, missions expand, intergovernmental meetings increase in number, more conferences and followups take place in New York, and the local real estate market tightens.

NGOs need space to carry out their work. They need reasonably priced office space and they need free or very-low-priced meeting space. The trends suggest that this problem could get much worse in the future. It particularly affects Southern NGOs and NGOs who come to New York on a short-term basis. The UN has made no provision for solving this problem, though its arrangements for correspondents might serve as a precedent and a model. Another useful precedent is the NGO office space now being developed by the canton and municipality of Geneva. It is time for urgent action in New York, before developers seize all the real estate possibilities in the neighborhood.

The UN could develop a site (or part of a mixed-use site) that would be used for NGO offices and meeting areas (perhaps some provision could be made for low-budget missions as well). Such a site would ideally be contiguous with the site at headquarters - such as the "Boys' Club" site to the West or the "Con Ed" site to the South. The UN could perhaps obtain low-cost financing through the City of New York, as was done for construction of other UN buildings like UNICEF.

Possibly, private foundations, individuals or governments could be interested in supporting the project. Or the space could be included in a development as a public amenity mandated by the City Planning Commission. Resulting office space could be rented to NGOs at a rate that would cover the carrying costs, a rate that would be considerably below the market level. Meeting space might also be provided at low or no cost to NGOs in the same development.

The "Con Ed" site in particular lends itself to development on a multi-use basis by a private developer, with concessional space included under a plan prepared by the Planning Commission. This might burden the UN with

only minimal cost and very little development planning effort. The UN must move quickly, though, since developers and city planners are already getting submissions ready for the new use of this enormous site.

10. The Challenge of Southern Participation

NGOs from the Global South have a relatively weak presence at the UN. They are represented through international NGOs, of course, but with rare exceptions "national" (single-country) NGOs are present only sporadically, at the time of major conference Prep Comms or followups. This feeds criticisms that NGOs are not adequately representative of the world's population and it weakens the NGO movement. NGO leaders are concerned about this problem, and in recent years they have taken steps to find solutions.

Some international NGOs bring representatives of Southern affiliates regularly to New York and Geneva to important meetings. The World Council of Churches, the International Federation of Human Rights and the Coalition for an International Criminal Court are among many NGOs that actively bring affiliates to UN meetings. In any single year, NGOs spend hundreds of thousands of dollars on this effort, with grants from foundations, governments and individual donors. NGLS and other UN offices, including the secretariats of world conferences, have also used funds provided by governments to bring NGOs to UN events. All efforts of this kind pose difficult problems of selection criteria - how to get the fairest representation, the best input, the greatest diversity, geographical and gender balance and all with utmost transparency of selection. Clearly existing results do not suffice. Much more needs to be done.

Visiting NGOs need help in understanding the UN system and getting quick orientation, assistance with accreditation and the like. NGLS and the Church Center for the UN have traditionally assisted visitors in such ways. But if Southern NGOs come in larger numbers, the UN will have to organize more programs of this kind.

As we have pointed out earlier, there also must be space for visiting NGOs to have temporary

offices and to hold caucuses and meetings. The Church Center for the UN has done outstanding work over the years in providing space for NGO secretariats and caucus meetings, but there is a great and growing space shortage. The UN must act to help resolve it.

The UN and NGOs should also organize more events on a regional basis. CONGO is organizing a series of conferences in Asia, Latin America, the Arab World, Africa and Eastern Europe to promote discussion of implementation of the UN world conferences, to strengthen dialogue between regional NGOs and to improve relations with the UN system. The Secretariat is organizing regional hearings to solicit input into the Millennium Forum. The UN and the NGO community can do more in this area, to bring the UN out to the regions. UN bodies could have regular meetings and hearings in regions, incorporating NGO consultation. A revived ECOSOC might consider moving in this direction. Even Security Council initiatives, such as efforts to make sanctions more effective, could profitably incorporate regional NGOs into monitoring processes. The possibilities are endless.

The UN could take a number of other steps, too, that could address the problem. Free access to the Optical Disk System (or the equivalent) would help. A much larger trust fund to bring NGOs to UN sessions would help. More use of video conference facilities (especially as communication costs drop) would help. So would wider UN use of list-servs and other modern communication methods.

Delegations and the NGOs must stop ritual complaints about this problem and start finding solutions. The Secretary General might produce a report on the topic. NGOs and delegates might convene a special joint working group to consider options. All concerned must engage in serious and broad-based planning, followed by action.

Conclusion

NGOs are at a critical point in their relationship with the United Nations. They can make substantial further progress or they can suffer serious setbacks. The future is open and NGOs

must seize it. They must make their case to governments around the world. And they must come together for stronger, more effective, and more united action at the UN. This will require a new level of focus and organization, a much more efficient lobbying process, and a well-articulated long-term strategy. They must engage in constructive self-examination, remedial action and improved quality of NGO coordination and input into UN forums.

NGOs have a great deal to contribute to the United Nations and they have made substantial strides forward in their access to the UN's decision-making process. Key questions are now on the table, which will have to be answered by delegations, the Secretariat and the NGO movement. Each party will bear part of the responsibility for the final outcome. With good fortune and hard work, NGOs can assume new levels of involvement with the UN system and can contribute to a strengthened UN that is needed for the new millennium.

Summary of recommendations

1. Access to Information

- * Secretariat should increase the proportion of UN documents posted to the UN web site and especially the non-English document postings. It should continue with the development of this very useful information tool.
- * Secretariat should provide free access to the Optical Disk System in the short term to all accredited NGOs and should explore the options of a more effective document database system for the future.
- * Secretariat should continue to provide free access to the Treaty Database.
- * Delegations should agree to the posting of draft texts, non-papers and other non-public documents on a selective basis, to strengthen the consultation process, especially for NGOs not based in New York and Geneva.
- * Delegations should continue to develop their own web sites and to post their press releases and major documents on these sites.

2. Access to Premises

- * Security department should eliminate the special screening of NGO representatives at perimeter entrance points or develop a securi-

ty screening system that treats NGOs the same as delegates, press and UN staff.

- * Security department should set metal detectors (if they are to be used) at sensitivity levels consistent with standard airport security, not at ultra-high levels.
- * Secretariat should clearly explain the need for security arrangements and should announce new rules reasonably in advance, after full consultation.
- * Security department should not search NGOs for documents, read NGO documents or confiscate NGO documents.
- * Security department should very carefully define all rules relating to searches of NGOs beyond the perimeter security zone, after full consultation, and should publish these rules so that they are clear to all.
- * Secretariat should give NGOs full access to the Second Floor, including the main floor perimeter of the General Assembly Hall, the Delegates Lounge and the corridors and meeting rooms in the Conference Building.
- * Secretariat should allow NGOs to circulate freely in other areas of headquarters recently closed off.
- * To the extent that the Secretariat determines that special NGO security issues exist, it should establish a special committee of NGO representatives to engage in regular consultation with the security department so as to consider these issues and find solutions with minimum impact on NGO access.
- * Secretariat and NGOs should consult together to create clearer rules and regulations ensuring NGO rights and responsibilities in the UN buildings. Publication of security department instructions to its own staff on some of these issues would help promote transparency and clarify expectations on NGO conduct.
- * NGOs should not have to pay for access to the UN and use of UN services now provided for free, such as use of conference rooms.
- * Secretariat and member states should develop future budgets with considerations of expanded NGO access needs in mind.
- * Secretariat should look into the broad issue of NGO-related physical facilities at the UN, including conference space. Earpieces should be promptly restored to working order.

3. The Right to Participate

- * Secretariat, delegations and NGOs should work together to consolidate the new arrangements for NGO consultation contained in ECOSOC Resolution 1996/31.
- * Secretariat, delegations and NGOs should work together to define "existing practices" in various UN forums and to extend "best practices," including practices of NGO consultation with the General Assembly, its Main Committees and Subsidiary Bodies.
- * The Office of the Legal Counsel should affirm its commitment to an expansionist view of NGO rights that takes into account not only formal rules but also well-established practices.
- * The General Assembly should pass a resolution giving GA consultative rights to NGOs already in consultation with ECOSOC. Such rights should apply at least to the General Assembly, its Main Committees and Special Sessions. Rights to Subsidiary Bodies should also be considered.
- * Even in the absence of new NGO consultative rights with the General Assembly, the GA should pass a resolution establishing strong and uniform rights of access to Special Sessions, especially those that undertake reviews of major conferences. All NGOs accredited to the conference should be accredited to the Special Session.
- * Plans for Special Sessions and other major conferences should take into account the problem of space at headquarters and should consider alternative venues, in New York City or elsewhere.

4. Advocacy and Support within the Secretariat and UN Agencies

- * Secretary General should clarify his position on the matter of NGO access and security regulations and should elaborate the meaning of NGO partnership in this context.
- * Secretariat should invite NGOs to provide regular evaluations on the services provided by the DPI and ECOSOC Offices.
- * Secretariat must take steps to shield the DPI accreditation process from political influences, particularly in the case of applications from NGOs in the human rights field.

- * Secretariat should take steps to improve the service provided in the ECOSOC office, particularly the issuing of passes in a timely manner. The three-day wait for passes must be eliminated and paperwork must be better and more reliably organized.
- * Secretariat should improve both offices' handling of accreditation applications and consider flexible rules for evaluation of NGO work. Forms should be regularly updated and made available electronically, possibly in a web-based format.
- * UN and UN system agencies should substantially increase the budget of NGLS to consolidate its present work and to support an increase in its work program, including building of a web site.
- * Secretary General should create a new focal point office exclusively for NGOs in the Secretariat, perhaps in his Executive Office.
- * Inter-Departmental Working Group on NGOs should again include NGO representatives, on a regular basis in its sessions.
- * Secretary General should meet from time to time with working NGO representatives to consider how a partnership can best be built and how the UN can best work with NGOs, especially in its deliberative and administrative operations.

5. Consultation in Administrative Decision-Making

- * Secretariat should increase its consultation with NGO representatives, including the use of policy-consultation groups in such areas as the web site, information services, NGO support services and physical facilities.
- * Secretariat should use face-to-face consultation process, as well as questionnaires and invitations for written "input." Face-to-face consultation can be organized during commissions, conference followups and other such periods, to maximize the participation of NGOs based outside New York, especially Southern NGOs.
- * Secretariat should especially consult NGOs on access and security rules that affect NGOs.
- * Secretariat should announce new rules well in advance of their implementation. Last-minute announcements, or announcements after the fact are not acceptable.

- * Secretariat should make use of list-servs and the UN web site for timely communication of information to NGOs. There remains far too much reliance on postal notices, which are both slow and expensive.
- * Secretariat should use the UN web site to post information about NGO access, including regulations, rights, best practices and so on.
- * Secretary General should consider Secretariat-wide initiatives to define and strengthen the culture of openness, accessibility and partnership with NGOs.

6. Relations with Delegations

- * Delegations and NGOs should continue to build closer relations, as a key element in strengthening NGO work at the United Nations.

7. The ECOSOC Committee on NGOs

- * Committee should hold a consultation meeting with NGOs during each of its bi-annual sessions and it should consider other means to increase dialogue with NGOs.
- * Committee should take steps to de-politicize its work on accreditation, including possibly using the recommendation of an expert body. Sharper definition of accreditation criteria would also help.
- * Committee should drop consideration of new rules restricting NGO access, while at the same time consulting with NGOs to rectify problems of conduct or promoting more effective interaction at intergovernmental meetings.

8. The Problematic of "Civil Society"

- * UN should cease to use the term "civil society" interchangeably with "non-governmental organizations."
- * Secretariat or UN agency proposals to increase UN interaction with private business or other non-state actors should be fully and openly

discussed, with an eye to its future impact on relations with NGOs.

9. Office and Meeting Space

- * Secretariat should broadly consider the space needs of NGOs, both for meetings and for offices.
- * Secretariat should consider a site development in the area of headquarters that would serve urgent NGO space needs.

10. The Challenge of Southern Presence

- * Secretariat should meet office and meeting space needs of visiting Southern NGOs
- * Secretariat should broaden programs for orientation and assistance to visiting Southern NGOs.
- * UN should organize more events in Southern venues, including regional events, special regional hearings and the like.
- * UN should develop a substantial trust fund to bring Southern NGOs to major meetings and conferences.
- * Secretariat should make more use of video conferences and other modern electronic technology to promote consultation with Southern NGOs.
- * Secretariat, delegates and NGOs should convene a working group to explore ideas and means to increase Southern NGO participation.

Conclusion

- * NGOs should work harder to promote their cause and at the same time they should consider means to improve the quality of their consultation with UN forums.
- * UN, governments and NGOs should work together more vigorously to overcome obstacles, increase opportunities for consultation, and build a strong NGO-UN partnership.

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Le devoir de mémoire

Henri Lafontaine

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