

The Report of the Panel of Eminent Persons On United Nations—Civil Society Relations, set up by the Secretary General of the UN in February 2003 headed by former President of Brasil Fernando H. Cardoso, was released in the public domain during June 2004 (see Annex 1 for its salient recommendations).

On September 16, 2004, the Secretary General of UN Kofi Annan sent his response, and recommendations arising out of the above, to the General Assembly of UN for deliberations ( see Annex 2 for summary of SG's recommendations).

The UN General Assembly debated these in New York during October 4-5, 2004.

This memo analyses the response of governments so far and suggests some possible next steps in order to ensure that the Cardoso Panel's report does not end up gathering dust, like so many others in the past.

### General Assembly Debate

The debate on the above report and SG's own response to the same was part of the "General Assembly's joint debate on United Nations reform and revitalisation of the Assembly's work". Deputy Secretary General Louise Frechette opened the debate by suggesting that "the time was right to take that partnership a step forward". In the ensuing comments from Member States, three broad positions emerged, as described below.

#### 1. Positive Welcome, Move Ahead

Many Member States categorically supported the Panel's Report and recommendations of the Secretary General; they asked the SG to move ahead with practical implementation of these recommendations. These Member States are Netherland ( on behalf of EU), Australia (on behalf of Canada & New Zealand), Brasil(on behalf of Rio group), South Africa (alongwith Burundi & Guinea Bissau), Switzerland, Egypt, Moracco, Kazakhstan, South Korea, Malaysia, Nigeria, Thailand, Singapore, Cameroon, Belarus and Ukraine.

#### 2. Cautious Welcome, More Debate

Some Member States welcomed the broad notion of increasing NGO participation in the UN system as a whole, but expressed caution with respect to certain specific recommendations. They suggested further study and debate before approving such recommendations. These Member States are China, Pakistan, Nepal, Syria, Mongolia and Indonesia.

The second type of caution expressed by some Member States was specifically related to the fears of undermining political mandates of national governments, both nationally and globally, like Cuba and Fiji. In addition, Jamaica and Namibia raised questions about inclusion of such NGOs in the UN consultative mechanisms which "interfered" in domestic issues of the Member States. While Namibia wanted the current system of accreditation through the Committee on NGOs to continue, Colombia raised the question about its efficacy.

### 3. Disagreement, Business As Usual

Some Member States categorically disagreed with the recommendations, and were not in favour of any major change at all. These Member States ( USA, India, Iran, Israel, Uganda, Venezuela and Zimbabwe) did not want any change in the system of accreditation, keeping it to the level of ECOSOC only, not with General Assembly, as per the current provisions of Article 71 of the Charter. While some of these governments openly questioned the “ political agenda” of these NGOs, some others referred to the governments alone being “democratic representative” of their people; and NGOs lacked any such basis to be given any impression that they are “peers” of the governments in any UN fora.

In summarising this debate, the Assembly President (Gabon) concluded that further consultations with Member States should be carried out to continue the reform process.

#### Next Steps?

While Member States had their debates, what about debates within and by Civil Society? Though some global networks have studied both the Cordoso Panel Report and Secretary General’s Response, it has been a very limited process of debate so far. As part of its mandate to strengthen civil society engagement with multilateral institutions (with a view to improve their multilateralism), FIM is committed to take this debate forward in a serious way. Some possible steps in this regard are posed here with a view to follow through on these reforms.

1. All civil society networks could disseminate this document and its annexures to their own national and local members and partners, preferably with translation in local languages. Suggestions to use existing fora for debating the Panel’s Recommendations, Secretary General’s Response and reactions of national governments should be actively made.
2. It needs to be acknowledged that Member States are particularly interested in the reform of the Assembly itself. Their main concern is to establish the “supremacy” of the General Assembly over other organs of the UN, particularly Security Council and ECOSOC. Our advocacy for reform in the Civil Society—UN relations must be situated within this broader framework of reform and democratisation of the UN system as a whole. Most governments from southern countries want to further strengthen the Inter-Governmental character of the General Assembly in particular, and the UN system as a whole. We need to focus on the redefinition of the UN—civil society relations keeping this political reality in mind.
3. In his Response to the Report of the Cordoso Panel, the Secretary General has consistently used the phrase NGO, while the Panel was looking at, and talking, about the phrase Civil Society. Some governments have picked up this confusion and made an issue of it already; some governments are bothered about their domestic NGOs; and some others are concerned about northern NGOs “intruding” in their domestic sphere. Use of NGO vocabulary in the SG’s Response also

obfuscates the category of organisations, because Non-Governmental characterisation by the UN more than fifty years ago included all those who were not national governments. Thus for-profit companies, parliamentarians, consultants and local govts (municipalities) have all been variously seen as NGOs by the UN itself. The somewhat hostile and cautious reactions of some Member States can be traced to this confusion as well. Emphasising the domestic context of civil society as the basis for engagements with governments at the domestic level first, and then linking that with issues of global UN processes can be a potentially useful way of avoiding the local-global divide in the perceptions of these governments.

4. There is an urgent need to engage with national governments and their spokespersons in order to inform them about our own perceptions and concerns. Perhaps a dialogue between domestic civil society groups and national govt representatives, with some parliamentarians included, could be a useful exercise in building some mutual understanding of the relevance and contributions of civil society engagements with the UN system. Information about such an understanding, and the dialogue it is based on, should be actively communicated to representatives of the governments based in the UN headquarters and other such sites, because these officials of foreign ministries are many a times oblivious of domestic realities, including the roles and contributions of domestic civil society, domestically and globally.
5. There is an urgent need to promote a greater coordination of these “Follow Through” processes among civil society networks themselves. Some proactive coalition of our collective responses and advocacy efforts needs to be facilitated among networks currently active in this regard---WEDO, WFM, FES, CIVICUS, FIM, etc. etc.(and many others we do not know about at present).
6. Finally, there is the question of WHO to send our inputs to? The secretariat of the Panel does not exist any more; NGLS is under restructuring; is SG’s office the focus of response? What is the time frame of further consultation, as concluded by the President of the General Assembly on October 5, 2004? This debate and its follow through has become an exercise in dealing with the moving targets; it is important to capture the initiative in the hands of civil society, lest the process of redefining relations between UN and civil society not become a regressive exercise at this moment of history.

# The FUTURE of Civil Society - UN Relations: «Cardoso and Beyond»

Draft for agenda item of Board June 2<sup>nd</sup> 2005

## NOTES for presentation

(Sent by Mario)

### A. CONTEXT

- The Report of the Panel of Eminent Persons On United Nations—Civil Society Relations, set up by the Secretary General of the UN in February 2003 headed by former President of Brasil Fernando H. Cardoso, was released in June 2004 (see Annex 1 for its salient recommendations).  
KEY RECOMMENDATIONS:
  - National focal points
  - Streamlining & «depolitization» accreditation
  - Ecosoc status extended to GA
  - Reorganisation, new divisions and NGLS 'elevated' into UN SG
  - «new paradigm»
  
- On September 16, 2004, the Secretary General of UN Kofi Annan sent his response, and recommendations arising out of the above, to the General Assembly of UN for deliberations ( see Annex 2 for summary of SG's recommendations).
  
- The UN General Assembly debated these in New York during October 4-5, 2004. No conclusive resolution was adopted. Divergent viewpoints and countries divided. The GA President invited further consultations with UN members in the months to come. Still the case as of today.
  
- Brazil a few other governments failed in December to have a basic resolution adopted by the closing of the GA that would given basic

support to some Panel recommendations. Informal consultations by Brazil again in March 2005 made no further progress.

- This apparent 'sidelining' is viewed by many as a shift at the UN and with governments from an agenda of UN openness (supported by the Cardoso panel) to one dominated by security concerns (high level panel on Security and lead up to the Sept Summit). There is even a danger with the process leading up to the summit of 'loosing ground' around historical gains by NGOs in terms of status and access.
- As a result, formal UN follow up and action on report recommendations is suspended until a GA mandate is obtained (supportive resolution adopted) in fall 2005 at the earliest, that is after the September UN Summit
- However, informally the report has had an impact and some recommendations are being pursued (for instance, UNDP sponsored working group on establishing the participation fund for instance)
- Nonetheless, many believe that the report will remain an important reference or point in terms of the evolution of UN–Society relations across the system for years to come.
- The challenge will be how the report will be interpreted and some recommendations implemented. Implementation could have both positive or negative impacts for some recommendations. For instance, streamlining accreditation and offering a 'single window' at the national level can improve access and efficiency. However, it can also bottleneck and limit access if mishandled or if the lowest standards are generalized as opposed to the highest ones.
- The coming two years are critical to ensure that recommendations are acted upon in a way that builds on historical gains and truly improves for the future UN - civil society relations at all levels.

## B. Issues and needs :

- Beyond paper: Importance of follow through. Too many UN panel recommendations and declarations have never been acted upon
- Post report participation essential: Involving stakeholders, notably civil society actors, throughout the different implementation phases is both true to the spirit of the report as well as critical to a successful implementation
- Beyond New York: voices and actors from 5 continents, particularly from the south have been heard very little
- Beyond accreditation: All aspects of relations should be addressed including agency-specific, regional, country and field/project issues.
- Building a constituency of supporters: Building cooperation and dialogue among like-minded NGOs and governments is strategically very important if the recommendations are to survive
- Avoiding pitfalls of transition: some sort of vacuum exists now until recommendations are fully acted upon. The uncertainty created by the transition can be worse than the status quo and can impact negatively participation and access mechanism now in place ( ie situation with NGLS)
- Limits of mainstreaming/Harmonization ; Adopting standard rules of participation across the UN system is a useful and powerful recommendation but past practices & institutional experiments ( World Bank and others) have had mixed results

## C. FIM Programme objectives and options

ACTION #1: 2 years project using the FORUM initiative approach

### **Convening a FORUM and workshops, public events in then lead up.**

- to share analysis on recommendations and suggest follow up strategies and actions.
- Provide an inter-continental, analysis and debriefing of the recommendations from the point of view of CS actors. FIM is well placed to host such an exercise.
- Permit frank, open and creative exchange.

### CASE STUDIES:

- a) a useful analysis and suggestions on the recommendations
- b) particular need an concerns from nationally and regionally based groups ( 6 countries, 3 regional case studies)
- c) FOCUS : Describing current relationship, then address role of civil society in the implementation of key recommendation ( focal points, participation fund, mainstreaming, etc..)
- d) establish an on-going reference group/working group for CSOs and UN on the follow up to the Cardoso panel
- e) Using the case studies, one or two mini-forum in 2005 and 2006 (using G05 issues as well begin identifying case studies). The second encounter could involve representatives of friendly governments (Canada, Brazil, EU, etc, etc.. ) and UN officials to discuss lessons

### (Mini) Forum (s) OPTIONS :

- June 2006 (Civicus) – Scotland
- September ( Montreal - New York )

ACTION #2: Information sharing. Popular documentation.

FIM needs to disseminate information and host public discussions on Cardoso issues (including «beyond Cardoso») to inform constituencies and study the anticipated impact of recommendations for different constituencies (across themes, institutional settings, continents, etc..).

- Public event in September 2005
- Tunis : November
- Commonwealth Summit
- Commissions : spring 2006

D. Project governance:

- Establish a reference group ( Composition)
  - Option : ( one or two Board member)
  - one INGO rep ( preferably New York-based )
- Partner organizations ( some represented on reference group)
- FES NY
- WFM

Project Budget