

WEDO Response to the Report of the  
Panel of Eminent Persons on UN-Civil Society Relations

September 2004

On June 21, 2004 the Panel of Eminent Persons on UN-Civil Society Relations, appointed by the Secretary-General, released its findings and recommendations in the report "We the Peoples: Civil Society, the United Nations and Global Governance." The 13-member Panel, chaired by former Brazilian President Fernando Henrique Cardoso, was set up in 2003 to produce a set of practical recommendations for the Secretary-General on how the UN's relationship with civil society, as well as with private sector and parliaments, could be improved.

WEDO welcomes and supports the work of the Panel, as it explores avenues to mobilize and provide space for civil society to engage with member states in global policy dialogue. Today civil society is at a critical juncture in its engagement with the UN. While the UN remains the most hospitable to civil society of the global governance institutions, its modalities and mechanisms of participation have to be improved to ensure a more meaningful engagement and sustained impact in global policy dialogues.

The UN has been a vital and galvanizing forum for women and their engagement in global policy issues since the first world conference on women in 1975. Over the following two decades women from across the globe built an international movement and defined a far-reaching global agenda. The conferences of the 1990s resulted in significant government commitments to a comprehensive agenda that promotes peace, human rights, gender equity and women's empowerment, poverty eradication, and sustainable development. These commitments at the global level would not have been possible without women's active and informed participation.

Yet despite commitments gained at the UN and efforts to use them to protect and advance women's rights at the national level, many women are worse off today than they were a decade ago. There is a large gap between government commitments at the UN and their actual implementation. The growing power of international trade and financial institutions on national development policy and frameworks, often impeded natural governments' ability to meet their commitments.

Women viewed the UN-Civil Society Relations Panel as a critical opportunity to provide our suggestions on how civil society could more effectively engage in global policy processes at the UN.

Prior to the Panel's formation, based on demands of civil society and recognition of what we bring to the table, the UN embarked on a period of experimentation with different approaches to civil society participation. The Financing for Development (FfD) and World Summit on Sustainable Development (WSSD) processes are examples where the UN introduced more innovative and proactive forms of participation. These included hearings with civil society and private sector representatives, roundtables with high-level

government, agency and institutional representatives, and high-level events such as the ECOSOC and GA dialogues in FfD. The Commission on Sustainable Development (CSD), continued to experiment with different approaches in an effort to achieve an actual dialogue rather than just a series of statements.

We have learned from these experiences that being present does not always mean being heard. In recent UN processes, civil society has been present but participation has often failed to translate into actual results. In addition, there are still instances where civil society is hardly at the table at all. The Secretary General's Advisory Board on Water and Sanitation<sup>1</sup> last April 2004 was comprised initially without NGO or social movement representation or consultation until civil society successfully demanded it.<sup>2</sup> Another example is the Global Compact and its recent leaders summit of June 2004, where only civil society organizations that 'support' the Compact by joining it were allowed to be present.

Nonetheless, the UN simultaneously presents us with other attempts to improve and democratize its processes, indicating awareness of the growing need to incorporate different actors throughout its work. The partial implementation of the participatory mechanisms proposed in Agenda 21 such as major groups' participation at CSD, or the expanded membership of the UN-Civil Society Panel, are two examples of this political intention.

### **The Panel's Report**

It is in a positive participatory spirit that the UN employs this Panel to improve its engagement with global civil society by recognizing the role and legitimacy of other actors in the development process. The Panel has recommended valuable proposals to strengthen the UN within the global governance context and enhance participation. However, many of the recommendations need to be further developed before they can be implemented. It is critical that these mechanisms be developed in a consultative and transparent process with participation that is gender balanced and equitable across all sectors.

The following are some key issues of the Panel's report that need to be examined within the current global political context, taking into account lessons learned.

### Framework Setting

- *Defining civil society:* In the glossary, the definition of civil society does not provide enough to distinguish it from the private or public sectors. The Panel states that civil society "does not include profit-making activity (the private sector) or governing (the public sector)" (p. 13). By referring to profit-making 'activities' rather than groups,

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<sup>1</sup> Statement of concern of civil society groups in relation to the initial composition of this Advisory Board signed by more than 75 NGOs present at the 12<sup>th</sup> session of the Commission of Sustainable Development in NY

<sup>2</sup> Due to pressure from civil society, two of its representatives were added to the Board prior to its first meeting in July 2004.

this definition does not exclude GONGOs, BONGOs and RONGOs<sup>3</sup>. Usually, these types of organizations never claim to have profit-making or governing activities but nevertheless have been constituted to represent interests from the private and public sectors. Political issues that are necessarily involved in the constitution of any type of "association of citizens" as well as legitimacy issues are not considered in this key definition.

- *Gender balance*: Although the document mentions the need to involve women's organizations and take gender issues into account, it does not explicitly address the importance of gender-balanced composition in the proposed units or activities that the recommendations encompass, leaving into question whether gender analyses and perspectives would be adequately addressed.
- *Paradigm shift*: The Panel embraces four paradigm shifts to guide strengthening UN-civil society relations<sup>4</sup>. The Panel notes "the changing nature of multilateralism to mean multiple constituencies entails the UN giving more emphasis to convening and facilitating rather than 'doing' and putting the issues, not the institution, at the center" (p. 8). Women have and continue to count on the UN to convene on critical development issues. However, the UN needs to maintain its presence and active role by implementing its own clear agenda. The spirit of the paradigm shift has a positive participatory character (p. 72, paras. 183-187) attempting to support spaces where different stakeholders democratically debate policy issues. Nevertheless, it should not mean the retreat of the UN from the "doing" in the political arena<sup>5</sup>.
- *Participatory mechanisms*: A substantive part of the recommendations refer to more participatory spaces and different multi-stakeholder forums as illustrated in proposals 2 and 6 (p. 16, 33,37). Equal representation of different social actors and the sought outcomes of potential multi-stakeholder consultations should be guaranteed and clearly defined. This must be developed and more accurately defined when considering these recommendations.

The Panel also proposes establishing selection criteria for participation, as in the case of the General Assembly, but the conditions are ambiguous. The potential "high

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<sup>3</sup> The colloquial terms "Gongos", "Bongos" and "Rongos" are regularly informally used in NGO contexts as well as among development agencies and bodies including UN. The first one refers to organizations that deliberately represent governmental interests even though they do not identify themselves as public entities. On the contrary, they seek to use an NGO halo that allows them to lobby in different political spaces. It is also the case with "Bongos" where there are business interests at stake and "Rongos" where there are Royal interests involved.

<sup>4</sup> These four shifts are: (1) become an outward-looking Organization, (2) embrace many constituencies, (3) connect the local with the global—putting countries first, and (4) help to reshape democracy for the twenty-first century (p. 28).

<sup>5</sup> "The UN must become a more outward-looking, or networking, organization. It should explicitly convene and foster multi-stakeholder partnerships and global policy networks... The traditions of its formal intergovernmental processes can be barriers to this objective. But partnerships and policy networks will have a stronger results orientation and provide a surer connection between the Organization's local actions and its global values, especially in making progress on the Millennium Development Goals" (p. 72, para 185)

quality independent input" that an invitee can provide, which would be the measure of their selection, is also undefined. This is a vague criterion—no actor would be neutral and no input is totally independent (p. 37). Additionally, the Panel does not propose specific mechanisms for regional offices to open participatory channels. Apart from the suggestion of appointing constituency engagement specialists in offices of resident coordinators (p.64-65, paras. 158-160) and hiring local experts who would identify key actors that should be consulted by UN forums, regional economic commissions are not urged to formalize such mechanisms.

### Accreditation

The Panel addresses the need for civil society accreditation in various UN forums. Stating that civil society contributes expertise relevant to processes “of the General Assembly and to areas of the UN work beyond the economic and social fields,” the Panel suggests the GA assume authority for accreditation through developing a streamlined process and a single “Accreditation Unit” to facilitate civil society accreditation across various forums, i.e. ECOSOC, DPI, conference and their follow-up, and in some GA events (p. 53). Thus NGOs would no longer be ‘ECOSOC-accredited’, but rather ‘UN-accredited.’

Rather than recommending full GA accreditation—as many in civil society have proposed—the Panel recommends the GA “permit the carefully planned participation of actors besides central Governments in its processes” (p. 37), the meaning of which is ambiguous and needs further elaboration. Moreover, the Panel recommends that the UN “should realign accreditation with its original purpose namely, it should be an agreement between civil society actors and Member States based on the applicants’ expertise, competence and skills” (p. 54). This should be reconsidered in order to allow a broader participation of civil society groups that have experiential expertise rather than technical expertise (i.e. poor rural women who experience policy impacts but do not necessarily have a technical training).

Furthermore, the positive proposal to have accreditation processes centralized responsibilities assumed by the GA needs clarification. It is important to be explicit who will be part of the committee that will review the applications for accreditation (i.e. gender balanced unit with gender perspective, experts on civil society participation, members that have had experience working with social movements or NGOs) and how guiding principles (p. 53, para. 126) such as focusing on technical considerations rather than political considerations, and increasing transparency, accountability and predictability, will be assured. Additionally, any new restructuring should build on already existing standards regarding NGO consultative status, namely ECOSOC resolution 1996/31<sup>6</sup>. It is not specified if the proposed GA-housed Accreditation Unit would adopt these standards.

The proposed Accreditation Unit should also cooperate with accredited NGOs to have easy access to the UN compound, forums and meetings (p. 60, para. 144). The current

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<sup>6</sup> ECOSOC Resolution 1996/31: Consultative relationship between the United Nations and non-governmental organizations. ECOSOC 49<sup>th</sup> Plenary Meeting. 25 July 1996.

post-9/11 political climate within the U.S.—which has led to substantial obstacles in obtaining visas—and U.S. entry contingent on mandatory retina scans and finger printing, has unequivocally deterred many civil society representatives, particularly from the South, from participating in UN processes. These political barriers to engagement must be addressed directly, and perhaps convening UN processes in more favorable locations should be considered.

### Partnerships

The Panel presents partnerships as a critical method to expand participation of different sectors. However, partnerships are never clearly defined and monitoring mechanisms of their effectiveness and fairness are also not established. Lessons learned over the last ten years have presented empirical evidence showing that such types of associations are not always successful in meeting different demands from different sectors. While they have been a useful tool in certain areas of development (groups such as grassroots women’s associations, indigenous peoples or workers have been able to participate using this method), in other cases partnerships have been a vehicle for private interests at the expense of social needs, environmental protection and human rights. The water sector is an example of this, where ‘public-private partnerships’ have functioned to increase privatization to the detriment of the poorest in society, most significantly women and children. Issues of good governance, accountability and transparency are also at stake when dealing with partnerships.<sup>7</sup>

When addressing partnerships, the Panel gives preferential treatment to the private sector; different actors involved in the participatory process are not given equal treatment. The private sector, which includes corporations, is considered ideal candidates and examples of successful participatory mechanisms (p. 40). This is evident in the UN’s embrace of partnerships as a key strategy in its work. This is illustrated in proposals 7, 8 and 9 (p. 17) where mainstreaming partnerships with a strong presence of the private sector is strongly encouraged.

Despite the fact that the Report mentions guidelines that should be taken into account when building the partnership strategy (p. 39, paras 74-75), there are not enough stated elements in reference to: a) clear rules of conduct; b) principles upon which partnership should be constituted and qualities of the members; c) mechanisms to ensure transparency, accountability, equity, effectiveness and equality (it is mentioned but there are not clear instruments proposed); d) ensure that the inherent power differentials among the participants do not affect the out-come (it is also mentioned but no clear mechanism is proposed); e) sources of information used when judging the success or failures of partnerships. Proposals 8 and 9 (p. 40) which propose establishing a UN unit that conducts evaluations of real costs and impacts of partnerships, do not contemplate a more concrete monitoring system (p. 40, para 77). Given the many negative experiences with

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<sup>7</sup> See the case study in Bolivia: “Water, Privatization and Conflict: The Women of Cochabamba Valley” by Elizabeth Peredo, Heinrich Boll Foundation North America, 2004.

the Global Compact<sup>8</sup>, this initiative must directly address issues of transparency and accountability.

### Enhancing Participation of Civil Society

- *Addressing North-South imbalances:* Recognizing that “civil society speakers come largely from the global North or their organizations are headquartered there; speakers are largely male; most civil society organizations (both Northern and Southern) have unclear accountability to the grassroots; and voices of vulnerable groups are underrepresented” (p. 65), the Panel proposes that the Secretary-General should enlist donor support for strengthening the UN’s capacity to identify and work with local actors and establish a fund to build Southern civil society capacity to participate and ensure that country-level engagement feeds into the global deliberative processes. In addition to these suggestions, who is more expert in identifying local actors than civil society? Addressing North-South imbalances must include civil society as integral actors in achieving equity and balance.
- *Engaging elected representatives:* The Panel recognizes that national parliaments are “the most important arenas for policy debate, legislation, financing public programmes and holding governments to account” (p. 47). Engaging more strategically with parliamentarians and local authorities will help to address the democracy deficits in global governance. The Panel aims to enhance parliamentary role in global governance through encouraging member states to systematically include parliamentarians on their delegations to key UN processes (p. 48), encouraging national parliaments to convene routine debates on UN issues (p. 47), and developing global public policy committees over a 5-year period to discuss emerging priorities on the global agenda (p.49). To facilitate bringing more parliament and local authority representatives engaged in global public policy issues and to UN processes, the Panel proposes creating an Elected Representatives Liaison Unit (p. 50) to provide information to parliaments, increase their attention to UN processes, create better opportunities for parliamentary engagement in UN forums, organize the global public policy committees, and foster more UN debate ways to engage parliamentarians. These proposals for engaging elected officials in global issues and the UN processes is a positive contribution—provided it brings in diverse legislators with demonstrated interest in global concerns.

### Accountability and Transparency Mechanisms

Throughout the report, accountability and transparency are considered two principles that should guide and permeate any proposed action or new body. Experience has shown that this is a delicate matter which the UN should carefully address. The UN should be able to provide the public enough information about the representative groups of civil society

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<sup>8</sup> In a June 2004 joint statement on the Global Compact and corporate accountability, civil society challenge “Many companies such as Total, Shell, Rio Tinto, Nestlé and BP claim to be committed to the Global Compact, but they have violated principles of the Compact in the past and continue to do so” (see [www.wedo.org](http://www.wedo.org)).

and private sector (which includes corporations) with whom they have established a relationship—especially those that have been publicly criticized by human rights and social justice groups for their human, labor, and environmental abuses and/or undemocratic structures and procedures. An example of where this has thus far failed to happen is the Global Compact, where complete disclosure of all the businesses signed on is not readily available. Thus it is critical that the UN’s own monitoring and evaluation systems be transparent and very concrete.

### Bureaucratic Dangers

The Panel proposes the creation of several new Units (proposals 7 and 24, p. 17 and 63) and engaging specialists at the local level and regional offices (proposal 25, p.65) to implement the diverse recommendations of the Panel. Many agree that the UN is in need of reform; reorganization or new entities must be considered, keeping in mind that there is a clear danger of creating more international bureaucracy within the UN.

### Security Council Reform

While the Panel does address the need for “Strengthening the Security Council” through expanding and enhancing mechanisms for dialogue with civil society, the scope of the Panel’s mandate cannot adequately address the significant needs of Security Council reform. In response to this report, the NGO Working Group on Women, Peace and Security gives recommendations for the Security Council that include strengthening its relationship with civil society and commitment to SC Resolution 1325 through inclusion of gender analysis and women’s input in all country-specific reports and briefings, institutionalizing meetings with women’s groups during field missions, and convening regular seminars with members of civil society in addition to the Arria Formula mechanism<sup>9</sup>. In addition to recommendations for stronger SC-civil society relations, many add that dialogue and action for systematic reform of the SC is an imperative component to advancing democratic global governance.

### **Conclusion**

The Panel highlights that there is “a widespread concern that the United Nations had lost authority and influence with other intergovernmental forums, especially the WTO, IMF, World Bank and G8. But most who express their concern believe that the UN has a pivotal role and could regain its position. Through the assertive use of the moral leadership and convening power of the Secretary-General, the UN could champion a new vision of global governance throughout the international system, based on the principles of inclusion, participation, responsiveness, transparency and equity” (p. 70). The Panel further states that if the UN “were to foster wide debate about such reforms...it could make a welcome contribution to shaping the framework of global governance needed in the twenty-first century.”

We strongly endorse these views of the Cardoso Panel. Yet in the last several years the UN has been in the process of retreat and increasing the role of private sector

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<sup>9</sup> Letter to UN permanent representatives, September 15, 2004. [www.peacewomen.org/un/ngo/wg.html](http://www.peacewomen.org/un/ngo/wg.html).

partnerships. As a result, the UN is not well-positioned to address the democracy deficits in relation to global governance and the current geo-political climate. In attempting to obscure the differences when bringing various global actors, governments and sectors together in dialogue, the UN has effectively compromised its own development agenda and weakened its processes that civil society has come to value so highly as the only global institution with the agenda and mandate to promote peace, human rights, gender equality, sustainable development, and economic justice. Though missing the opportunity to adequately address these critical concerns of civil society, the Panel's report offers a dynamic starting point to further engage and strengthen the role and participation of civil society in the UN.

Now that the Panel has made their recommendations, the Secretary-General must take them into consideration and make decisions as to the direction of civil society engagement in the UN. The strength of the UN to play its necessary and positive role in relation to global governance directly hinges on the strength of civil society participation, particularly women, in the UN processes and system. Along with developing a concrete mechanism for follow-up to this report, the Secretary-General should consider the Panel's report and civil society critiques, and build on the influential role women have had on the UN development agenda to advance and strengthen both civil society engagement and the UN system.

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