

The consultative status of NGOs with ECOSOC

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Abstract

NGOs bring together a group of people with the aim of achieving a public interest without making a profit. She is active at different national, regional and international levels. They benefit from consultative status with the Economic and Social Council upon presentation of a request. .

This advisory center allows the Council to obtain information and advice from experienced non-governmental organizations, to ensure that they carry out their tasks, as well as to monitor and implement international agreements.

Keywords: non-governmental organizations, Economic, Social and Cultural Council, consultative status, United Nations

ملخص

المنظمات غير الحكومية هي تجمع بين مجموعة من الأفراد بهدف تحقيق مصلحة عامة دون تحقيق الربح، تعمل على مستويات مختلفة وطنية اقليمية ودولية ، تتمتع بالمركز الاستشاري داخل المجلس الاقتصادي والاجتماعي من خلال تقديم طلب أمامه.

يتيح هذا المركز الاستشاري للمجلس الحصول على معلومات وآراء من المنظمات غير الحكومية ذات الخبرة، والتأكد من قيامها بمهامها ورصد وتنفيذ الاتفاقيات الدولية.

الكلمات المفتاحية: المنظمات غير الحكومية، المجلس الاقتصادي والاجتماعي، المركز الاستشاري، الأمم

المتحدة

Introduction

Non-governmental organizations (NGOs) have been active with the United Nations (UN) since its creation in 1945.

Non-governmental organizations (NGOs) can participate in the work of the UN in two ways: either through association with the UN Department of Global Communications (DCG, formerly the Department of Public Information), or through consultative status with the Economic and Social Council (ECOSOC), the latter allowing NGOs to access not only the Economic and Social Council, but also its numerous subsidiary bodies and various mechanisms of the United Nations Human Rights.

Article 71 of the United Nations Charter constitutes the legal basis which establishes consultation between the Economic and Social Council and non-governmental organizations.

This relationship with ECOSOC is today framed by Council Resolution 1996/31.

From the above, we pose the following question: **What does consultative status mean? What do NGOs benefit from this status?**

I- Origin of relationship: NGOs and United Nations

Since its founding, the United Nations has provided for the association of NGOs in its work. Their great openness to civil society, one of the priorities of the current Secretary General, has protected them from the sometimes violent protests which target other forums. The explosion in the number of NGOs wishing to participate in the work of the United Nations, however, poses organizational problems which must be seriously examined.¹

This is reflected in Article 71 of the Charter which states that the Economic and Social Council can take all necessary measures to consult with all non-governmental organizations dealing with issues within its jurisdiction.²

The consultative status which is proposed to non-governmental organizations by Article 71 of the Charter is only a “consultation regime (which) only concerns bilateral relations between international governmental organizations and the INGOs concerned. Symbolically, an aggregative term

qualifies non-public actors in international relations. It does not establish any objective rights likely to be opposed to third parties (...) does not confer international personality on its recipients; consultative status is a sham.

"A legal jump seat therefore which "does not confer on its recipients international personality (nor) the right to vote, (offering) INGOs (only) very little chance of influencing the decisions of IGOs".

But it marks a big step in itself: recognition of the positive role of non-governmental organizations, worthy of being consulted.³

II- The legal basis of the consultation:

Adopted on July 25, 1996, Ecosoc resolution 1996/31 is the legal basis which today organizes "relations for consultation purposes between the United Nations and non-governmental organizations".

Referring to Article 71 of the Charter, it updates the previous provisions, which therefore date back to 1968 with resolution 1296(XLIV). In its recitals, the text, adopted after 3 years of negotiations, announces that it intends to respond to the characteristics of NGOs: their diversity, the extent of their skills and the means at their disposal to support the work of the UN, the changes underway, the most notable of which is the emergence of numerous non-governmental organizations active in several fields.⁴

Resolution 1996/31 of the Economic and Social Council established the rules and procedures Organize relations between the UN and non-governmental organizations to obtain consultative status does not mean that an NGO officially occupies a negotiating role or has voting rights in UN intergovernmental processes. However, thanks to this status, NGOs have valuable opportunities to influence those who remain the main decision-makers of the UN, namely the States.⁵

"In 1948, the first consultative status was granted to a non-governmental organization by the Economic and Social Council. The first set of rules governing the mechanism was adopted in 1950. A revision took place in 1968. This -this allowed the system to last for almost thirty years, until the mobilization of NGOs during the Summit on Sustainable Development held in Rio in 1992 led to a new modification, which took place in 1996.

Resolution 1996/31 of the United Nations Economic and Social Council adopted on July 25, 1996 is now the legal basis which today organizes relations for consultation purposes between the United Nations and non-governmental organizations.⁶

The 1996 reform sought to better define first of all who can be eligible for the status. One of the criteria that was considered the most important was the autonomy of NGOs in relation to States.

The new regulation in fact defines an NGO as "an organization which has not been established by a public entity or by way of an intergovernmental agreement, even if it accepts members designated by public authorities, provided that they do not harm his freedom of expression. Its financial resources must come mainly from the contributions of its affiliates. Any financial contribution received directly or indirectly from a government must be declared to the UN."

The Economic and Social Council wishes to have independent organizations as its interlocutors, which are not Trojan horses of the Member States, without being too powerful, however.⁷

On the other hand, non-governmental organizations must carry out their activity "in the areas of competence" of the Economic and Social Council. Their goals and objectives must be in harmony with those of the UN, and they must commit to supporting and publicizing them.

The 1996 reform expects NGOs to have an independence of mind framed by the sharing of values and strategies.

III-The status request procedure

The procedures are as follows:

1- Conditions for eligibility for consultative status :

The basic conditions are as follows:⁸

- The work of the NGO must be related to that of ECOSOC;
- Its decision-making mechanisms must be transparent and democratic, and its constitution must have been adopted democratically;
- It must have an established head office and a general manager;

- She must have been in office for at least two years;⁹
- It must be authorized to speak on behalf of its members;
- It must have a representative structure;
- It must be able to answer for its action before its members;
- It must provide the Committee with its financial statements indicating contributions received and other assistance, as well as direct and indirect expenses.

Non-governmental organizations may obtain consultative status if they demonstrate that their programs are relevant to the goals and objectives of the United Nations, provided that they are affiliated with an international organization already enjoying consultative status with the Economic and Social Council¹⁰.

Consultative relationships can be formed with international, regional or non-governmental organizations.

NGOs attached to an organization already enjoying consultative status are eligible provided they can demonstrate that their work program is directly linked to the goals and objectives of the United Nations. In the specific case of a national organization, consultations with the member state concerned will be requested.¹¹

The NGO must have been in existence for at least 02 years (officially registered with the government authorities of its country), it must have a recognized headquarters, a constitutive act adopted according to democratic principles, the standing to speak on behalf of its members, a representation structure, a structured accounting mechanism and must be able to demonstrate a transparent and democratic decision-making process.

The organization's primary sources of income must come primarily from membership fees from its affiliates or national constituents or from contributions from individual members of the organization.¹²

2- Request for granting Consultative Status

To obtain online advisory status, you must follow the following steps.

a- Registering your profile

The organization must register the profile online before starting the application process for consultative status.

- In addition to submitting your organization's profile
- Then log in and correct the organization's profile

After registration, your profile will be reviewed by an official from the Department of Economic and Social Affairs (responsible for the specific primary objective). You will then be notified via email once your registration has been accepted. It takes several days before your application profile is approved; please submit the file only once without repeating¹³.

b-Request for granting consultative status online (questionnaire + summary + supporting documents)

After you have received notification of acceptance of your profile, the next step is to send your request for consultative status consisting of an online questionnaire, summary and supporting documents.

The online application form is accepted online only in English or French. All required documents must be translated into English or French, except publications. A translated abstract is accepted, if the document is very long. Before applying, you can consult the questionnaire as well as some tips for completing it **Consultative Status Application Questionnaire**.¹⁴

The supporting documents are as follows:

- A copy of the organization's charter
- A copy of the registration certificate. According to Resolution 31/1996, the organization must be able to demonstrate its existence for at least two years by the date the Secretariat receives its application.
- A copy of the financial report and the annual report.
- A copy of recent activities (not obligatory);
- If available, organizational chart of your organization (not obligatory).
- Complete applications must reach us before the first day of June of the previous year during which the NGO wishes to have its application examined by the Committee. For example, complete applications (consisting of a duly completed questionnaire as well as all requested supporting documents) received by the NGO section before June 1, 2022 will be taken into consideration by the Committee in charge of NGOs in

2023. Requests received between June 2, 2022 and June 1, 2023 will therefore be considered in 2024.

Log in and submit your request online.¹⁵

- To start filling out the application form click on the “Consultation Status” tab
- Download supporting documents via the “Documents” tab.

c- Selection of requests by the NGO section

During the period from June 1 until the meeting of the Special Committee for Non-Governmental Organizations, it studies the applications received by the Department of Non-Governmental Organizations. During this period, the non-governmental organization may be contacted to request clarification or additional information, and after completing the study of the request by an official, the request is then submitted to the NGO Committee.

After submitting an application for consultative status, a letter is sent to the NGO informing it that two representatives will be sent to it in the next session to represent it during the session. It should be noted that the presence of representatives of the non-governmental organization in the hall is in no way obligatory and has no impact on the work of the committee

NGOs simply have the right to be present when their requests are studied by the Committee. Given the costs of traveling to New York, most NGOs are not present when their applications are first considered. If the request is the subject of several questions from member states and is postponed to a later session, the NGO concerned may see value in being present at the following session to be able to answer questions in person and avoid thus seeing his request once again postponed.¹⁶

Among the conditions to be met to obtain consultative status are the following:

- The activity of the organization must be relevant to the work of the Economic and Social Council;
- The NGO must be at least two years old (and officially registered);
- The organization must have a democratic decision-making mechanism,

- The organization's supplies must come from contributions from its affiliates, its national constituent bodies, or from contributions from individual members of the organization or other non-governmental elements.

d- Committee in charge of non-governmental organizations

The Committee¹⁷ meets twice a year¹⁸ to decide which NGOs among those applying for consultative status it will recommend to the Board of Directors.

ECOSOC. During its session, the Committee may ask certain questions to the NGO. These questions are sent immediately to the NGO by the secretariat and the NGO must respond to them as quickly as possible to help the Committee make its decision and to avoid postponement to a later session.

The Committee makes its recommendations. The Committee's recommendations are published in a report and are submitted to the next meeting of ECOSOC which is the only one authorized to make the final decision. An official notice is sent to all NGOs whose applications have been studied to inform them of the Committee's recommendation. The Committee may decide to postpone a status request until its next session, pending responses to the questions posed to the NGO.¹⁹

e- ECOSOC final decision

The process of granting consultative status is carried out by the Council through approval of the committee's recommendations to grant consultative status to a non-governmental organization, after which an official memorandum is sent by the Council's secretariat. NGOs granted general or special consultative status are required to send to the NGO Committee, every 4 years, a summary report setting out their activities over the past period, with particular emphasis on their contribution to the work of the United Nations.²⁰

3- Categories of consultative status

There are three categories of status: general consultative status, special consultative status and "roster" status.²¹

a. General consultative status: Is reserved for large international NGOs, whose areas of action and work cover the majority of points contained in the agenda of ECOSOC and its subsidiary bodies. These tend to be large, internationally established NGOs with a fairly wide geographic reach.

b. Special consultative status: Is granted to NGOs working in a specific field and which are only concerned with certain ECOSOC activities, these NGOs tend to be a little smaller and younger.

Organizations that apply for consultative status but do not fit into either of these two categories are usually included in the "roster". These NGOs tend to work in a more technical and/or restricted manner.

NGOs that benefit from formal status with other United Nations bodies or its specialized agencies (FAO, ILO, UNCTAD, UNESCO, UNIDO, WHO and others), can be included in the ECOSOC "roster".

c. The “roster”: contains the list of NGOs that ECOSOC or the Secretary General of the United Nations considers capable of “contributing fruitfully and occasionally to the work of the Council or its subsidiary bodies”.

IV- The effects of acquiring consultative status

NGOs in consultative status participate in international conferences and meetings of the Economic and Social Council

1. participation in international conferences

Non-governmental organizations with general or special consultative status or registered on the "roster" may, if they request, take part in international conferences falling within their fields of action and organized by the United Nations, as well as in meetings of the preparation bodies for the said conferences, provided they are duly accredited.

Other non-governmental organizations wishing to be accredited must apply directly to the conference secretariat.²²

ECOSOC remains the only UN body with a formal mechanism for NGO participation.

Decisions regarding consultation arrangements should be guided by the principle that these provisions are intended, on the one hand, to enable the Council or one of its organs to obtain information or authorized opinions from

organizations having special competence on the questions on which the consultations are envisaged and, on the other hand, to give organizations of an international, regional, sub-regional or national nature which represent important sectors of public opinion the possibility of making known the point of view of their members. »²³

While ECOSOC benefits from the expertise of NGOs, they have the opportunity, in return, to express their point of view and influence the work of the Council. NGOs have specialized skills, first-hand experience and flexibility that are of great value to the UN. For example, consultative status allows an NGO to:²⁴

- Share analyzes from your experience in the field;
- Attract attention in advance;
- Contribute to the monitoring and implementation of international agreements.
- Raise public awareness of relevant issues;
- Strive to achieve the goals and objectives of the United Nations. And
- The Economic and Social Council allows NGOs to make their voice heard by the public and contribute to its agenda.

An NGO with consultative status can:

- Provide written and oral statements at these meetings; - Organizing side events.
- Organize side events;
- Access UN sites; And
- Have the opportunity to network and lobby

2. Participation in meetings

NGOs in consultative status with ECOSOC may participate in a number of events, including sessions and meetings of ECOSOC, its technical commissions and other subsidiary bodies. In this context, NGOs can:²⁵

- Attend official meetings.
- Submit written statements before sessions;
- Make oral statements.
- Meeting with government delegations and representatives of other non-governmental organizations;

The terms of participation of NGOs differ according to the bodies, but the latter have in common the fact that only NGOs duly accredited with ECOSOC can participate in their sessions.²⁶

CONCLUSION

Non-governmental organizations have established cooperative relations with the United Nations Economic and Social Council, which represents one of the fundamental organs of the United Nations. Its main role is to develop policies related to economic issues. The Council may, in accordance with the Charter of the United Nations, invite representatives of non-governmental organizations to participate in the work of the Council. Therefore, relations between the United Nations and non-governmental organizations must take place through the Council alone and no other United Nations organs, and it must be limited to matters that fall solely within its competence, that is to say economic, social, cultural questions.

These organizations usually have a much smaller advantage in participating in intergovernmental meetings held by the United Nations.

Margins

¹ - Brigitte Collet, Les ONG de défense des droits de l'homme aux Nations unies, revue projet, CERAS, N° 269, 2002, PP 35, 36.

Article disponible en ligne à l'adresse: <https://www.cairn.info/revue-projet-2002-1-page-33.htm>

² - The Charter of the United Nations, sometimes called the Charter of San Francisco, is the treaty that defines the purposes and principles of the United Nations (UN) as well as the composition, mission and powers of its executive organs (the Council security), deliberative (the General Assembly), judicial (the International Court of Justice) and administrative (the Economic and Social Council, the Trusteeship Council and the Secretariat). It was adopted at the end of the San Francisco conference on June 26, 1945.

³-Michel Doucin, Les organisations non gouvernementales« acteurs-agis »des relations internationales ? Thèse en vue de l'obtention du doctorat en science politique, Institut d'Etudes Politiques de Bordeaux, 12 mai 2005, p 119

⁴ - Haut Conseil de la Coopération Internationale, Etude sur les relations entre ONG et institutions internationales, rapport du Haut Conseil de la Coopération Internationale remis au premier ministre, Document adopté le 29 octobre 2002, France, p7

⁵ - Practical guide UN committee responsible for non-governmental organizations, the International Service for Human Rights, Genève, 2017, p 05.

⁶- Michel Doucin, op.cit., p 120

⁷ - Michel Doucin, op.cit., p 120

⁸ - ECOSOC Resolution 1996/31, part one, paragraphs 1-17

⁹ - ECOSOC Resolution 1996/31, part nine, paragraph 61(h)

¹⁰ - United Nations, working with ECOSOC, a guide for NGOs to obtain consultative status, NEW YORK, 2018, p 30

¹¹ - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

¹² - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

¹³ - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

¹⁴ - NGO Branch, Office of ECOSOC Support and Coordination Department of Economic and Social Affairs United Nations, Questionnaire for requesting consultative status with the Economic and Social Council (ECOSOC) available on the site: <http://csonet.org/index.php?menu=131>

¹⁵ - you can visit the site: <https://esango.un.org/civilsociety/newLogin.do?sessionCheck=false>

¹⁶ - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

¹⁷ - Established in 1946 by the United Nations Economic and Social Council (ECOSOC), the NGO Committee is one of the permanent committees of the Council. The NGO committee is composed of 19 members elected on the basis of equitable geographical representation:

- 5 African States;

- 4 Asian States;

- 2 Eastern European States;

- 4 Latin American and Caribbean States; And

- 4 states from Western Europe and other states.

Committee members are elected for four years. The mandate of the Committee is established by ECOSOC resolution 1996/31, and the Council's rules of procedure apply to the functioning of the Committee.

The tasks of the committee are as follows:

- Examination of requests for consultative status and requests for reclassification submitted by NGOs;

- Examination of quadrennial reports submitted by NGOs which benefit from special or general status with ECOSOC;

- Implementation of the provisions of resolution 1996/31 and supervision of consultative relations;

- Any other question that the committee may be required to examine.

¹⁸ - It reports directly to ECOSOC, and the reports from its two annual sessions, the ordinary session (which usually takes place at the end of January), and the resumption session (in May), include draft resolutions or even decisions concerning areas in which the Council is called upon to act.

¹⁹ - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

²⁰ - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

²¹ - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

There are 138 organizations in general consultative status, 5390 in special consultative status and 966 on the list, for a total of 6494 non-governmental organizations listed.

For more details See: United Nations, Economic and Social Council, List of non-governmental organizations in consultative status with the Economic and Social Council as at 01 September 2019, E/2019/INF/5, 2 March 2021. available on site :

<https://undocs.org/Home/Mobile?FinalSymbol=E%2F2019%2FINF%2F5&Language=E&DeviceType=Desktop&LangRequested=False>.

Note: June 1, 2019 is the deadline to submit a new request for consultative status with ECOSOC for the 2020 session of the Committee on NGOs

²² - United Nations; NGO Branch Department of Economic and Social Affairs, article available on the site: <http://csonet.org/index.php?menu=131>

²³ - United Nations, working with ECOSOC, a guide for NGOs to obtain consultative status, op.cit.,

²⁴ - United Nations, working with ECOSOC, a guide for NGOs to obtain consultative status, op.cit., p 17.

²⁵ - Ibidem, p 17

²⁶ - Ibidem, p 17