

SUB-COMMITTEE ON TRADE AND ENVIRONMENT

ARRANGEMENTS FOR RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS
IN THE UNITED NATIONS, ITS RELATED BODIES AND SELECTED
OTHER INTER-GOVERNMENTAL ORGANIZATIONS

Note by the Secretariat

At the meeting of the Sub-Committee on 12 July 1994, a request was made to the Secretariat to provide a description of the arrangements in place in other inter-governmental organizations for consultations with non-governmental organizations (NGOs). This note responds to that request.

I. THE UNITED NATIONS¹

Responsibility for handling relations with NGOs on economic and social issues is assigned by Article 71 of the U.N. Charter² to the U.N. Economic and Social Council (ECOSOC). No equivalent relationship with NGOs has been established formally on other issues, but proposals have been put forward recently by the U.N. Secretary-General to extend consultative status to competent NGOs for the U.N.'s work on political and humanitarian issues³.

Guidelines for applying Article 71 of the U.N. Charter were defined in 1946 by ECOSOC⁴, which provided for NGOs to be placed in consultative status with it and to hold consultations with the U.N. secretariat. Those guidelines were elaborated further, most particularly and recently in 1968 through ECOSOC resolution 1296 (XLIV). The principal features of that resolution are as follows.

Principles governing the nature of consultative arrangements between ECOSOC and NGOs

The following principles are set out in Resolution 1296(XLIV).

The "arrangements for consultation" accorded to NGOs do not establish the same level of rights as do rights of "participation without vote" in ECOSOC which are accorded to States not members of the ECOSOC and to the specialized agencies.

¹This section draws from information contained in a Report by the U.N. Secretary-General, dated 26 May 1994, entitled "General Review of Arrangements for Consultations with Non-Governmental Organizations" (ECOSOC document E/AC.70/1994/5).

²Article 71 of the U.N. Charter states: "The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organisations and, where appropriate, with national organisations after consultation with the Member of the United Nations concerned."

³See the Report of the Secretary-General referenced in footnote 1.

⁴Resolution 3(II)

The arrangements for consultation accorded to NGOs should neither overburden the ECOSOC nor hamper its role in the coordination of policy and action.

The arrangements are established for the purpose of securing expert information or advice and to enable NGOs representing important elements of public opinion in a large number of countries to express their views.

Principles to be applied in the establishment of consultative relations

Resolution 1296 (XLIV) states, *inter alia*, that NGOs in consultative relations:

- shall be concerned with matters falling within the competence of the Council;
- their aims and purpose shall be in conformity with the purposes and principles of the U.N. Charter;
- they shall undertake to support the work of the U.N.;
- they shall be of representative character and of recognized international standing;
- they shall have an established headquarters and a democratically adopted constitution;
- they will be international in structure;
- their resources shall be derived mainly from contributions of their national affiliates or from individual members;
- national organizations shall normally present their views through the international NGOs to which they belong, but may be admitted after consultation with the Member country concerned for purposes of balanced geographical distribution and where they have special experience upon which ECOSOC may wish to draw;
- account will be taken of whether an NGO's field of activity is wholly or mainly within the field of a specialized agency.

Aspects of the consultative relationship

In establishing consultative relations, the ECOSOC distinguishes between three categories of NGOs.

(a) Category I status may be granted to NGOs which are concerned with most of ECOSOC's activities and can demonstrate to the satisfaction of ECOSOC that they have marked and sustained contributions to make to the achievement of U.N. objectives, that they are closely involved with the economic and social life of the peoples of the areas they represent, and their membership, which should be considerable, is broadly representative of major segments of population in a large number of countries.

(b) Category II status may be granted to organizations which have a special competence in, and are concerned specifically with, only a few of the fields of activity covered by the ECOSOC and which are known internationally within the fields for which they have or seek consultative status;

(c) Roster status may be granted to other organizations which ECOSOC, or the Secretary-General of the United Nations, considers can make occasional and useful contributions to the work of ECOSOC or its subsidiary bodies or other U.N. bodies within their field of competence. The Roster may also include organizations in consultative status or similar relationship with a specialized agency or a U.N. body.

In 1993, 42 NGOs had Category I status, 376 had Category II status, and 560 had Roster status.

NGOs in Category I have the most comprehensive consultative rights. They may propose, through the Committee on Non-Governmental Organizations and the Secretary-General, to place items on the provisional agenda of ECOSOC and its subsidiary bodies.

NGOs in Categories I and II may designate representatives to sit as observers at all public meetings of ECOSOC and its subsidiary bodies. NGOs on the Roster may be represented at public meetings concerned with matters within their field of competence.

NGOs in Categories I and II may submit written statements relevant to the work of ECOSOC and its subsidiary bodies. The statements are circulated by the Secretariat subject to certain technical limitations. NGOs on the Roster may be invited to submit written statements.

Concerning oral statements, NGO in Categories I and II may request to be heard by ECOSOC in connection with specific items on its agenda. All such requests are first considered by the Committee on Non-Governmental Organizations, which then makes recommendations to ECOSOC as to which organizations should be heard and on which items. With regard to hearings by subsidiary bodies of ECOSOC, NGOs in Categories I and II may consult directly with the subsidiary body concerned or make a request through a committee established for the purpose. NGOs on the Roster may also be heard by subsidiary bodies on the recommendation of the U.N. Secretary-General or at the request of the subsidiary body.

NGOs in Categories I and II and on the Roster may be commissioned to carry out specific studies or prepare specific papers.

ECOSOC Committee on Non-Governmental Organizations

An ECOSOC Committee on Non-Governmental Organizations handles the practical aspects of relations with NGOs. It considers applications from NGOs for consultative status and for reclassification between Categories I and II and the Roster, it examines quadrennial reports which NGOs in Categories I and II are required to make on their contribution to the work of the U.N., it consults upon request with NGOs on matters within their competence and on specific items already on ECOSOC's provisional agenda, it considers requests from NGOs in Category I for items to be placed on ECOSOC's provisional agenda, and it makes recommendations on these matters to ECOSOC.

Consultation with the Secretariat

NGOs in consultative status can consult with substantive units of the U.N. secretariat on matters of mutual interest. The U.N. Secretary-General may request NGOs in Categories I and II to carry out specific studies or prepare specific papers, and the U.N. Secretary-General is authorized to offer NGOs in consultative status various facilities, including distribution of ECOSOC documents.

The U.N. Secretariat contains a Non-Governmental Organizations Unit with four professional staff members to service the Committee on Non-Governmental Organizations and otherwise handle arrangements for consultation with NGOs.

II. PARTICIPATION OF NGOs IN U.N. CONFERENCES

The rules for participation of NGOs in international conferences convened by the U.N. are determined on a case-by-case basis by the organ convening the particular conference, directly or

on the recommendations of the preparatory body for the conference. These rules generally cover the criteria for both accreditation and participation. Although the rights of NGOs to attend and participate have varied from one conference to another, the recent trend has been towards greater flexibility in granting NGOs access to international conferences.

The preparatory process for the U.N. Conference on Environment and Development (UNCED), the Conference itself and its follow-up by the Commission on Sustainable Development have been opened up to an unprecedented degree to national, regional, local and other small specialized groups. The Preparatory Committee of UNCED decided to invite "competent and relevant" NGOs, whether in consultative status with the U.N. or not, to become accredited to UNCED; the result was the largest number of NGOs (over 1,400) ever accredited to a U.N. conference. Some 550 NGOs not already in consultative status with ECOSOC were subsequently accredited to the Commission on Sustainable Development and granted Roster status.

NGOs have no negotiating status in U.N. conferences or in the preparatory process. However, NGOs may be given an opportunity to briefly address preparatory sessions in plenary meetings, at the discretion of the Chairman, and they may at their own expense make written submissions to the preparatory sessions. At U.N. conferences, NGOs are restricted by and large to a role of observership in plenary meetings, but that role may be extended on a formal or informal basis (as was the case at the UNCED) to observing also the proceedings of sub-groups of the conference, including negotiating groups.

III. RELATIONS BETWEEN NGOS AND SELECTED U.N. BODIES

United Nations Conference on Trade and Development (UNCTAD)

UNCTAD's formal relations with NGOs are governed by Article XV, rule 77 of the Rules of Procedure of the Trade and Development Board (TDB), as well as decision 43 (VII) of the TDB. Rule 77 states that NGOs concerned with matters of trade and of trade as related to development may designate representatives to sit as observers at public meetings of the TDB, its sessional committees and subsidiary organs. Upon invitation by the Chairman, and subject to the approval of the TDB, NGOs may make oral statements on matters within the scope of their activities. Written statements provided by NGOs, related to items on the agenda of the TDB or of its subsidiary organs, shall be circulated by the UNCTAD secretariat to the members of the TDB or the subsidiary organ concerned. Annex III of TDB decision 43 (VII) establishes criteria for determining which NGOs shall be permitted to participate in UNCTAD's work; the criteria are similar to those used by ECOSOC (see above).

UNCTAD recognizes three categories of NGOs: (a) international NGOs that engage in activities related to a majority of UNCTAD's institutional concerns; (b) international NGOs that have special competence in one or two areas of UNCTAD involvement; and (c) national NGOs with a well-established reputation which are considered to have a special contribution to make to UNCTAD work. Subject to prior consultation with the Member state concerned, the Secretary-General of UNCTAD may enter these national NGOs in a Register.

Paragraph 84 of the Cartagena Commitment places particular emphasis on closer cooperation between UNCTAD and NGOs and, depending on the issue, NGOs may be invited to participate in an advisory capacity both at public meetings of the TDB and standing and special committees, as well as in ad hoc working groups.

A wide range of NGOs have consultative status with UNCTAD. Most are specialized non-governmental bodies in specific sectors such as trade, transport, banking and insurance. Formal responsibility for UNCTAD-NGO cooperation resides with UNCTAD's External Relations, Communications and Publications Service.

United Nations Environment Programme (UNEP)

The basis for UNEP's relations with NGOs is General Assembly resolution 2997 (XXVII) and rule 69 of UNEP's rules of procedure. In resolution 2997 (XXVII), which established UNEP, the General Assembly invited NGOs that have an interest in the field of the environment to lend their full support and collaboration to the U.N. with a view to achieving the largest possible degree of cooperation.

Rule 69 of UNEP's rules of procedure states that international NGOs having an interest in the field of the environment may designate representatives to sit as observers at public meetings of the Governing Council and its subsidiary organizations, if any. Furthermore, international NGOs, upon the invitation and subject to the approval of the Governing Council, may make oral statements on matters within the scope of their activities.

UNEP cooperation with NGOs is twofold: (a) supporting the establishment of international and regional networks and (b) drawing upon relevant individual NGO's in all regions in planning and implementing programmes and projects. Joint efforts have led to regional programmes designed and executed by NGOs having a particular competence in the preservation of the environment.

IV. RELATIONS BETWEEN NGOs AND SPECIALIZED AGENCIES OF THE U.N. SYSTEM: EXAMPLE OF THE FOOD AND AGRICULTURE ORGANISATION (FAO)

The FAO's Basic Texts provide for the establishment of formal arrangements for consultation and cooperation with international NGOs active in areas which fall under the FAO's mandate.

The NGOs with whom FAO collaborates are in several main, and sometimes overlapping, categories: (a) rural peoples' organizations; (b) development-oriented organizations; (c) relief and humanitarian assistance organizations; (d) advocacy NGOs, which focus on specific issues of relevance to FAO's work; (e) international producers' associations and agricultural trade unions; (f) professional and academic associations; and (g) associations representing agriculture and food-related industries. For many of these categories, where organizations are not members of an international NGO, networks exist to link local and national chapters or organizations in a regional or international mechanism.

Three kinds of formal relations exist - consultative status, special consultative status and liaison status - entitling the organizations concerned to be invited to attend various types of meetings, receive certain types of documentation and to submit written statements on programme-related matters. On a day-to-day level, technical units throughout FAO, at headquarters and country and regional offices, have built up relations with NGOs, benefiting from their fields of competence. In recognition of the important contribution that NGOs can make to agricultural development, FAO identified NGOs as a priority area in its 1992-93 programme of work and budget and its medium-term plan.

The FAO Office for External Relations serves as the focal point for FAO's work with NGOs. It promotes policy dialogue and innovative programmes of FAO-NGO cooperation and capacity-building exercises whose experience can subsequently be incorporated into FAO's mainstream technical cooperation activities. NGOs are also invited to participate in FAO studies, workshops and conferences to articulate concerns in country programmes and their involvement in FAO field projects.

V. RELATIONS BETWEEN NGOs AND THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

International NGOs may request admission as observers to the meetings of certain Governing Bodies of WIPO. The principles adopted by the Governing Bodies of WIPO provide for different categories of NGOs, based on the field of intellectual property with which the NGOs are concerned. The degree of involvement of these international NGOs in the work of the different WIPO Governing Bodies differs from one Governing Body to another.

For example, all NGOs admitted as observers to the meetings of the Governing Bodies are invited to the WIPO Conference. Any of those NGOs may be invited by the Director-General of WIPO to observe the proceedings of the WIPO General Assembly for the discussion of those specific items on the agenda which, in the opinion of the Director-General, are of special and direct interest to the NGO concerned. No NGOs are invited to the WIPO Coordination Committee. For Assemblies and Conferences of Representatives and meetings of the Executive Committees of the Paris and Berne Unions, as a general rule no NGO is invited but the Director-General may, as an exception, invite any NGO for the discussion of specific items on the agenda if, in his opinion, the presence of that organisation is in the interest of the body concerned.

However, NGOs are highly involved in, for example, the work of ad hoc committees of experts or working groups whose task is to make suggestions or give advice on a subject in respect of which the Director-General, in the implementation of the program of WIPO or of one of the Unions administered by WIPO, has convened such a committee or working group. In this respect not only international NGOs but, in appropriate cases and within appropriate limits, also certain national NGOs are invited to submit their observations or comments on certain documents addressed to them (for example, in the preparation of studies of problems of topical interest or during the preparations for revision conferences of the international agreements administered by WIPO or in the course of the preparation of new treaties) and to participate, as observers, in meetings of the ad hoc committee or working group in question.

VI. RELATIONS BETWEEN NGOs AND THE WORLD BANK

Although the World Bank does not have any formal mechanisms for NGOs to attain consultative status, the organization does have operational rules for collaboration with NGOs. Operational Directive 14-70, issued in 1989, sets out a framework to involve NGOs in Bank-supported activities. It defines NGOs as being wholly independent of government and characterized primarily by humanitarian or cooperative rather than commercial objectives.

NGOs work on the project level usually in a tripartite arrangement along with Bank staff and the host government. NGOs may be invited to assist the Bank in: (a) analysis of development issues; (b) project identification and design; (c) project financing; (d) implementation; and (e) monitoring and evaluation.

To preserve its close working relationship with member governments, the World Bank does not release many of its internal reports to the public. However, recently the World Bank modified its policy on access to certain of its documents so that now, when government officials and the World Bank's country director agree, the World Bank may release its country economic, sector and project appraisal reports to requesting groups.

One forum for the exchange of views between NGOs and the World Bank is the NGO-Bank Committee, which is composed of senior World Bank managers and twenty-six NGO leaders from around the world (about three-fifths from developing countries). The NGO members of the Committee serve five year terms. Each year, NGO members of the Committee elect new members from NGO leaders who are interested in serving. The secretariat for the NGOs on the Committee is at the International Council of Voluntary Agencies in Geneva. The World Bank's dialogue with NGOs is not limited to the Committee, but the Committee allows for systematic and ongoing discussion with an international assembly of NGOs.

It was decided in July 1994 that henceforth NGOs will be allowed to observe Council meetings of the newly-structured Global Environmental Facility (GEF).

VII. RELATIONS BETWEEN NGOS AND THE OECD IN THE AREA OF TRADE AND ENVIRONMENT

The Trade Union Advisory Committee (TUAC) and the Business and Industry Advisory Committee (BIAC) to the OECD are consultative bodies which provide the OECD and its member governments with the opinions and viewpoints of free labour organisations and of business and industry on all aspects of the OECD's activities. Both were created in 1962 as officially recognized, independent bodies. Their consultative status provides them with access to both the OECD secretariat and government delegations at the OECD and permits them to follow the work of various OECD Committees, to consult on specific themes with those Committees and to provide input and comments, as appropriate.

At meetings of the OECD Joint Session of Trade and Environment Experts, representatives from environmental and industry NGOs have participated as members of national delegations along with representatives from Member countries' trade and environment ministries.

A number of informal consultations have also been held, in conjunction with regular meetings of the Joint Session, with environmental and industry NGOs who have participated in their individual capacities.