



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

7 July 2006

Excellency,

As you are aware, in my letter of 18 May 2006, I announced the appointment of Ambassador Johan L. Løvald of Norway and Ambassador Rezlan Ishar Jenie of Indonesia as my personal advisers on the relationship between Member States and civil society, including non-governmental organizations.

Over the course of the last month, they have met with representatives of Member States and non-governmental organizations to listen to views and concerns on this issue.

In light of paragraphs 172 to 175 of the Outcome Document, by which World leaders welcomed the continued dialogue between Member States and civil society, I wish to thank H.E. Mr. Johan L. Løvald and H.E. Mr. Rezlan Ishar Jenie for their dedication to this endeavour.

I am pleased to share with you the findings of Ambassador Løvald of Norway and Ambassador Jenie of Indonesia as contained in their report dated 5 July 2006.

Please accept, Excellency, the assurances of my highest consideration.



Jan Eliasson

All Permanent Representatives and
Permanent Observers to the United Nations
New York

United Nations: The relationship between Member States and civil society, including non-governmental organizations

Report to the President of the 60th General Assembly

I. Introduction

The evolving relationship between the United Nations and civil society has been the subject of increasing attention in recent years. In his letter of 18 May 2006 to Member States, the President of the 60th General Assembly, H.E. Mr. Jan Eliasson, referred to Section V of the World Summit Outcome on strengthening the United Nations. He mentioned in particular paragraphs 172 to 175 on the participation of local authorities, the private sector and civil society, including non-governmental organizations. In this section world leaders welcomed their positive contributions to the work of the United Nations and encouraged the continued dialogue between civil society and the Member States.

The President of the General Assembly further referred to a series of informal interactive hearings with representatives of civil society, including non-governmental organizations, during the 60th General Assembly. In the course of the preparations for these hearings several issues had emerged that would benefit from clarification and elaboration.

By the said letter, therefore, the President of the General Assembly informed Member States that Ambassador Johan L. Løvald of Norway and Ambassador Rezlan Ishar Jenie of Indonesia would act as his personal advisers on the relationship between Member States and representatives of civil society, including non-governmental organizations.

In view of the short time available to undertake the necessary consultations it was felt advisable to limit the consultations to the relationship between Member States and civil society, including non-governmental organizations in the context of General Assembly affairs.

For the same reason it was further felt necessary to limit the consultations to the relationship between Member States and non-governmental organizations, thus omitting issues pertaining to all relevant groups and interests subsumed under the concept of civil society, such as the private sector. During the ensuing consultations with Member States and non-governmental organizations it was

nevertheless felt that some of the observations made were indeed also relevant to the broader concept of civil society and its relationship to the United Nations and its Member States.

Based on their mandate the authors of this report met with representatives of Member States and non-governmental organizations, as well as representatives of the Secretariat and United Nations agencies dealing with civil society relations, in order to listen to their views and concerns regarding current practices of non-governmental organization engagement in the work of the United Nations, in particular the General Assembly. The following points and observations emerged from those meetings.

II. Summary of views and proposals from meetings with non-governmental organizations

At the outset it should be noted that the representatives of non-governmental organizations welcomed the initiative of the President of the 60th General Assembly to clarify and elaborate on the relationship between non-governmental organizations and Member States and, on this basis, to address future needs.

It was felt that civil society at large represented an important and as yet not fully utilized reservoir of support for the United Nations. Consequently, it appeared timely and necessary to develop a better understanding of this partnership and its working methods to underpin civil society contributions in the future.

It was pointed out that considerable efforts had already been devoted to this question. Recently, the most important contributions were no doubt the Report of the Panel of Eminent Persons on United Nations-Civil Society Relations (A/58/817 and Corr. 1) -The Cardoso Report – and the Report of the Secretary-General in response to this report (A/59/354).

Representatives of non-governmental organizations registered frustration that these reports had not been acted upon by the General Assembly in a formal way that could further clarify and expand the relationship between civil society and Member States. However, several representatives of non-governmental organizations also felt that some of the approaches taken in the most recent reports on this topic might have benefitted from further clarification and elaboration.

It was nevertheless stressed that at the end of the day it would be desirable to reach agreement on a comprehensive platform dealing with the relationship between Member States and civil society.

Pending such a development it was felt that a closer look should be taken at what could be done to improve present practices in a practical and pragmatic manner to the benefit of both sides.

Based on these considerations the main views and concrete proposals by non-governmental organizations as expressed during the consultations may be summarized as follows:

- a) Non-governmental organizations recognize and respect the intergovernmental nature of the United Nations. However, recent practices and procedures seem to have restricted interaction between non-governmental organizations and Member States. It was pointed out that the work of the General Assembly both before and following the World Summit in 2005 had taken place primarily in the form of closed informal consultations. This was in sharp contrast to the Preparatory Committees of the large United Nations Conferences during the 1990s which allowed for full and inclusive non-governmental organization participation. While recognizing the importance of informal consultations it was felt that measures should be taken to allow for more participation and interaction should such working methods continue to be employed by Member States in the future.
- b) Hearings are generally deemed welcome by non-governmental organizations, but are nevertheless considered insufficient measures of interaction with Member States. Non-governmental organizations question the impact of hearings on high-level meetings and caution that hearings are useless if Member States do not actively participate in them. Moreover, for hearings to be successful, they require a preparatory time of four to five months.
- c) For the hearings to be meaningful it is important that the outcome of the hearings be properly reported and forwarded to Member States in connection with their preparations for a high-level event or similar meetings of the General Assembly.
- d) In this connection non-governmental organizations continue to emphasize the importance of participation in the high-level and other meetings for which the hearings are the preparatory inputs.
- e) Non-governmental organizations do not consider that they should be allowed to attend all meetings; participation should be granted only to organizations with expertise in the area being discussed. They remain willing to assist in the necessary selection process in this respect. The task force concept as

resorted to by the Presidents of the 59th and 60th General Assembly is found most useful for this purpose.

- f) As United Nations accredited organizations, even if they cannot make oral interventions, non-governmental organizations wish to observe intergovernmental meetings and to make their documents available to Member States.
- g) Non-governmental organizations wish for the restoration of the budget of the Non-Governmental Liaison Service.
- h) Non-governmental organizations hope for a position of Assistant or Under-Secretary-General for Civil Society Affairs to be established in the Secretariat, in order to give a high profile to the United Nations' partnership with civil society.
- i) Non-governmental organizations stress that the Capital Master Plan should take into account the needs of non-governmental organizations by designing meeting halls accordingly and providing a well-equipped non-governmental organization resource centre.
- j) Non-governmental organizations lament the lack of participation of non-governmental organizations from developing countries at United Nations meetings and underline the opportunities for using technology to bring in the voices of these organizations.
- k) Non-governmental organizations also encourage the establishment of a trust fund to bring representatives of civil society from developing countries to United Nations meetings in person.

III. Summary of views and proposals from meetings with Member States

Member States strongly affirmed that the United Nations must maintain the integrity of its intergovernmental nature, whereby Member States are the sole decision-makers. That being said further measures for increased interaction could be envisaged.

Some Member States value non-governmental organizations for their expertise in a variety of areas, as well as for their capacity to provide early warning in cases of potential conflict. For those reasons, they agree that it is important to ensure their continuous constructive contributions.

Many Member States pointed out that they engage non-governmental organizations at the national level and include them on their delegations to United Nations conferences. Some feel that an active consultation at the national level should reduce the need for engagement at the international level.

Many consider that United Nations meetings are too pressed for time and space to allow for interventions from numerous non-governmental organizations, and that the sheer number of non-governmental organizations attending United Nations meetings may create a chaotic environment.

Some Member States encourage non-governmental organizations to self-select representatives to speak on their behalf, in order to limit numbers and speak with a more powerful voice. Others feel that self-selection is not transparent and should be avoided insofar as some organizations might favor participation at the expense of others.

Some have reservations regarding the participation of organizations that are culturally insensitive, politically motivated, in particular in the context of human rights, or that represent a small interest group.

Overall, Member States want to have the ability to screen non-governmental organizations that wish to participate in United Nations meetings, especially when they do not have consultative status with ECOSOC.

The predominance of non-governmental organizations based in the developed world is of deep concern to many Member States, not least from developing countries. Noting that these organizations represent a biased perspective, they stress the need to redress this imbalance by involving more equitably non-governmental organizations from developing countries.

Member States consider the consultative relationship with ECOSOC to be the pillar of non-governmental organization engagement in the work of the United Nations. Some also note that the working methods of the non-governmental organization Committee could be updated and made more efficient and more accessible to non-governmental organizations from developing countries.

Member States would approve of measures to use technology as a means of bringing in the voices of developing countries, and while they are not opposed to a trust fund for involving participants, the question of financial contributions remains a challenge.

Many Member States reject a “one size fits all” approach to non-governmental organization participation and believe it must be determined on a case by case basis.

Some judge that there should be a uniform policy for non-governmental organization involvement in all areas of United Nations activities; if at some point non-governmental organizations are allowed to engage in the work of one of the Main Committees of the General Assembly, the same arrangement should be applicable to all of the Main Committees.

Regarding the presence of non-governmental organizations in the meeting rooms during intergovernmental negotiations, certain delegations are not opposed to that, provided that the organizations have been scrutinized and that there is a transparent process for determining how they can observe. In this respect it is noted that a number of practices have developed involving various degrees of inclusiveness and that one should concentrate on a “best practices” approach while allowing for necessary flexibility in each particular case.

Others deem the presence of non-governmental organizations to be unacceptable and inhibiting, especially in negotiating situations. They would prefer to channel non-governmental organization views exclusively through mechanisms that do not interfere with the intergovernmental process.

IV. General remarks

Member States and non-governmental organizations agree that the United Nations is and shall remain an intergovernmental organization. This fact constitutes the foundation for any consideration of United Nations and non-governmental organization relations.

During the consultations with Member States, a certain “confidence deficit” was identified in the relationship between permanent missions at the United Nations and civil society, including non-governmental organizations. The consultations with non-governmental organizations confirmed this observation. In a time of increasing globalization it was considered important by many Member States and non-governmental organizations alike to address this “deficit” squarely as it has a direct bearing on public support for the United Nations and its work.

Another point, on which Member States and non-governmental organizations concur, is the need for a greater representation of non-governmental organizations from developing countries. The proposed mechanisms for enabling this include the expanded use of technology, increased non-governmental organization

participation in United Nations activities at the country level and in regional processes, as well as the creation of a trust fund (such as that which the Secretary-General proposed to establish in his response to the Cardoso report). However, the amount of resources that such a trust fund might muster remains uncertain.

Both Member States and non-governmental organizations emphasize the importance of accountability and wish to exercise due diligence for non-governmental organizations attending United Nations meetings. The idea of a code of conduct for non-governmental organizations was suggested as a complementary measure.

Member States generally appear to be open to increased consultation with non-governmental organizations, as long as there are clear parameters that are understood and respected by all.

V. Concluding observations

While there are clear differences and expectations between Member States and non-governmental organizations, there is still sufficient common ground to explore better interaction and more meaningful inclusiveness.

Any changes to be contemplated should, in the short term, take place within existing frameworks and regulations. In the longer term, a more forward looking approach might prove feasible – for example an expanded formal arrangement for United Nations-Civil Society Relations based on inclusiveness, transparency and a clear division of labor. Such an arrangement might build upon best practices so far and expand these as appropriate.

In order to develop further the partnership between Member States and civil society, including non-governmental organizations, it is felt that the President of the General Assembly has a crucial role in view of the increasing importance of his or her office in intergovernmental negotiations.

It should be noted that the President of the General Assembly will have to work closely with the Secretary-General in this respect, not least because the Secretary-General may on his or her own initiative take measures that have a direct bearing on United Nations-Civil Society relations, as exemplified below. The Report of the Secretary-General in response to the report of the Panel of Eminent Persons on United Nations-Civil Society Relations (A/59/354) remains an important reference point in this respect.

Similarly, it should be noted that the President of the General Assembly is eminently placed to assess and take into account the views of Member States in taking this partnership forward.

Given the political importance of the Office of the President of the General Assembly it follows that the President has a unique ability to participate in public discourse on these issues while taking into account the views of Member States and civil society alike. In his or her public appearances it would seem appropriate to continue to address the importance of aiming at a constructive and workable partnership between Member States and civil society, including non-governmental organizations.

Based on these considerations the authors of this report are of the view that further exploration and follow-up by the President of the General Assembly might be useful along the following lines:

- a) In order to facilitate communication with non-governmental organizations throughout the process of informal consultations in the General Assembly without infringing on the space of Member States, periodic meetings before and during the informal consultations between Co-Chairs or Facilitators and non-governmental organizations could be considered. The President of the General Assembly might wish to include this provision in the mandate he or she assigns to the Co-Chairs or Facilitators.
- b) The same approach could be applied to the Main Committees of the General Assembly, with meetings between Committee Chairs and non-governmental organizations. The President of the General Assembly might wish to pursue this in the context of the General Committee.
- c) Similarly, the President of the General Assembly could brief non-governmental organizations at the beginning of his or her term or at other key points. In particular, a consultation on the upcoming General Assembly might be arranged each fall under the auspices of the President of the General Assembly at the beginning of the General Assembly.
- d) The question of civil society hearings, to be included in the work program of the Main Committees of the General Assembly, might also be considered. The President of the General Assembly might take this up in the General Committee.

- e) In light of the emergence of informal hearings of the General Assembly as a new form of interaction between Member States and civil society, it is important to develop general guidelines for how hearings should be organized and conducted, taking into account the need for more equitable representation of non-governmental organizations from developing countries and all regions.
- f) Hearings are successful only if adequate time and human resources are allocated for their organization, taking into account time for preparation, visa requirements etc. and the need for sufficient funding to ensure a representative participation from non-governmental organizations, not least from developing countries. Interest and attendance from Member States is also essential; the President of the General Assembly should continue to take a pro-active approach in encouraging such active participation. The President of the General Assembly would need to start early preparations for the hearings in close coordination with the Secretariat and with Member States sponsoring resolutions that might entail civil society inputs at a subsequent stage. In this connection, it is also important to ensure that the substantive offices of the Secretariat are fully prepared and available to assist the President in organizing the hearings. The President of the General Assembly should take this up with the Secretary-General.
- g) For the hearings, as well as the meetings suggested above, they should be announced well in advance and as soon as this is practicable, in order to facilitate input from non-governmental organizations based abroad through the Internet or video conferencing when possible. The President of the General Assembly might wish to inform civil society on a provisional basis in some cases pending final General Assembly approval.
- h) Regarding the proposal from civil society to create a non-governmental organization/civil society focal point position at the Assistant Secretary-General or Under Secretary-General level in the Secretariat, while Member States are reticent, such a person could potentially be of assistance to Member States and civil society, by coordinating the various United Nations channels of non-governmental organization engagement. This is a matter for the Secretary-General to consider further, on the basis of his or her view of the amount of support for such a proposal, but the President of the General Assembly might wish to consult with the Secretary-General as well on this matter in view of his or her own contacts with Member States regarding United Nations-civil society relations.

- i) The same observations as above seem pertinent as regards the question of securing more predictable funding for the United Nations' Non-Governmental Liaison Service (NGLS).
- j) Notwithstanding these other proposals the President of the General Assembly might wish to strengthen his or her Office through the appointment of a high-level contact person for civil society relations, building on the valuable experience that has been gathered in this respect.
- k) Finally, the Capital Master Plan is a matter of concern for civil society in terms of future improved access to the United Nations. The President of the General Assembly might wish to voice this concern in his or her contacts with the Secretary-General and Member States.

New York, 5 July 2006

Johan L. Løvald

Rezlan Ishar Jenie

Annex: Letter of 18 May 2006 from the President of the General Assembly to Member States.

ANNEX



THE PRESIDENT
OF THE
GENERAL ASSEMBLY

Thursday, 18 May 2006

Excellency,

I have the honour to refer to Section V of the World Summit Outcome on Strengthening the United Nations, in particular paragraphs 172 to 175 on the participation of local authorities, the private sector and civil society, including non-governmental organizations. In this section, world leaders welcomed their positive contributions to the work of the United Nations and encouraged the continued dialogue between them and Member States.

During its sixtieth session, the General Assembly shall engage in three informal interactive hearings with representatives of non-governmental organizations in consultative status with the Economic and Social Council, civil society organizations and the private sector on HIV/AIDS, International Migration and Development and the Least Developed Countries.

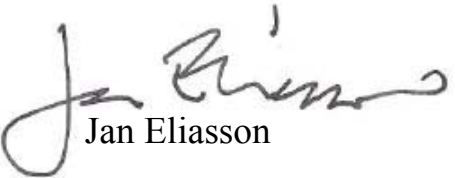
In the course of the preparations for these hearings, several issues have emerged that would benefit from further clarification and elaboration.

I have therefore asked Ambassador Johan L. Løvald of Norway and Ambassador Rezlan Ishar Jenie of Indonesia to act as my personal advisers on the relationship between Member States and representatives of civil society, including non-governmental organizations, in order to build on this experience and address future needs.

To All Permanent Representatives and
Permanent Observers to the United Nations
New York

As they shall conduct informal contacts and dialogues with Member States in this regard, I very much hope that you will personally engage in these meetings.

Please accept, Excellency, the assurances of my highest consideration.



Jan Eliasson