A PRACTICAL GUIDE TO THE UN COMMITTEE ON NGOS

ISHR | INTERNATIONAL SERVICE FOR HUMAN RIGHTS

AUTHOR
Michelle Evans.
We also acknowledge the expert input and editorial support of Heather Collister, Thomas Helm, Joel Lazar, Mary Lycke, Eleanor Openshaw, Olivia Starrenburg and Jean-Daniel Vigny.

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ISHR

The International Service for Human Rights (ISHR) is an independent, international non-governmental organisation (NGO) which promotes and protects human rights by supporting human rights defenders and strengthening human rights standards and systems. We achieve this through a strategic combination of research, advocacy, monitoring, coordination and capacity building.

Founded in 1984, and with offices in Geneva and New York, ISHR has a proven track record of achieving human rights change: from facilitating global civil society input to the Vienna Declaration and Programme of Action (1993), and leading the development of the United Nations (UN) Declaration on Human Rights Defenders (1999), to contributing to the establishment of the UN Human Rights Council (2006), and catalysing and coordinating the adoption of the Yogyakarta Principles on Human Rights and Sexual Orientation and Gender Identity (2007).

For many years, ISHR has also played an important role in facilitating civil society access to the UN, by advocating for reform of the UN NGO Committee and its modalities towards a more expeditious, transparent and non-discriminatory accreditation process, and by accompanying NGOs as they seek to obtain UN consultative status.

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PREFACE ABOUT THE HANDBOOK

Purpose and structure of the handbook

The United Nations (UN) Committee on Non-Governmental Organisations (NGOs) is the body through which all NGO applications for Economic and Social Council (ECOSOC) accreditation with the UN human rights system must pass. This Committee is one of the least transparent and accountable bodies in the UN. The International Service for Human Rights (ISHR) has witnessed first-hand the difficulties that many human rights organisations face in navigating this process.

This handbook is a response to an intense need for information and explanations about decision-making in the Committee and the overall process of obtaining ECOSOC accreditation. Scores of NGOs have requested ISHR for help with the application and review process. Others have approached ISHR in cases when the NGO has been accused of infraction and is faced with losing or having its status suspended. We receive questions regularly on, among others, filling out the application for accreditation, appearing in front of the Committee, managing constant delays and deferrals of an application, and how to respond to cases of blatant reprisals.

The handbook provides logistical information, strategic advice, and guidance to human rights organisations that wish to obtain UN consultative status as a means to engage effectively with its human rights system.

The first chapter provides an overview of accreditation options with the UN, with a focus on obtaining consultative status with ECOSOC. The second and third chapters provide information on the application and review process. Chapter 4 dives into the political dynamics in the Committee, while Chapter 5 provides advice for those NGOs whose applications are constantly deferred. Chapter 6 covers key obligations for NGOs once consultative status is received and highlights the disciplinary sanctions if requirements are contravened.

The effective and active participation of NGOs in the UN human rights bodies and mechanisms is instrumental to the system's functioning and integrity. NGOs have played a major role in the Human Rights Council and former Commission on Human Rights. They have been essential in the creation of international

instruments, the approval of resolutions, and the creation of special procedures, among other advances. This body of work has been produced on the basis of first-hand information and testimonies, which only civil society can provide.

This handbook is a small contribution to assist those NGOs who wish to participate in the work of the UN. Without them, the UN human rights system would simply no longer function.

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CHAPTER 1 BACKGROUND

Civil society engagement with the UN: an overview of accreditation options

For an NGO wishing to participate in UN intergovernmental meetings, one of the first steps is to apply for accreditation to the UN. Accreditation brings with it various privileges including opportunities to deliver oral and written statements in UN meetings. NGOs have two main options when it comes to accreditation at the UN:

- receive **short-term** accreditation for a UN conference, event or process;
- receive Economic and Social Council (ECOSOC) 'consultative status', which provides for a more **permanent** relationship with the UN, and grants a high level of privileges.

This handbook is devoted to providing information and assistance to **human rights NGOs** seeking to obtain ECOSOC consultative status. Human rights NGOs can expect to face a protracted and challenging accreditation process due to the hostility of certain member States to the activities of NGOs working to protect and promote universal human rights. This handbook does not address in detail other accreditation avenues, although human rights NGOs can also face major challenges in these processes.

What is ECOSOC consultative status and why apply?

The possibility for non-governmental contributions to the UN was established through Article 71 of the UN Charter. ECOSOC – a principal organ of the UN which coordinates the economic and social work within the UN and its specialised agencies and institutions – elaborated upon this most recently through Resolution 1996/31. The Resolution outlines the rules and procedures defining the consultative relationship between civil society and the UN.

> ***'… arrangements for consultation with non-governmental organizations provide an important means of furthering the purposes and principles of the UN'***
>
> ***'… arrangements are made to enable organizations that represent important elements of public opinion to express their views at the international level'***
>
> *ECOSOC resolution 1996/31, Part II, para 20*

Obtaining consultative status does not mean that an NGO enjoys a formal negotiating role or the chance to vote in UN intergovernmental processes. However it does provide important opportunities to influence the main decision-makers in UN fora: member States.

Consultative status offers NGOs key practical benefits, such as a UN grounds pass for its representatives, and the ability to physically enter conference rooms, and interact with diplomats and UN staff. Moreover, consultative status allows organisations to participate formally in UN meetings, including in regular sessions of ECOSOC, its functional commissions and its other subsidiary bodies. Participating formally in meetings means that an NGO may be able to make oral and written statements.

Consultative status also indirectly bestows other advantages, including providing opportunities for NGOs to network with like-minded NGOs at critical times, which can contribute to effective joint cross-regional advocacy positions and lobbying activities.

BENEFITS OF ECOSOC CONSULTATIVE STATUS

An NGO with consultative status can partake in several ways with ECOSOC and its subsidiary bodies:

- Attend international conferences and events;
- Make written and oral statements at these events;
- Organise and host 'side events';
- Enter UN premises and observe open meetings;
- Have opportunities to network and lobby.

There are three categories of status for which an NGO can apply: General, Special and Roster. Each category entitles an NGO to certain privileges within the UN system. An NGO can choose to apply for a particular status based on the nature of its organisation and the scope of its work.

- **General status** is usually reserved for large international NGOs with many members and different countries and regions that are concerned with most of the activities of ECOSOC and its subsidiary bodies. General status has the most far-reaching privileges, including the right to place items on the agenda of ECOSOC and subsidiary bodies, in addition to enjoying all privileges of special status.
- **Special status** is for NGOs that have special competence in only a few of the areas covered by ECOSOC. NGOs in the special category may designate representatives to the UN, attend meetings of ECOSOC and its subsidiaries, can speak at ECOSOC meetings, circulate statements, and are required to submit quadrennial reports on their activities. NGOs working in human rights most often seek special consultative status.
- NGOs listed on the **Roster** are those that ECOSOC or the UN Secretary General considers able to make occasional and useful contributions to the work of ECOSOC or its subsidiary bodies. NGOs holding roster status with the UN are permitted to attend meetings of ECOSOC and its subsidiaries, but they are not allowed to circulate statements or speak at meetings.

One of the key reasons why NGOs apply for ECOSOC status is to gain access to the Human Rights Council, given its position as the UN's highest human rights body.

Only NGOs with consultative status are entitled to take part in certain activities of the Human Rights Council, including:

- Accredit representatives to attend proceedings of the Council;
- Submit written statements;
- Make oral interventions during all substantive items of the Council's agenda (note that oral statements can also be delivered by video message for those unable to travel to Geneva);
- Organise and host 'side events';
- Attend public meetings of the Council's mechanisms (including the Universal Periodic Review and the Advisory Committee).

CRITERIA FOR HOSTING A SIDE EVENT AT THE HUMAN RIGHTS COUNCIL

An NGO without consultative status can still be involved in the organisation of a side event, for example as a panelist or as a co-sponsor of the event. However, an NGO without status cannot book a room or be the main sponsor of a side event at the Council on UN premises. In fact, doing so without consultative status can hurt the organisation's chances of obtaining status in the future if brought to the attention of the UN Committee on NGOs during the application process.

NGOs in consultative status are, as a rule, also automatically accredited to major UN conferences, special sessions and high-level events on a range of issues, from migration, to the rule of law, to human trafficking. This enables civil society organisations to participate in preparatory processes early and therefore have greater chances of influencing the outcomes.

Note that NGOs enjoy the same participation arrangements with the Human Rights Council, established in 2006 as a subsidiary body to the General Assembly, as they did with the Commission on Human Rights, which was subsidiary to ECOSOC.[1] Although this structural change made no difference to the involvement of NGOs in the UN's top human rights policy-making body, it did establish a precedent that NGOs could have extensive participation rights in a body that reports directly to the General Assembly.

What are the criteria for an NGO to gain consultative status?

International, regional, sub-regional and national non-governmental, non-profit, public or voluntary organisations are eligible to apply for consultative status.

1 Pursuant to General Assembly Resolution 60/251, paragraph 11, the participation of NGOs in the Human Rights Council shall be based on the arrangements and practices observed by the Commission on Human Rights, including Economic and Social Council Resolution 1996/31 of 25 July 1996.

The eligibility requirements that an organisation must satisfy in their application for ECOSOC status are outlined in Resolution 1996/31. However, the resolution does not spell out these requirements; rather it lists general criteria and principles that need to be met, including that:

- The NGO is concerned with matters falling within the competence of ECOSOC. The main issues falling under the auspices of ECOSOC are sustainable development, social development, status of women, population and development, and human rights;
- The aims and purposes of the NGO are in conformity with the UN Charter, and the NGO supports the work of the UN;
- The NGO has an established headquarters and has been officially registered for at least two years at the date of receipt of the application;
- The NGO has a democratically adopted constitution, a representative structure, and appropriate mechanisms for accountability;
- The NGO discloses the sources of its financial support.

How can an NGO engage if it does not have consultative status?

Although ECOSOC status grants NGOs many privileges it should not be forgotten that there are several ways for NGOs to engage in the Human Rights Council's work without having this status. For example, NGOs are free to lobby and set up meetings with State representatives off UN premises. Although they cannot attend the Council's meetings in person, they can inform themselves about the debates that are taking place through the records stored on the Council's extranet page or by following the webcast of the Council's meetings.

Making written submissions to the Working Group of the Universal Periodic Review (UPR) – a process through which the human rights records of the UN's 193 member States are reviewed and assessed – also does not require ECOSOC status. NGOs can also participate in any national level consultations organised by the State or NGOs as part of the preparations for the UPR. The review itself is webcast, which allows NGOs unable to attend the session to follow the questions and recommendations put to their State and develop domestic advocacy strategies accordingly.

Engaging with the Human Rights Council's special procedures, either through submitting complaints, or other information, or meeting with the special procedures during country visits, does not require ECOSOC status. Special procedures will often put out calls for information including questionnaires as a means to research upcoming reports, and all NGOs can engage with these processes.

Elsewhere in the UN system, the human rights treaty bodies do not require NGOs to have ECOSOC status in order to submit written information. Furthermore, contacting and developing relationships with treaty body members, one of the most effective ways of influencing the treaty bodies, does not require ECOSOC status.

All NGOs, including those without ECOSOC status, may attend treaty body sessions (although they need to register to do so), and speak during the meetings set aside for NGOs to address these bodies. NGOs may also organise side events to the treaty body sessions without needing ECOSOC status.[2] The country reviews carried out by the treaty bodies can also be followed through the webcast.

What is the Committee on NGOs? What does it do?

The UN Committee on Non-Governmental Organizations (the Committee) is a 19-member subsidiary body of ECOSOC that oversees the implementation of Resolution 1996/31.

The Committee is responsible for monitoring the relationship between NGOs and the UN[3], with the main tasks of the Committee being:

- consideration of applications for consultative status and requests for reclassification submitted by NGOs;
- monitoring of the consultative relationship, including consideration of quadrennial reports submitted by NGOs in General and Special categories.[4]

WHAT IS A QUADRENNIAL REPORT?

After receiving status, NGOs must submit to the Committee on NGOs a 'quadrennial' report, every four years, on its activities as they relate to the work of the UN. The reports are used to monitor compliance by an NGO with UN rules and regulations, and to ensure NGOs maintain activities on the basis of the status they received.

2 In conjunction or with the agreement of the UN Secretariat.
3 The role and functions of the Committee on NGOs is set out in ECOSOC Resolution 1996/31, section IX, paras 60-61.
4 Roster NGOs are not required to submit quadrennial reports.

The Committee has 19 members who are elected to serve four-year terms on the basis of equitable geographical representation:

- 5 members from African States;
- 4 members from Asian States;
- 2 members from Eastern European States;
- 4 members from Latin American and Caribbean States;
- 4 members from Western European and other States.[5]

The Committee meets twice per year, in a regular session (usually in January/February) and in a resumed session (April/May), and reports directly to ECOSOC. The meetings usually take place in Conference Room 1 (although this can change) at the UN Headquarters in New York.

The Committee makes recommendations to ECOSOC, in the form of draft decisions calling for action by ECOSOC, on the consultative status of applicant NGOs. In April and July, ECOSOC reviews these recommendations and can either accept or overturn the Committee's decision. Only after the Committee's recommendation for accreditation of an NGO has been endorsed by ECOSOC, through a resolution, can the NGO be granted consultative status. In most cases, ECOSOC endorses the decision of the Committee, but this is not always the case, especially when a decision was not adopted by consensus in the Committee.

The Committee can take one of three actions if it chooses not to grant consultative status to an NGO:

Defer consideration of the application: This is the most likely outcome for an NGO that is not given status. Since members of the Committee only need to ask a question to the NGO to trigger the deferral of an application, there are some NGOs, many of which do human rights related work, whose applications have been deferred for years.

Deny consultative status: This is an unusual action and would likely be the result of a vote. An NGO may not reapply for consultative status for three years after being denied it.

Close the application: The Committee will close the application of an NGO that is repeatedly unresponsive to questions and requests for additional information.

5 Members of the NGO Committee for the period 2015-2018 are the following: Azerbaijan, Burundi, China, Cuba, Greece, Guinea, India, Israel, Iran, Mauritania, Nicaragua, Pakistan, Russian Federation, South Africa, Sudan, Turkey, United States of America, Uruguay, and Venezuela.

HOW MANY NGOs HAVE CONSULTATIVE STATUS?

Back in 1946, only 41 NGOs were accredited to the UN. Today, there are more than 4000 NGOs accredited through ECOSOC. On average, the Committee on NGOs recommends 150-200 applications for status each session.

While officially responsible for the neutral enforcement of the criteria specified in Resolution 1996/31, several members of the Committee seek to deny consultative status to those organisations with whom they disagree. This is especially the case for human rights NGOs, including those working on more sensitive issues such as country situations and those working on respect of rights related to sexual orientation and gender identity (SOGI), women's rights, reproductive rights, minority issues, caste, and freedom of expression and association. In addition, Committee members can be politically motivated to bring allegations of misconduct against NGOs, although the accusation of misbehaviour is often just the pretext for muzzling an NGO that is outspoken about a member State (see Chapter 4).

Privileges, rules and responsibilities

Article 71 of the UN Charter puts in place broad parameters for the UN's consultation with NGOs. ECOSOC Resolution 1996/31 outlines the privileges, rules and responsibilities that define the relationship between the UN and civil society, including:

- rules and privileges for NGOs once they have status (paras 17-54);
- procedures for withdrawing or suspending status (paras 15 and 55-59).

NGOs granted consultative status have obligations to conform to key principles outlined in the resolution. The Committee on NGOs can also recommend suspension or revocation of consultative status if it finds an NGO is not acting in accordance with these agreed responsibilities, including:

- engaging in a 'pattern of acts contrary to principles of the Charter including unsubstantiated or politically motivated acts against member States';
- failing to submit a quadrennial report that NGOs with consultative status must file every four years documenting their activities;
- failing, within the preceding three years, to make a positive or effective contribution to the work of the UN, ECOSOC or its subsidiary bodies;
- engaging in internationally recognised criminal activities such as the illicit drugs trade, money laundering or the illegal arms trade.

OTHER ACCREDITATION OPTIONS

ASSOCIATION WITH THE DEPARTMENT OF PUBLIC INFORMATION (DPI)

DPI association enables an NGO to receive grounds passes to the UN for three NGO representatives. Representatives can attend all 'open' UN meetings. Association with DPI will not bestow privileges that NGOs with ECOSOC consultative status enjoy, including the right to speak in key UN fora.

The main requirement for association is that an NGO possess a communications programme that shares news and information about the UN. Among other criteria are that the NGO has an established record of work for at least three years, a record of collaboration with the UN system prior to association, and can provide copies of their by-laws and recent budget. NGOs must go through a qualifying process to obtain association with the DPI, but it is a less political and lengthy process than the one to obtain ECOSOC consultative status.

ACCREDITATION TO UN CONFERENCES AND HIGH-LEVEL EVENTS

In the case of UN conferences or high-level events of the General Assembly, the accreditation process is arranged separately for each meeting. Accreditation is issued by the Secretariat preparing the event and expires when the event ends. The UN Secretariat office that organises the conference or event (together with the NGO Branch of Department of Economic and Social Affairs (DESA) or the UN Non-Governmental Liaison Service (UN-NGLS) depending on the subject of the event) screens applications according to particular criteria. It then forwards a list of applications received to member States, who approve the final list – a silent procedure of approval that can be broken if one State opposes a certain NGO to be accredited. Requirements for NGOs applying for accreditation are different for each meeting but often include:

- Submitting the organisation's annual report, budget, and by-laws;
- Providing information about the organisation's activities in areas relevant to the conference/event.

Information on upcoming UN conferences and events can be found at www.CSONet.org, the website of the UN-DESA NGO Branch, or at www.un-ngls.org, the website of the UN-NGLS. For further information on the accreditation and registration process for a particular session or event, NGOs should contact the relevant UN Secretariat department.

ACCREDITATION TO UN SPECIALISED AGENCIES

NGOs can engage with UN departments or specialised agencies based on shared fields of interest and potential for joint activities. Many specialised agencies operate their own accreditation programmes, including the International Labour Organization (ILO), the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

NGOs must also abide by several other strict rules to maintain their status. For example, NGOs are not allowed to:

- Use the UN logo;
- Claim to represent the UN or to be formally part of the UN.

It is important to note that NGOs have 'de facto' participation rights that are recognised but not enshrined in Resolution 1996/31. These rights have evolved over the years into generally accepted practice in the various ECOSOC bodies and especially in the Commission on Human Rights, the predecessor to the Human Rights Council.[6]

What is the role of the Secretariat/DESA NGO Branch?

The NGO Branch of the Department of Social and Economic Affairs (DESA) is the focal point within the UN Secretariat for NGOs in consultative status with ECOSOC and for NGOs seeking status.[7] The NGO Branch also services the Committee on NGOs by providing administrative and technical support, including:

- Reviewing NGO applications to check they contain all necessary information and that the NGO meets the technical requirements mandated by ECOSOC, before applications are presented to the Committee;
- Processing quadrennial reports;
- Providing guidance on procedures for obtaining consultative status, preparing quadrennial reports or reclassifying an NGO.

USE THE FOLLOWING INFORMATION TO CONTACT THE NGO SECTION OF DESA:

DESA NGO Section
1 UN Plaza. Room DC1-1480
New York, NY 10017
USA

Fax: (+1 212) 963-9248
Tel: (+1 212) 963-8652

E-mail: desangosection@un.org
Website: www.un.org/esa/coordination/ngo

6 These rights were carried over from the Commission on Human Rights to the Human Rights Council.

7 Responsibilities of the UN Secretariat in supporting the process of accreditation are outlined in ECOSOC Resolution 1996/31, paras 64-70.

ACCREDITATION REVIEW

THE OVERVIEW

Six Steps to Consultative Status with ECOSOC

1 CREATE AN ONLINE PROFILE

2 SUBMIT AN ONLINE APPLICATION

3 INITIAL SCREEN BY NGO BRANCH

4 REVIEW BY COMMITTEE ON NGOS

5 RECOMMENDATION BY COMMITTEE ON NGOS

6 FINAL DECISION BY ECOSOC

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CHAPTER 2 THE APPLICATION

Overview of the application process

Obtaining ECOSOC consultative status involves registering a profile with the Civil Society Organizations (iCSO) System on the UN DESA website. The NGO Branch will then send you login details to access the online application, which includes filling out a questionnaire and uploading supporting documents.

In this chapter, we provide an overview of the application's technical guidelines and offer a checklist to help you complete your application. More importantly, for those NGOs that work in human rights and therefore can expect intensive interest and scrutiny during the review of their applications, we have highlighted the key areas in the questionnaire that are 'hot spots' for certain Committee members. This can help you identify the types of responses that may draw unwanted and, in many cases, unwarranted attention from those members.

Before the application

Check if your organisation is eligible to apply

International, regional, sub-regional and national non-governmental, non-profit, public or voluntary organisations that meet the general criteria and principles set forth in Resolution 1996/31 are eligible to apply for ECOSOC consultative status. Requirements include but are not limited to:

REQUIREMENTS
Organisation's activities must be **relevant** to the work of ECOSOC
Organisation must have an **established headquarters**, with an executive officer/president and democratically adopted Constitution
Organisation must have been in **existence for at least 2 years** (according to certificate of registration)
Organisation's **funding** should be majorly derived from national affiliates, individual members, or other non-governmental components

Review your website

In addition to the application, an NGO's website is the main source of information used by a State's delegation to assess an organisation. Before submitting your application, try to prevent problems by **reviewing your website** to anticipate areas of controversy. This includes assessing links or references to other organisations or websites that have 'controversial' positions. If you do not want to remove links or references, consider posting a disclaimer, stating that the opinions expressed therein represent those of others and are not attributable to your organisation.

Gather necessary materials

Collect all the necessary materials and documents you need so you can answer all questions accurately. The following documents will need to be submitted with your application:

i. Copy of organisation's **constitution/charter**, by-laws/ statutes and amendments to those documents
ii. Copy of organisation's **certificate of registration** as evidence that the organisation has been officially registered for at least two years at the date of receipt of the application
iii. Copy of most recent **financial statement** and **annual report**. These should disclose the organisation's sources of income, including, among other things, contributions from members and funds received from governmental, intergovernmental and private sources
iv. Organisational chart (optional)
v. Examples of recent publications, articles or statements (optional)

Make sure any supporting documents you upload to the online system are legible, clear (high resolution), and not outdated.

Reach out to pro-civil society Committee members

Take note of the Committee's membership for each session (http://csonet.org/index.php?menu=80), and consider asking a pro-civil society Committee member to look over your application before submitting it (http://www.un.int/protocol/bluebook.html). Request a representative from ISHR's New York office to review your application (see Chapter 5).

Check application deadlines

The online application MUST be completed by **1 June of the year before** your organisation wishes to be considered by the Committee (i.e. - online applications submitted between 2 June 2014 and 1 June 2015 will be considered at the January/February 2016 regular session).

Drafting the application

The questionnaire

The main part of the NGO's application for consultative status is preparing and submitting a questionnaire. Questions ask for information on a range of issues, including:

- Strategic aims of the organisation, coupled with illustrative examples of recent projects and activities;
- Ways in which the NGO has or can contribute to the work of ECOSOC and/or any areas of UN concern;
- Past participation in UN conferences or activities;
- Classification of the organisation, specifically whether it is a research, advocacy/lobbying, grass-roots or other organisation;
- Registration papers;
- Structure of the organisation, governing members and bodies, the decision-making and election processes, in addition to disclosure regarding the presence or inclusion of government officials;
- Membership and other NGO affiliations;
- Financial resources and contributions;
- Previous ECOSOC consultative status applications;
- Other UN accreditation.

As noted previously, NGOs should be aware that there are several 'red flag' responses to the questionnaire that could draw attention from members of the Committee. Human rights advocacy organisations in particular can expect more than the average number of questions around these and other issues during the review. However your efforts to check the application for glaring inconsistencies and/or omissions can potentially help avoid scrutiny from Committee members and diminish the number of questions during the review of your application.

Your responses to the questionnaire should be precise and concise. Don't provide extraneous information. Stick to your core topics, avoiding non-central issues that may be sensitive to some members, or new concepts that are not common or understood. If you refer to documents or principles that may not be well known outside the UN, be sure to explain them briefly in a footnote. Keep the focus on your current work, not your plans for the future. In general, less is more! In some areas of the application it is important to provide *specific* and *clarifying* information to prevent additional inquiry. We indicate below a few places where this is the case.

Future chapters provide more information on the mechanics of the review process, the political context, and expectations and strategies for deferred NGOs (chapters 3-5).

Financials of the organisation

Committee members historically have expressed much interest in the details of an NGO's financial situation, particularly focusing on deficits or unusual figures. For instance, Committee members are likely to ask further questions of an applicant NGO if the organisation has a high ratio of expenses to revenue, a high percentage of administrative versus programmatic costs, or has limited income to implement programmes and pay staff.

TIP Check all figures to make sure you have not made a mistake. If the figures are correct but seemingly incompatible, then explain briefly how the organisation functions under the circumstances or give a logical reason why the figures seem incongruent. Place information regarding expenditure in the appropriate budget line. Avoid ambiguous terms such as 'core costs.'

Funding questions

Some Committee members will focus intensely on sources of funding, especially if the sources of support are not clear from the application documents. Committee members are interested in whether funds are from governments, private donors, foundations, and/or other NGOs. Independence from government is a frequent concern, particularly if a large portion of an NGO's funding comes from this source.

TIP If your organisation is independent from funders, say so! This could include stating that the government(s) that fund your NGO have no control over the agenda, content or outcomes of your programmes and activities, and that programmes follow the organisation's own priorities rather than those of donor governments.

Registration

Many Committee members will focus on details regarding an NGO's registration papers and status.

TIP Be as specific and detailed as possible regarding your registration papers and status. Make sure your organisation was registered for two years on the date of receipt of the application by the NGO Branch (not the date the application will be reviewed). Name the specific entities in your country and local area that register your organisation. If the country where you are domiciled does not require registration, reference/provide other 'evidence' of proof of your existence.[8]

8 For example, Switzerland does not require NGOs to formally register so instead of providing registration papers, a Geneva-based NGO could produce a letter of attestation from the Canton of Geneva.

Although you do not need to include the following information in the application, note that if your headquarters are located in one country but your NGO conducts activities in other countries, you may be asked during the review about why you are not registered in those places, even if you do not need to be. If you have formal affiliates or branches of your organisation in other countries, some Committee members may ask for details about your registration status in those countries.

Membership

The location of members and the membership structure of an organisation can be a key issue for some Committee members. They can also be particularly interested in whether and how members provide support and funding for an organisation. (This is grounded in the provision in Resolution 1996/31 that states that the major portion of an organisation's funds should be derived from contributions from national affiliates, individual members, or other non-governmental components.)[9]

TIP If you are a membership organisation, briefly explain how the members contribute to the organisation. If members provide financial support, state the percentage provided in relation to your budget. If organisations that are members of your NGO are 'independent' from yours (i.e. have a separate mandate, governance structure, budget), say so. Be consistent and clear when you discuss members or membership throughout the application. Try not to confuse discussion about membership with loosely-affiliated networks and partners that are not part of a formal membership structure.

Note that the Committee is not permitted to know/ask for names of members, although names of Board members and staff representatives are required.

Affiliation with other organisations

Some Committee members will want to know more about the partners and networks you work with and what kind of association you have with them. The underlying concern for States interested in this area is whether your organisation is working with national partners in their region and if they are properly registered in the country where they work.

9 Note that even if most of your budget is from sources other than membership fees, you can still apply but can expect to receive further questions on the sources of funding, particularly if you are a human rights NGO.

TIP Answer 'no' to question 18 if you do not have formal affiliations with other organisations. If you discuss affiliations with other organisations or partners in any part of the application, be precise about the nature of the association, including the kind of cooperation (e.g. meeting, sharing information and participating in coalitions for common goals). If you have no formal affiliation and are not accountable to these organisations or partners, say so. This could include underscoring that your organisation is independent from others, with separate mandates, governance structures, and funding regimes.

Although you do not need to include this information in the application, you may receive, during the review process, further questions about the local partners that you work with, including how these partners are selected, and your methods of communication with them.

Projects

The application asks about your current activities and projects. Some Committee members are particularly interested in whether you engage in work in their country or region. They want see if you are working on issues that they do not like or do not agree with, or with national NGOs whose work they do not support. Members will also review your website for information/articles to find out if you are doing advocacy and/or on-the-ground activities in their region.

TIP When it comes to discussing country projects, focus on current ones. Avoid unnecessary scrutiny by refraining from discussion of unconfirmed projects.

Although you do not need to include the following information in your application, during the review process, a Committee member may ask for a list of any organisation that you work with in their country. Note that even if you have not indicated work in a certain country or region in the application, members of the Committee may still ask you during the review about whether you work in their country or region.

Mandate and aim

Many Committee members want to know how your organisation has contributed to the UN's mission and aims, and are particularly interested in the UN fora in which your organisation engages. Human rights NGOs need to be aware that their engagement with the UN human rights machinery, particularly the Human Rights Council, will likely spur further inquiry from States. Although NGOs do not need consultative status with ECOSOC to engage with the human rights treaty bodies, the UPR and the

Human Rights Council's special procedures, this fact will not stop members asking a targeted NGO what work it is doing in these areas. NGOs that indicate they have engaged with the Human Rights Council will have to precisely clarify and justify how they participated in the forum without consultative status. (NGOs can participate in limited ways in the Human Rights Council without status – see Chapter 1). NGOs that have undertaken activities outside the rules, such as speaking in their own name or hosting a side event, will likely be denied status.

TIP Focus on how the mission and work of your organisation aligns with the general goals or functions of ECOSOC. You do not need to provide an exhaustive account of activities carried out under each goal, and it is in your interest not to focus too much on details. If you mention work that you have done at the Human Rights Council, make sure that you have abided by the rules of engagement.

TECHNICAL GUIDELINES

Check that information on your application and website conforms to UN terminology regarding the formal names of countries (http://unterm.un.org) ✓

Do not use UPPERCASE or symbols ✓

Ensure that the organisation's name on the application matches that which is used on the organisation's website ✓

Translate and submit the online application form and all supporting documents (except publications) in English OR in French. If a supporting document is too long, a translated summary may be accepted ✓

Use the full title and relevant symbol for UN documents ✓

Avoid abbreviations and acronyms (except for a title used repeatedly) when referring to UN organs, agencies, treaties, or programme ✓

Days should be followed by the month and year, and months should not be abbreviated ✓

Write in third person e.g. "The organisation organised…" not "I organised…" ✓

Submitting the application

Register a profile

Prior to gaining access to the online application process, organisations seeking consultative status must register a profile with the Civil Society Organizations (iCSO) System. This is done on the NGO Branch website, http://csonet.org. At the left-side menu of the homepage there is an option to 'Apply for consultative status'. It is worth noting, however, that NGOs that have previously participated in UN conferences may already possess an organisational profile. Thus, to avoid wasting time, organisations should consult the database by clicking the link: *'Click here if you are not sure if your organization already has a profile*'.

Organisations not listed on the database can create a profile via the link, '*Add organizational profile*'. NGOs can complete the registration form found on the link '*create a new profile*'. Mandatory fields are marked with a red asterisk (*) and must be filled. The applicant NGO must select '*Applying for consultative status*' as the '*main objective*'.

The form should take approximately 10 minutes to complete. A DESA officer reviews submitted profiles and, once approval has been granted, notifies the applicant NGO via email. Organisations will also receive their login details to access the online application for ECOSOC consultative status. This process may take a few days.

APPLICATION CHECKLIST

Before you click 'SUBMIT', consider the following checklist and take the time to review your application carefully. It is easy to overlook avoidable errors when submitting your application in a rush.

1 CHECK FOR INCONSISTENCIES
Amend any inconsistencies between the website, supporting documents and the application. Make sure responses to different questions are consistent and do not contradict or confuse an issue.

2 CHECK FOR OMISSIONS
Do not leave any questions on the application blank (write 'not applicable' or 'no' if necessary).

3 CHECK UN COUNTRY TERMINOLOGY
Ensure to use official UN country terminology in both your application and website. States such as China will hold up an application if there are incorrect references. For example, 'Taiwan' must be written as 'Taiwan, Province of China'.

4 ANSWER QUESTIONS CAREFULLY
Be brief and precise! Do not provide any more information than is required. Make sure you read and respond specifically to the question asked.

5 REVIEW FINANCIALS
Make sure your financials are accurate and that they make sense. For example, have you explained how you carry out your work and pay your staff if you have higher expenses than revenue or if your revenue is relatively small? Make sure financial data on the application matches the financial statement uploaded in your supporting documents.

6 UPLOAD SUPPORTING DOCUMENTS
Make sure all your supporting documents are appended to the application. As noted above, the application and all supporting documents, barring publications, must be translated into English or French. Make sure scanned supporting documents and translations are clearly legible (high-resolution) and uploaded correctly. To upload the necessary documents click on the 'Documents' tab.

7 EMAIL ADDRESS
Confirm the e-mail address is one that you will check regularly.

SUBMIT YOUR APPLICATION

1. Go to the NGO Branch homepage (www.csonet.org);
2. Log-in by clicking '***Login for the iCSO database***';
3. Click '***Consultative status***';
4. Scroll down and click '***Submit application***';
5. Fill in the form. Be brief and to the point!
   Save information regularly to avoid losing any data
6. Once you are sure all information is accurate and the form is complete click '***Submit***'.
7. Upload the required supporting documents under the '***Documents***' tab.
   All documentation MUST be uploaded online.
   You cannot email, fax or mail supporting documents.

Access to your documents once submitted

Once your application and supplementary documents are processed, you will be provided with a username and password to access the 'CSO.net system' information and correspondence through the UN website.

SAMPLE OF QUESTIONS BY STATES 2012-14

FINANCIALS OF THE ORGANISATION

Alliance for Reproductive Health Rights
Pakistan: We would like a clarification about the gap of over $25,000 between income and expenditure.

Coordination des Associations et des Particuliers pour la Liberte de Conscience
China: The financials provided are from 2012 and we see a 43 per cent surplus. Has this surplus been used? We would also like an update from the organisation in terms of financials.

SOURCES OF FUNDING

IDPC Consortium
Cuba: In the financial statement, the bulk of funds for income are international sources. We would like to know which governments are funding the organisation and which international organisations provide funding?

Let's Breakthrough Inc.
China: How does this organisation maintain independence since it receives funds from foreign organisations?

MEMBERSHIP STRUCTURE AND FEES

Bridging the Gulf
Venezuela: The application says the organisation does not have members but has relations with other NGOs. What are these relations all about; are they operating under some other umbrella NGO?

International Dalit Solidarity Network
India: The financial statement mentions 7,000 euros being received as membership fees. In the application however the organisation says it doesn't charge membership fees. Please explain.

LOCAL BRANCHES AND AFFILIATES/REGISTRATION

Sudanese Mothers for Peace
Sudan: The organisation has affirmed it is registered in the United Kingdom (UK), but it exists in Sudan and has an agreement with the Sudanese government to operate there. Please provide these documents. Is this an organisation that is registered in the UK and Sudan or is it two organisations coordinating/working together? Are the sources of funding joint?

CO-OPERATION WITH OTHER ORGANISATIONS

Centre pour le Droit Civil et Politique (CCPR)
Russia: The organisation has a website that contains reports. With which Russian organisations does the organisation cooperate? How does the organisation choose partners for itself in Russia given the number of NGOs in Russia? Who gets preference? Which reports get distributed and which do not?

Business and Professional Women Voluntary Organization Sudan
Sudan: Requests clarification on the relationship with the Sudanese Business Ladies Association, which has the same address and similar activities. Is this a joint venture? Need clarification.

REGISTRATION AND PROOF OF EXISTENCE

Business and Professional Women Voluntary Organization Sudan
Sudan: The certificate of the NGO is valid for one year – so this has expired. The Ministry of Humanitarian Affairs has dissolved and the organisation should be registered with Ministry of Social Affairs. Request updated registration.

Collectif des Families de Disparue en Algerie
Pakistan: If the organisation is registered in France but carries out most of its activities in Algeria, does it not need to be registered in Algeria also? We need to ask Algeria if they require foreign NGOs to register.

PROJECTS (IN COUNTRY OR REGIONAL)

Afghan Poverty Relief
Venezuela: Where does the organisation carry out its activities. Will they expand to other countries or regions? (enquiring about Latin America, specifically).

All India Christian Council
China: The organisation says its activities are mainly in one country, but the website says it is following developments in other countries, including Asian countries. Provide clarification.

UN TERMINOLOGY

Public Health Institute
China: The website uses wrong terminology regarding the province of Taiwan.

Women's Global Network on Reproductive Rights
China: Request to clarify position on Taiwan. Has noted comments but requests additional comments. Noticed that the applicant is in contact with some organisations from Tibet. Until further clarification is provided on Tibet and Taiwan, China has reservations on this application.

'TERRORIST' AFFILIATIONS

Addameer prisoners
United States: What is its affiliation with the Palestine Liberation Organization (PLO)? The applicant lists one of its members as Khalida Harar and we have information that she is affiliated with PLO.

International Coalition Against War Criminals
United States: How does it reconcile the fact that one of its donors works with a known terrorist organisation?

SELF-DETERMINATION AND TERRITORIAL INTEGRITY

Dialogue Interreligieux Monastique
China: We want the organisation to clarify its position on the Dalai Lama, and its position on the sovereignty and territorial integrity of China and the principles of the UN Charter.

Internacional de los Derechos Humanos AEDIDH
China: Requests the organisation clearly defines its position on Tibet. Does the organisation support the independence of Tibet? If so, it is in contravention with the spirit of Charter of the UN.

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CHAPTER 3 REVIEW OF THE APPLICATION BY THE COMMITTEE ON NGOS

MANDATE OF THE COMMITTEE ON NGOS

'Considering that consultations between the Council and its subsidiary organs and non-governmental organizations should be developed to the fullest practicable extent' *the Committee on NGOs is tasked with considering applications for consultative status based on criteria laid out in Resolution 1996/31.*

(See 'requirements' box in Chapter 2).

Overview of working methods

The working methods of the Committee are based on Resolution 1996/31, which details the principles and guidelines the Committee must follow in its review of applications for consultative status.

After a preliminary screening by the NGO Branch, applications for consultative status are sent to the Committee. The Committee considers the applications in two, one-and-a-half-week sessions per year (regular session in January/February, and resumed session in May/June). Both sessions are preceded by 'informals' – closed meetings that take place in advance of each formal session.

The number of applications has risen dramatically in the last decade and appears to be steadily rising each year.[10] The Committee has tried to address the surge by implementing new procedures for a more streamlined application process in 2005, by introducing a paperless system in 2007, and by holding more meetings. Nonetheless, NGOs continue to face substantial delays. Although the increase in the application pool has substantially lengthened the time it takes to obtain consultative status, it is in fact the highly-polarised review process that is most to blame for these delays (discussed further in Chapter 4).

Initial screening by the UN DESA NGO Branch

Between 1 June (the annual application deadline) and the next scheduled session of the Committee, the NGO Branch screens applications to ensure that each NGO meets the technical requirements mandated by ECOSOC in Resolution 1996/31, and that all the required supplementary documents have been

10 For example, in 2008 the Committee received 42 new applications for consultative status. In 2010 it rose to 141. In 2014, the number of new applications was up to 371.

submitted. The NGO Branch may contact an NGO to ask for further details and/or clarification on information and documentation provided as part of the application.

When the NGO Branch deems the application complete, it is submitted to the Committee. Notification is sent to the State where the applicant NGO is domiciled, advising that the NGO will be reviewed by the Committee. The NGO Branch also informs the NGO that its application will be considered by the Committee when it next meets. The NGO is invited to send up to two representatives to the Committee's meeting, although having a representative in the room is optional.

Consideration by the Committee

Pre-sessional informal meetings of the Committee

Prior to each regular and resumed session, the Committee convenes a half-day **informal meeting** at which time the Committee reviews **new applications** submitted by the NGO Branch for the upcoming session. An informal meeting is a meeting open in principle only to States that are Committee members and to Secretariat staff (and closed to NGOs) and where no official record of the meeting is produced. Deferred applications are not reviewed during informal meetings.

During the informal meeting, the Committee may direct questions to an NGO, which are posted by the NGO Branch on the web-based portal (the 'CSOnet'). An email is sent via the email address provided with the application to inform the NGO that there are questions. An NGO should respond as soon as possible to these questions, i.e before the next formal session, and upload any requested documentation.

Lists One and Two

Prior to each formal session (regular or resumed), the Committee on NGOs will release an 'Information Note' document. In the Information Note, NGOs are divided into two groups: the new applications and deferred applications.

Note that **the order in which NGOs appear in the 'Information Note' is not the order in which they will be considered** during the session. Rather, the Committee subdivides the groups of new and deferred applications into **'non-controversial' applications (List One),** and **'problematic' applications (List Two)** for which one or more States have questions about the application. These lists are then further separated into organisations from the global **South** and organisations from the global **North**. South-based organisations are considered first in each list. The applications of North- and South-based organisations are handled differently based on ECOSOC Resolution 1996/31, which calls for the Committee

to give more attention to NGOs from developing countries. The geographic selection is based on the location of the NGO's headquarters and not where it carries out its activities.

Unlike the Information Note, neither of the lists are public documents and cannot be accessed online. NGOs can sometimes get hard copies of the lists from the NGO Branch, which has support staff present in the meeting room during the session. Member States can also provide you with a copy.

NGOs are considered alphabetically within each list. On average, each application is given 2-3 minutes by the Committee.

NEW APPLICATIONS

1 **LIST 1 SOUTH**
New applications from NGOs in the global South without pre-sessional questions

2 **LIST 1 NORTH**
New applications from NGOs in the global North without pre-sessional questions

3 **LIST 2 SOUTH**
New applications from NGOs in the global South that were presented with questions in the pre-sessional informal

4 **LIST 2 NORTH**
New applications from NGOs in the global North that were presented with questions in the pre-sessional informal

DEFERRED APPLICATIONS

1 **LIST 1 SOUTH**
Deferred applications from NGOs in the global South

2 **LIST 1 NORTH**
Deferred applications from NGOs in the global North

3 **LIST 2 SOUTH**
Deferred applications from NGOs in the global South

4 **LIST 2 NORTH**
Deferred applications from NGOs in the global North

NGOs on List Two can expect to receive a question or list of questions from one or more States about their application. However List One NGOs – the so-called 'non-controversial' applications – are not immune from questioning. These applicants can, and often do, receive questions from the Committee during the formal session.

There is no science to this process. Despite the Committee's agreement to allocate applications to various lists in an effort to expedite the review process, one or several Committee members may unexpectedly decide to pose a question about an applicant, even though they had previously agreed that the applicant NGO be placed on List One (which indicates no questions). It may also not be clear to an NGO the difference between List 1 and 2 of the deferred applications. Again there is no clear reasoning: a deferred NGO may be on List 2 just because a State requested it.

Prior to and during the formal session, an NGO, regardless of what list it is on, should respond as soon as possible to any question(s) posed.

Summary of the review process

Applications are considered one by one by the whole Committee. During the review, the application is pulled up from the online system from the DESA website and projected onto a large screen. The chair will then ask if any member- or observer-State wishes to speak. If there are no questions, the chair asks the Committee if it is ready to recommend consultative status. If no member speaks up, the application is gavelled through.[11] If there is a question, the chair will say the question will be communicated to the NGO and the Committee will be notified of the response.

Tracking an application

NGOs can generally expect their application to be reviewed at the regular session in January/February or resumed session in April/May in the year after the 1 June deadline. However, the timing will also depend on the number of backlogged applications, and how many new applications the Committee still has to review from previous deadlines.

Several UN public documents provide information on the timing and sequence of the Committee's review process and can help an NGO better assess when a new or deferred application will be considered.

The **agenda** provides an overview of what will be discussed at the meeting. The **tentative schedule** includes a calendar, which details the ***tentative*** dates when the consideration of new appli-

11 This is when the chair raps the desk with a gavel to mark the decision.

cations, deferred applications and quadrennial reports will take place. Both the agenda and tentative schedule can be found on the **UN website** (http://csonet.org/index.php?menu=80).

According to the tentative schedule, new applications are considered during the initial two days of the session. The Committee works through all applications as per the order set out above, raising questions along the way. Deferred applications and new requests for reclassification of status e.g. from special to general, are considered over the next two days. After a day of considering the new and deferred quadrennial reports, the Committee then returns (for one to two days) to those new applications for which the NGO has submitted responses to the questions the Committee raised during the initial two days of consideration, and if there is time, the deferred applications which have received responses. Every day at 5pm, time is set aside for NGO representatives to participate in a question and answer (Q&A) session with the Committee. Questions may also arise here to which an NGO needs to submit written responses if its application is to be considered again during the session.

In reality, the schedule can vary considerably depending on several factors, including the number of new applications, the facility of the chair in moving the work forward, the number and length of interventions by Committee members and State observers on procedural matters, delays in preparation of documentation by the NGO Branch, and interruptions caused by technical difficulties with the 'paperless system'. In some sessions, depending on the number of new applications to be considered, the Committee will have only a short time to address deferred applications. Because of this, an NGO representative planning to be at the Committee in person to follow a deferred application or who plans to speak in the Q&A should expect delays and should plan to attend a session for at least two to three days.

In addition, the NGO Branch has to produce summaries of new applications in six languages to the Committee. Because of the limited resources of the NGO Branch, the preparation of the documentation for the Committee is often delayed and not ready in time for Committee members to look through applications. This can be an additional cause of delays in the review of a new application.

Other key sources of information for tracking developments in the Committee about an application are the UN summaries of Committee meetings (http://www.un.org/press/en/content/economic-and-social-council/meetings-coverage) and the official Reports of the Committee (http://csonet.org/index.php?menu=80). Also, check the ISHR website (www.ishr.ch) which provides information and reports on developments in the Committee.

Sessions are not webcast.

TIPS FOR A TIMELY REVIEW

> Make sure the Committee has your most **up-to-date contact information.**

> **Monitor the email address** you provided when the application was submitted to find out whether your NGO will be reviewed by the Committee at its next session.

> **Respond promptly to queries** posed by the Committee from its informal session. This helps ensure the application is reviewed by the Committee at the subsequent formal session. The review of an application will be stalled unless all questions are answered.

> **Monitor your email address closely during the formal sessions and reply right away** in order to potentially be reconsidered at the same session. You can upload your response(s) to the web portal.

> Unfortunately, due to glitches with the online system and low staffing at the NGO Branch, you may fail to receive question(s) during and after Committee sessions in a timely manner. You may also receive emails asking you to respond to question(s) you have not yet received by email and which you do not see when you log into the web-based portal. In either of these cases, if you have not heard from the NGO Branch in the week before a formal session of the Committee, proactively **follow up with the NGO Branch** to check on your application.

> If you fail to respond during the session at which the questions are raised, ensure you respond to these questions before the subsequent formal session begins. **If you don't answer questions for two consecutive sessions, your application will be closed.**

Possible decisions and actions by the Committee

By Consensus

I. Deferral of application: the Committee can defer an application by posing a question to the NGO. Although questions are posed by individual States, they are presented to the NGO on behalf of the Committee as a whole.

    1. Sometimes States ask for questions to be clarified or re-worded in order for their delegation to join consensus and send the question to an NGO on behalf of the Committee.

II. Recommendation to grant status: if no questions are posed, the Committee recommends granting status to the NGO.

III. Closure of application: in several instances, the Committee can recommend the closure of an application:

1. If the NGO has not replied to three reminders to answer questions posed (closed without prejudice);
    a. The NGO may re-apply for consultative status at any time.
2. If the NGO does not act in a way that conforms with the spirit, purposes and principles of the Charter of the United Nations;
3. If NGO funds result from internationally recognised criminal activities;
4. If the NGO has not made any positive or effective contribution to the work of the United Nations in the preceding three years;
    a. In cases (2), (3) and (4), the NGO can re-apply for consultative status no sooner than three years after the effective date of closure of the application.

By Vote

I. Recommendation to grant status: a member of the Committee may ask for a roll-call vote on any application[12] (see Chapter 4 'Political Dynamics')

1. If a vote to grant status fails, the application will be closed. If there is a tie, the application returns to the deferred list. If the vote succeeds, the application is recommended for status.
    a. The NGO can re-apply for consultative status no sooner than three years after the effective date of closure of the application.

II. Recommendation to **not** grant status: a member of the Committee may ask for a roll-call vote on any application.

1. If a vote to NOT grant status fails, or there is a tie, the application returns to the deferred list. If the vote succeeds, the application is closed.
    a. The NGO can re-apply for consultative status no sooner than three years after the effective date of closure of the application.

III. Closure of application: a member of the Committee may ask for a roll-call vote on the closure of any application (see Chapter 4).

1. If a vote to close the application fails, or there is a tie, the application returns to the deferred list. If the vote succeeds, the application is closed.
    a. The NGO can re-apply for consultative status no sooner than three years after the effective date of closure of the application.

12 Using ECOSOC Rule of Procedure No. 59, which says that 'a proposal or motion for decision shall be voted upon if any member so requests'.

In most cases, the Committee works by consensus and roll-call votes are infrequent (except for cases of human rights NGOs, where this is more common – see chapters 4 and 5).

Committee recommendations are forwarded to ECOSOC, which convenes to take note of the reports of the Committee from the regular and resumed session. ECOSOC can approve or overturn the recommendations.

STYLE POINTERS FOR ANSWERING QUESTIONS

> Even if you are aware which State has asked the question, always respond/refer to the question as coming from the Committee and not from a particular State(s). Otherwise you may be asked to answer again as some Committee members do not like the practice of being singled out.

> Answer each question directly and concisely, without giving extraneous information. If necessary, provide a brief, clear example to illustrate a point if you think it might help avoid additional questions.

> Respond in a cooperative and unemotional manner otherwise it can be detrimental to the application.

NGO attendance

An NGO can attend almost all meetings during a session of the Committee. The Committee will occasionally meet in closed meetings to discuss working methods during which times NGOs must leave the room. Attendance at the session is not mandatory, and for many NGOs not even necessary. If you do decide to send representatives, you will need to get a UN grounds pass, which you can request through the NGO Branch.

NGOs sit in the back of the UN conference room, where the meeting takes place from 10am to 1pm and 3pm to 6pm. You can approach delegates during breaks and on the margins of the meetings.

Given that the 'paperless' system is sometimes not available, NGOs should print out hard copies of all documents (including translations) and bring them if they are present at the meetings.

Generally an NGO representative does not need to be present in New York the first time the application is considered, especially if the visit involves substantial travel costs. If the application raises many questions from member States and gets deferred to another session, NGOs might consider it useful to be present at the following session in order to be able to reply in person and avoid being deferred again.

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Question and Answer (Q&A) session

If attending, a representative of the NGO is able to take part in the Q&A session before the Committee to discuss its application and address questions. During the Q&A, the representative sits at the podium and provides a short overview of the organisation, and then fields questions from Committee members. Each NGO is allotted 15 minutes for the Q&A.

To take part in the Q&A, which is held from 5 to 6pm each day, an NGO needs to approach the Secretariat in the meeting room to get on the list on a first-come first-served basis. Registration for the daily Q&A is open from 10 to 11am and 3 to 3.30pm.

Note that an NGO representative may not always be able to participate in a Q&A on the day they want. This will depend on the number of other representatives that have asked to speak on the same day. Further, the Q&A may be cancelled on a particular day because the Committee decides there is not enough time. In these cases, an NGO representative may have to wait several days to participate.

An NGO has the option to take part in the Q&A before the application is formally reviewed, although this is at the chair's discretion.

An NGO can only speak in a Q&A once during each session.

Adoption of the Committee's report

The Committee adopts its report by consensus about a week after the end of the formal review session during a one-day meeting. The report, drafted by the Rapporteur of the Committee with input from Committee members, contains all the draft decisions on matters that call for action by the Economic and Social Council (ECOSOC). These include draft decisions to:

- Grant consultative status to, withdraw the applications of, or deny consultative status of applicant NGOs;
- Reclassify the consultative status of some organisations;
- Close without prejudice requests for consultative status for NGOs that have failed to respond to queries over the course of two consecutive sessions;
- Suspend (for one year) the consultative status of those NGOs with outstanding quadrennial reports, and reinstate the consultative status of those that have submitted their outstanding reports;
- Withdraw the consultative status of organisations with continued outstanding quadrennial reports;
- Approve the provisional agenda for the Committee's sessions in the following year.

Decisions/actions by ECOSOC

The draft decisions (which are only recommendations) of the Committee are presented in a report to ECOSOC for final approval in April (for January/February regular session recommendations) and in July (for May/June resumed session recommendations). ECOSOC confirms or modifies the draft decisions and formally adopts the report.

Notification is sent to all reviewed NGOs informing them about the Committee's recommendation.

ECOSOC makes the **final decisions** on the granting, suspension or withdrawal of the consultative status of NGOs, usually by following recommendations of the Committee.

When ECOSOC finally approves the Committee recommendation to grant consultative status to an NGO, another official notification is sent by the NGO Branch.

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CHAPTER 4 **POLITICAL DYNAMICS**

Overview

Although most NGOs are recommended for consultative status, many applications are deferred, often for years. Organisations targeted by Committee members endure an unreasonably lengthy and arduous review process and face the risk of being denied status based on political considerations rather than their eligibility. Furthermore, authoritarian governments deliberately seek seats on the Committee in order to limit the influence of certain NGOs by denying accreditation to them.

What kinds of applications typically encounter difficulties in the process?

NGOs most likely to face challenges include those that criticise certain countries or those that work without their national government's endorsement. Human rights NGOs specialising in a single country are also likely to be subject to increased scrutiny and delay. In fact, any organisation that contains the term human rights in its name will likely run into objections. NGOs dealing with SOGI, women's rights, reproductive rights, caste, and freedom of expression and association can all expect to face intensive questioning. Institutions working on human rights issues within universities or colleges will also likely be obstructed.

Although many targeted NGOs are Northern-based, including exile/diaspora organisations that work on human rights issues in their countries of origin in the South, some are also national human rights organisations based in southern States or regions that are not supportive of civil society. Generally, NGOs based in developing countries – especially government-backed human rights NGOs (GONGOs) – face fewer objections than others. This is because States do not want to be seen as hindering development given the UN commitment to increase NGO participation from developing nations (as per ECOSOC Resolution 1996/31).

NGOs that promote human rights for ethnic minority groups in a State may be targeted because of a supposed affiliation with separatism. These organisations may be accused by Committee members of focusing on one minority at the expense of other persons, and/or not respecting the territorial integrity and sovereignty of States.

An effective method used to discredit and block a legitimate NGO is to accuse it of undertaking or supporting terrorist activities.[13]

13 The concern with this kind of accusation is that many States have been criticised for using broad definitions of terrorism that allow them to detain persons who are critical of the regime without practicing, advocating or condoning violence.

Faith-based organisations, including organisations that have Muslim or Christian in their name, also face unfair and prolonged questioning. For Muslim States, a concern for some Committee members is that the NGO may be looking at discriminatory factors of Islamic laws. Other religious organisations based in the North working for freedom of religion in a country or countries represented on the Committee will likely be blocked. Atheist organisations also struggle to obtain accreditation.

Analysis of State actors

As in most UN bodies, the decisions taken by the Committee are driven by the national interests of its members. The composition of the 19-member NGO Committee for the term 2015-19 indicates the degree to which the Committee attracts repressive States that too often contest universal standards on human rights, such as China, Cuba, Pakistan, Russia, and Sudan. These States exploit the principles and guidelines in Resolution 1996/31 for their own agendas, meaning the success or failure of an NGO application can be highly influenced by any one member State.

MEMBERSHIP

Committee seats are allocated according to pre-set regional/geographical distribution. Regional groups decide on a slate (the group of States that will be put forward for election) and ECOSOC accepts these slates through acclamation. Terms for States serving on the Committee are four years, with no limits on re-election. The lack of term limits means some States, both hostile and supportive of an independent civil society, spend a disproportionate amount of time as members.

USSR/Russian Federation (1946 – present)
China (1946 – 1960, 1995 – 2003 and 2006 – present)
Cuba (1975 – 1982 and 1990 – present)
United States (1946 – 1990 and 1995 – present)
United Kingdom (1946 – 1979, 1995 – 2001 and 2007 – 2010)

Members of the Committee for the period 2011-2014 were: Belgium, Bulgaria, Burundi, China, Cuba, India, Israel, Kyrgyzstan, Morocco, Mozambique, Nicaragua, Pakistan, Peru, Russian Federation, Senegal, Sudan, Turkey, United States of America, and Venezuela.

For the period 2015-2018, members of the Committee are: Azerbaijan, Burundi, China, Cuba, Greece, Guinea, India, Iran, Israel, Mauritania, Nicaragua, Pakistan, Russian Federation, South Africa, Sudan, Turkey, United States of America, Uruguay, and Venezuela.

For the term 2015-19, 12 of the 19 members kept their seats on the Committee: Burundi, China, Cuba, India, Israel, Nicaragua, Pakistan, Russian Federation, Sudan, Turkey, United States of America, and Venezuela.

Regional groups and key players

Below is an analysis of the potential positioning and interests of key States that will sit on the Committee in 2015-19. This analysis is based on the actions of States in their previous term(s) in the Committee and/or their approach to NGO participation in the UN generally. It should be read with the caveat that approaches and positions of States are dynamic and subject to change depending on several factors, including changes in government, the issue/NGO being addressed, and shifting geopolitics. Personalities of individual diplomats can also impact the dynamics in the Committee.

ASIAN GROUP

Of the four Asian group members, three (Pakistan, India and China) kept their seats. Iran is the only new State in this group, but it has sat on the Committee previously.

IRAN replaces Kyrgyzstan, and like Kyrgyzstan is likely to vote with anti-civil society States on 'controversial' applications. However, it is also likely to have a deeper negative influence by being more active in asking probing questions of NGOs, unlike Kyrgyzstan, which rarely raised questions of NGOs during the review process.

Over its last term in the Committee, **PAKISTAN** has proven unsupportive of most human rights organisations, asking many questions and siding against these organisations in votes. However, the delegation has also been absent on key occasions, such as during a vote or on a consensus decision on a 'controversial' reproductive rights or lesbian, gay, bisexual, transgender or intersex (LGBTI) rights-focused NGO. This is likely the result of a deal (further details on deal-making in Chapter 5), rather than any principled position. Geopolitics also heavily influence Pakistan's approach in the Committee, as the delegation will often raise questions on an application in India's jurisdiction (and India will similarly focus on Pakistan's NGOs).

INDIA has generally proven to be a disappointing advocate for civil society organisations, joining Iran and Pakistan in showing hostility towards NGO participation in other UN processes and bodies. India actively blocks organisations working to eliminate caste-based discrimination, including one such application for years (see the case study on International Dalit Solidarity Network (IDSN) in Chapter 5). Positively, India generally backs organisations working on sexual and reproductive rights, support that has proved essential in successful negotiations to recommend consultative status for these organisations. It has a mixed record on votes to grant status to LGBTI organisations, either voting in favour or abstaining.

CHINA, which has sat on the Committee for 16 of the last 20 years, is not supportive of NGO participation in the UN. It is particularly preoccupied with organisations that work on or in China, Tibet, and Taiwan. References to Falun Gong, which China refers to as a cult, or the self-determination of Tibet or Taiwan in an NGO's application or on its website will be subject to intense scrutiny. This is the case even if the references are made on a webpage that belongs to another organisation, which is linked to from the applying NGO's website.[14] China is also a traditional ally of States that oppose NGOs working on minority issues. Correct UN terminology is paramount to China, and they will require amendment of any 'incorrect' use of terminology for the following: Tibet, Autonomous Region of China; Hong Kong, Special Administrative Region of China [Hong Kong SAR of China]; and Taiwan, Province of China.

China is generally frank and direct about its concerns and does not ask as many superfluous questions as other hostile countries. It prefers to work behind the scenes to resolve issues rather than to provoke a vote.[15] However, in a vote, it will generally side with members antagonistic to human rights organisations.

AFRICAN GROUP

Guinea, Islamic Republic of Mauritania, and South Africa will take over seats previously held by Morocco, Mozambique, and Senegal. Sudan and Burundi will both remain members for another term.

SOUTH AFRICA is expected to be a relatively positive force given the country's history of fighting for human rights and the presence of a vibrant civil society. That said, as a new member of the Human Rights Council, South Africa has taken positions that have disappointed many in the human rights community. South Africa is, however, expected to show positive leadership on granting status to LGBTI organisations.

It is not clear how the **ISLAMIC REPUBLIC OF MAURITANIA** will perform, but it is a socially conservative country and unlikely to be an ally for many NGOs, particularly those working on the rights of LGBTI people or sexual and reproductive rights.

GUINEA, also a socially conservative country, was previously on the Committee from 2007 to 2010. During that time, it very seldom spoke and did not support votes to grant status to LGBTI organisations. It is possible that Guinea could abstain or be absent in a voting situation – and improve chances for a positive result for a 'controversial' NGO – in some circumstances.

14 China will try to hold up an application until any such links and references are removed from the NGO website.

15 This is in part because voted cases are often challenged in ECOSOC, the parent body of the Committee. China does not approve of ECOSOC overturning decisions of the Committee. In China's view, this undermines the Committee and disrespects the UN hierarchy.

SUDAN continues to have a disproportionately negative influence in the Committee, indulging in extensive questioning of all kinds of human rights organisations from the North and South, and opposing them in voting situations. Sudan has supported human rights organisations that have been questioned by the United States (US) or Israel because of alleged terrorist links.

BURUNDI rarely spoke during its 2010 to 2014 tenure. When applications were pushed to a vote, it tended to side with the countries that were vocally hostile to civil society. However, the delegation has also been absent or abstained in the past on LGBTI applications.

LATIN AMERICAN AND CARIBBEAN STATES (GRULAC)

Three of GRULAC's four seats are occupied by some of Latin America's worst members with respect to human rights and civic participation: Cuba, Venezuela and Nicaragua. Fortunately, the fourth State rounding out this regional group is Uruguay.

Cuba, which has had a seat on the Committee for more than 60 years, Nicaragua and Venezuela inject a high level of negative questioning to reviews of organisations they do not like or agree with. They also generally align in voting situations. This group is principally concerned with the work of NGOs in the Latin American region, especially NGOs perceived to be overly influenced by Western interests.

Based on recent years' voting patterns, **NICARAGUA** and **VENEZUELA** can be expected to vote in favour of LGBTI organisations (or at worst, be absent). Nicaragua does not support organisations carrying out reproductive and sexual rights work, while Venezuela could be a swing vote in these cases.

CUBA has a contradictory position when it comes to granting status to LGBTI NGOs. Though the Cuban government has a very good track record of supporting LGBTI rights at the domestic level, its UN mission does not act affirmatively for these NGOs in the UN. This appears to emanate from a concern about alienating Committee members that it usually aligns with on human rights matters. As a 'compromise,' the Cuban delegation invariably leaves the room during votes on granting status to an LGBTI organisation.

Some cases that Cuba has focused on reflect the geopolitical dynamics between Cuba and the US. For example, Cuba has opposed US-based organisations, accusing representatives and staff of previously seeking to overthrow the Cuban government. It remains to be seen if the infighting will shift as a result of the opening of relations between the US and Cuba.

URUGUAY replaced another elected democracy from the region, Peru. Uruguay will likely positively influence the review process as it is strongly committed to supporting civil society, including human rights organisations. Uruguay's voting pattern on 'controversial' NGOs will likely be similar to that of Peru, which was positive.

WESTERN EUROPE AND OTHERS GROUP (WEOG)

In WEOG, US, Israel, and Greece will be the most outspoken in their support of civil society and applications of human rights organisations. Turkey, the other member of this group, is not a core member of this like-minded group and can sometimes align itself with Committee members more hostile to civil society.

THE US, one of the longest serving members of the Committee in the last seven decades, has played an essential leadership role assisting NGOs to obtain and keep consultative status with the UN. It has played a prominent and positive role over the previous eight years in securing accreditation for LGBTI organisations. Occasionally, the US will ask the Committee to close applications where it alleges the NGO is connected with terrorist financing and is on a US list of terrorist organisations.

As noted, the dynamics between the US and Cuba reflect geopolitical realities and have been often tense and acrimonious. For example, the US will support an organisation where members are exiled opponents of the Cuban government but oppose other Cuban NGOs (that have support of Cuban authorities).

ISRAEL is generally supportive of human rights NGOs. It may excessively question Palestinian activist groups.

GREECE took the seat vacated by Belgium, which was an extremely active and supportive member of all types of human rights NGOs. It is hoped that Greece will show the same leadership during its tenure on the Committee and be a staunch ally of all human rights NGOs seeking accreditation.

TURKEY tends to ask questions to organisations dealing with minority issues, as it has an interest in blocking NGOs working on Armenian or Kurdish issues.

EASTERN EUROPEAN GROUP (EEG)

The Eastern European Group will see a negative shift in 2015 when it loses Bulgaria, an open democracy and European Union member State, and gets Azerbaijan. Russia will remain as a member of the Eastern European Group. The voting results from this region are therefore set to worsen, given the repressive environment for NGOs in Azerbaijan and Russia.

RUSSIAN FEDERATION/USSR has held a seat on the Committee since its inception in 1946 and is increasingly hostile to civil society. This applies not only to NGOs that work in territories and on issues specific to Russian interests, but also to those organisations that work on gender issues and the rights of LGBTI people. This is a reflection of Russia's 'traditional values' agenda at the Human Rights Council, an initiative which, among other things, serves to legitimise discrimination against minority, at-risk and marginalised groups. Russia is also highly concerned with foreign funding of NGOs and perceived Western influence. Like other members that are distrustful of civil society, Russia takes the Committee's work very seriously and has previously brought in persons from capital to assess and monitor the progress of targeted applications in the Committee.

Given the repressive environment for NGOs in **AZERBAIJAN,** the government will likely align with Committee members that block applications from human rights NGOs.

General analysis

Among all the Committee members, NGOs can generally expect China, Cuba, Iran, Pakistan, Russia, Sudan, and Venezuela to be the most active in posing questions to defer applications of human rights NGOs. These States are nearly always concerned with any NGO that is working in their country or even in their region. Socially conservative governments, such as Sudan, Russia, Pakistan, Mauritania, and Iran, tend to be the most hostile to organisations working on SOGI or sexual and reproductive rights. Several Committee members, such as Burundi, may ask fewer questions during review sessions, but they will likely vote with hostile States when a roll-call vote is called on 'controversial' applications. The presence of vocal, pro-civil society members is limited to Greece, Israel, the US and Uruguay.

Observer States can also play an important role in shifting Committee dynamics (see page 57).

Strategies and tactics used to delay applications and deny accreditation

Several Committee members employ a range of procedural tactics to stall or even deny requests for consultative status of credible NGOs whose work addresses significant human rights concerns of relevance to the UN:

- use of extensive and repetitive questioning as a means to delay action on an application;
- duplicative and superfluous requests for documentation of an organisation's activities, international membership lists, financial records;
- allowing the State where the NGO is domiciled to have an outsized role in the assessment of the application;

- requesting answers in writing to questions that have already been answered verbally in the Q&A;
- use of no-action motion to avoid taking a decision.

Extensive, repetitive and irrelevant questioning

While Committee members are allowed to ask questions of interested NGOs during the review process, improper and incessant questioning goes against the spirit of Resolution 1996/31. Under the guise of working in the spirit of consensus rather than voting on decisions, even though there is no specific rule to this effect, Committee members can question an NGO endlessly, essentially giving themselves a veto over any application.[16]

All 'controversial' issue-based organisations can expect to face filibustering in this regard.

Child Rights International Network (CRIN), a British NGO, uses the United Nations Convention on the Rights of the Child as a basis for advocacy at the international level. Since its initial application in September 2010 until December 2014, CRIN has received 15 questions – 7 of them coming from one Committee member: China.[17] Since 2012, China has repeatedly asked CRIN to change content on the organisation's website regarding Tibet, noting that the correct UN terminology ('Tibet, Autonomous Region of China') should be used to reference the geographic region. In 2013, CRIN addressed this issue by noting that the organisation had updated all of its own material to reflect correct UN terminology. However, they highlighted the fact that a section of the CRIN website is dedicated to hosting archived reports submitted to the UN Committee on the Rights of the Child by a wide variety of NGOs, not all of which are endorsed by CRIN. Language in those reports cannot be changed by CRIN as a host site, but CRIN informed the Committee on NGOs that they had added a disclaimer on the site stating the inclusion of such reports in no way implies CRIN endorsement or agreement. This has not satisfied the delegation of China and it continues to defer the organisation's application by asking the same question each session.

In the case of LGBTI or sexual rights organisations, some Committee members will ask very convoluted questions that are difficult to answer.

16 Though Resolution 1996/31 does not explicitly state that the Committee should work by consensus, the ECOSOC and its subsidiary bodies in general work this way by default. Consensus is generally a way to take into account or mitigate the concerns of States in a minority position.

17 To review the questions and answers provided by CRIN, visit the following webpage: https://www.crin.org/en/home/campaigns/transparency/ecosoc/crin-ecosoc.

Another tactic is to question the legitimacy of an NGO, asking its representatives to explain why the organisation pursues a rights agenda that 'does not enjoy international recognition', or posing questions that attempt to debase the organisation's mandate.

The representative of Sudan requested further information on whether the work of the **Youth Coalition for Sexual and Reproductive Rights** – an international Canada-based organisation working to promote sexual reproductive rights – was involved with paedophilia. Other Committee members said they did not support the transmission of such a question to the NGO. Consequently, the Sudanese delegate, with help from the Secretariat, rephrased his question to ask if the NGO protected youths from paedophilia.[18]

If a delegation disagrees or is threatened by the work of a country- or region-focused human rights NGO, it will subject the organisation to prolonged questioning in order to block its participation in and formal cooperation with the UN.

Iran Human Rights Documentation Center (IHRDC) is a US-based NGO focusing on the human rights situation in Iran. Founded in 2004 by a group of human rights scholars and lawyers, IHRDC ultimately aims to promote accountability and respect for human rights in Iran at the international level. Between 2010, when IHRDC submitted its application for special consultative status, and 2014, it has been deferred for eight consecutive sessions and has received 38 questions. China, Russia, and Cuba play the central role in the Committee by asking repetitive and duplicate questions to block the organisation on behalf of Iran. These members have repeatedly asked the organisation why it focuses solely on Iran, how it can gather information without having physical access to Iran, how it can operate independently if it receives government funding, and how it has actively participated in UN activities without consultative status.

18 ISHR notes from Committee resumed session, May 2013.

Geneva Institute for Human Rights (GIHR) is a Swiss-based non-governmental organisation geared to train Arabs in the field of human rights and the laws as well as mechanisms of human rights. From 2011 till 2014, it received 22 questions. In the 2013 resumed session, the representative of Sudan requested further information on criteria for choosing individuals to participate in training programmes. During the regular session in 2014, the representative of Cuba asked whether the organisation had undertaken any activities in Latin America since first presenting its application. The representative of Nicaragua asked in which Latin American countries the organisation planned to initiate projects; the delegate also requested a full list of the countries where the organisation currently worked.[19]

Requests for extraneous or duplicative documentation

Resolution 1996/31 (para 61(h)) requires that an NGO demonstrate two years of operation before applying for consultative status. Committee members will demand to see the organisation's registration papers as evidence the NGO is operating legally at the national level – and ostensibly with the approval of its national government.

The Collectif des Familles de Disparus en Algérie (CFDA) is a France-based NGO whose principal aim is to locate victims of enforced disappearances and to shed light on all victims of enforced disappearances in Algeria. CFDA sees its application constantly deferred. Between 2008, when it applied for status, and 2014, CFDA received 78 questions. The deferral is a result of Committee members' aim to block the application of an NGO that focuses on human rights violations in Algeria, a member State that has many allies on the Committee and therefore can ensure continued obstruction of the organisation. Committee members have asked multiple questions on a range of issues, including repeatedly raising registration concerns, as reflected in the questions posed from the 2014 regular session. 'Sudan's representative asked for examples of the organization's cooperation with local Algerian authorities, while Pakistan's representative asked about its registration in Algeria since it had activities there. The representatives of the United States and Belgium said the organisation

19 UN Meetings Coverage, January 2014.

had already answered repeated questions since 2009 and that it had already met the Committee's requirements of showing proof of an established headquarters and being operational for two years.'[20]

Some countries do not request registration of NGOs in their legislation or do not have a system for registering NGOs. Some Committee members use the lack of arrangements to continue to ask additional questions despite explanations. In this case, an NGO may have to show other proof of its existence.[21]

Another delaying tactic is for States to incorrectly use an NGO's date of incorporation, instead of its date of registration with its home country's government, to question whether it has existed for a minimum of two years. This line of questioning is particularly unnecessary at the beginning of the process as the NGO Branch of DESA vets all applications and only forwards those that satisfy the two-year requirement.

Deferment can easily set the stage for further criticisms and questions by Committee members about an NGO's application. For example, members may point out that one part of an application has become outdated, such as financial statements.

The Committee may also request an inordinate number of copies of statements made to UN organs such as Human Rights Council and the Commission on the Status of Women. While the guidelines indicate NGOs should provide 'examples of your publications and recent articles or statements', this does not imply an exhaustive list.

National NGOs

An application can be further held up when a Committee member gives too much weight to the views of the State where an NGO is registered (known as the host State). This approach is based on paragraph 8 of Resolution 1996/31 which allows for 'consultation with the Member State concerned.' However, this does not indicate that the host State's approval is required, or that the host State can singlehandedly block the application.

20 UN Meetings Coverage, January 2014.

21 For example, Switzerland does not require NGOs to formally register so instead of providing registration papers, a Geneva-based NGO could produce a letter of attestation from the Canton of Geneva.

During the resumed session in 2014, South Africa sent a *note verbale* on the **Legal Resources Centre (LRC)**, a South African NGO that builds cohesive and collective understanding of the global threats to people living in poverty, requesting that the Committee defer the application until the 2015 session (presumably for when it is a Committee member). After an intervention by Israel, the Committee asked the Secretariat to inform South Africa of the Committee's working methods and denied their request for deferment. As a compromise, the Committee said it would be willing to grant more time for South Africa to gather information. The Committee agreed to defer consideration of the NGO until the end of the 'List of Deferred Applications' in the same session. South Africa agreed to this way forward. However, Mozambique, clearly on behalf of South Africa, asked questions to LRC, including asking the NGO to explain where else it operates, since the NGO claims national membership but indicates international work; and to clarify what kinds of projects it carries out and who its beneficiaries are.

The Permanent Representative of Vietnam, as an observer State, made an oral statement registering Vietnam's protest against the **Khmer's Kampuchea-Krom Federation's (KKF)** application for consultative status, which had been recommended consensually earlier in the session. The KKF is a US-based NGO that attempts 'through the use of peaceful measures and international laws, to seek freedom, justice, and the right to self-determination for the Indigenous Khmer-Krom Peoples living under the oppression of the Vietnamese government in Kampuchea-Krom'. Vietnam said the NGO advocates and promotes secession and that its 'dark aims and ill-will and illegal acts' make it utterly unqualified for consultative status. Vietnam asked the Committee to take appropriate action to prevent KKF from getting consultative status. Several delegations – including Pakistan, Cuba, Russia, India, Venezuela, Nicaragua, and Turkey – noted they would carefully consider the request and take appropriate action at ECOSOC in July. Only the US spoke against the application being reconsidered by ECOSOC, arguing that, along with other delegations, it had considered the application closely and a review of the materials submitted by Vietnam did not justify an overturning by ECOSOC of the Committee's decision to recommend status to KKF.[22]

22 ISHR Press Release, 2012.

Allowing the host State, whether directly or through a proxy, to control the review is particularly damaging when governments with domestic processes that restrict NGOs try to leverage the UN process to harass an NGO and limit its access to UN fora. For example, a State can challenge an NGO that has not, in its view, met that State's registration requirements, including as a result of the State's registration requirements having changed in the years since the organisation applied for status. Invariably such updated requirements are particularly difficult and burdensome for human rights NGOs.

Request for answers in writing

A particularly vexing tactic is to ask an NGO representative to submit in writing all the answers they have provided orally in the Q&A. Committee members may argue that they cannot take a decision on the application until these written submissions are received. It is clear this strategy is a political ploy to block certain applications, because it is not consistenly applied and is only used on NGOs that a State is trying to block (many NGOs are recommended for consultative status immediately following receipt of their oral responses).

During the 2014 regular session, a representative of the **Ford Foundation**, a grant-making organisation with the goal of minimising the effects of inequality and assisting marginalised communities, took part in a Q&A. The Ford Foundation was questioned by the Cuban representative, who wanted more information on activities in the region. The Foundation representative stated that the organisation mainly worked on migration issues in the area, and gave several specific examples of projects in its offices in Chile and Brazil. Cuba's representative said she saw nothing wrong with that response, but she asked for it in writing.[23]

The **Kuki Organization for Human Rights Trust**, based in India, works to stop violations of rights and to restore peace for indigenous communities. Since its application for consultative status in 2011, the Kuki Organization for Human Rights Trust has received at least 10 questions. During the Q&A, China's representative sought clarification over where the organisation was registered. The representative of Sudan asked about the organisation's registration status in all the countries

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23 UN Meetings Coverage, January 2014.

in which it was active and asked for copies of those certificates. In response, the NGO representative said his organisation was headquartered in India but also worked in Bangladesh and Myanmar, where its registration was also respected. The representative of India asked the organisation to explain in writing what mechanism or mode of interaction was used to carry out its activities in countries other than India. In response, the NGO representative said he already answered the same question in writing in March, but the representative of India said the response was not sufficient as it referred more to political issues rather than registration.[24]

No-action motion

In some cases that have been deferred over multiple sessions, a supportive State will conclude that the NGO will never be able to satisfy some States, and force a decision on a blocked NGO by calling for a vote on whether or not to recommend status. States that are not in favour of making a decision on the application, and that aim to keep the application in the Committee indefinitely, may in response call for a 'no-action motion' (i.e. a motion to not act on the proposal in question). This is a procedural tactic aimed at preventing the Committee from making a substantive decision on whether to recommend status for the NGO.

In the 2011 resumed session, the **Syrian Center for Media and Freedom of Expression (SCM)**, a France-based human rights NGO that aims to promote freedom of opinion and expression in Syria and throughout the Arab world, was denied an opportunity to be recommended for consultative status due to a no-action vote. An initial proposal by the US to request a vote on whether or not to recommend status was suppressed by a no-action motion[25] put forward by the delegation of Sudan. The motion was passed by a vote of 10 in favour (Burundi, China, Cuba, India, Mozambique, Nicaragua, Pakistan, Russian Federation, Sudan, Venezuela), to 6 against (Belgium, Bulgaria, Israel, Peru, Turkey, United States,), with 3 abstentions (Kyrgyzstan, Morocco, Senegal), meaning that consideration of that NGO was postponed further.[26]

24 UN Meetings Coverage, May 2014.

25 According to Rule 50, a representative may, at any time, move the adjournment of a debate on the item under discussion. Permission to speak on the motion shall be accorded only to two representatives favouring and to two opposing the adjournment, after which the motion shall be put to the vote immediately.

26 UN Meetings Coverage, May 2011.

Before the Committee began the vote, the representatives of Cuba and Nicaragua spoke in support of the motion to adjourn the debate. Speaking against the motion, Belgium argued that all the NGO's documents were in order and it was carrying out good work. Bulgaria also did not support the procedural tactic, saying the organisation had supplied clear answers, particularly as to why it was not registered in Syria, and that after five rounds of questions, it was time to make a decision.

Denial of status

States may also **openly** oppose consultative status for an NGO, and ask for the closure of any application. If members of the Committee are not in agreement, a roll-call vote may be called. If the motion is voted on and succeeds, then the application of the NGO will be closed and it cannot re-apply for three years. If the vote fails, the NGO returns to the deferred list.

The objective of **Fondation Alkarama**, a Swiss-based organisation, is to promote and protect human rights in the Arab world. It submitted its application in 2011, and received 12 questions before the organisation voluntarily withdrew its application in 2014.[27] This followed questioning by the representative of the US about alleged ties between the NGO's president and a terrorist organisation. The US representative informed the Committee that her delegation would ask that this application be closed at the May session.

In its 2006 regular session, the Committee decided not to recommend **People in Need**, a Czech NGO providing humanitarian and development assistance. The decision not to recommend People in Need was taken by a recorded, roll-call vote of 9 in favour (China, Colombia, Cuba, India, Iran, Russian Federation, Senegal, Sudan, Zimbabwe) to 4 against (France, Germany, Romania, United States), with 4 abstentions (Chile, Pakistan, Peru, Turkey). The Committee took that action after voting to reject a US motion to set up a vote to recommend

continued on next page

27 It can be better for an organisation to withdraw its application, rather than to have it closed by the Committee. The reason for this is that there is nothing in the Resolution 1996/31 which stops an NGO from reapplying after withdrawing its application. However, an NGO must wait three years to reapply after an application has been closed by the Committee.

status. The proposal to reject the NGO's application was put forward by the representative of Cuba, who said the organisation was a front for the Czech government, and used to destabilise and promote changes in regimes in different countries, including his own. It undertook many missions under the auspices of the Czech Foreign Ministry and received financing from the United States, through the State Department and USAID.

Role of observer States

Non-members of the Committee can participate in sessions as an observer State. An observer State can make (supportive or unsupportive) general statements orally from the floor about an NGO, usually before consideration of the application. At the chair's discretion, an observer State may pose a question during the Q&A to an NGO domiciled in its country, and can ask questions to the chair about procedural matters concerning the review of an application. Observer States can also submit 'Notes verbales' to the Committee that show support for or opposition to an NGO.

An observer State can lobby Committee members about an NGO it opposes or supports. States not friendly to human rights NGOs use Committee members as **proxies** to ask questions of NGOs in the interest of blocking certain applications. Unfortunately, there are several members that appear willing to do the bidding of some observers in delaying status for organisations.

Some observer States engage with the Committee to influence decisions on particular issues. For example, the Holy See, which often works with Russia, Sudan, Nicaragua and Pakistan, focuses on undermining organisations working on LGBTI issues and reproductive rights.

Other observer States engage with the Committee because they are **host States** and their views can have considerable influence on the success or failure of an application (see the section on 'National NGOs', page 52).

Role of the chair and the rapporteur

At the start of its annual meeting, in accordance with Rule 18 of the *ECOSOC Rules of Procedure*, the Committee elects one chairperson and four vice-chairpersons to serve as the Bureau. The Bureau is elected on the basis of equitable distribution, but there is no established practice for the rotation of geographical representation for the Committee chairpersonship. The chairperson is typically re-elected to serve at the next session.

A chair that is supportive of NGOs can make a difference to how the proceedings are conducted and improve the dynamics in the room, whereas NGOs are vulnerable when an individual in the chair is hostile to civil society. While the presence of a chair from a friendly State is overall a positive force for NGOs, it also can mean one less voice from the floor actively supporting NGOs targeted by excessive questioning. The chair can also play an important role in handling procedural matters related to motions to suspend and withdraw the consultative status of NGOs (suspension/withdrawal is further discussed in Chapter 6).

The role of the rapporteur is to draft, with the input of Committee members, the Committee's report to ECOSOC. The rapporteur can have a negative role if s/he writes the report with a bias against an NGO, includes derogatory statements from hostile members about an organisation, or leaves out arguments and statements from supportive States.

Political dynamics of ECOSOC

An NGO can have its application repeatedly deferred even if it has clearly met all criteria and fully and repeatedly answered questions posed by the Committee. Even after extensive informal lobbying, the Committee members can still be resistant to granting status to some NGOs. In these cases, the Committee can be forced to make a decision on a stalled NGO application by requesting a roll-call vote to recommend status, which may be lost.[28]

However, an NGO denied by the Committee may still have a chance to plead its case directly to ECOSOC. Success at ECOSOC will depend on a number of factors, most importantly, whether the ECOSOC membership is supportive of civil society access and participation in the UN. The membership of ECOSOC is less polarised than the Committee, as it addresses a broad range of issues and does not necessarily attract States that are hostile to civil society. Generally, ECOSOC accepts the recommendations of the Committee, but in recent years it has either sent back negative decisions to the Committee to 'reconsider' or overturned them and granted blocked NGOs consultative status. Current membership of ECOSOC can be found at http://www.un.org/en/ecosoc/about/members.shtml.

The 54 members of ECOSOC are elected by the General Assembly for overlapping three-year terms. Seats on the Council are allotted based on geographical representation, with 14 allocated to African States, 11 to Asian States, 6 to Eastern European States, 10 to Latin American and Caribbean States, and 13 to Western European and other States.

28 Even if a no-action motion is lost, an application can still be brought to the 54-member ECOSOC.

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CHAPTER 5 DEFERRED CASES: WHAT CAN NGOS DO?

Overview

The process to obtain consultative status with the UN can be frustratingly bureaucratic, time-consuming and resource-draining for those NGOs that are continually deferred by the Committee without due cause. This chapter offers tips, strategies and resources to help these organisations prepare for and navigate the application and review process.[29]

Ensuring progress on a deferred application requires the anticipation of potential problems. It also depends heavily on NGO representatives' relations with diplomatic missions. Supportive delegations can lend crucial support for successfully shepherding an application through the review process. Generally, an NGO with a deferred application faces two options: changing a State's position on the case so the State(s) no longer blocks the application and joins consensus to recommend status, or pushing for and winning a roll-call vote by the Committee on the application.

Advocacy targets

Targets for advocacy to advance an NGO application include States, key regional bodies, the UN's NGO Branch, other NGOs, and the media.

i. Member States on the Committee

The main target for advocacy on deferred applications is member States. As a first step, reach out to those Committee members that are staunch supporters of civil society access to the UN (see Chapter 4). A knowledgeable, strategic State delegation can champion your application and help guide it through to a successful outcome. Supportive delegates can provide you with reports on Committee discussions and background information on members and Committee dynamics. Where necessary, these States can lobby, in cooperation with your organisation, Committee members both in capital and New York in defence of an application. They can also intervene with the NGO Branch on your behalf, which can help you avoid delays in receiving questions during or after a session.

In most cases, you can contact the relevant diplomat at a permanent mission in New York by phone, email or in person (http://www.un.int/protocol/bluebook.html). The expert diplomats attend the

29 Note the success of the strategies suggested depends heavily on a combination of factors, some of which can be unpredictable, such as how individual diplomats will react.

Committee meetings and take care of the day-to-day Committee work of reviewing applications. At critical times, you can also reach out to ambassadors to discuss and seek support for a case, as communications between two higher-level mission persons can result in a State being more adaptable in its position.

You can also address the concerns of those Committee delegates who are antagonistic to your work. Developing a lobbying strategy with these members will depend on many factors. In general, if your application has been deferred several times, it can be useful to meet with Committee members that have concerns or questions about your organisation to see if and how you can address these issues.

The usefulness of outreach to Committee member State capitals depends on the country in question and the type of work your organisation is involved in. Reaching out to a supportive State at the capital level is useful, but lobbying in the capital of States that are not necessarily supportive of your NGO can be counterproductive. For example, if a mission delegate holds a progressive position on an issue (e.g. on LGBTI rights), they might be persuaded not to interfere with the application process of an LGBTI rights organisation if the application is not spotlighted in their capital. In another case, a delegate may want to be supportive due to a national position, but may not want to demonstrate explicit backing because of fear of harming relationships with regional alliances and the States it normally aligns with. The delegate in this case may work only discreetly in your favour.

If you face opposition or a lack of support from a democratic host State (or Committee member) public campaigning at the capital level can be essential to move a government position. It is particularly important to consider your advocacy strategy carefully if lobbying around a roll-call vote (see page 72, 'Before a vote in the Committee').

The strategy you adopt should depend on the target country, and the decision to reach out at a particular level should depend on several factors, including the national versus UN mission position of a State, and how influential your national partners or members are on decision-makers in that capital. Each NGO, in consultation with supportive States, should analyse the situation and decide the best course of action.

If you have good relationships with Geneva delegates from a supportive State on the Committee (i.e. they know your NGO and its work), it can be worthwhile to touch base with these representatives to let them know about your deferred case. This approach is advisable after you have reached out to like-minded States in New York and you are seeking to shore up support for your deferred application.

ii. Other States – host States, other supportive States, regional bodies

NGOs with deferred applications can reach out to the State where their NGO is registered or domiciled to request support. A supportive '**host**' delegation can provide helpful, and at times, essential support for an application.

Diplomats from the host State can be present in the room during the Committee session and speak in favour of your application when it is reviewed. The host State can also conduct outreach to governments that are blocking the application (both in capital and in New York), and lead lobbying efforts in the case of a vote on the application. A host country can further raise and/or support the case at ECOSOC if the vote on an application is blocked or lost in the Committee.

Support from your host country can make a vital difference for the prospects of your application. In some cases, however, the host country will not agree to get proactively involved in supporting your case. The reasons for this include the standing of a host State's bilateral relationship with the country blocking your application, or the host State's unwillingness to expend political capital on an NGO that focuses on an issue that may be divisive domestically (such as reproductive rights or LGBTI rights).

If your host country is a member of the European Union (EU), you may reach out to the EU's Human Rights Working Group (COHOM).[30] At the time of writing, the issue of 'deferred applications' is included on the COHOM agenda. Ask your host country to strongly recommend that your NGO application be reviewed by the Committee the next time COHOM discusses this agenda item.

Other States that can assist you include former Committee members (e.g. Belgium, which was on the Committee for four years 2011-14) or those that have observed the review process for various human rights organisations domiciled in their country (Switzerland, Chile, etc.). You can seek the support of States where your organisation works or has projects and ask delegates to vouch for the credibility of your organisation, including coming to a session to speak in your favour, or sending the Committee a note of support for your organisation.

iii. NGO Branch

The NGO Branch is the main conduit of communication between Committee members and an NGO. It is a bureaucratic entity that deals mainly with technical issues, but, like any UN Secretariat division, its independence and level of functioning is influenced

30 The Human Rights Working Group (COHOM) was created under the Council of the European Union and is responsible for human rights issues in the EU's external relations. It is composed of human rights experts from member States and the European Commission.

by the commitment and competence of staff members. A chief of the NGO Branch committed to effective participation and access for civil society to the UN sets a positive tone and work ethic for the fair and respectful treatment of NGOs.

The chief of the NGO Branch sits on the podium during the review session and is often asked for clarifications about rules and procedures. If she or he is providing information and advice in line with the principles and guidelines in Resolution 1996/31 and is familiar with the rules of procedure, that individual may provide interpretation that is different from someone who is predisposed to positions of hostile member States. In general, NGOs can expect Committee proceedings to lack transparency and be difficult to navigate if there is only minimal support from the NGO Branch.

Advocacy with the NGO Branch would consist mostly of being proactive about your application, including following up with relevant people to make sure you get necessary information on time. Note that the NGO Branch does not make any decision about the deferral of your application; this is the decision of States.

iv. Other NGOs

Other NGOs can play a role in supporting your case. Consider contacting previously deferred NGOs that successfully obtained status after a long struggle to learn about their advocacy strategies.

ISHR can assist you by sharing resources, strategies and best practices. ISHR monitors most sessions of the Committee and can provide information on developments with your application. The organisation can also share the contact details of key diplomats.

v. Media, public opinion

After several years attempting to obtain accreditation, you may decide that 'quiet diplomacy' and a 'behind the scenes' approach is not working. In this case, bringing international and national attention to your case may help mobilise public support for your case. If the host State is slow to act in support, further publicity could encourage that State to be more active on your case. This could include approaching Members of Parliament who can officially request the government to champion your application.

In 2014, ten NGOs with long-deferred applications took action through an open letter to call upon the Committee to stop blocking access for legitimate human rights organisations to ECOSOC status and to review the applications of organisations in line with ECOSOC Resolution 1996/31. The organisations also noted with concern that they might be the subject of further reprisal as a result of their letter: 'It may be a further risk to our application, but we can no longer remain silent. We are frustrated and deeply concerned about the power States are wielding over those who speak out against human rights abuses. Transparency and legitimacy in the UN system are at stake if States are able to continue blocking access to NGOs they feel threatened by.' This letter is an example of the kind of activity an NGO can undertake to raise visibility for its application. See letter at https://www.crin.org/en/home/campaigns/transparency/ecosoc/open-letter.

Advocacy strategies/ opportunities

As noted, an important first step to expediting your case is to identify the key States that can support your application. Supportive States as well as other NGOs can help you strategically prepare for and navigate the review process. In addition to engaging with supportive actors, an NGO with a deferred case needs to identify the States that are blocking the application and try to understand their motivations and their 'requirements'.

Since Committee members employ delaying tactics during specific steps in the application process, it is necessary to develop an engagement strategy at each level. We provide information below on what to expect at each step and strategies you can take to mitigate challenges.

i. Before submitting the application

Although this chapter is directed at deferred NGOs, some NGOs may have yet to apply. If you think you may face challenges, use the advice in Chapter 2 'On the Application' to anticipate potential problems before submitting the application. This includes reviewing your website for possible areas of controversy and drafting concise and precise responses to the application questionnaire.

In some cases, observer States have submitted letters on behalf of an NGO, which were attached to the application form for all Committee members to read. This is a tactic that an NGO working on 'controversial' issues may want to consider pursuing.

ii. During the review of the application

Deferral by questioning

Each NGO wants to be reviewed quickly and answer as few questions as possible before receiving consultative status. For 'controversial' NGOs, however, a straightforward review is unlikely. Although no particular answer can guarantee an end to questioning by a hostile State, you can benefit from understanding how questions reflect Committee members' concerns and take these interests into consideration when responding to inquiries.

In Chapter 2, we described the questionnaire that each applicant must complete and identified areas that preoccupy Committee members. In Chapter 4, we provided a brief analysis of the main positions and approaches of certain Committee members in the review, which helped to shed light on the political context of questions. We recommend that you go over these chapters in advance of providing responses to questions posed during the review. Also look at the box entitled 'Sample of Questions by States 2012-14' (page 26) to get a better understanding of the range and types of questions posed.

Unfortunately, it is impossible to predict the questions your NGO will face as this will depend on whether your organisation has inconsistent or incongruous answers in its application and/or if it is targeted for scrutiny by one or more States. Although NGOs should only have to field queries relating to the criteria outlined in Resolution 1996/31,[31] many questions outside this scope are posed, including requests for details protected by privacy rights, such as names and addresses of NGO members. In these cases, NGOs should know their rights and not feel obliged to divulge such information. Organisations should seek the support of friendly States and ask them to highlight publically during the review when off-limits questions are asked.

Unfortunately, even if you answer everything in the 'correct' way, there is absolutely no assurance this will end further questioning.

In Chapter 3, we provided logistical advice for encouraging a timely review of your application. This included monitoring the email address you provided to the NGO Branch and responding to questions promptly when you receive them. You should also answer any questions you can during the session to enable your application to possibly be considered again during the same session.

31 Permitted questions help the Committee determine whether an NGO is concerned with matters falling with the competence of the ECOSOC and its subsidiary bodies, and whether the aims and purpose of the organisation are in conformity with the spirit, purposes and principles of the UN Charter. They also cover the sources and uses of an organisation's funding, whether the organisation has an established headquarters and a democratic structure, and if it has been officially registered for at least two years at the date of receipt of the application.

If you are informed your case has been deferred and you have yet to receive questions, follow up with the NGO Branch a week or two before the following Committee session to ask that questions be sent to you. **If you do not get a response, contact allied States to express your concern.**

If all other avenues have failed and if you know via a third party the question/s that have caused your application to be deferred, you can proactively respond by uploading answers to the NGO Branch's online system, and sending an email to the NGO Branch to request confirmation of reception.[32] When responding to questions posted by the Committee, address the Committee as a whole. Do not address answers to individual States.

Attending the session

An NGO with a **deferred** application can benefit from attending a Committee's session. Being present in the room allows an organisation to monitor the proceedings, identify the State or States posing questions, and hear exactly how a question is phrased (rather than relying on an unsourced, paraphrased question from the NGO Branch). Being represented in the room allows the organisation to respond to objections promptly and to further clarify answers to previous questions. Attendance also gives an NGO the opportunity to talk directly with the NGO Branch, which can help avoid delays in receiving questions.

Be aware when you make arrangements to attend a session that Northern-based deferred applications face particular challenges and obstacles in obtaining a timely review. This is not only because the Northern-based organisations attract heightened interest from some members, but because the Committee working methods are such that deferred applications are considered last (see Chapter 3).[33]

Outreach/lobbying – putting a human face on your message

Informal lobbying with Committee members both before and on the margins of the session can be effective. It can provide opportunities for you to challenge a State's assumptions about your organisation and provide information to settle concerns.

For the first review of your application, it is generally not necessary to draw attention to your application by outreach to all States on the Committee. The best case scenario is that an application goes through without any questions on the first review.

32 Unfortunately many NGOs experience delays and miscommunications around questions due to glitches in the online system, and because an understaffed NGO Branch responds inadequately to complaints.

33 Other procedures also slow down the process, including that the Committee will not move onto a subsequent application until all Committee members agree to. This can result in an assigned 2-3 minute review for each application extending to 10 minutes or more.

That said, each case is different. A number of human rights NGOs that have had potentially 'controversial applications' have engaged early to lobby and been successful in obtaining the recommendation of status. In these cases, before and during the first review, NGOs have contacted their host country at the capital level and at the New York mission, and/or have undertaken outreach to supportive States in the region.[34]

The **East and Horn of Africa Human Rights Defenders Project (EHAHRDP)** is an NGO based in Uganda. It seeks to support the work of human rights defenders in the region by encouraging their ability to defend human rights while diminishing their vulnerability to persecution. EHAHRDP focuses its work in Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Sudan, Tanzania and Uganda.

- EHAHRDP was reviewed for the first time and granted consultative status during the 2012 regular session.
- EHAHRDP's representative participated in an interactive dialogue with the Committee in the regular 2012 session, during which he was asked questions by Belgium, Sudan, Venezuela and China that related to registration, partnerships and funding.
- Both Sudan and Venezuela requested answers in writing to the questions posed, postponing the decision.
- While waiting to respond to the questions in writing, the representative lobbied several Committee members and other delegations.
- The Somali ambassador, as representative of an observer State, submitted a *note verbale* to the Committee in support of the application and spoke at the Committee session on behalf of EHAHRDP. The strategy proved to be extremely effective as the matter was resolved bilaterally between Somalia and Sudan, two Southern States.
- EHAHDRP was recommended for consultative status by the end of the session.

34 In other cases, the host country, as an observer State, will engage with the Committee to support an application without being lobbied. This is often the case with Switzerland, where many human rights NGOs are domiciled.

The **Centre for Human Rights** is an academic institution based in South Africa that focuses on research, teaching and advocacy in the field of human rights law in Africa, and the realisation of human rights throughout the African continent.

- The Centre for Human Rights first submitted its application for consultative status in 2011 and received consultative status in 2012.
- An issue with the application that was continually raised was the question of granting status to an organisation that is a university or part of a university. It was first brought up by the representative of Morocco in the regular 2011 session, leading to discussion that the representatives of Belgium, Cuba and Pakistan participated in. The Secretariat advised Committee members that the issue had been raised in previous sessions in regards to other NGOs and that there had been several NGOs granted consultative status that were a university or part of a university.
- The application was held up by China, which inquired about the independence of the organisation given it received funding from several countries, and by Morocco, which disapproved of the Centre's work on Western Sahara. Ultimately, the case was resolved when the South African delegate came to the Committee and requested that the Moroccan delegate stop asking questions and agree to recommend the Centre for accreditation.

If your application is deferred several times, you may decide to be more assertive in your outreach by lobbying States:

> **MEET** with pro-civil society Committee members to discuss your case and the best strategy to speed up the review of your application. Encourage and provide arguments to supportive States to prioritise your application (including by highlighting the length of time you have been in the system, the number of rounds of questions answered and the number of times you have participated in the Q&A). Impress upon allied States that your NGO is being discriminated against and that they should highlight your application above other deferred cases.

> **ENCOURAGE** supportive States to pressure a blocking State or group of States to refrain from asking repetitive and unnecessary questions. They can point out publically during the review that the NGO has answered the same questions before, and also ask the questioning State to clarify or rephrase the question so it is within the bounds of Resolution 1996/31.

- **MEET** before and/or during the session with delegates from the Committee that have questions about your organisation. Ask what their concerns are and what you can do to address them. Learn about individuals in some detail before approaching them. Find out about their previous voting patterns, liberal or conservative politics, and particular interests or issues they have supported before that are related to your issue. The personal contact achieved through face-to-face meeting with delegates can be an important tool in shifting perspectives and allaying concerns.
- **REQUEST** supportive States to reach out to States that have problems with your application to resolve your case bilaterally.
- **ASK** a supportive host State to encourage like-minded Committee members to request the Committee come to a conclusion on your case and to recommend the granting of consultative status.
- If your host State is requesting the delay,[35] **ASK** their representative to attend the Committee session to explain their reticence or ask a question. You would then have something substantive to respond to.
- If you have exhausted all other options, **CONSIDER ASKING** supportive States to push for a decision (vote) on whether your NGO should be recommended for status. An agreement to push for a decision means a commitment to use their political capital to lobby around a vote if need be. It is important to note that supportive States will unlikely be willing to push for a decision if the host State has not shown explicit support for the NGO's application. Support of the host State means an improved chance to win a vote both in the Committee and, if need be, in ECOSOC (see page 74, 'Challenging decisions of the Committee at ECOSOC').

Participation in the Q&A session

Deferred NGOs attending the session can participate in a Q&A. If you have experienced deferrals over several sessions, participation can be valuable as it provides you with an opportunity to answer States' concerns, and shows you are making a good faith effort to participate in the process. Supportive States can also leverage your presence to draw attention to the fact that your NGO has been on the list for a long time and that you have received and answered multiple questions promptly, diligently and professionally. However, the Q&A can also be uncomfortable for NGOs if members barrage them with questions and comments that may seem overly aggressive and irrelevant.

35 Although the Committee may postpone review of such a case, it should not mean the NGO is automatically deferred. This approach is based on Rule 8 in Resolution 1996/31, which allows for consultation with the host State.

Even if you are able to answer all questions systematically and comprehensively, Committee members that want to block your NGO will find a way to do so. For example, Committee members can delay taking a decision on your case by asking you to submit your oral responses in writing (see Chapter 4). In this case, an additional benefit of attending the session is that you can follow up with a Committee member directly. Ultimately, each NGO has to decide when and whether it is worthwhile participating in the Q&A.

PARTICIPATING IN THE Q&A

BE PREPARED AND INFORMED

Prepare a **brief** (one minute or less) introduction to your organisation. The Committee asks NGOs about all elements of the organisation, including activities, sources of finances, partnerships and affiliates, type of membership structure, and about content and links on the website. For example, know the projects and partners you have in the countries you work. Have answers for questions about incongruities in your finances, like high expenses to revenues. NGO representatives need to know the organisation very well and be able to communicate clearly. If you answer differently from what is on your website or application, or you have to 'check' on an answer to a question, then you can expect your application to be deferred.

BE CALM, CLEAR AND CONCISE

Speak calmly, clearly, and concisely. Address States as 'Distinguished Delegate'. Don't provide extraneous information and never get emotional or defensive in response to questions from delegates. Even though the process can be frustrating and tedious, and the questions sometimes challenging, do not get combative or flustered, and remain respectful to give your application a better chance of moving forward.

REACH OUT TO FRIENDLY STATES IN ADVANCE

Check with allied delegations to get their views on whether to 'take the stand'. If you decide to go ahead, they can start the Q&A off with friendly questions.

Bilateral settlement

It is often the case that the resolution of a long-deferred case can entail some compromises for an NGO, including removing links to a 'controversial' website or placing a disclaimer on its site. This is particularly the case when an NGO has to negotiate with China.

Further, Committee members may resolve an issue bilaterally with another State to ensure an NGO is recommended for consultative status without a question being posed by an otherwise hostile State (or the abrupt cessation of antagonistic

questions). These developments occur behind the scenes and are the result of a supportive State(s) leveraging an opportunity with an otherwise hostile Committee member to ensure support for a 'controversial' NGO.[36] Though some human rights NGOs can benefit from this practice, it often involves trade-offs, where NGOs are both the winners and losers. This type of approach also contributes to a more confusing and less transparent atmosphere for NGOs.

The Kinsey Institute, a US-based organisation working towards advancing sexual health and knowledge worldwide, was reviewed by the Committee for the first time in the regular 2014 session. Kinsey representatives attended the session and participated in the Q&A. Though this group could easily have been deferred for years due to the 'controversial' nature of its work, it was surprisingly recommended for status immediately after the Q&A. The reason was that a 'deal' had been made: the Committee also recommended status to an NGO called the Catholic Family and Human Rights Institute (C-FAM), a socially conservative Christian group that is focused on opposition to safe and legal abortion and family planning.

According to a C-FAM website, their application was approved when the 'governments of Israel and Belgium struck a deal with C-FAM's governmental supporters for the approval of another group they feared would be blocked...then we began hearing that the organization they...wanted was the Kinsey Institute. As the week progressed C-FAM allies on various delegations, including Russia, the Vatican and Nicaragua told us they thought there would ultimately be no problem. In the end, Wendy Wright [C-FAM] was called before the Committee, asked a few perfunctory questions, before the chairman... announced consensus that we were approved for UN status. When it was all over a woman who works for the UN Church Center told one of our colleagues that "we got one through." She was talking about Kinsey. And then she added, "It was a dirty trade." That was a reference to us.'[37]

36 This deal-making aspect comes into play when the Committee is going to be dealing with several 'controversial' cases at allaying the same time.

37 http://www.lifenews.com/2014/01/30/united-national-finally-grants-pro-life-groups-special-status/.

iii. Before a vote in the Committee

NGOs with deferred applications will often receive questions they diligently and carefully answer and yet still continue to receive further questions on the same issue or a new one. Sometimes no answer will satisfy a delegation trying to delay an NGO's application. When it is clear all criteria identified in ECOSOC Resolution 1996/31 have been met, and all questions raised by members have been addressed, a member State may decide to force the Committee to make a decision on the application. See Chapter 3 to review voting on an application, motions that prevent it, and consequences for an NGO as a result of a won, lost or tied vote.

If your application is repeatedly deferred and a State is willing to try to force the Committee to take a decision, then consider the following steps:

- **CONTACT OR MEET** with delegations supportive of your application in advance of a vote to discuss the process and what you might expect.
- **ASK** the host State to send a *note verbale* to Committee members in support of your application, and to come to the session and make an oral statement as an observer (if they are not a member of the Committee) prior to the voting. Support of the host State means an improved chance to win a vote both in the Committee and, if necessary, in ECOSOC. However, support of the host State does not guarantee success (e.g. see YCSRR's case below).
- **REACH OUT** to NGO networks and partners located in States represented on the Committee to spread awareness of your file. Ask national partners to support your application with their government.
- **PREPARE** a short briefing note for distribution to interested delegations with translations. A briefing note would provide a short overview of your organisation, summarise the developments to date, list the total number of questions and replies given, and request the Committee to recommend consultative status. Communicate the issue in human rights terms, including highlighting the discrimination by the Committee against your organisation contrary to UN purposes, principles and commitments.
- **LOBBY** in New York and in capital for a positive outcome, in coordination with like-minded States and supportive NGOs, (however, see 'Advocacy Targets: Member States on the Committee', page 60, for caveats especially in regard to swing States).

> **THE GOAL** is to convince potential opponents to either vote in favour of granting status or at least not to actively oppose you (i.e. to abstain). The vote at the NGO Committee is often close. An application can win or lose by a single vote.

> **ASK** ISHR for advice and assistance.

Homosexuelle Initiative Wien (Hosi-Wien) is an Austrian-based organisation working to promote the human rights of gays and lesbians, as well as to combat all forms of discrimination based on sexual orientation. This long-deferred NGO worked with the support of its host State and like-minded Committee members to push the Committee to come to a conclusion on its case.

- Hosi-Wien first applied for consultative status in 2007.
- Consideration of the organisation's application was deferred for seven sessions and the NGO was asked 54 questions. The deferrals persisted despite the full support of the organisation by Austria during appearances before the Committee. On several occasions, Austria provided the Committee with written submissions and oral presentations showing its backing of the organisation.
- At the resumed 2013 session, Belgium requested immediate action on Hosi-Wien's application and called for a vote in response to the consistent deferral of the organisation's application.
- On 28 May 2013, request for consultative status was approved following a roll-call vote.
- The voting was as follows:

  In favour: Belgium, Bulgaria, India, Israel, Nicaragua, Peru, Turkey, United States of America, Venezuela

  Against: China, Morocco, Pakistan, Russian Federation, Senegal, Sudan.

  Abstaining: Kyrgyzstan, Mozambique.

  Absent: Burundi, Cuba.
- The US delegation called this a 'monumental achievement,' expressing hope that, one day, LGBTI organisations would be able to be granted consultative status through consensus.

The Youth Coalition for Sexual and Reproductive Rights (YCSRR) is a Canada-based NGO that works to ensure the sexual and reproductive rights of young people are respected, guaranteed and promoted. The NGO lost its accreditation bid because the Venezuelan delegate, who had promised to vote in favour of the organisation, left the room instead. This resulted in a tied vote, which meant the motion was rejected.

- YCSRR first applied for consultative status in 2011. During the period 2011-2014, the organisation received 25 questions.
- After the NGO provided frank and satisfactory responses to all questions posed during previous sessions, on 23 May 2014, Belgium called for a vote during the resumed 2014 session.
- The observer for Canada noted that the organisation had first submitted its application a number of years ago and had responded to all questions posed by the Committee. The observer then stated Canada would fully support granting the organisation consultative status.
- The vote was as follows:

  In favour: Belgium, Bulgaria, India, Israel, Peru, Turkey, United States of America.

  Against: China, Morocco, Nicaragua, Pakistan, Russian Federation, Senegal, Sudan.

  Abstaining: Kyrgyzstan.

  Absent: Burundi, Cuba, Mozambique, Venezuela.
- As a result of the tie vote, the application was deferred.

Challenging decisions of the Committee at ECOSOC

i. Overturning decisions at ECOSOC

Disputed recommendations, as well as no-action motions, can be challenged before the full 54-member ECOSOC. To overturn such rulings, a draft decision to that effect must be put to the ECOSOC Chamber by one of its members – either the host country or another supportive State.

There is a narrow window of opportunity if an NGO wants to try to have a negative decision by the Committee overturned. ECOSOC meets in April to consider recommendations from the January/February regular session and in July to consider those from the April/May resumed session.

The consequences for an NGO of a vote at ECOSOC will depend on the new proposal to ECOSOC. It can result in the application being referred back to the Committee to reconsider its decision, the granting of consultative status to the NGO or the closure of the application. In the latter case, the NGO cannot reapply sooner than three years after the date of closure.

From 2006 to 2011, the Committee repeatedly rejected applications from NGOs which address human rights violations based on sexual orientation and gender identity. However, in the consideration of the disputed cases, ECOSOC ultimately decided that the organisations met the criteria in Resolution 1996/31 and overturned the negative decisions. Below is an example of what happened in the disputed case of **International Gay and Lesbian Human Rights Commission (IGLHRC).** You can also get information about the collective advocacy campaigns carried out to support the other LGBTI NGOs seeking ECOSOC accreditation at http://arc-international.net/global-advocacy/ecosoc.

IGLHRC, a US-based organisation dedicated to human rights advocacy on behalf of people who experience discrimination or abuse on the basis of their actual or perceived sexual orientation, gender identity or expression, applied for consultative status in May 2007. It appeared before the Committee on two separate occasions to answer questions and responded to 44 questions in writing, only to have its application repeatedly deferred.

The Executive Director of IGLHRC attended the third session of the Committee where it was reviewing the application, and the subsequent session, thinking that immediate responses to questions would expedite the process. However, each time the Committee requested that oral answers also be submitted in writing. As a result, IGLHRC decided there was no benefit in attending subsequent sessions.

In an effort to advance the application, the US proposed status be granted to IGLHRC at the resumed session of the Committee in June 2010. The US called for action to be taken on the merits of IGLHRC's application, stating the NGO had responded to numerous rounds of questioning since it had first submitted its application in 2008. However, this prompted Egypt (on behalf of the African Group) to use a 'no-action' motion (arguing IGLHRC's responses were not sufficient), which was adopted by the

Committee. The United Kingdom (UK) described this as 'a simple act of discrimination', a view echoed by the US, Colombia, Romania and a significant number of observer States present at the meeting.

IGLHRC moved against this decision with an intensive advocacy campaign aimed at overturning the decision at ECOSOC, supported by the US, other democracies and a number of NGOs. This included developing an online petition to ECOSOC members to overturn the NGO Committee's draft decision, which was signed by over 200 NGOs from around the world, and substantial outreach and lobbying in the New York missions and capitals of ECOSOC members.

Some of the main arguments used to lobby States were that the application met all the requirements for ECOSOC status under Resolution 1996/31, and given that IGLHRC had answered more than 44 questions over three years, the use of a procedural manoeuvre to block a decision on the application was discriminatory because the NGO worked on LGBTI issues. An additional argument was that the procedural roadblock used against the group could be used against any 'controversial' group, ultimately preventing a diversity of voices at the UN and limiting civil society's ability to participate in the UN at all. The advocacy strategy included working with civil society partners, both LGBTI and mainstream human rights organisations, in potential 'swing' States to encourage their governments to abstain in the vote, or to encourage supportive countries to co-sponsor the US decision.

In July 2007, the US submitted a draft decision to ECOSOC, which sought to grant consultative status to IGLHRC. Statements in support of the US proposal dominated the lengthy discussions, with only Egypt and Russia speaking against it. At the request of Saudi Arabia, the US proposal went to a vote and was adopted by a comfortable margin (23 in favour, 13 opposed, 13 abstentions).

As the US ambassador commented at the end of the meeting, ECOSOC's decision sent a clear message to the NGO Committee and to the international community that LGBTI voices will be heard at the UN, and eligible NGO applications for consultative status cannot be deferred indefinitely by the NGO Committee.

What if your application is continually deferred, rejected or closed?

Submit the case to special procedures

Submit your case as an urgent appeal to the UN special procedures, including the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and the Special Rapporteur on human rights defenders. This can be done by sending information on your case to: urgent-action@ohchr.org.[38]

Submit input on your experience in the Committee to relevant thematic reports of Special Rapporteurs.

In his 2014 UN General Assembly report on the exercise of the rights to freedom of peaceful assembly and of association in the context of multilateral institutions, the Special Rapporteur highlighted the longest-pending application in the Committee – that of the International Dalit Solidarity Network (IDSN). IDSN is an international NGO focusing on caste-based discrimination and other forms of discrimination based on work and descent. Its application has been deferred for seven years.

'Since 2008, the Network has received 64 written questions from the Committee, all raised by India.'[39] Further, the Special Rapporteur criticised India for arbitrarily blocking IDSN from obtaining UN consultative status calling it 'clearly unacceptable, wrong and unfair'. In the report, the Special Rapporteur also critiqued the functioning of the Committee, underscoring that the Committee is acting, 'in a manner contrary to the spirit of Resolution 1996/31.' The Special Rapporteur expressed particular concern that the Committee has in recent years arbitrarily deferred the applications for consultative status of 46 organisations working on human rights issues, such as children and women's rights, minorities and country situations.[40]

Submit the case to the Secretary General

Consider filing your case with the Secretary-General for inclusion in his annual report on reprisals against those cooperating with the UN human rights system.[41] In your submission, show a

38 See submission of International Dalit Solidarity Network (IDSN) at http://idsn.org/wp content/uploads/pdfs/Urgent_Appeal/Urgent_Appeal_-_IDSN_-_October_2014.pdf.

39 See an overview and timeline of IDSN case (2008-2014) at http://idsn.org/wp-content/uploads/2015/01/Note_on_IDSN_ECOSOC_application.pdf

40 Report of the Special Rapporteur on freedom of peaceful assembly and of association, A/69/365.

41 Every year the UN publishes a report on alleged reprisals or intimidation against persons cooperating with, or attempting to cooperate with, UN human rights mechanisms or representatives. The person submitting the case must be either the victim, a relative, or someone who has provided legal or other assistance to someone who has suffered threats, intimidation, or reprisal for interacting in any way with the UN human rights system.

link between your cooperation with the UN (e.g. with special rapporteurs, UPR, treaty bodies, Office of the High Commissioner for Human Rights or the Human Rights Council) and the continued and deliberate obstruction by a State(s) of your application for consultative status. Highlight how a State(s) is misusing Committee rules of procedure to punish your organisation by indefinitely prolonging the review of your application in contrast to the principles of non-discrimination, equality, participation, transparency and accountability laid out in Resolution 1996/31.

ISHR has prepared a **questionnaire to assist defenders in submitting cases** in line with the UN requirements.[42] Filling out this form ensures the UN will have all the information it needs. You should then send the form to **reprisals@ohchr.org**. ISHR can also provide further assistance in putting together your submission if you require it. The deadline for submission is usually the **end of May each year**.

Other accreditation options, e.g. Department of Public Information (DPI) status

If an NGO is interested in observing meetings at the UN but not participating (similar to Roster status), then it may consider association with the Department of Public Information (DPI). DPI association will provide the NGO with up to three grounds passes to the UN and access to DPI briefings.

Accreditation by other NGOs

NGOs working on 'controversial' issues may consider joining an umbrella organisation or international federation that already has status, and participating in the UN through that organisation. General human rights NGOs can and sometimes do accredit, as their representatives, human rights defenders that they work closely with. However, there are limits to what can be done via this practice.

Take the case directly to ECOSOC

It is technically possible that a State or group of States could introduce a draft decision at ECOSOC on a deferred case without requesting a vote in the Committee first. A positive outcome would require heavy campaigning by civil society in collaboration with active support and leadership from pro-civil society ECOSOC members.

42 See http://www.ishr.ch/sites/default/files/article/files/2014-04-29-questionnaire_to_assist_in_submitting_information_on_alleged_reprisals.docx.

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CHAPTER 6 AFTER AN NGO OBTAINS ACCREDITATION

Overview

Once in consultative status, an NGO is under an obligation to submit to the Committee, every fourth year, a brief report of their activities, in particular regarding their contribution to the work of the UN. The quadrennial report allows the Committee to survey whether the NGO continues to satisfy the criteria of consultative status.

In recent years the quadrennial reporting process has been used by some delegations on the Committee to exert pressure on NGOs by criticising their activities and requesting further information before the report is accepted.

If the Committee considers that an organisation has contravened requirements set out in Resolution 1996/31, it can recommend suspension or withdrawal of consultative status.

Applications for reclassification of status

Resolution 1996/31 permits an NGO to apply for reclassification of the status of their organisation. To do so, your organsiation must submit a **typed** application package; consisting of a questionnaire, completed in either English or French, with relevant documents attached. You will need to include the year your organisation obtained ECOSOC accreditation and a statement explaining why you should be granted the requested reclassification. Organisations should also notify the Committee of any expansion in their geographical and services remit.

Requests are due for submission no later than **1 June** of any given year, in time for the next Committee session. Applications received after this date cannot be reviewed at the next, upcoming session.

Change of name

An NGO with consultative status is entitled to change its name as registered by the UN. To do this, the NGO must convey a letter of intent printed on the organisation's official letterhead signed by the head of the organisation. Documentation signed, stamped or sealed by a governmental entity approving or taking note of the change of name in the organisation's host country must be attached. This includes the certificate of registration,[43] listing both the old and new name of the NGO. The organisation

43 If there is no certificate of registration (for instance if you are domiciled in a country that does not require it), then you will have to show other evidence from an official source of the name change.

must send the document in both its original form and translated into either English or French. Lastly, the NGO must attach a revised constitution/by-laws following the name change.

Any requests submitted before 1 April will be reviewed by the Committee during the resumed session of that year, while requests received before 1 December will be reviewed during the regular session in the following year. Where a request is approved, it will only be officially recognised after ECOSOC adopts the report of the Committee.

Quadrennial reports

Resolution 1996/31 requires NGOs in general and special categories[44] to submit to the Committee a brief report outlining their UN-related activities every four years: the quadrennial report. Roster NGOs are exempt from this reporting requirement.

For newly accredited NGOs, the quadrennial reporting cycle begins the same year the organisation receives accreditation. For NGOs that have their reclassification approved, the reporting cycle is triggered the year of the reclassification. Similar to reclassification requests, quadrennial reports should be **submitted by 1 June** of the year after the end of the reporting period i.e. the submission date for a quadrennial report for the years 2011-2014 will be 1 June 2015.

The quadrennial report enables the Committee to monitor an NGO's compliance, contribution and the effectiveness of the collaboration between consultative NGOs and the UN. Failure to comply with this requirement can, under Resolution 2008/4,[45] result in revocation of consultative status.

Under 'exceptional circumstances', the Committee can request a special report from an NGO between regular reporting dates. This is usually the result of a concern that an NGO has committed acts in contravention of Resolution 1996/31 that could lead to disciplinary action.[46]

44 You can search for the status of an organisation here: http://esango.un.org/civilsociety/displayAdvancedSearch.do?method=search&sessionCheck=false.
45 Resolution 2008/4 'Measures to improve the quadrennial reporting procedures'.
46 Resolution 1996/31, para 61 (c).

PREPARATION AND SUBMISSION OF QUADRENNIAL REPORTS[47]

A quadrennial report can be submitted in two ways:

1. Completed and submitted on the UN-DESA NGO Branch website, http://csonet.org; or
2. Emailed (double line-spaced, Word document, maximum 4 pages) to the NGO Branch at quadreports@un.org.

USING THE WEBSITE

To access the questionnaire, the first step is to select the option on the homepage, **'login for the ICSO database'.** Each NGO is allocated a login username and password, printed on a letter from the NGO Branch.

After logging in, the screen will feature a tab, **'Consultative Status'.** Thereafter, a drop-down menu will appear which includes a page for **'Quadrennial Reports.'** Here, select the option to **'Submit Report.'** This will take you directly to the questionnaire.

The maximum limit for the report is 700 words; anything in excess of this will be discarded.

Reports should be written in third person, excluding names, titles and any first-person references (e.g. 'I worked on'). Don't use acronyms or abbreviations, unless you have written the full name out first. Other stylistic requirements include writing dates in the following format: 01 January 2015. The month should always be written out in full.

On completion remember to **'Save'** the report, the option being at the bottom of the page, and then click **'Submit'**. Following submission, NGOs should receive an automated acknowledgement.

Review of quadrennial reports by the Committee

Following processing of the quadrennial report by the NGO Branch, the Committee will review the report at one of its two annual sessions, in January/February or April/May. NGOs can check the progress of the report by logging into the UN-DESA NGO Branch website, as previously explained. The Committee reviews reports in groups, 16 at a time, and any Committee member may ask a question to an organisation. If there are no questions, the Committee takes note of the report(s).

47 Review complete guidelines to submission of the quadrennial report at http://csonet.org/?menu=85.

Deferral of quadrennial reports

As per ECOSOC Resolution 1996/31, the quadrennial review is supposed to be an update on activities and is not a 'recertification' of status. However, it is sometimes used by Committee members to block the review of reports of those organisations that are critical of member States.[48] In fact most questions are directed to international organisations that report on human rights violations in countries.

In 2012 the Committee again deferred the 2005-2008 quadrennial report of Human Rights Watch due to additional questions from China and Sudan. Questions from China and Cuba also caused the deferral of the 2007-2010 quadrennial report of Freedom House, though the Committee finally took note of Freedom House's earlier 2003-2006 report. Cuba, Nicaragua, Venezuela and Sudan disassociated themselves from the Committee's consensus decision in that regard. The representative of Cuba stressed that the organisation had taken a 'hostile and aggressive' position towards a number of member States, in particular developing countries. The US said that if States believe that NGOs are not in compliance then they should take action by moving to suspend or withdraw the status of the NGO.[49]

In the 2011 regular session, Amnesty International's 2008-2011 quadrennial report was the only one delayed out of 274 new quadrennial reports considered.

Other examples of organisations that have had deferred quadrennial reports include: Human Rights First, International Federation of Journalists, International PEN, International Press Institute, and Reporters sans Frontières International.

Disciplinary action: withdrawal and suspension of status

Grounds for disciplinary sanctions

As noted in Chapter I, an NGO with status can face disciplinary sanctions for the following reasons:

1) it has engaged in unsubstantiated or politically motivated acts against States, incompatible with UN Charter purposes and principles;

48 ISHR has characterised this deferral of quadrennial reports as a form of reprisal for the legitimate exercise of the rights conferred on NGOs with consultative status. The European Union also took this position in statement to ECOSOC in 2012.

49 ISHR Press Release, 2012. http://www.ishr.ch/news/un-committee-ngos-accredits-129-ngos-defers-130#_ftn21.

2) it has received funding from criminal activities, such as the illicit drugs trade, money-laundering or the illegal arms trade;

3) it has not contributed positively or effectively to ECOSOC's work within the previous three years.[50]

Withdrawal of status due to lack of reporting

The third criterion for suspension – not making any 'positive or effective contribution' to the UN – is implemented by the Committee in a bureaucratic manner: the failure to contribute is equal to the failure to submit a quadrennial report. This means the consequences of a simple administrative error like failing to submit a report in due time can be serious, including the suspension or withdrawal of consultative status of respected organisations that provide important and valuable contributions to the UN.

The NGO Branch will send a notification letter to an NGO that fails to submit its report one month after the deadline, requesting the overdue report by 1 January of the following year. In the event of repeated failure by the NGO, the NGO Branch will send one final letter of request submission of the report by 1 May. Following two requests, the Committee can pursue either suspending or withdrawing status. In most circumstances, the NGO Committee will recommend immediate suspension of status for one year. The Committee will subsequently provide the NGO one final opportunity to submit the report by 1 May of the following year. Where an organisation fails to do this, the Committee will recommend complete withdrawal of status.

Suspension or withdrawal of status due to 'politically motivated acts'

In addition to postponing the review of quadrennial reports through persistent questioning, the Committee has also adopted punitive measures against individual NGOs that carry out activities that are in conflict with a Committee member's government positions. In these cases, the underlying concern is that the NGO is undertaking 'unsubstantiated or politically motivated acts against Member States',[51] and has resulted in multiyear suspensions of status or permanent withdrawal of accreditation.

Swiss NGO, Centre Europe-Tiers Monde/Third World Centre (CETIM) made a statement at the Human Rights Council under the UPR of Turkey where it accused the Turkish government of having committed serious violations of human rights against the Kurdish people, including large-scale massacres, disappearances, torture, rape and mass deportations.

continued on next page

50 Resolution 1996/31, para 57.
51 Resolution 1996/31, para 57 (a).

- Turkey said the NGO's statement was 'replete with unfounded allegations and politically motivated falsifications against Turkey and […] not acceptable in its entirety'. The government also complained that CETIM used terminology such as 'Turkish Kurdistan' that showed its lack of respect for the territorial integrity of Turkey. In addition, Turkey implicated CETIM as promoting terrorist activities and serving as a front organisation for the Kurdistan Workers' Party (PKK), a militant Kurdish group, such as by referring to high-level members of the PKK as 'human rights defenders'.[52]
- In the 2010 resumed session of the Committee, Turkey proposed a three-year suspension, claiming that CETIM's statements did not respect Turkey's territorial integrity and some statements were in violation of the UN Charter.
- Several States argued that further evidence against the organisation was needed. The UK suggested a one-year suspension, noting it was a first-time offence and due process was needed.[53] The US at first spoke in favour of CETIM, stating it was protected by free speech even if it took positions contrary to country positions.[54] Switzerland (as observer) maintained CETIM was 'peacefully exercising its right to free expression'.
- The Committee decided by consensus[55] to suspend CETIM for two years, and instructed the organisation to submit a letter before the end of the suspension period confirming it would respect ECOSOC principles as stipulated in Resolution 1996/31.
- The US said it has agreed to consensus after conferring with Turkey's delegation, which affirmed its commitment to free speech and against terrorism.[56]

52 Letter to the NGO Branch from the Mission of Turkey to UN, May 2010.
53 http://www.un.org/News/Press/docs/2010/ecosoc6425.doc.htm.
54 *Ibid.*
55 It can be hard to understand how the Committee comes to a consensus decision in such cases, when it is clear that several Committee members find the complaint unfounded and do not believe the NGO deserves to receive sanction. However, if these States do not join the consensus for the lesser sanction, the complaining State is likely to resort to its original request for harsher penalties, whether a longer suspension or withdrawal of status. Their rationale is that if they join consensus, then the worst-case scenario is avoided.
56 As reported in the UN press releases from 2 and 3 June 2010, available at http://www.un.org/News/Press/docs/2010/ecosoc6425.doc.htm and http://www.un.org/News/Press/docs/2010/ecosoc6426.doc.htm.

Interfaith International is a Swiss-based organisation that works on human rights situations around the world where religion or ethnicity plays a major role, including the Sindh, Baluchistan and Gilgit regions in Pakistan.

- At the 2012 resumed session, the Committee decided to withdraw the status of Interfaith, an NGO that was previously suspended for two years in 2010 as a result of a complaint that Pakistan lodged with the Committee.
- Pakistan submitted the 2010 complaint after a representative of Interfaith made an oral statement during the 11th session of the Human Rights Council, stating that Baluchistan, a Pakistani province, had been forcibly occupied by Pakistan in 1948 and that the Pakistani government had enslaved the Baluch and exploited the area's resources. He also accused the Pakistani government of killings, torture and abductions and of falsely accusing him of terrorist acts.
- Consequently, Pakistan accused the organisation of attacking the country's territorial integrity, sovereignty and political independence.
- The original 2010 decision to suspend was taken despite the concerns of some States, including the US, that such harsh measures were unwarranted and inconsistent with NGOs' right to freedom of expression and opinion.
- NGOs also expressed concern at the time that the decision was hurried and failed even to respect the limited procedural safeguards required by ECOSOC Resolution 1996/31, which include that an NGO is supposed to be given written reasons for its suspension and have an opportunity to respond.
- In the 2010 complaint, Pakistan stated the NGO had violated the terms of its suspension by continuing to engage in activities on UN premises and using its consultative status insignia.[57]
- Though the decision to withdraw the status was taken by consensus, both the US and Belgium called the punishment disproportionate, stating that an extension of the suspension would have been preferable.

57 One of the allegations was that Interfaith International organised and participated in side events at the Human Rights Council. Interfaith International explained that it did not organise but rather was invited to participate in the events. The High Commissioner for Human Rights, Navi Pillay, also clarified in correspondence with the Committee about the case that NGOs without consultative status may co-sponsor and participate in side events at the Human Rights Council.

How to advocate for your case

Suspension or withdrawal of status

The Committee has considerable latitude and discretion in wielding its powers to suspend or withdraw status, and there are few safeguards to afford affected NGOs a right of due process. Further, there is not a clear process to appeal any of the Committee's decisions.

An NGO's only potential course for redress appears to be through ECOSOC, which can disagree with the recommendations from its subsidiary Committee and decide on an alternative course of action.

However, an NGO facing disciplinary proceedings for suspension or withdrawal of its status in the Committee should engage as proactively as possible given the limited procedures available to it. This includes by responding to the complaint lodged by the State prior to the session in which it will be considered, and reaching out to the State to try to find a resolution. In some cases, a Committee member will be willing to resolve a case 'quietly' as long as apologies are profuse and pledges are made to remain in compliance in the future.

The NGO should also reach out to other Committee members. In particular, supportive States can request for you to have more time to respond to the complaint.

If you cannot attend the session of the hearing of your case, be in touch with supportive States so you can provide input into the strategies and decisions of those States and promptly reply to any questions that could help your case.

NGOs facing suspension or withdrawal of their consultative status should realise the majority of the Committee is not positively inclined to civil society at large, especially international NGOs and national NGOs from the North. It is thus, in most cases, impossible for the minority of the Committee to successfully oppose a decision of withdrawal or suspension. Often the only way for the minority to effectively oppose a withdrawal of consultative status is to reluctantly propose a consensus based on a suspension of two or three years, the suspension being the lesser evil. This generally works since the majority of the Committee prefers a consensus decision to a vote, even though they would win.

If the Committee takes a negative decision, you can try to seek action through ECOSOC to challenge it. An obstacle to this course of redress is that it is often only open to well-resourced NGOs with the capacity to effectively engage in intergovernmental advocacy. Even in this situation, success is not guaranteed.

In the cases of CETIM and Interfaith International, a campaign by a cross-regional group of NGOs, including ISHR, to have

ECOSOC reconsider the 2010 suspensions was unsuccessful. The NGOs did not take a position on the substantive elements of the specific cases, but argued that the organisations were denied due process, as the process did not allow them a reasonable opportunity to respond to the allegations against them, or to ensure proportionate responses to alleged violations. Ultimately, no State that sat on ECOSOC was willing to bring a motion to challenge the Committee's decisions.

Repeated deferral of the quadrennial report

If you are an NGO with status whose report(s) are repeatedly deferred, there are several steps you can take to help your case (many of which are similar to strategies for NGOs with deferred applications - see Chapter 5).

An important point to understand is that the 'review' of the quadrennial report is in some ways a formality and, whether the 'taking note' of your report is postponed or not, **it does not affect your ECOSOC consultative status**. The only way status can be threatened is if the Committee decides to suspend or withdraw the status of your organisation, in which case a Committee member would have to argue that the organisation had clearly transgressed ECOSOC Resolution 1996/31.

© UN Photo: Jean-Marc Ferré

- **FORMALLY RESPOND,** promptly and professionally, to questions you may have received from a Committee member regarding your quadrennial report. The style tips provided in Chapter 5 for answering questions in the Q&A are also useful in this circumstance.
- **CONTACT** pro-civil society Committee members to discuss your concerns about your repeatedly deferred report. In particular, these supportive States can help you understand your rights in regard to questions protected by privacy, such as requests by States to reveal individual names of organisation members.
- **REACH OUT** to the concerned Committee member through the UN mission in New York or to the relevant government official in capital. Also contact the delegate in Geneva if he or she knows your organisation.
- **CONSIDER ENGAGING** your 'host' country (the country where your NGO is domiciled or registered) by contacting delegates in New York. Ask them to monitor the proceedings and speak in your favour to Committee members.
- **CONSIDER ATTENDING** a session of the Committee if your report is repeatedly deferred so you can have the opportunity to speak to the questioning State, and shore up support from other Committee members. However, it is not possible to take the floor as the Q&A is reserved for NGOs that have applications up for review.

Reapplication procedures

Once an organisation has lost its accreditation through a disciplinary action, it faces a burdensome reapplication process. In general, unless it was decided otherwise by the Committee at the time of the sanction, an organisation can reapply for consultative status three years after the effective date of a withdrawal.

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or contact us:
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GENEVA OFFICE

Rue de Varembé 1, 5th floor
P.O. Box 16
CH-1211 Geneva 20 CIC
Switzerland

NEW YORK OFFICE

777 UN Plaza, 8th floor
New York, NY 10017
USA