



NGOs and the United Nations

Comments for the Report of the Secretary General

James A. Paul

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Preface

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

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

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

A number of NGO colleagues read drafts of this report and provided helpful comments, corrections and additional information. We have learned much from them and from others in the UN community who believe in NGOs. In particular,

we want to thank the many delegations and Secretariat staff who have offered us their generous and wholehearted support and cooperation over the years. Their help and encouragement are greatly appreciated.

Introduction

1. NGOs have an increasingly vital role to play

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

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

This report assumes that NGOs will grow in importance in the years ahead and that the United Nations must find ways to be ever more open to NGO partnership. Furthermore, the partnership must be based on real practice and outlook, not on rhetoric and symbolism. Global policy making today and in the years to come will require new levels of participation of NGOs, if it is to be effective in a globalizing, ever more interdependent world. This partnership must be built with hard work, dedication and leadership, to overcome many substantial obstacles.

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

For these reasons, it is imperative that the United Nations explore means to widen and make more meaningful the access of NGOs to the organization and its negotiation and decision-making processes - ways that strengthen and also

transcend the framework laid down in Economic and Social Council (ECOSOC) Resolution 1996/31, adopting the spirit of Decision 1996/297.

2. A Mixed Picture since 1996

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

(a) Advances

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

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

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

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

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

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

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

(b) Problems and Setbacks

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

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

Some delegations in the ECOSOC Committee on NGOs have recently spoken of a need to place new restrictions on NGOs. NGOs feel that these critics unfairly blame NGOs generally, by exaggerating the actions of a very small number of NGO representatives. The Committee has discussed actively several proposals that would greatly harm NGO work. Member states of every region, including Cuba, Tunisia, the United States and the United Kingdom, have offered proposals of this kind. NGOs were also alarmed at a 1998 United States proposal in the Fifth Committee suggesting that NGOs pay for the cost of services they receive at the UN.

NGOs have suffered immeasurable loss because the UN has sharply scaled back its global conference series. NGOs greatly profited from these conferences, which provided ease of accreditation, intense interaction with delegations in the preparatory process and outstanding networking opportunities. But after the 1996 World Food Conference in Rome, it appears that there will be very few

such events in future, especially because of the opposition of the United States. The UN has shifted to special sessions of the General Assembly or other UN venues. NGOs have encountered serious access difficulties in these new settings. Recently, NGOs have faced deteriorating legal and financial conditions in many countries. Governments have imposed new restrictions on NGOs, narrowing NGO scope and placing limits on their ability to speak critically and independently. Funding for many such organizations has declined as well. These developments inevitably sap NGO capacity to participate effectively at the global level.

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

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

The Secretariat has imposed onerous fees for access to electronic UN documents through the Optical Disk System and it is also considering a fee for access to the Treaty Database, now provided for free. Fee-based approaches of this kind can have an especially negative impact on Southern NGOs, who most need documents in languages other than English, found only sparsely on the web site. NGOs find many friendly and helpful staff in the Secretariat, but, too often, NGOs also encounter people that are not supportive and not attuned to NGO concerns. Secretariat officials fail to engage NGOs in serious consultation, even in matters of great importance to NGOs, like the Optical Disk System or security rules. NGOs have been especially disappointed at the troubled interaction they have had with Secretariat officials, as well as problems of access to Secretary General Kofi Annan.

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

support of NGOs, delegations and Secretariat leadership, can succeed in solving the present impasse.

3. Short-term Action and Long-Term Vision

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

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

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

MAIN ISSUES

1. Access to Information

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

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

The web site enables the UN to service NGO needs without requiring their physical presence. In this way, it has allowed the overall number of accredited NGOs to grow, while the number of NGO representatives actually in the building

has stayed the same or even declined. But many documents that NGOs may need are not available on the site. NGO representatives must still obtain these documents in printed form, but they would much prefer to have electronic access, an arrangement that would save UN printing costs and reduce the number of NGO visits.

When the UN made available the Optical Disk System (ODS) to member states in late 1996, NGOs asked the Secretariat for access to this system, which includes all UN public documents, in all six official languages. The Secretariat eventually decided to charge NGOs an access fee, now \$1,250 per year, per computer, payable in advance, a 50% discount from the commercial rate. Secretariat staff argued that under stringent budget conditions, a fee was necessary to "charge-back" the cost of new computer hardware and phone lines. Recently, NGOs discovered that the new equipment cost in New York and Geneva amounted to only \$30,000. To recoup a sum of about \$100,000 (a larger investment would have been needed for more users), the Secretariat denied information to thousands of potential users, especially affecting Southern NGOs, operating at a distance from headquarters, which have small budgets and need documents in languages other than English. The cost of document printing, plus ODS sales costs, have probably been far more than the technology investment.

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

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

The Secretariat is now re-thinking the UN web site, to make it an even more effective vehicle for UN information. Ms. Angela Kane, Director of the Library and Publications Division of the Department of Public Information, is in charge of this project, on special leave from her regular duties. However much the web site

improves, NGOs will continue to need the extended access to documents, especially documents in languages other than English, that the ODS database now provides.

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

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

2. Access to UN Premises

(a) Perimeter Security

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

In response to major protest demonstrations at UN buildings in Geneva in early 1999, the Swiss Army has patrolled the UN precinct there and ringed it with barbed wire. Delegates, staff and NGOs have often had to use just a single entrance, where all pass through the same security check. By contrast, New York headquarters presents a less ominous visage. But perimeter security has steadily tightened since about 1992, when NGOs lost their ability to "sign in" guests. Since the early fall of 1998, UN security has asked even NGOs with an annual pass to go through metal detectors and have their bags or briefcases scanned. Security has sometimes required all NGOs to enter the building by the 46th Street "Visitors' Entrance." Those with a temporary pass, including NGO representatives attending Prep Comms or conference followups, must now always enter at 46th Street.

NGOs object to passing through metal detector searches when staff and delegations are not searched in this way. Security procedures imply that NGOs pose a far greater risk, diminishing NGOs' sense that they are trusted partners. UN security now asks even NGO representatives who regularly enter and leave the building to undergo rigorous metal searches, sometimes requiring removal of bracelets, belts, key chains and other articles of clothing. These searches can be time-consuming and humiliating. Furthermore, security staff have set metal detection equipment at unusually high levels - considerably higher than most airport equipment -- leading to routine hand-sweeps by security officers, because shoe tacks, metal fasteners in clothing, credit cards and the like set off the alarms. Security guards "sweep" longtime NGO representatives who must stand by a busy entrance, with hands in the air, looking like they have just been arrested for a street crime, even though they are peacefully going about their business, and in spite of the fact that they may enter the buildings two or three times each day.

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

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

(b) Document Searches and Internal Security

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

content of NGO documents and for the possible "frisking" of NGO representatives.

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

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

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

(c) Lack of Clear and Consistent Rules

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

When a visiting German NGO leader recently tried to distribute a statement by a large group of NGOs at the Copenhagen +5 Prep Comm in May 1999, a Secretariat staffperson confiscated the statement. Realizing the importance of

the NGO networks that authored the statement, the staffperson then apologized and placed the statement on a table in the conference room. The NGO representative, who had attended many previous meetings in New York, was astonished at these events and realized that he had no benchmark of rules to consult and no clear rights to invoke.

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

(d) Consequences of the Financial Crisis

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

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

The financial crisis provided the rationale for the December 1998 proposal by the US delegation in the Fifth Committee that the UN should charge fees for services provided to NGOs, including use of the UN premises, provision of documents, translation services and so forth. This proposal caused great alarm in the NGO community. Fortunately, other delegations rejected the proposal and the US withdrew it. It would have had an especially heavy impact on NGOs from the South and on small and low-budget NGOs from every region. NGOs and delegates took note of the irony that this proposal came from the delegation that had failed to pay its assessments and owed the UN more than one billion dollars. NGOs worry that this commercial approach to access may re-appear, since the Secretariat is preparing further information on the cost of NGO services.

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

(e) Physical Facilities

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

Physical facility problems at the UN reflect the organization's financial crisis, including deteriorating physical infrastructure. The earpieces, used for listening to translators during public meetings, offer a clear example. In most of the UN's public galleries, these earpieces do not work, making it difficult for NGOs to monitor the proceedings. In February 1999, when a number of NGOs attended a Security Council open meeting, they discovered that none of the earpieces in the public gallery of the Council chamber were functioning. When NGOs reported this problem, Secretariat staff explained that financial constraints made it impossible to fix the earpieces in the near term. Because Council members make use of all the official languages during the course of a typical session, NGO representatives cannot exercise their full right to attend these meetings as long as the earpieces are broken.

3. The Right to Participate

(a) Progressive Consolidation of Resolution 1996/31

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

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

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

Practice not only elaborates and amplifies rules, it sometimes precedes rules or extends them into new areas. This is especially true at the UN, where there are

dozens of different forums. Since the earliest years, NGOs have participated far beyond the bounds of ECOSOC, including active consultation with the General Assembly (GA), its Main Committees, Subsidiary Bodies and a variety of other forums. NGO representatives have even spoken to the GA (though formally the session was temporarily suspended) and GA committees regularly find means to hear the views of NGOs.

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

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

(c) Legal Interpretations by the Office of Legal Counsel

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

NGOs have expressed their concerns to officials in the Office and some NGOs believe that the Office has recently adopted a more flexible approach. But others think little has changed. It seems, therefore, that the Office's stance calls for review. NGOs will continue to press for clarification on these legal issues so that their rights of access can enjoy full support from the Office of Legal Counsel. NGOs want the Office's legal positions to reflect the perspective of partnership and rights-expansion.

(d) NGO Access to the General Assembly

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

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

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

CONGO has proposed that the General Assembly adopt NGO consultative arrangements based on ECOSOC Resolution 1996/31. Recently, on May 3, 1999, the World Federalist Movement-INTGLIM circulated a draft resolution that could be the basis for agreement. Many NGOs hope that the General Assembly will consider a similar resolution and pass it. If so, a new era of partnership and cooperation can begin.

(e) Conferences and Review Processes

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

When member states undertake a periodic review of a major conference, they should do this in the most open and accessible forum. The recent results in GA Special Sessions have not been encouraging to NGOs. NGOs have faced onerous

new restrictions for six reasons: (1)the insufficiency of conference facilities at UN headquarters, (2)tighter and varying accreditation rules, (3)more limited rules of NGO access to the GA, (4)more limited physical access to the meeting chamber, (5)more irregular scheduling of meetings and (6)fewer available funds for Southern NGO participation. As a result, the Rio+5 session in 1997 disappointed many environmental NGOs, who found it to be much less open than the original event.

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

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

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

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