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***Reform of the United Nations –
Opportunities for Reform of Civil Society Participation?***

***A survey of existing opportunities for NGO participation in the United Nations
and prospects for the future.***

By Julia Leininger, University of Heidelberg

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Reform of the United Nations – Opportunities for Reform of Civil Society Participation? A
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Contents

Foreword	5
Acknowledgements	6
1. Introduction	7
2. <i>Status quo</i>: Participation of NGOs in the United Nations System	9
2.1 Civil Society in the context of the United Nations	9
2.2 Formal legal status and factual participation by NGOs	11
2.2.1 Formal legal and informal involvement of NGOs	11
2.2.2 The UN World Conferences of the 1990s	18
2.2.3 June 2005: Informal NGO Hearings in the General Assembly	19
3. The <i>Cardoso</i> Report "<i>We the peoples: Civil society, the United Nations and global governance</i>"	23
3.1 Mandate, composition and working methods	24
3.2 Contents of the <i>Cardoso</i> Report	24
3.3 Evaluation	25
4. Current Proposals for UN Reform – Opportunities for a Renewal of NGO Participation in the UN System?	28
4.1 Opening of the General Assembly	28
4.2 Strengthening of the Economic and Social Council (ECOSOC)	29
4.3 Human Rights Commission goes Human Rights Council	30
4.4 Institutionalisation of a Peacebuilding Commission	30
5. Conclusions and Recommendations	31
Bibliography	35
The Heinrich Böll Foundation	38
About the Author	39

Figures and Tables

<i>Figure 1</i>	Civil Society in the Context of the United Nations	10
<i>Table 1</i>	Overview: NGO Participation in the UN System	16
<i>Table 2</i>	NGO Hearings (2005): Formal Legal Status of the Organisations	20
<i>Table 3</i>	NGO Hearings (2005): Regional Affiliation of the Organisations	21
<i>Table 4</i>	NGO Hearings (2005): Thematic Focus of the Organisations	22
<i>Table 5</i>	Assessment of the Hearings of NGO, Civil Society and the Private Sector in the UN General Assembly (June 2005)	22
<i>Table 6</i>	Reform Initiatives and Reports on the Strengthening of NGO Participation in the United Nations	23

Foreword

The year 2005, it is to be hoped, will be a decisive year for thorough reform of the United Nations. The High-Level (heads of state and government) Plenary Meeting of the 60th Session of the UN General Assembly (Millennium +5 Summit) is due to meet in mid September 2005 to discuss the future institutional and sectoral development of the UN. On the agenda are the new challenges of global security, poverty eradication, the implementation of human rights, gender equality and the long-awaited institutional reform of the UN. The preparation process for the M+5 Summit offers the potential for many promising reforms: the creation of a Peacebuilding Commission and the upgrading of the Human Rights Commission to a Human Rights Council, to name just two.

The Heinrich Böll Foundation is accompanying this process by taking part in German and international discussions on these central issues and providing comprehensive background information. The Foundation has commissioned *Julia Leininger* of the University of Heidelberg to research the participation of non-governmental organisations (NGOs) in the UN organisations and the UN reform process. It was prompted to do so by the report published in June 2004, *We the peoples: Civil society, the United Nations and global governance* of the so-called *Cardoso* Panel. Other significant developments include the first UN General Assembly's informal hearings with NGOs and the private sector which took place from 23 - 24 June 2005. Despite the many NGO activities within the UN, NGO participation as part of the reform agenda has been marginalised and overshadowed by other issues, such as reform of the Security Council.

This discussion paper summarises the most important content and recommendations of the *Cardoso* Commission. It places the *Cardoso* Report in the context of existing opportunities for participation of NGOs in the UN System. It also examines the report in the light of other reform reports and the current debate on the M +5 Summit. Beyond this, it analyses the opportunities for reform of NGO participation in the UN system in terms of selected reform proposals, such as the Peacebuilding Commission. Analysis of the NGO hearings in June 2005 receives special attention because of the unique nature of that event. Finally, the paper arrives at 15 conclusions and recommendations which enable a classification and evaluation of the complex UN reform process.

The Heinrich Böll Foundation will continue to support its partners' participation in international political processes. The newly proposed Peacebuilding Commission and the Human Rights Council deserve particular attention. Should it come to a comprehensive reform in autumn 2005 or thereafter, it will be our job to work together with our partners to press for quality assurances. We hope that this policy paper will help further the current discussion in terms of content and policies, particularly in the follow-up to the M+5 Summit.

Information on the numerous activities of the Heinrich Böll Foundation on issues of globalisation and further development of the United Nations can be found under www.globAlternative.org, www.boell.de/voelkerrecht and of course also at our homepage www.boell.de.

Finally I would like to thank the author *Julia Leininger* for her excellent work, both in the analysis and the summary of numerous official and informal sources for this unique summary of the genesis of the *Cardoso* Report. I would also like to thank my colleague *Marc Berthold* in our office in Washington for his energetic and very competent support on location as well as Dr. *Thomas Fues* from the German Development Institute who has made a valuable contribution to our work on UN reform with his good advice and interest.

Sascha Müller-Kraenner

Director of the Department for Europe and North America

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Pera Wells, *World Federation of the United Nations* (28.07.2005, Telephone interview)

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Last but not least, I would like to thank *Claudia Zilla*, Stiftung Wissenschaft und Politik (Foundation for Science and Politics), Berlin and *Katrin Falk* for their capable support.

„The United Nations once dealt only with Governments. By now we know that peace and prosperity cannot be achieved without partnerships involving Governments, international organizations, the business community and civil society. In today's world we depend on each other.“

Kofi Annan, Secretary General of the United Nations

„Each year I come here – we make our proposals and I don't see anything being solved. There are women and children dying every day. We don't have a millennium to solve these problems.“

Cathy Thunderbird, Coast Salish Nation,
The Flying Eagle Women's Fund

1 Introduction

In the Millennium Declaration of 2000, the member States of the United Nations (UN) set themselves the following goal:

„...to give greater opportunities to the private sector, non-governmental organizations, and civil society, in general, to contribute to the realization of the organisation's goals and programmes.“¹

In the current proposals for United Nations reform, this goal has been sidelined.

From September 14 – 16, 2005, heads of State and government will meet in official session of the UN General Assembly for the Millennium +5 Summit (M +5 Summit). The real concern of this summit is the review of the status of implementation of the Millennium Declaration², agreed upon in 2000, and the closely related Millennium Development Goals. However, the preparation process for the M +5 Summit has taken an unexpected direction.

The political debate over United Nations reform, which has been ongoing for a number of years, has been attained new impetus. The UN Member States are finally showing a previously absent political willingness to initiate institutional reform of the international universal organisation. For many observers this development has come as a surprise. It has been caused by the interplay of four developments.

Firstly, it has become clear in the last five years that the realisation of global policies such as the Millennium Development Goals³ or the preservation of world peace requires a new institutional framework. A reformed United Nations could offer such a framework.

Secondly, US unilateralism in the case of the military attack on Iraq in 2003 calls into question the ability of the United Nations to act. The military attack without a legitimising mandate from the UN Security Council prompted debate on the basic conditions for multilateral engagements and reform of the system of collective security.

Thirdly, the preparations for the M +5 Summit in September 2005 have had a catalytic function, in that they have measurably pushed forward the dynamic for reform.⁴

¹ UN Doc. A/Res./55/2, *United Nations Millennium Declaration*.

² UN Doc. A/Res/55/2 of 8th September 2000.

³ The ten Millennium Development Goals represent the implementation plan for the Millennium Declaration and date back to a report of the UN Secretary General of 6th September 2001 (UN Doc. A/56/326).

⁴ For a detailed road map of the preparation process see Martens, Jens 2005, pp. 18-23.

Fourthly, the UN Secretary General *Kofi Annan* has played a decisive role in the reform process. It is thanks to his persistent and assertive engagement that the UN reform debate has been returned to again and again, and has moved from being a political discourse left on the back-burner to being an up-and-coming reform initiative.

Considering the background to these developments, it is highly likely that a reform of the United Nations will be introduced at the M +5 Summit.

This does not apply to all areas of reform to the same degree. As far as can be ascertained, the demands for change to the possibilities for access and participation by civil society to the United Nations systems remain tied to the *status quo*. Although the *Cardoso Panel* presented its report "*We the peoples: Civil society, United Nations and global governance*"⁵ in April 2004, the issue has all but disappeared from the current reform agenda.

The reasons for this are diverse: other issues, particularly Security Council reform, have polarised the UN debate; civil society does not speak with one voice and the discussion on civil society participation has been repeating the same demands on the part of the non-governmental organisations (NGOs) for several years. On top of this, the member States are displaying only limited readiness to change the current situation.

While the forms of civil society access and participation remain outside the current debate as an issue for reform, NGOs have used the preparation process for the September 2005 M +5 Summit to exhaust the existing participatory possibilities and to position themselves in regard to the reform agenda laid out by *Kofi Annan* in March 2005 in the report *In Larger Freedom*. "Officially", the NGOs presented their demands for the reform agenda at the first informal, interactive hearings of NGOs to the UN General Assembly on the 23rd -24th June 2005 (see section 2.2.3).

The poor prospects for reform of civil society access and participation opportunities this year do not mean that the effort is completely doomed to failure. Proposals for reform, other than reform of the Security Council, do not require change to the UN Charter⁶. The changes can be carried out by the UN bodies themselves. The participation of civil society organisations can therefore be renegotiated in the implementation process of the reforms introduced in September 2005.

For that reason this policy paper aims to serve primarily as a reference document for the follow-up to the M +5 Summit and for future reform initiatives in the area of the participation of civil society organisations in the United Nations system. It puts on record the civil society contribution to the current UN reform process and describes both the existing proposals for institutional reform of the United Nations as well as those for the civil society participation in the UN system.

⁵ *Report of the Panel of Eminent Persons on United Nations-Civil Society Relations*; UN Doc. A/58/817 11th June 2004.

⁶ A change to the UN Charter must be agreed by two thirds of the members, so currently 128 States. A change to the Charter only becomes effective if it has been ratified by two thirds of the member states.

2 Status quo: Participation of NGOs in the United Nations system.

2.1 Civil Society in the context of the United Nations.

The United Nations is an intergovernmental universal organisation with 191 Member States. It was created in 1945 at a time when sovereign states were the central and undisputed players in international politics. For the better understanding of the logic behind the United Nations, a short visit to the history of the organisation may be helpful: A large number of the currently existing sovereign states were first created in the decolonisation period (ca. 1960-1979) and account for the sudden increase from 51 to the current 191 members. The principle of sovereignty under international law in the first half of the UN's existence served therefore primarily as the criterium distinguishing between countries.

Since then, the parameters of international politics have changed. In the course of the organisation's history, and lately in the process of globalisation, the influence of non-state actors on international politics has increased. Even the United Nations is working increasingly with non-state organisations, although states' reservations towards non-state actors, and predominantly towards NGOs, were and remain considerable.

Considered empirically, non-state actors differ enormously in their backgrounds and goals. In the context of the United Nations, however, they are seen as the "other" category – separate from the sovereign Member States - with the heterogeneous diversity of actors forming a single group of non-state actors. In effect, within the UN system there are diverse and varied definitions of non-state organisations used by UN bodies or special organisations, depending on their particular experience with non-state organisations.

Political awareness regarding the importance of classifying individual non-state actors has only grown in the last thirteen years. This awareness is due firstly to the growing number of non-state actors in international politics and their internal differentiation. Secondly, since the mid 1990s, it has become clear that global problems can only be resolved in co-operation with non-state actors. Finally, the many years of UN experience of working with non-state actors has shown that different actors, whether private businesses or NGOs make completely different contributions to UN policy. Generally, and particularly in the context of the United Nations, non-state actors can be divided into two groups (cf. *Figure 1*):

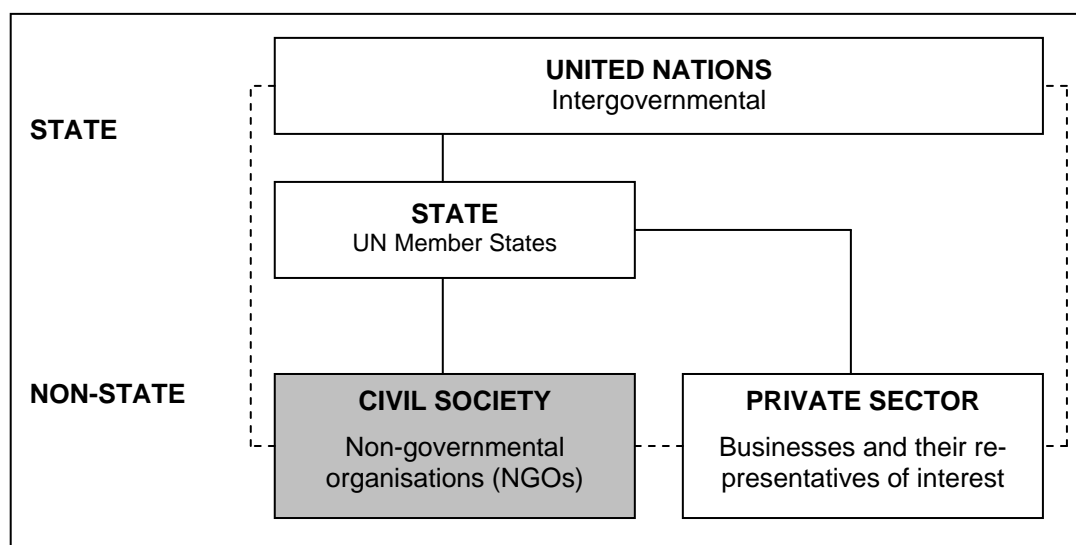
1. Organisations from the private sector, such as private businesses which work for profit.
2. Civil society and non-profit organisations, which are oriented towards social welfare, and which are mostly referred to as non-governmental organisations (NGOs).

According to a conventional understanding, civil society includes all political, cultural and social organisations, movements and groups which "have not been founded or convened by the state, and which are not part of an institutional political system, such as political parties, but which still excel through broad political activities."⁷ The concept of civil society therefore alludes to different types of organisations and movements, which have different goals, forms of organisation and identities.

⁷ Cf. Partzsch, Lena 2005, p. 6.

The focus on the participation of civil society organisations in this paper will be further limited to NGOs. The author identifies herself as a "pragmatist"⁸, holding the view that the participation of civil society and the private sector in the United Nations can only be achieved gradually. Nevertheless, it is absolutely necessary that the global partnership between states, NGOs and the private sector is strengthened for the resolution of global problems such as environmental degradation, famine and poverty. However, there must first be clarity as to the type of relationships governing the individual categories and groups of actors, and what contributions they make or have the potential to make to improve the efficiency of UN work.

Figure 1 Civil Society in the Context of the United Nations



Author's own diagram

In terms of *Figure 1* and within a large part of the UN terminology, the concepts of "civil society organisations and actors" and "non-governmental organisations" are used synonymously. The concept of non-state actors is used when referring to civil society as well as private sector organisations.

In contrast to the private sector, NGOs work for social good and frequently towards UN goals: securing world peace, protection of human rights and development. The population have considerable trust in them, and use them as opportunities for active participation.⁹ While under the shared roof of orientation towards the common good, they are differentiated by their specific characteristics:¹⁰ membership, internal structure, geographical area of operation, chosen problematic, areas of interest, operational methods, and their function.¹¹

In the past few years, the hope has been growing that NGOs will be able to strengthen the fragile legitimacy of transnational policy and contribute to a democratisation of global politics. The question must be asked yet again, however, whether NGOs have

⁸ Cf. Fues, Thomas 2005, p. 3.

⁹ Ibid.

¹⁰ Cf. Nohlen, Dieter 2004, p. 588.

¹¹ According to Klein, Ansgar et al. 2005, the main functions of NGOs are: a) Representation of interests (representation of particular groups of the population and social welfare issues); b) Agenda Setting (Sensitisation to pressing problems and their political solutions); c) Expertise (Provision of specialised knowledge); d) Operational roles (Realisation of projects as implementers) and e) Watchdog (supervision and monitoring of implementation or compliance with political decisions).

the necessary political legitimacy to support this hope. Critical States and observers consistently criticise NGOs as representing interested parties with no real civil society mandate and as frequently having no democratic internal structure. Beyond this, they generalise the illegal actions of individual NGOs. The NGOs counter that all political players act on their own interests, and their legitimacy depends on whether or not their activities bring general good. NGOs have shown in many areas that they possess a considerable amount of the capacity necessary to resolve problems, such as those created by the Tsunami catastrophe in Thailand in winter 2004. Furthermore, NGOs do not make any socially binding decisions, but represent particular interests in the forefront of political decisions. Clearly a democratic internal structure would be without doubt preferable, but this is only necessary if NGOs are making politically binding decisions. Moreover it applies as much to NGOs as to States, that the transgressions of a few are not to be generalised.¹² Finally, NGOs can definitely contribute to an increased plurality of interests on an international level. However, appropriate institutions are required for the democratisation of inter- or trans-national policy, institutions that have yet to be created.

2.2 Status quo: Formal legal status and factual contribution of NGOs.

NGOs are – apart from the special case of the International Red Cross – no international legal subjects and therefore do not have member status in the United Nations. Hence there must be another legal basis for the participation of NGOs.

Most of the written rules for the participation of NGOs in the UN system are within the UN Charter and are held in the form of resolutions by the main bodies (particularly ECOSOC and the General Assembly) or in the rules of procedure of the subsidiary bodies and special organisations.

NGOs are allocated formal legal rights of participation ranked according to the following options for participation:

- a) Observer status allows the silent presence at meetings;
- b) Right of address guarantees the opportunity to make oral statements which are subject to a time limit;
- c) Right of submission offers the option of making written statements with a set word limit.

NGOs never have a right to vote. Only member states have this right.¹³

2.2.1 Formal legal and informal involvement of NGOs

These opportunities for access and participation are orientated towards the interests and needs of the relevant working area of the different UN bodies, sub-bodies and departments. Accordingly the diverse opportunities for NGO involvement throughout the UN system form a complex thicket of inconsistent rules and informal practices some of which have only limited bindingness (see also *Table 1*).

¹² Cf. Beisheim, Marianne 2005, p. 242ff.

¹³ A special case with respect to the involvement of non-state actors is shown by the International Labour Organisation, whose executive is made up equally of representatives of employers and employees.

Consultative status in the Economic and Social Council (ECOSOC)

Consultative status in the Economic and Social Council represents the furthest reaching opportunity for participation by NGOs in the United Nations system. On the one hand, this includes participation and involvement at meetings of the council and its sub-committees. On the other hand, it is also the requirement for access to further subsidiary bodies and special organisations such as the children's agency, UNICEF. This status has been anchored in Article 71 of the UN Charter since 1945, and represents the only reference to non-state organisations in the United Nations Charter:

„...the Economic and Social Council may make suitable arrangements for consultations with non-governmental 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.“

The concrete provision for NGO involvement in ECOSOC's work can be found in the ECOSOC resolution 1996/31 of 1996. This is the outcome of one of the previous three-year reform processes which came out of the Rio Conference of 1992, and had the aim of updating resolution 1296 from the year 1968. Important elements such as the three types of consultative status (described below) were retained, while others such as the admission of only international NGOs were reformed to allow nationally operating NGOs also to be accredited.

Resolution 1996/31 outlines the criteria for accreditation of NGOs. The most important are: independence from government structures and functions; non-profit-making orientation; the relevance of the NGO activities to the work of ECOSOC; the existence of the NGO for at least two years; organisational structures with a democratic decision-making process; and as much independence as possible from public funds.¹⁴

The 19-member¹⁵ ECOSOC Committee on Non-Governmental Organizations selects the NGOs to be accredited and puts its choice forward to the Council for agreement. There are three different types of consultative status, depending on the level of participation:

a) *General Status*: This status is awarded to NGOs concerned with a large part of the areas of activity of ECOSOC and its ancillary bodies. Generally, only large international NGOs can cover this broad spectrum of topics. They have influence over the Council's agenda, take part in official meetings as observers and can circulate written statements up to 2000 words. In some cases they have right of address at meetings of the subsidiary bodies.

b) *Special Status*: Special status is given to those NGOs that are active on many of the issues covered by ECOSOC. They receive an advance copy of the Council's agenda but cannot make any official amendment proposals. They can take part as observers at public meetings of the Council and submit written statements of up to 500 words. In some cases they have right of address at meetings of the subsidiary bodies.

¹⁴ Cf. Res. 1996/31, Part 1.

¹⁵ The NGO Committee is composed on a regional basis (Africa: 5; Asia: 4; Eastern Europe: 2; Latin America and the Caribbean: 4; Western and European Union Group and Others [WEOG]: 4). The members have a four year term in office (Resolution 1996/31, para. 60).

c) *Roster*. NGOs can be entered into the roster if they have a particular capability relating to issues covered by ECOSOC, and are able, in the estimation of the Council or the Secretary General, to make a meaningful contribution to the work of ECOSOC. They can take part in selected meetings relevant to their working area and have only partial right of address.

The number of NGOs accredited to ECOSOC has increased from 40 in 1945, to 311 in 1968, and 2,351 in 2004¹⁶. In line with a broad interpretation of the above mentioned criteria, private organisations with a profit-oriented business background such as the *International Chamber of Commerce* are also accredited. The German political foundations also have consultative status due to their proven social welfare orientation, despite being funded in the main through public funds.

The accreditation process has attracted some criticism because the NGO Committee can contain board members that either try to prevent the participation of certain NGOs through negative votes or politically sponsor particular NGOs. The political import of the accreditation or suspension of a NGO is shown in the case of the *International Lesbian and Gay Association (ILGA)*: the ILGA was suspended in 1994, a year after its accreditation. Anti-homosexual groups in the USA started a campaign claiming that ECOSOC was admitting paedophile groups. Shortly afterwards, the US Senate voted to withhold UN payments of \$129 million if the ILGA was not suspended. A further criticism is that fulfilment of criteria required of an NGO for accreditation can only be monitored selectively and on the principle of good faith because detailed scrutiny would exceed the capacity of the committee.

Since 1948 NGOs have coordinated their work in ECOSOC largely through the *Conference of Non-Governmental Organizations in Consultative Status with the Economic and Social Council (CONGO)*. CONGO co-ordinates NGO interests in individual thematic areas and bundles them. It also monitors the often informal opportunities for participation of NGOs in the UN system and tries to improve them.¹⁷

Human Rights Commission of ECOSOC

The ECOSOC human rights commission is one of the most successful subsidiary organs of ECOSOC. It has made a significant contribution to the setting of standards in the area of human rights and monitors the upholding of human rights by nation states through fact-finding missions and reports. However it has faced increasing criticism that states who themselves violate human rights attempt to prevent a condemnation of their policies through membership of the body.

NGOs with ECOSOC consultative status have access to the Human Rights Commission and function predominantly as *watchdogs*. The long standing ties between NGOs and the Human Rights Commission have led to the establishment of semi-formal special procedures which in effect grant the NGOs special rights. For example, the Commission accepts information about human rights violations from NGOs which do not have ECOSOC consultative status and in the Committee for Economic, Social and Cultural Rights, experts regularly seek advice from NGOs.

¹⁶ Cf. Volger, Helmut 2005, p. 14.

¹⁷ Rice, Andrew / Ritchie, Cyril 1995, p. 256.

Association with the UN Department of Public Information (DPI)

The Department of Public Information, which is part of the UN Secretariat, has offered NGOs associate status since 1948 as a means of winning over the civil society organisations as multipliers for United Nations public relations work. To gain associate status NGOs must prove that they have a serious interest:

„...to support the work of the United Nations and to promote knowledge of its principles and activities, in accordance with its own aims and purposes and the nature and scope of its competence and activities.“¹⁸

The regulations governing associate status are more clearly outlined in ECOSOC-Resolution 1297 (XLIV) of 20 May 1968.

The *DPI Committee on NGOs* decides on the allocation of associate status. This is granted if an organisation fulfils the defining criteria described above and is also nationally and internationally recognised, has been in existence for at least three years and it is apparent that its work will be continued in the future. Already existing contacts with organs or special organisations of the United Nations are also preferred.

NGOs which already have ECOSOC consultative status are required only to provide a written declaration of their verifiable interest in the reliable distribution of United Nations information. This is an example of unequal opportunities for access for NGOs, as DPI requires an organisation to have been operating for three-years at the time of accreditation whereas with ECOSOC the period is only two years.

Currently 1,400 NGOs are associated with the DPI.¹⁹ This association allows NGOs to avail of all DPI services. These include specifically, weekly NGO briefings, a yearly high-level DIP/NGO Conference on an issue relevant to the UN, use of the *NGO Resource Centre* (a collection of information by NGOs for the UN; teaching and learning materials and UN publications) and monthly e-mail circulars.

Co-ordination of NGO interests is looked after by the 18-member *NGO/DPI Executive Committee*, whose main role is to collate data from the NGOs and make it available to the DPI.

General Assembly

Officially the General Assembly has never envisaged official participation by NGOs. An application to the General Assembly as part of the reform of ECOSOC status in 1996 to review the question of participation of NGOs in all UN working areas remained largely unanswered. In 1997, the General Assembly asked the UN Secretary-General to draw up a report and, acting on the reports recommendation, merely expanded the working group *Strengthening of the United Nations System* to include a sub-working group "Non-Government Organisations".²⁰ In practice, however, NGOs often work informally in some main committees and subsidiary bodies, although never in General Assembly plenary sessions. Access to these bodies is based on ECOSOC consultative status.²¹

¹⁸ Cf. www.dpi.un.org/dpi/ngosection

¹⁹ Weinz, Irene 2005, p. 3.

²⁰ Cf. Pleuger, Günther / Fitschen, Thomas 2003, p. 213.

²¹ At some of the special General Assembly sessions, NGOs also took part, for example at the 19th special session for the review of Agenda 21 (June 1997) or at the 20th special session on drug abuse

The formal opening of the General Assembly to NGOs remains one of the main demands on the part of the NGO community. Although official recognition of the existing practice of participation requires no change to the Charter and could be accomplished by changing the rules of procedure, reform is currently not realisable. One reason for this is the character of the General Assembly as the central organ of the United Nations. Many Member States consider the assembly a protected zone serving as a forum for the exchange between governments and believe it should be maintained as such. Another reason is that there is also a great deal of disagreement between the Member States about the role NGOs should play in the UN system.

Security Council

NGOs have no formal legal status in the Security Council. In contrast to the practice in the General Assembly, the restrictive information and hearing procedures in the Security Council have not led to even informal "loopholes" for the participation of NGOs.²²

Not until the 1990s, against the background of a growing number of UN peace missions and the *Global Partnership for the Prevention of Armed Conflict (GPPAC)* process, were two forms of participation by NGOs in the work of the Security Council developed:

- a) A 38-member working group "NGOs in Peace Missions" meets regularly in New York with UN ambassadors for an informal exchange. The subject of the meetings is the strategic considerations of the various Member States in a case being handled by the Security Council. Relevant suggestions from the NGOs are also discussed.²³
- b) According to the *Arria* formula, first used in 1992 and named after a Venezuelan UN Ambassador, a Council Member can invite other members of the body to participate in an NGO-briefing on a current topic. Unique to this procedure is that it contains informal elements: the *briefings* do not take place in Council offices²⁴ but in UN meeting rooms and are a component of the timetable of the Council Presidency.

Official and formal recognition of this still very young practice of meeting within the framework of the Security Council has not so far received little public discussion. It is to be assumed that the reform agenda will be dominated until at least December 2005 by the controversial discussion of the possible expansion of the Security Council.

The broad disagreement among the community of nations on this issue makes clear that the UN members may not yet be ready to consider the formal integration of non-state organisations in the work of what is in effect the most powerful UN body. However the proposed establishment of a *Peacebuilding Commission* may offer one opportunity for official participation by NGOs in the security area (cf. section 4.4).

and trafficking (June 1998). The latest NGO Hearings of the General Assembly in June 2005 demonstrate a special case, to be discussed below.

²² Volger, Helmut 2005, p. 14.

²³ Cf. the exact session calendar and further information can be found on the Global Policy Forum website (www.globalpolicy.org/securitycouncil.htm).

²⁴ An exception is the official hearings of two NGOs on the role of NGOs in peacebuilding at the official council offices in 2004 under the Filipino council presidency.

Table 1 Overview: NGO Participation in the UN System

UN-ORGAN/ BODY	STATUS	LEGAL FOUNDATION
ECONOMIC AND SOCIAL COUNCIL (ECOSOC)	<p>Consultative status (3 Categories) (Observer status, partial right of address and opportunity of written statements)</p> <p>1. General Category status – NGOs active in all ECOSOC working areas; 2. Special Category status – NGOs active in several ECOSOC working areas; 3. List status (<i>Roster</i>) – NGOs which can contribute to the work of ECOSOC in particular situations or already have consultative relationship to other UN special organisations.</p>	<p>Art. 71 UN Charter</p> <p>Resolution 1996/31</p>
DEPARTMENT OF PUBLIC INFORMATION (DPI)	<p>Associate Status (particularly information access)</p> <p>NGOs, which have a verifiable interest in UN issues and are capable of reaching a broad or expert public.</p>	<p>ECOSOC-Resolution 1297 (XLIV; 20 May 1968)</p>
GENERAL ASSEMBLY	<p>No formal legal status</p> <p>Informal provision: participation in sessions of the main committee and other subsidiary organs, but not in official plenary sessions.</p>	<p>Partially Resolution 1996/31</p>
SECURITY COUNCIL	<p>No formal legal status</p> <p>Informal participation through</p> <p>1. Working Group for NGOs in Peace Missions, which regularly meets representatives of Member States to exchange information. 2. <i>Arria</i> Formula: a Council member can invite the other Council members to a NGO briefing outside Council premises in the UN building.</p>	<p>Partially Resolution 1996/31</p>
SECRETARIAT	<p>Focal Points</p> <p>e.g. <i>Department for Disarmament Affairs</i>; NGO section of DPI (see above); <i>Financing for Development Office (DESA)</i>; <i>Office for the Coordination of Humanitarian Affairs</i>; <i>Office of United Nations High Commissioner for Human Rights</i>; <i>Indigenous Populations</i>; <i>Division for Palestinian Rights</i>; <i>Public Inquiries Unit</i>; <i>Division for Social Policy and Development</i>; <i>Division for Sustainable Development</i></p>	-
UN-NGLS (UN Non-Govern-mental Liaison Office)	<p>Inter-institutional Liaison Office</p> <p>Open contact point for NGOs in the UN system, availability of important information for NGOs and event organisation.</p>	
SUBSIDIARY BODIES AND SPECIALISED AGENCIES	<p>Very high variance</p> <p>Provision varies in its range according to body/organisation.</p>	<p>Partially Resolution 1996/31</p>

Source: according to Volger, Helmut 2005, p. 14 and own additions.

Secretariat

The Secretariat offers NGOs a number of possibilities for access. Apart from the DPI already mentioned above, so-called Focal Points have been set up as NGO contact and interface points. NGOs maintain their contact with the Secretariat either informally or through ECOSOC consultative status.

In his 1998²⁵ report on the relationship between NGOs and the United Nations, the UN Secretary-General recommended that all departments of the Secretariat establish Focal Points for NGOs. But the individual departments of the Secretariat only set up such liaison offices when it corresponds with their own interests and requirements. In 2002, 54 Focal Points for NGOs were reported to have been established within the UN system.²⁶ For example, the department for Humanitarian Affairs created the position of NGO Liaison officer and the Department for Economic and Social Affairs has its own NGO section, which can be explained by the high level of NGO activity in the ECOSOC area.

A further example of co-operation with NGOs is the Department for Disarmament Affairs. It works with the CONGO-based *NGO Disarmament Committee* and the Geneva-based *NGO Special Committee on Disarmament*. The department informs the NGOs about current disarmament debates within the UN and also co-ordinates the participation of NGOs in disarmament conferences by proposing NGOs to the Member States for accreditation. The criteria upon which this right of proposal are based are not always transparent.

Subsidiary Bodies and Specialised Agencies

The Subsidiary Bodies and Specialised Agencies represent an almost impenetrable thicket of participatory opportunities for NGOs on account of their variety and partial organisational autonomy within the UN system. With many specialised agencies and subsidiary bodies, ECOSOC consultative status is a necessary requirement for access. This applies, for instance, to the children's' organisation UNICEF and the UN Development Programme (UNDP). The requirement usually applies when NGOs get involved in internal organisational decision making processes in their function as representatives of certain concerns or through their specialist competence. However it is also conceivable that an NGO without ECOSOC consultative status would be tasked as an executive agency in support of an UN activity.

The variety of participatory opportunities for NGOs include: the UNESCO-financed *UNESCO NGO Standing Committee*; negotiations and meetings in the refugee sector within the framework of the Partnership-in-Action-Programme (PARinAC) of the High Commissioner for Refugees; the NGO Advisory Committee for the refugee agency which was set up in 1995 (25-30 representatives of municipalities); informal invitations to meetings of the UNDP board; official observer status at meetings of the UNICEF boards.

Non-Governmental Liaison Office (UN-NGLS)

The autonomous UN-Non-Governmental Liaison Office has become an important contact point for NGOs in the UN system. The inter-institutional liaison office is independently organised and works relatively independently but has achieved recognition within the UN system. Until recently, the office's integration into the infrastructure of the Secretariat was being planned. However those plans have been dropped again so that the continued existence of the office may, in certain circumstances, be seen as under threat.

The liaison office offers open access to all NGOs, including those without previous experience in dealing with the United Nations. On the one hand, UN-NGLS works to

²⁵ UN Doc. A/53/170, 10th July 1998.

²⁶ Chadwick, Alger 2002, p. 106.

the Member States, reporting on current issues and new developments in the NGO community. On the other hand, it also informs NGOs about the UN's work and structures, organises events with NGOs and advises them on opportunities for access to the UN system. In the past twelve years, UN-NGLS has worked to strengthen the position of southern NGOs in the UN system and has achieved the participation of more than 5,000 southern NGOs.²⁷

2.2.2 The UN World Conferences in the 1990s

In the 1990s, the United Nations continued the series of World Conferences on the issues of Human Rights, Women, and Environment that had begun in the late 1960s (e.g. *Tehran International Conference on Human Rights*, 1968). In contrast to those of previous years, the 1990s World Conferences were held in the climate of the changing world order following the end of the Cold War. The first consequence of this was that the focus shifted from classical security and foreign policy questions to urgent global problems such as the environment degradation, poverty, and human and women's rights.²⁸

The second consequence was that the World Conferences underlined the growth and influence of non-state actors at the international level. NGOs have exercised considerable influence on the negotiation processes and their outcomes through active participation in the conferences and by organizing their own major events running parallel to the Conferences. At the first of the 1990s conferences, the 1992 conference on sustainable development (*Earth Summit*) in Rio de Janeiro, 1,400 NGOs were officially registered and 18,000 took part in the NGO forum which ran alongside the conference. The 1993 Human Rights Conference in Vienna had a comparatively lower civil society participation with 891 officially registered NGOs and 1,400-1,500 present overall.²⁹ The figures for participating NGOs at the Fourth World Conference on Women in Beijing in 1995 are overwhelming: 3,000 registered NGOs and 300,000 individual representatives of NGOs.³⁰

Starting with the Rio conference, up to the last World Conference on Women, Beijing +10 in 2005, it has become established practice that both NGOs with ECOSOC consultative status as well as those without this status can be accredited. The accreditation criterium for the latter group is a credible statement of interest in the subject matter of the conference. The opening of the conferences to NGOs without ECOSOC accreditation has led some commentators to see them as offering NGOs the broadest opportunities for participation within the UN system.³¹

Certainly the NGOs have been able to exercise considerable influence on the final documents of the World Conferences through their rights of participation and address in the preparatory committees and through their unique integration into official country delegations. But it should not be overlooked that the opportunities for participation were increasingly restricted as the preparatory process advanced. For the

²⁷ *Towards a Consensus in Shaping the Future of the United Nations*, p. 6.

²⁸ Cf. Messner, Dirk 2001, p. 3.

²⁹ This is caused by the blocking policy of a few Arabic and Asian countries opposed to NGO participation (cf. Otto, Diane 1996, p. 118).

³⁰ Cf. Clark, Marie et al. 1998, p. 9.

³¹ Cf. E.g. Otto, Diane 1996, p. 118; Rice, Andrew / Ritchie, Cyril 1995, p. 256 und Martens, Jens 2005, p. 13. The latter points to a step backwards in NGO participation in the current Millennium +5 process compared to the UN conferences.

three above-mentioned World Conferences in the 1990s the NGOs were excluded from the last preparatory stage – the end phase of formulating the various final documents – with some being allowed to take part in official plenary sessions only as observers.³²

The most significant development as regards long-term NGO participation in the UN system was the 1992 Rio Conference. Not only were all NGOs accredited in Rio admitted *en bloc* to the ECOSOC list (roster) but following the conference the ECOSOC Commission on Sustainable Development was institutionalised. Non-accredited civil society organisations can also take part in its meetings. The criterium for participation is membership of one of the nine Major Groups.³³

It should finally also be noted that results achieved at the World Conferences are increasingly being sidelined because the current agenda of international and trans-national politics is dominated by security issues and the Millennium Development Goals. A current task of the NGO community should be taking up the results of the World Conferences again and connecting them to the current discourse.

2.2.3 June 2005: Informal NGO Hearings in the General Assembly

The first "Informal Hearings of the General Assembly with non-governmental organisations, civil society organisations and the private sector"³⁴ on June 23rd and 24th 2005 represented an element of the UN reform process and the preparation for the M +5 Summit in September 2005. The unique element of the NGO Hearings in June – in contrast to NGO participation in previous General Assembly sessions – is that the NGO representatives were not just participating as experts, but that representation from civil society, i.e. the NGOs themselves, where the subject matter of the session. A constituent component of the informal session was the voice of civil society and how to ensure that it is heard in the reform process.

Critics dismiss the informal hearings as a "consolation prize" for civil society, which has been partially excluded from both the preparation process and the M+5 Summit in September 2005. Only two NGO representatives have been admitted to the official plenary session, and only one NGO spokesperson to the *Financing for Development* session. In comparison to the scope for contribution at the World Conferences of the 1990s in particular, this is a step back for civil society participation in international politics.³⁵

There should be no doubt that the exclusion of civil society organisations from the M +5 Summit sends a false signal to the world community is – in particular with regard to the necessity of developing an effective multilateralism to solve global problems. However, an assessment of the value of the June 2005 hearings should not be made dependent on this alone. Rather they should be understood as a new event format with innovative participatory potential for NGOs.

The idea behind the hearings was to enable an interactive exchange between the three groups of actors in international politics who can contribute to the formation of effective multilateralism: the UN Member States, NGOs, and representatives of the

³² Cf. Clark, Marie 1998, p. 20ff.

³³ The nine major groups are: women; children and youth; indigenous populations; NGOs; local government; workers and unions; private sector and industry; science and technology; agriculture.

³⁴ www.un.org/ga/civilsocietyhearings

³⁵ Cf. Martens, Jens 2005, p. 13.

private sector. The description "civil society organisations" in the event title is not aimed at delineating a further group of actors, but serves only the formal differentiation between NGOs with (NGO) and without (civil society organisations) ECOSOC status. More than the half of the 304 participating organisations were already accredited with ECOSOC (cf. *Table 2*)

Table 2 NGO Hearings (2005): Formal Legal Status of the Organisations

Status	ECOSOC-Consultative Status	Civil Society	Private Sector
	164	130	10

Source: Official List of Participants, cf. <http://www.un-ngls.org>

During the preparations for the hearings it became clear that there was a strong will to co-operate constructively on the part of the United Nations and the NGOs. The hearings were organised by a Task Force³⁶ of civil society actors, the General Assembly president Jean Ping and the *UN-NGLS* liaison office in New York. The *Millennium +5 NGO Network (M +5 NGO Network)*, which was initiated by CONGO, has arisen from within the NGO community. The NGO/DPI committee and has taken on the internal co-ordination, including an actively used e-mail list. The strong flow of information about the necessary steps to prepare for the hearings was provided for by a representative of the *M +5 NGO Network* in the General Assembly President's *Task Force*.

Despite the well-coordinated preparatory work carried out at such short notice, one point of criticism is that few of the written comments within the *M +5 NGO Networks* came from organisations from the South, but rather the great majority of them were from US-American NGOs. Furthermore, the selection by the Task Force of civil society organisations that actively took part in the hearings was not very transparent.³⁷ The contextual framework for the hearings on 23rd and 24th June 2005 was the reform report *In larger Freedom* by General Secretary *Kofi Annan* (cf. *Table 3*) and the first *Draft Outcome Resolution* of June 2005 due to be agreed by the Heads of State and Government at the *M +5 Summit* in September 2005 and which, ideally, will form the foundation for further UN reform. The five sessions, which each began with five-minute statements from six to eight non-state representatives, and which were supposed to be followed by a discussion between the Member States and the active participants of civil society, demonstrated that the NGO community possesses a high capacity for co-operation and co-ordination as well as high professional competence. The contents of the individual statements were mostly of a high standard and they were co-ordinated well with each other. This became clear, among other things, from the way all the NGOs and private sector organisations – regardless of their thematic focus – consistently criticised the marginalisation of women in the *M +5* process and

³⁶ Members of the Task Force were: Gemma Adaba (*International Confederation of Free Trade Unions*), Wahu Kaara (*Global Call to Action Against Poverty*), Ruth Kahurananga (*The Global Movement for Children*), Vandy Kanyako (*Global Partnership for the Prevention of Armed Conflict*), Alejandra Scampini (*Global Call to Action Against Poverty*), Ed Schenkenberg (*International Council of Voluntary Agencies*), Bill Stibravy (*International Chamber of Commerce*), Pera Wells (*Millennium+5 NGO Network / World Federation of United Nations Associations*), Joanna Weschler (*NGO Human Rights Committee*), June Zeitlin (*Women's Environment & Development Organization*).

³⁷ That of *Pera Wells*, member of the Task Force, named selection criteria were: equal numbers of men and women, regional composition, composition according to sectors (NGO and private sector) and linguistic background. Out of 1000 tendered accreditation applications, 304 organisations were accredited.

drew attention to this step backwards in relation to the results of the World Conferences on Women.

Table 3 NGO Hearings (2005): Regional Affiliation of the Organisations

Region / Session:	I	Ila	Ilb	III	IV	Total
SOUTH	36	48	40	34	20	178
Sub-Saharan Africa	8	13	16	10	7	54
North Africa	1	10	1	2	1	15
Asia	12	17	10	16	5	60
Latin America	15	8	13	6	7	49
NORTH	25	19	20	21	31	116
Europe	10	10	8	7	12	47
North America ¹	13	8	11	14	16	62
Australia	2	1	1	0	3	7
SOUTH-NORTH	1²	2³	-	5⁴	2⁵	10
	62	69	60	60	53	304

The roman numbers correspond to the four sessions on the following issues: I = *Right to live in Dignity*; Ila = *Freedom from Want (Millennium Development Goals)*; Ilb = *Freedom from Want (Financing for Development)*; III = *Freedom from Fear*; IV = *Strengthening the UN*.

¹USA and Canada, whereby a total of only five Canadian NGOs were represented.

²Ecuador and Canada. ³India and USA / Ghana and Switzerland. ⁴Liberia and USA / Somalia and Sweden / Guyana und Britain / Pakistan and Britain / Surinam and the Netherlands. ⁵Tanzania and USA / Liberia and USA

Source: Official list of participants, cf. www.un-ngls.org

One clear success of the hearings was the extraordinarily high participation of NGOs from developing countries. In contrast to previous international meetings which were dominated by "white, male NGOs from the North", Southern NGOs pre-dominated here: 178 of 304 participating organisations came from the South, 54 from Sub-Saharan Africa, 15 from North Africa, 60 from Asia and 49 from Latin America (cf. *Table 3*). Among the organisations from the North, US-American NGOs were in the majority over European and Australian groups. European NGOs came mainly from the Scandinavian countries and there were hardly any from southern Europe. In the session on UN reform, North NGOs dominated. Overall only one NGO from Germany was actively involved. Ten organisations took part which have their headquarters in the South and the North.

If one considers not the regional origin but the thematic focus of the individual non-state organisations, it may be seen that women's organisations are over proportionally represented (cf. *Table 4*). This demonstrates a congruence between one of the main demands of the NGOs (for greater participation by women) and the representation of this concern in their own ranks. However this conclusion does not withstand a glance at the distribution between male (157) and female (147) delegates. The original aim of promoting an interactive discussion between the three groups of actors almost failed and was only implemented towards the end of the hearings. Although the Member States – contrary to prior fears – were well represented at roughly two thirds, this did not lead to interactive discussion but generally to a series of *statements* from active participants and two few declarations from Member States. At the state level, most representations were from the EU and South American countries like Chile, Argentina and Brazil. There was almost no exchange with the private sector, which was weakly represented and had no clear role.

Table 4 NGO Hearings (2005): Thematic Focus of the Organisations

<i>Issue</i>	<i>No. of NGOs</i>	<i>Issue</i>	<i>No. of NGOs</i>
Women	40	Humanitarian Aid	9
General Development	25	Indigenous / Minorities	9
Youth	27	UN	9
Human Rights	19	Education	8
Stakeholders ¹	17	Health	8
Research Institutions	16	Population Policy	5
Peace/Conflict	15	Social Development	4
Environment	15	Participation/ <i>Governance</i> ³	4
Religion	14	Refugees	3
Children / Family	13	Other ⁴	12
Agriculture	12	Private Sector ⁵	10
National Development ²	10		
Total			304

¹ Mostly NGOs concerned with strengthening the role and coordination of stakeholders in specific subject areas. ² NGOs, concerned with development within a particular country. ³ NGOs dealing with questions of political participation and political systems, especially democracy. ⁴ The NGOs listed under "other" work on the following issues: People with Disability; Communication; Global Economy; Animal Rights. ⁵ In line with the terminology used here, private sector organisations such as unions are not included as NGOs.

Source: Official list of participants, cf. www.un-ngls.org

Despite the selective criticisms here, a concluding assessment of the hearings can only be a positive one. This new session format, possibly to be continued on an annual basis, is a combination of informal and formal participation by NGOs in the work of the General Assembly. It could become a first step towards the long demanded opening of the General Assembly for NGOs. This event format, complementing the more selective and thematically limited UN World Conferences, also offers NGOs the chance for intersectoral networking.

Table 5 Assessment of the Hearings with NGOs, Civil Society and the Private Sector in the UN General Assembly (June 2005)

<p>Trendsetting Innovations:</p> <ul style="list-style-type: none"> • Establishment of informal hearings with civil society as a regular element in the meeting schedule of the UN General Assembly • Continuation of regular meetings between NGOs and the office of the President of the General Assembly • Strengthening of the co-ordination capacities of the global NGO community through strategic planning for the hearings • Dismantling of existing reservations of the states in regard to NGOs through regular meetings and continuous cooperation <p>Suggestions for Improvement:</p> <ul style="list-style-type: none"> • Increased transparency in selection of speakers and active participants in the preparatory phase • Greater inclusion of organisations from the South in the preparatory process • More efficient use of the meeting for intersectoral networking of civil society actors, e.g. through special <i>Side Events</i> • Increased interaction between states, civil society and private sector through modified configuration of individual session agendas

Table 5 offers a detailed overview of the potential future innovations that could be activated/sparked by the hearings and of the opportunities to improve interactive sessions in the General Assembly.

3 The Cardoso Report "We the peoples: Civil society, the United Nations and global governance"

The June 2004 *Cardoso* Report (named after its chairman) "*We the peoples: Civil society, the United Nations and global governance*", is the latest in a series of reports and attempts to reform the opportunities for participation of NGOs in the United Nations (cf. Table 6).

Table 6 Reform Initiatives and Reports on the Strengthening of NGO Participation in the United Nations

Year	Reform Reports and Initiatives
1993-1996	Reform of ECOSOC Consultative Status ECOSOC Resolution 1996/31 of 25 th July 1996
1994	Working Group of the Secretariat on NGOs
1996	ECOSOC calls on the General Assembly to examine comprehensive participation of NGOs in the UN system ECOSOC-Resolution 1996/297
1997	General Assembly asks the Secretary-General to examine the existing relationships between the UN and Civil Society
July 1998	Arrangements and Practices for the Interaction of Non-Governmental Organizations in all Activities of the United Nations System Report of the Secretary-General UN Doc. A/53/170 of 19. July 1998
Sept. 1998	Establishment of the Subsidiary Group "Non-Government Organisations" in the General Assembly Working Group " <i>Strengthening of the United Nations System</i> "
2002	Strengthening of the United Nations: An agenda for further change Report of the Secretary-General UN Doc. A/57/387 of 23 rd September 2002
June 2004	<i>We the peoples: Civil society, the United Nations and global governance</i> Report of the High Level Panel on relations between the United Nations and civil society (" <i>Cardoso-Report</i> ") UN Doc. A/58/817 of 11. June 2004
Sept. 2004	Report of the Secretary General in response of the Panel of Eminent Persons on United Nations-Civil Society Relations UN Doc. A/59/354 of 13. September 2004

Author's Compilation

In the context of the current UN reform initiatives the *Cardoso* Report represents the beginning of a series of reports that form the foundation of the reform debate. But it has been overshadowed by two subsequent reports on the global security infrastructure (December 2004)³⁸ and the Millennium Development Goals (January 2005)³⁹ as well as the third reform report from the UN Secretary-General *In larger*

³⁸ *A More Secure World: Our Shared Responsibility*. Report of the High-level Panel on Threats, Challenges and Change – UN Doc. A/59/565 of 29th November 2004 (<http://www.un.org/secureworld/>).

³⁹ *Investing in development: A practical plan to achieve the Millennium Development Goals*. January 2005. UN publication, Sales No. 05.III.B.4 (www.unmillenniumproject.org).

Freedom (March 2005)⁴⁰ and has led to few concrete reform proposals for the M +5 Summit in September 2005.

3.1 Mandate, composition and working methods

In his second reform report *Strengthening of the United Nations: An agenda for further change* UN Secretary-General *Kofi Annan* advocated increased inclusion of NGOs in the UN System because, he said, only in alliance with them could the Millennium Declaration be achieved. For this reason, he recommended that an expert group of well-known persons should examine relations between the United Nations and civil society and offer practical recommendations for improvement.⁴¹

With regard to those states that are sceptical of any further participation of non-state actors in the UN system, the Secretary-General formulated the mandate for the panel's work very carefully and vaguely:

„...to review existing guidelines, decisions and practices that affect civil society organizations' access and participation in the United Nations deliberations and processes; to identify best practices in the United Nations System and in other international organizations with a view to identifying new and better ways to interact with non-governmental organizations and other civil society organizations...“⁴²

In February 2003, he set up the panel of experts under the chairmanship of the former Brazilian president *Fernando Henrique Cardoso*. The *Cardoso* panel contained a regionally balanced mix of 12 personalities from the world of politics, society and academia: *Bagar Asadi* (Iran), *Manuel Castells* (Spain), *Brigitta Dahl* (Sweden), *Peggy Dulany* (USA), *André Erdős* (Hungary), *Juan Mayr* (Colombia), *Malini Mehra* (India), *Kumi Naidoo* (South Africa), *Mary Racelis* (Philippines), *Prakash Ratilal* (Mozambique) and *Aminata Traoré* (Mali).

The panel met for three working sessions in New York over the course of its one-year working period and held a total of 58 regional workshops, advisory meetings and briefings. It attempted to include civil society organisations, parliamentarians, municipal authorities, foundations and UN staff in its work⁴³.

3.2 Contents of the *Cardoso* Report

The main objective of the *Cardoso* Report is the creation of Global Multi-stakeholder Partnerships to solve global problems. The conceptual basis of the report is the idea of *constituencies* roughly represented by civil society, the private sector and state institutions. Some of the groups cited by the panel as belonging to these constituencies include businesses, churches, parliaments, NGOs, local authorities and trade unions.

⁴⁰ *In Larger Freedom: Towards Development, Security and Human Rights for All*. Report of the Secretary-General; UN-Dok. A/59/2005, 21st March 2005 (<http://www.un.org/largerfreedom/>).

⁴¹ Cf. Volger, Helmut 2005, p. 13.

⁴² UN Doc. A/58/817, p. 1.

⁴³ Cf. The Panel's website: www.un.org/reform/panel.htm

The *Cardoso* Report contains a total of 30 proposals to improve relations between the United Nations and civil society. The most important are:

- a) Proposal 2. Establishment of a series of global debates on a specific issue: the analysis of global problems by interactive round tables would follow the formulation of goals and norms at a World Conference. The resulting implementation of these goals should be guaranteed by global partnerships and reviewed and evaluated in hearings.
- b) Proposal 6. Opening up of the General Assembly. Access to the General Assembly for civil society should be reformed to include participation in special sessions and committee work.
- c) Proposal 12. The Security Council should strengthen co-operation with civil society by further developing the *Arria* formula, holding seminars on certain issues and integrating civil society organisations into the work of peace missions.
- d) Proposals 13-18. Reinforce co-operation with elected representatives from the Member States to strengthen acceptance of the United Nations' legitimacy.
- e) Proposals 19-23. Standardisation and depoliticisation of the accreditation procedure. Centralize and simplify access for civil society organisations through accreditation reform. Locate future institutional responsibility for accreditation with the General Assembly. Envisages the establishment of an accreditation office with an expert advisory committee to select NGOs. Decision making on accreditation proposals would be the responsibility of a General Assembly committee. Implementation of this proposal to be initiated by reviewing and combining existing procedures in the UN system.
- f) Proposal 20 und 21. Development by the Secretariat of a *Code of Conduct* for civil society organisations. The behaviour of civil society organisations to be monitored by the development of corresponding codes.
- g) Proposal 24. Establishment of an *Office of Constituency Engagement and Partnerships* in the Secretariat to be headed by a newly created post at Undersecretary-General level. The office is to serve as a central contact and co-ordination point for civil society engagement within the UN. Should be subdivided into a Civil Society Unit, a Partnership Unit, an Elected Representative Liaison Unit, a Global Compact Office and the Secretariat on Indigenous Issues.
- h) Proposal 26 and 27. Establishment of two funds within the Secretariat to improve chances for participation for civil society organisations from the South and strengthen the capacities of civil society organisations.

3.3 Evaluation

The *Cardoso* Report initially received a lukewarm reception from the UN Member States and NGOs and has so far had little influence on the current reform debate. The actors of international politics are not yet ready for the visionary concept of global partnerships.⁴⁴ Realisation of these concepts requires partners on an equal footing. But relations rule between the actors in inter and transnational politics are currently asymmetric, a situation which could only be changed by overcoming the classic principle of state sovereignty.

⁴⁴ Cf. Fues, Thomas 2005, p. 3.

Among the existing international framework conditions, the concept of constituencies could weaken the role of inter-governmental organisations and the states. Neither NGOs nor private sector organisations possess sufficient political legitimation to operate as equal partners to the states. The concept would also mean an upgrading of the private sector as an actor within the United Nations. Against the background of the brief and thus far marginal engagement of private sector organisations in the framework of the United Nations, e.g. within the scope of the Global Compact, this must be seen critically. Private sector actors first need to prove their interest in reliable and consistent co-operation with the United Nations.

The panel's concrete proposals can be assessed in the following way:

Ad a) The establishment of a series of global debates on a specific issue is to be recommended. It would represent a systematic further development of the UN World Conferences. In the interests of global openness, however, this should not lead to the UN World Conferences losing their significance as major events.

Ad b) The proposals of the *Cardoso* Panel on opening the General Assembly are disappointing. They merely update the status quo and offer no innovation. More positively, it should be noted that the initiative for the June 2005 Civil Society Hearings (s. 2.2.3) originated from the work of the *Cardoso* Panel.

Ad c) A strengthening of already existing participation of civil society organisations in the work of the Security Council is to be welcomed. Holding seminars and further development of the *Arria* formula can take the formalisation of the NGO participation in the Security Council a step further.

Ad d) In principle, greater co-operation of the United Nations with national parliaments is desirable so that parliamentary interests can be integrated into the political decision making processes of international politics. However, this requires a corresponding institutional framework. Different proposals are making the rounds in this regard, including the creation of a „second chamber" alongside the General Assembly in which parliamentarians from the Member States would be represented. In June 2005, the German Bundestag – in reference to the *Cardoso* Report – spoke in favour of national parliaments monitoring the work of the UN on the one hand, and also of institutionalising a parliamentary assembly in the UN.⁴⁵

However, the *Cardoso* Report should be criticised for contributing to a deepening of the already existing terminological confusion surrounding the actors in the UN. Parliamentarians are politically legitimated representatives of a state institution. Based on that legitimacy, they often possess more rights in international politics than civil society actors. The International Parliamentary Union (IPU), which has been campaigning for years for the "parliamentarianisation of global politics" has distanced itself from being placed on the same footing as civil society.

Ad e) A standardisation of the various accreditation procedures for organisations such as ECOSOC or the DPI would in most cases make it easier for civil society organisations to gain access to the United Nations. But under which criteria civil society organisations are admitted and what differences there are for NGOs and private sector organisations remains unclear in the report. Moving the accreditation procedure to the remit of the General Assembly would only make sense if it were to be linked with a formal legal status and formal participatory

⁴⁵ Cf. Bundestagsdrucksache 15/5690, 15th June 2005.

procedures for NGOs in the General Assembly.⁴⁶ There would also have to be guarantees that ECOSOC-accredited NGOs could retain their consultative status and that the selection committee will not be monopolised by Member States who want to oppose NGO participation. Finally, it is questionable whether the time period of three years for the proposed inventory of existing accreditation procedures is not too long.

Ad f) Developing review mechanisms and a *Code of Conduct* for civil society organisations could contribute to a strengthening of the political legitimisation of the NGOs in international politics. NGO-critical states often use the lack of supervision of NGO behaviour as an argument to prevent formal participation in the United Nations system. The *Code of Conduct* should be agreed by the NGO community and the Secretariat and regularly reviewed.

Ad g) The creation of the post of an Undersecretary-General for relations with civil society organisations would be an upgrading of the civil society role in the UN system. Combining different remits and issues in an *Office of Constituency Engagement and Partnerships* is not recommended as this could diminish certain achievements. It could, for example, lead to a weakening of the political status of indigenous peoples who fought for years for an independent forum. The important role of the *UN NGO Liaison Office* (cf. p. 18) could also be undermined.⁴⁷

Ad h) The establishment of a fund to financially support NGOs from the South and to strengthen the capacity of civil society organisations is to be welcomed. It could guarantee a long-term strengthening of participation of NGOs from the South and ensure that the high number of South-NGOs at the NGO hearings of June 2005 (cf. p. 22) does not remain an exception.

In his report *in Response of the Panel of Eminent Persons on United Nations-Civil Society Relations*⁴⁸ the UN Secretary General pursues a pragmatic course and embraces those reform proposals of the *Cardoso* Panel that in his view have a chance of being realised. In particular, these are the standardisation of the accreditation procedure and its relocation to the General Assembly. The establishment of two funds to provide financial support for the participation of NGOs and the restructuring of the Secretariat. The Secretary-General distances himself from the report's constituency concept and restricts his comments mainly to NGOs.

The proposals of the *Cardoso* Panel have received little notice in the current reform debate. At the state level the Brazilian government is currently trying to introduce a resolution strengthening civil society to be voted on at the M +5 Summit. It explicitly refers to the proposals of the *Cardoso* Panel and suggests establishing a central office in the Secretariat. The June 2005 NGO hearings sparked a positive swing in the assessment of the *Cardoso* Report within the NGO community and have raised its acceptance.

⁴⁶ Cf. Volger, Helmut 2005, p. 16.

⁴⁷ Ibid.

⁴⁸ UN Doc. A/59/354, 13th September 2004.

4 Current Proposals for UN Reform – Opportunities for a Renewal of NGO Participation in the UN system?

The options for a medium term reform of NGO participation in the UN system are good, despite the lack of concrete and explicit proposals for reform in the current debate.

The latest reform reports and documents are limited to a very generally formulated recognition of the contribution of civil society organisations to the solution of global problems and UN work. For example in the report of the *High-level Panel on Threats, Challenges and Change*:

"We welcome the positive contribution of non-governmental organizations, civil society and private sector in the promotion and implementation of development, security and human rights programmes..."⁴⁹

The report also alludes to the necessity of opening the United Nations to civil society actors. In his report *In larger Freedom* of March 2005, the UN Secretary General states:

"If the United Nations is to be a useful instrument for its Member States and for the world's peoples, in responding to the challenges... it must be fully adapted to the needs and circumstances of the twenty-first century. It must be open not only to States but also to civil society, which at both the national and international levels plays an increasingly important role in world affairs."⁵⁰

The report *Investing in Development* goes furthest of all in its conclusions. It makes clear that the MDGs are not realisable without the services of civil society organisations. The report also invites civil society to monitor the implementation of the MDGs by States.⁵¹

In the current proposals for reform, which are contained in the draft framework resolution for the M+5 Summit and in the reform report *In larger Freedom*, there are few explicit proposals for change in the relationship between the United Nations and NGOs. However, on the basis of previous, often informal, forms of co-operation conclusions can be drawn on the likelihood of NGO participation in newly created or reformed institutions. It is to be assumed that the greatest room for manoeuvre in terms of participation for NGOs arising from possible reforms will be of an informal nature. This can be seen in the following examples. The proposals for change by the *Cardoso Panel* will not be discussed here (see sections 3.2 and 3.3)

4.1 Opening of the General Assembly

NGOs have been requesting opportunities for formal participation in official sessions of the General Assembly for many years. In two reform reports the opening of the General Assembly to NGOs has been called for:

⁴⁹ Cf. Footnote 36, Section 154.

⁵⁰ Cf. Footnote 38, Section 88.

⁵¹ Cf. Footnote 37, pp. 113 and 124.

"The General Assembly should act on these recommendations and establish mechanisms enabling it to engage fully and systematically with civil society."⁵²

However, in the draft framework resolution for the M +5 Summit there is little indication that the opening of the General Assembly will be one of the results of reform agreed in September 2005. On the one hand, the States use the document to describe the status quo: the dialogue between States, civil society and the private sector is located institutionally within ECOSOC.⁵³ While on the other hand they cautiously welcome the dialogue between Member States and civil society at the General Assembly hearings in June 2005.

Despite these vague formulations, the newly introduced informal interactive hearings with NGOs, civil society and the private sector in June 2005 have contributed to a slight de facto opening of the General Assembly to non-state actors. The active and professional involvement of NGOs in the organisation of the hearings has built up acceptance of NGOs by the Member States.

This latest experience has resulted in a proposal from some of the Member States and NGOs to institutionalise the NGO hearings and establish them as a permanent component of the General Assembly session cycle. The reform proposals from the NGOs go a step further. Instead of the hearings taking place three months prior to the official plenary session, as in June 2005, the NGOs propose they should be held during the official session in September.

The continuous involvement of NGOs in informal meetings of the General Assembly could help to counter the scepticism of some of Member States regarding the participation of NGOs. In the medium term this could lead to increased willingness to discussion on the General Assembly status of NGOs.

4.2 Strengthening of the Economic and Social Council (ECOSOC)

There are currently no concrete proposals for a general reform of ECOSOC consultative status. On the one hand there is no need and on the other it is assumed that willingness for reform on the part of the United Nations and its Member States is limited in respect of ECOSOC consultative status because this was already subject to a three year reform process in the mid 1990s.

It is likely that ECOSOC consultative status will be affected by other reforms such as the unification of the accreditation process and therefore will likely be partially changed (see below).

Proposals on the part of the NGO community, particularly from the *Millennium +5 NGO Network* relate more to the indirect than the direct strengthening of civil society participation. From the formulation of the Millennium Declaration in 2000 to the M +5 Summit in September 2005, three policy areas have been identified through political discourse and reform reports as main themes of the United Nations: development, human rights and security. Provided that in the follow up to the Millennium Summit the institutionalisation of the Human Rights Council and the Peacebuilding Commission are carried through, an "institutional triad" of ECOSOC, the Human Rights Council and the Peacebuilding Commission could contribute to

⁵² See Footnote 38, Section 162. A similarly formulated conclusion is made in the report of the *High-level Panel on Threats, Challenges and Change* in Section 243.

⁵³ Cf. *Draft Outcome Resolution*, Section 128. The most recent version of the draft can be found at www.reformtheun.org.

strengthen the position of NGOs in the UN system. For it is in the areas of development (ECOSOC), and human rights (Human Rights Council) that NGOs currently have the greatest influence within the UN system.

Finally however there is the danger that the alignment of UN policy in accordance with the triad formula "Development, Human Rights and Security", will marginalise the findings of the World Conferences, for example the interdependence between environment, the economy and development. Therefore it is important to continue the follow-up process to the World Conferences and make them an integral element of UN policy.

4.3 Human Rights Commission goes Human Rights Council

The institutional reform of the Human Rights Commission of ECOSOC (see p. 14), which it is proposed be turned into a Human Rights Council of the General Assembly, represents an upgrading of human rights policy within the UN system. The reform has shown itself necessary because of the phenomenon of States guilty of human rights violations engineering their election to the commission in order to prevent disclosure and condemnation of their own policies.

In the field of human rights, NGOs have made an enormous contribution within the framework of the United Nations. The *special procedures* practiced within the Human Rights Commission concede more participatory opportunities to NGOs than that granted by ECOSOC consultative status. NGO work carried out hitherto in the Human Rights Commission is generally – with the exception of the above mentioned States - acknowledged and welcomed.

Although in the draft framework resolution the States deal only with the formal legal participation of NGOs in the Human Rights Council by means of ECOSOC consultative status commit⁵⁴ it is to be assumed, that in the case of reform the *special procedures* will be retained.

4.4 Institutionalisation of a Peacebuilding Commission

The proposal of the *High Level Panel on Threats, Challenges and Change* to establish a Peacebuilding Commission has been welcomed by the Member States and many NGOs. It is one of the most discussed reform proposals in the current debate and one of the most likely to be realised.

The Peacebuilding Commission is proposed as a subsidiary organ of the Security Council and ECOSOC. In recent years, the traditional concept of security has been extended⁵⁵ and the maxim coined: "no development without peace, no peace without development". It is proposed to anchor this interdependence between security and development issues at an institutional level in the United Nations by establishing the Peacebuilding Commission.

The main role of this advisory commission would probably be to develop a coherent strategy for the creation of peace in post-conflict situations with the involvement of all relevant actors. The *High Level Panel on Threats, Challenges and Change* emphasises

⁵⁴ Cf. Footnote 46, Section 131.

⁵⁵ Cf. Fassbender, Bardo 2005, Chapter 4.1.

in its report the positive roles that civil society actors can play in post-conflict situations.⁵⁶

NGOs from the security and peace sector have already proven their competence and capacity, particularly within the framework of informal sessions in the Security Council and through their effective work in the GPPAC Process (see p. 15). Their local and regional knowledge would also positively support the work of the Peacebuilding Commission. Despite this, provision has so far not been made for the official involvement of NGOs.

In the draft framework resolution, however, the Member States do leave room for interpretation regarding classification of participating actors.

"Its main purpose is to bring together all relevant actors to marshal resources and advise on and propose comprehensive strategies for Peacebuilding and post-conflict recovery.

Additional members, invited to participate when PBC discusses a country-specific matter, namely:

...

vi. other parties directly relevant for the country under construction."⁵⁷

Bearing in mind the emphasis on the civil society role in a given country's post-conflict phase in the report of the *High-level Panel on Threats, Challenges and Change*, it seems reasonable to assume a broad interpretation of the formulation "other parties directly relevant for the country under construction". Thus the participation of NGOs active in, or with specialist knowledge of, a post-conflict country on the agenda of the Peacebuilding Commission, is in principle possible.

5 Conclusions and Recommendations

1. The effectively high level of informal support for UN work from NGOs and their growing importance as actors in international politics are in inverse proportion to their formal legal standing within the United Nations system. For this reason, reform of the participatory rights of NGOs in the United Nations is necessary.

2. It is expected that the Heads of State and Government will initiate meaningful institutional reform of the United Nations at the Millennium +5 Summit (M +5 Summit) in September 2005. During the preparation process for the Summit, it became clear that most UN Member States attending the M +5 Summit do not aspire to reform of the participatory opportunities and rights available to civil society organisations, as proposed for example by the *Cardoso Report*. The participation of NGOs in the newly created or reformed UN bodies such as the Peacebuilding Commission or the Human Rights Council will only be negotiated in the follow-up process of the M +5 Summit. It is therefore absolutely necessary to involve NGOs in this follow-up to the M +5 Summit.

3. There is no single concept to describe and define the difference between non-state actors within the United Nations. Associated with this is also a lack of clarity

⁵⁶ Cf. Footnote 36, Sections 91 and 131.

⁵⁷ Cf. Footnote 46, Section 60.

regarding the different roles and functions of non-state organisations in the UN system - for example the differences between the aims and responsibilities of civil society and the private sector. The individual actors of international politics – NGOs, private sector and the UN Member States – should have a fundamental discussion on the roles and functions of non-state organisations in the UN system, firstly between themselves (for example at the UN General Assembly, a global NGO forum and a meeting of the private sector) and then in a further step with each other. Finally they must aim to create a definition of individual actors which is relevant to the UN system.

4. On the one hand, a definition of NGOs must emphasise the concept of orientation towards the common good in the work of NGOs. On the other, it must be complex enough to include all the different functions of NGOs: interest groups representation, agenda setting, expertise, operational functions and watchdog. An understanding of NGO functions in the UN system is important in order to grasp their different roles and identify opportunities for participation. Above all, UN Member States should not, as has hitherto been the case, "fear" the watchdog function of NGOs in monitoring and reviewing implementation of, or compliance with, political decisions, but rather recognise this function in the cause of greater legitimisation of international politics.

5. The members of the intergovernmentally organised United Nations are sovereign states whose membership and therefore participation in the UN system is based on the political legitimacy of their governments. NGOs, on the other hand, lack a clearly defined and uniform foundation of legitimacy, a constituent component of participation in the UN system. In their watchdog function, NGOs monitor the behaviour of Member States at a national and international level. NGOs, on the other hand, are not as a rule subject to third party monitoring, other than possibly by their own members. Strong NGO participation in the UN system assumes that NGOs act in a transparent and controlled manner. To address this, the *Cardoso* Panel has proposed the development of a *Code of Conduct* for civil society actors. However, this should come from the NGOs themselves and not be created by the UN secretariat, and then agreed by the UN secretariat in a second step as envisaged by the *Cardoso* Panel. The basis for the *Code of Conduct* could be the *Code of Conduct* developed by CONGO.⁵⁸

6. NGO access to the United Nations is complicated by the considerable divergence in the accreditation process, admission criteria and forms of participation among the different UN bodies and special organisations. The *Cardoso* Panel has therefore proposed standardising the accreditation procedure and placing it under the remit of a committee of the General Assembly rather than ECOSOC, as is currently the case. Voting decisions of the General Assembly committee would follow a selection process carried out by an independent accreditation office, which would itself be supported by an expert advisory council. The foundation for the standardisation would be an inventory of all current accreditation procedures in the UN system over a three-year period. If the Member States, UN bodies and the NGO community work together effectively in the follow up to the M +5 Summit, the period required for this inventory could be significantly shorter and the desired standardisation achieved more swiftly. A new accreditation process should be as apolitical and objective as possible. Therefore it is crucial to carry out a fundamental discussion about the criteria required of NGOs for accreditation. A catalogue of criteria should be worked out together by

⁵⁸ Cf. www.ngocongo.org

the NGO community and the United Nations. The UN Non-Governmental Liaison Office could take on an important coordinating function in this regard.

7. Many NGOs assess the opportunities for participation in the present reform process as lower than that of the major UN conferences of the 1990s (for example the 1992 Rio Conference on Sustainable Development or the World Women's Conference in Beijing in 1995). This is due to the fact that only three NGO representatives are able to take part as speakers in the M +5 Summit in September 2005. Despite this well-founded criticism, the creation of a new – informal – opportunity for NGO participation created by the NGO hearings at the General Assembly in June 2005 is to be welcomed.

8. The preparations for the first informal interactive hearings with non-state organisations in the General Assembly on the 23rd and 24th of June 2005 have shown that the NGO community already has a good capacity for organisation (for example the *Millennium +5 NGO Network*). It is now the job of NGOs to strengthen these capabilities in the future to create a network of NGOs working in different areas. Such a network could combine specific as well as intersectoral interests allowing more effective representation at the global level.

9. The long-criticised dominance of Northern NGOs, finally gave way at the NGO hearings of the General Assembly in June 2005 to a more representative North-South participation. More than half of participating NGOs came from the South (178 out of 304 NGOs). The continuation of the contribution of Southern NGOs from developing countries can only be guaranteed if secure financing is made available. Therefore NGOs and Member States must ensure in the follow up process to the M +5 Summit that the proposals, outlined in the March 2005 reform report *In Larger Freedom*, for funds for the strengthening of participation by civil society organisations from the South and strengthening of the capacity of civil society organisations are followed up on.

10. A long-term demand of NGOs is the right of participation and address at formal plenary sessions of the UN General Assembly. Up until now, NGOs have had no formal legal status at the General Assembly, and are only invited to special thematically limited special meetings. The current reform agenda does not present any changes to this status quo. However, inclusion of the informal NGO hearings in the annual meeting cycle of the General Assembly, which has been welcomed by Member States and NGOs, could lead to a medium term opening of the General Assembly for NGOs. A further step in this direction would be to hold the informal hearing during the annual plenary meeting, rather than three months previously.

11. At the NGO hearings of the General Meeting in June 2005, NGOs from different sectors and fields were present. In the case of an institutionalisation of the hearings, this meeting of participating NGOs should be used to create an intersectoral network, as a contribution towards the establishment of a global civil society.

12. The proposed institutional reform of the ECOSOC Human Rights Commission, which would transform it into a Human Rights Council of the General Assembly, represents an upgrading of Human Rights in the UN system. The United Nations already has a great deal of varied and positive experience in working together with

NGOs in this field. For their part, NGOs continuous and active work within the Human Rights Commission offers them major opportunities to exert influence. In the case of reform, the existing participation practices for NGOs, particularly the *special procedures* should be retained at all cost.

13. Plans for the probable establishment of a Peacebuilding Commission foresee no explicit contribution from NGOs to peacekeeping in post-conflict situations. However, NGOs should support the work of the commission, by sharing their local knowledge or their often considerable expert knowledge in the peacekeeping sector within the framework of formal participation. Building on the positive experiences within the framework of the Security Council and the GPPAC process, NGOs should be officially – and not just informally – included in a Peacebuilding Commission. To this end, NGOs should seek to influence the modalities of the establishment of this Commission through co-ordinated lobby work beginning directly after the M +5 Summit in September 2005. For their part, Member States should reconsider their reluctant stance and integrate those NGOs which are active in the relevant countries and possess expertise in the area of peacekeeping.

14. The role of the Economic and Social Council (ECOSOC) in the UN system should be strengthened so that it becomes the central platform for discussion of development and finance issues. The draft framework resolution of August 2005 of the M +5 Summit points in the right direction in this respect. Through the promotion of ECOSOC, NGO participation can be indirectly strengthened. The three main axes of the current political debate "Development, Human Rights and Security" should be institutionalised in the UN system through the new roles of ECOSOC, the Human Rights Council and the Peacebuilding Commission. In these three areas, NGOs currently have the most influence within the UN system, influence which they could extend correspondingly in the case of reform.

15. The semi-autonomous NGO liaison office (UN-NGLS) has done an excellent job over the last few years. It has worked efficiently and successfully above all in facilitating the participation of more than 5,000 Southern NGOs at UN meetings in the last 12 years . Plans to integrate the UN-NGLS into the Secretariat were recently dropped. As a result, there is a danger that the work of this important and proven office will have to be discontinued due to lack of funding. In the follow up to the M +5 Summit, ensuring the continued existence of the UN-NGLS should have a high priority.

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The Foundation promotes a vision of a democratic society open to immigrants and places particular importance on attaining gender democracy - signifying a relationship between the sexes characterised by freedom from dependence and dominance.

The Foundation also promotes art and culture as part of their political education work and as a form of expression of social self-awareness.

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