

Participation Of Voluntary Groups In United Nations System: A Critical Evaluation

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Abstract - The existence of NGOs or Non-State actors dates back hundreds of years but at that time they were few enthusiastic groups that volunteered to pursue the course for which they represented without substantial recognition by the international community. At that time, they were seen as anti-development and obstructers of governmental projects by the states governments. However, since 19th Century, there has been a sharp rise in the number of NGOs and also international recognition of the same especially among intergovernmental organizations like United Nations. The first time NGOs participated in the UN deliberations or system was in 1946, just less than a year after the creation of United Nations On 24th October, 1945 through ECOSOC Council that was formed under Article 71, chapter 10 of the United Nations Charter. The provisions of Articles 71 of the UN Charter, opened a legal door for the participation of NGOs in the UN system thereby creating a suitable arrangements for the consultations with NGOs. ECOSOC was formed to be the master focal point and the final gateway to the attainment of consultative status by the NGOs. This gateway is being protected or guarded by the UN Committee on NGO and therefore it becomes the most important to NGOs that are trying to influence the global politics through the United Nations system. It is this committee that scrutinizes the applications and evaluates the eligibility of the intending NGOs and then its sends its recommendations to the ECOSOC council for final decision. Therefore the relationship between ECOSOC and the NGOs is regulated and governed by ECOSOC Resolution of 1996/31 which encourages NGOs with consultative status with ECOSOC to submit statements to the council in form of either written submissions or oral presentations. Despite the presence UN Committee for NGOs guarding the gateway to the attainment of consultative status, and the rigorous procedures and scrutiny that is attached to it, the number of NGOs applying for the consultative status have exponentially increased that this proves that having the tag of consultative status is important and beneficial to the NGO's participation in the UN deliberations.

keywords - NGOs, ECOSOC, United Nations System, Consultative status

Introduction

There are several prepositions and arguments that have been made regarding the importance of participation of voluntary groups in the UN system. The most common ones are: They will make it more open and transparent because they will be working to reinforce and fortify public consciousness and awareness of UN practices and policies. The second argument is that the presence of voluntary groups will also make the UN to be more consultative given the fact that they often work to contribute to policy formulation and the third argument is that these voluntary groups can also access and evaluate the execution of UN policies while ensuring monitoring and assessment for the performance of agreed procedures and measurements which will make shareholders and other participants aware of non-compliance. The last argument state that participation of voluntary groups may help in correcting the UN if its undertakings go skewed and crooked or cause harm through application of criticism towards unsuccessful programs and policies.

The involvement of NGOs in the UN system dates back more than six decades. They started engagement with UN in 1945 after its inception.¹ There are various fronts on which they work with the UN that ranges from consultation with Member States to working with UN Secretariat. As they participate in the UN system, there are various contributions that are attributed to their engagement with UN which includes information dissemination, creation of awareness, creation of knowledge repository, policy development and implementation, supervision and monitoring of the joint projects for their operational, contribution of other allied services and technical experts. ECOSOC, which has been established by article 71 of the UN charter is responsible for ensuring the participation of NGOs in the UN system through a process of accreditation that will accord them consultative status. Article 71 of UN Charter states the following: *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.* It is this Article that opened the door so as to provide NGOs suitable possibilities of consultation with UN. There are several efforts that have been employed by the UN in order to strengthen the cooperation with NGOs throughout the UN system and others areas of it interest.

Several documents have underlined the importance and necessity of strengthening UN /NGOs relations, for example *Agenda 21 under chapter 27 speaks on strengthening the role of NGOs and partnership for sustainable development, Aarhus Convention*

¹ Elisabeth Corell and Michele M. Betsill, A Comparative Look at NGO Influence in International Environmental Negotiations: Desertification and Climate Change, available at <https://www.researchgate.net/publication>

(UNECE) that promotes access to information, public participation in decision making and access to justice in environmental matters under Article 6-9, Millennium Declaration 2000 and World summit outcome document 2005. Therefore, the cooperation and relation between UN and NGOs is that of symbiosis relations in that the ECOSOC in one hand has the prospect of tapping the valuable expert advice from NGOs, and on the other hand, NGOs also have the chance of expressing their views and concerns that may end up influencing the work of the Council. Because of the special nature of NGOs that includes specialized competence, flexibility and the experience, the UN understands that these organizations are of great value to itself.

Therefore, participation in the UN intergovernmental meetings by any NGO requires such to first make a formal application for the accreditation to the UN through ECOSOC². This is simply because accreditation accords the NGO with various freedoms and privileges that vary from oral presentations to submission of written statements during UN meetings. There are two main choices that are available to NGOs as far as accreditation at the UN is concerned: (a) to be accorded temporary or short-term accreditation for a UN conference, event or process; (b) to obtain Economic and Social consultative status which in turn helps it in having a more permanent relationship with the UN, and grants a high level of privileges.

However, the possibility of participation of non-governmental organizations to the UN system has been on the legal basis of Article 71 under chapter 10 of the UN charter of 1945.³ This means that the participation of voluntary groups now depends solely on the decisions and actions arrived at by ECOSOC. According to the provision of Article 71, ECOSOC is not explicitly under any binding obligation to accord consultative status to NGOs and this is because of the vagueness and ambiguity of the provision of this Article. It should be noted that the details of the current participatory rights for the NGOs are envisaged on ECOSOC resolution 1996/31. This resolution outlines and underpins the rulebook and procedures describing and defining the consultative association and relationship between civil society and the UN. It's also stipulates that acquirement of consultative status does not imply that an NGO⁴ attains a formal negotiating role or the chance to vote in UN intergovernmental processes. ECOSOC is a chief organ of the UN which organizes and coordinates the economic and social work within the UN and its specialized agencies and institutions. It also serves as a central United Nations Forum for the discussion of international economic, social and environmental issues while at the same time, it is the main gateway for voluntary groups to have representative voice in the UN system.⁵ However, even though procurement of consultative status does not imply that an NGO attains a formal negotiating role or the chance to vote in UN, it does offer important openings and opportunities to influence the main decision-makers in UN.

In addition, it should be noted that while the UN Charter gives ECOSOC explicit authority to call global conferences, it does not mention NGOs in the context, nevertheless, ECOSOC did specify that NGOs might be invited to any conference and if that is the case, the normal consultative arrangements have to be applied. There has been a consistent pressure from the secretariat to the UN to endorse some form of standard rules of procedure for the global conference decisions on the accreditation of NGOs and the rights they will have. Despite this pressure, the UN has not endorsed any standard rules of procedure for global conference decisions on the accreditation procedure and the manner of rights available for them beyond any form of ambiguity. These procedures and decisions are always taken and formally specified a fresh for each conference. There has been several times ECOSOC has been accused of being more restrictive for being overly concerned with the subject matter of the conference and some other times of going beyond ECOSOC NGOs to cover other NGOs.

It was in 1946 that NGOs took for the first time a role formally in United Nations deliberations. Their participation entails the submission of statements to the council in any of the two ways mentioned herein below: (a) as submission of written statements and circulated by the Secretary General of the council. (b) Through oral presentations delivered during council meetings. However, there has been several complaints and criticism against the members of the committee for alleged bias against NGOs. Their participation in the UN conference is limited to UN conferences and the subsidiary bodies of ECOSOC leaving these NGOs without access to other main bodies of UN especially General assembly and Security Council. They don't have any formal or legal framework for their participation. However, in 2005, the General Assembly opened up for NGO participation in an informal manner while the Security Council, a protocol trick commonly referred to as "*Arria formula*" was made available to enable individual consultations with NGOs.

Despite the increased participation of the NGOs once they are accepted as contributors to the UN system, the main gate to the very participation with the UN remains, since its inception in 1946, the acquisition of consultative status with the ECOSOC. This gateway is being guarded by the UN Committee on NGOs (NGOs Committee) which meets twice a year to grant consultative status. So, NGO Committee is therefore the most important committee to the participation of NGOs becoming an excellent focal point of analysis but at the same time, one of the most debated committees of the UN which to many, it is regarded as the committee with the worst reputation.⁶ However, despite of the existent of some form of huddles in attainment of consultative status, the number of NGOs applying for the same has increased dramatically from 143 in 2009 to 742 in 2017.

² Pursuant to General Assembly Resolution 60/251, paragraph 11, the participation of NGOs in the Human Rights Council shall be based on the arrangements and practices observed by the Commission on Human Rights, including Economic and Social Council Resolution 1996/31 of 25 July 1996.

³ The ECOSOC may make suitable arrangements for the Consultation with Non-Governmental Organizations which are connected with the matters within its competence, such arrangement only be made with International Organizations and where appropriate with National Organizations after the consultation with the Member of the UN's concerned.

⁴ Michelle Evans, International service for Human Rights, A Practical Guide to the UN Committee on NGOs

⁵ Ann-Kathrin Rothermel, "we would like to ask the NGO..." *An assessment of the Current Working Practices of the ECOSOC Committee on NGOs Available online at www.ecosoc.un.org*

⁶ Chadwick Alger, The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly available online at <https://about.jstor.org/terms>

Advantages of ECOSOC Consultative Status to Voluntary Groups

There are several benefits that NGOs that have been granted consultative status enjoys such as a UN grounds pass for its representatives, the capacity to physically enter conference rooms and interact with diplomats and UN staff. In addition, it allows organizations to participate officially in UN meetings, and regular sessions of ECOSOC, and its other subsidiary bodies, it also provides opportunities for NGOs to network with like-minded NGOs at crucial moments, which may yield to operative and effective joint cross-regional advocacy positions and lobbying activities.⁷ Formal participation in meetings means that an NGO may be able to make presentations orally and in written statements. It also tortuously and indirectly bestows other benefits like attend international conferences and events, and organize and host 'side events'

Application of Consultative status by NGOs are in three categories; General, Special and Roster. There are different privileges that are enjoyed by NGOs at each category within the UN system. Therefore, every NGO has the liberty to choose under what category it would want to apply but the application shall be lie to a category based on the nature of and the scope of the work of that particular NGO. These categories of status are:

- General status- This category is typically and usually earmarked for large global and transnational NGOs with large number of members in various countries and those states that are given to most of the actions and undertakings of ECOSOC and its subsidiary bodies. This category has the supreme and utmost far-reaching privileges which includes including the right to place items on the agenda of ECOSOC and subsidiary bodies, attend and observe events and meetings, submit written and oral statements and even host side events at conferences and commissions. Under this category, all the privileges of special status are also part of the privileges.
- Special status-This category of status is enjoyed by those NGOs that have special competence and expertise in only a few areas that are undertaken and are within the purview of ECOSOC. This category accords NGOs the privilege of designating representatives to the UN,⁹ability to attend meetings of ECOSOC and its subsidiaries, they can also submit oral and written presentations at ECOSOC meetings with the privilege to circulate written statements the council. They are also required to submit quadrennial reports on their activities.
- Roster status- These are those NGOs the UN Secretary General and the ECOSOC considers good enough to occasionally make useful contributions to the work of ECOSOC or its subsidiary bodies. NGOs under this category are indorsed and allowed to attend and observe the proceeding of the meetings of ECOSOC and its subsidiaries However, they lack the privilege of circulating statements or speaking at the meetings.¹⁰

Conditions to be met before Organizing Side Events at the UN Conferences

There are some few criteria that need to be met before any organization conducts side event at the UN conference. This does not mean that an organization can't be part of side events at all. Even without consultative status, an NGO can still play a role in the organization of side events. But the point here is what the roles such organization can play? These roles are limited to being a panelist or a co-sponsor of the event However, it should be noted that an NGO deprived of status cannot book a room or be the main sponsor of a side event at the Council on UN premises.¹¹ The second question here is "*what could be consequences an NGO may face if it went ahead to be the main sponsor or book a room at the UN conference without Consultative status?*" The NGOs should be wary of undertaking such steps because if it comes to the attention of the UN committee on NGOs, there could be a potential of hurting the organizations chances of obtaining status in the future.

Requirements for an NGO to obtain Consultative Status

Resolution 1996/31 contains and outlines the essential requirements/eligibility that an organization must ensure that they are met in their application for ECOSOC status.¹² However, it should be understood that this resolution only lists out the general principles and criteria that need to be meet without giving out the requirements. Some of the principles and criteria includes;

- That the NGO is working and concerned with issues that are coming under the competence of ECOSOC¹³and these issues are The main issues are sustainable development, social development, women status, population and development, and human rights
- That the NGO backs up the UN work in all aspects and that its objectives, aims and purposes are aligning and conforming to the UN Charter.
- That the NGO has an recognized head office and formally registered for at least two years at the date of receipt of the application
- That there is democratically accepted constitution, a structure that is representative in nature and suitable machineries for responsibility and accountability of such NGO.
- That the sources of funds to the support of NGO are disclosed.

UN NGO Committee and its Work

The UN NGO Committee is made of up 19 ECOSOC member states. These member states of the committees are elected based on the geographical representation and it is as follows: (a) five from African States (b) Four from Asian states (c) Two

⁷ Kofi Annan, "Address to the 51st Annual DPI-NGO Conference," United Nations, New York, 1998.

⁸ Fowler, "Strategic Review of the United Nations Non-Governmental Liaison Service," p. 2.

⁹ United Nations New York, 2011, Working with ECOSOC, An NGOs Guide to Consultative Status

¹⁰ Roster NGOs are not required to submit quadrennial reports.

¹¹ Resolution 1996/31, para 57.

¹² Resolution 1996/31, para 57 (a).

¹³ You can search for the status of an organization here: <http://esango.un.org/>

from Eastern European States (d) Four from Latin American and Caribbean States (e) Four from Western European and other States. The Committee is actually tasked with the responsibility of ensuring proper relationship between NGOs and UN and proper monitoring. Therefore, the key and outstanding tasks of the Committee include

- Deliberation and consideration of applications for consultative status.
- Overseeing and directing the consultative relationship together with inspection and deliberations of quadrennial reports submitted by NGOs in General and Special categories.

Conclusion

Non-State actors have increasingly been playing a very significant and vital role both at the national and international sphere in matters related to their existent. Their participation in the UN system and governance process should be viewed as a genuine attempt to partner with intergovernmental organizations in order to provide timely solutions to some unresolved environmental and other complexities and this means that their entry could lead to the improvement of the quality of governance, overcoming deficiencies that are found in the formulation and implementation of policies, improvement of the quality of knowledge and information through research, acts as watchdogs and whistle-blowers, as skill builders and innovators.

However, even though they have a legal basis of participating in the UN deliberations, their participation is limited in scope and in influence. This is because of the restriction of not having a formal model of participation that is explicitly and expressly spelt out without vagueness and ambiguity. Their participation depends on the rules laid down from time to time and conference to conference. However, NGOs with consultative status have some privileges that ranges from having oral presentations to written submissions but no voting rights and direct interventions. Despite this increase, there are several barriers that hinder their affectivity and achievement of the desired goals. One of the barrier is the uneven representations or access of NGOs from the South or developing countries verses the North or the developed countries. Even though there is annual increase of NGOs from the south, the vast majority are from the North and this can be attributed to better resources and larger in size and this gives them a better position to influence policy-making either at the state or international level that may further the interest that may not be good for the south. Another barrier could be the accreditation process that seems to be complicated and most of the NGOs from the south may experience difficult in accessing application that are primarily located online. In addition, large volume of the documents that need to be submitted for registration and other related verifications.

Another challenge is the composition of the UN Committee for NGO and ECOSOC council that is made up of member states and these member states will always have their own agenda or set of values. When committee for NGOs is making recommendations to ECOSOC on which NGO should be accepted or rejected, it is the ECOSOC that makes final decision but this decisions by both of them may not be based on technical merit but political motives or affiliations. It is therefore the mandate of the UN to strive and improve the participation of the NGOs in the UN system by streamlining and bringing amendment to Article 71 for formal participation. Another area that should be considered is the adoption of Cardozo recommendation of 2004 for greater role of NGOs and improvement of the relationship with the UN.

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