

**United Nations Legislative History
General Assembly Resolution on NGO Access,
February 2000**

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**ICC Supplement,
September 2000**

Prepared for INTGLIM by the World Federalist Movement

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A. United Nations Charter

1. Article 10: Functions and Powers [of the General Assembly]

“The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 71: Untitled [Arrangements for consultation with non-governmental organizations]

“The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

B. ECOSOC Resolutions and Decisions

1. Resolutions

a. 1996/31: Consultative relationship between the United Nations and non-governmental organizations

* Part IV: Consultation with the Council

Provisional agenda

27. The provisional agenda of the Council shall be communicated to organizations in general consultative status and special consultative status and to those on the Roster.

28. Organizations in general consultative status may propose to the Council Committee on Non-Governmental Organizations that the Committee request the Secretary-General to place items of special interest to the organizations in the provisional agenda of the Council.

Attendance at meetings

29. Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the Council and its subsidiary bodies. Those on the Roster may have representatives present at such meetings concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.

Written statements

30. Written statements relevant to the work of the Council may be submitted by organizations in general consultative status and special consultative status on subjects in which these organizations have a special competence. Such statements shall be circulated by the Secretary-General of the United Nations to the members of the Council, except those statements that have become obsolete, for example, those dealing with matters already disposed of and those that had already been circulated in some other form.

31. The following conditions shall be observed regarding the submission and circulation of such statements:

- (a) The written statement shall be submitted in one of the official languages;
- (b) It shall be submitted in sufficient time for appropriate consultation to take place between the Secretary-General and the organization before circulation;
- (c) The organization shall give due consideration to any comments that the Secretary-General may make in the course of such consultation before transmitting the statement in final form;
- (d) A written statement submitted by an organization in general consultative status will be circulated in full if it does not exceed 2,000 words. Where a statement is in excess of 2,000 words, the organizations shall submit a summary which will be circulated or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon a specific request of the Council or its Committee on Non-Governmental Organizations;
- (e) A written statement submitted by an organization in special consultative status or on the Roster will be circulated in full if it does not exceed 500 words. Where a statement is in excess of 500 words, the organization shall submit a summary which will be circulated; such statements will be circulated in full, however, upon a specific request of the Council or its Committee on Non-Governmental Organizations;
- (f) The Secretary-General, in consultation with the President of the Council, or the Council or its Committee on Non-Governmental Organizations, may invite organizations on the Roster to submit written statements. The provisions of subparagraphs (a), (b), (c) and (e) above shall apply to such statements;
- (g) A written statement or summary, as the case may be, will be circulated by the Secretary-General in the working languages, and, upon the request of a member of the Council, in any of the official languages.

Oral presentations during meetings

32. (a) The Council Committee on Non-Governmental Organizations shall make recommendations to the Council as to which organizations in general consultative status should make an oral presentation to the Council and on which items they should be heard. Such organizations shall be entitled to make one statement to the Council, subject to the approval of the Council. In the absence of a subsidiary body of the Council with jurisdiction in a major field of interest to the Council and to organizations in special consultative status, the Committee may recommend that organizations in special consultative status be heard by the Council on the subject in its field of interest;

(b) Whenever the Council discusses the substance of an item proposed by a non-governmental organization in general consultative status and included in the agenda of the Council, such an organization shall be entitled to present orally to the Council, as appropriate, an introductory statement of an expository nature. Such an organization may be invited by the President of the Council, with the consent of the relevant body, to make, in the course of the discussion of the item before the Council, an additional statement for purposes of clarification.

* Part VII: Participation of non-governmental organizations in international conferences convened by the United Nations and their preparatory process.

41. Where non-governmental organizations have been invited to participate in an international conference convened by the United Nations, their accreditation is the prerogative of Member

States, exercised through the respective preparatory committee. Such accreditation should be preceded by an appropriate process to determine their eligibility.

42. Non-governmental organizations in general consultative status, special consultative status and on the Roster, that express their wish to attend the relevant international conferences convened by the United Nations and the meetings of the preparatory bodies of the said conferences shall as a rule be accredited for participation. Other non-governmental organizations wishing to be accredited may apply to the secretariat of the conference for this purpose in accordance with the following requirements.

43. The secretariat of the conference shall be responsible for the receipt and preliminary evaluation of requests from non-governmental organizations for accreditation to the conference and its preparatory process. In the discharge of its functions, the secretariat of the conference shall work in close cooperation and coordination with the Non-Governmental Organizations Section of the Secretariat, and shall be guided by the relevant provisions of Council resolution 1296 (XLIV) as updated.

44. All such applications must be accompanied by information on the competence of the organization and the relevance of its activities to the work of the conference and its preparatory committee, with an indication of the particular areas of the conference agenda and preparations to which such competence and relevance pertain, and should include, inter alia, the following information:

- (a) The purpose of the organization;
- (b) Information as to the programmes and activities of the organization in areas relevant to the conference and its preparatory process and the country or countries in which they are carried out. Non-governmental organizations seeking accreditation shall be asked to confirm their interest in the goals and objectives of the conference;
- (c) Confirmation of the activities of the organization at the national, regional or international level;
- (d) Copies of the annual or other reports of the organization with financial statements, and a list of financial sources and contributions, including governmental contributions;
- (e) A list of members of the governing body of the organization and their countries of nationality;
- (f) A description of the membership of the organization, indicating the total number of members, the names of organizations that are members and their geographical distribution;
- (g) A copy of the constitution and/or by-laws of the organization.

45. In the evaluation of the relevance of applications of non-governmental organizations for accreditation to the conference and its preparatory process, it is agreed that a determination shall be made based on their background and involvement in the subject areas of the conference.

46. The secretariat shall publish and disseminate to Member States on a periodic basis the updated list of applications received. Member States may submit comments on any of the applications on the list 14 days from receipt of the above-mentioned list by Member States. The comments of Member States shall be communicated to the non-governmental organization concerned, which shall have the opportunity to respond.

47. In cases where the secretariat believes, on the basis of the information provided in accordance with the present resolution, that the organization has established its competence and the relevance

of its activities to the work of the preparatory committee, it shall recommend to the preparatory committee that the organization be accredited. In cases where the secretariat does not recommend the granting of accreditation, it shall make available to the preparatory committee its reasons for not doing so. The secretariat should ensure that its recommendations are available to members of the preparatory committee at least one week prior to the start of each session. The secretariat must notify such applicants of the reasons for non-recommendation and provide an opportunity to respond to objections and furnish additional information as may be required.

48. The preparatory committee shall decide on all recommendations for accreditation within 24 hours after the recommendations of the secretariat have been taken up by the preparatory committee in plenary meeting. In the event of a decision not being taken within this period, interim accreditation shall be accorded until such time as a decision is taken.

49. A non-governmental organization that has been granted accreditation to attend a session of the preparatory committee, including related preparatory meetings of regional commissions, may attend all its future sessions, as well as the conference itself.

50. In recognition of the intergovernmental nature of the conference and its preparatory process, active participation of non-governmental organizations therein, while welcome, does not entail a negotiating role.

51. The non-governmental organizations accredited to the international conference may be given, in accordance with established United Nations practice and at the discretion of the chairperson and the consent of the body concerned, an opportunity to briefly address the preparatory committee and the conference in plenary meetings and their subsidiary bodies.

52. Non-governmental organizations accredited to the conference may make written presentations during the preparatory process in the official languages of the United Nations as they deem appropriate. Those written presentations shall not be issued as official documents except in accordance with United Nations rules of procedure.

53. Non-governmental organizations without consultative status that participate in international conferences and wish to obtain consultative status later on should apply through the normal procedures established under Council resolution 1296 (XLIV) as updated. Recognizing the importance of the participation of non-governmental organizations that attend a conference in the follow-up process, the Committee on Non-Governmental Organizations, in considering their application, shall draw upon the documents already submitted by that organization for accreditation to the conference and any additional information submitted by the non-governmental organization supporting its interest, relevance and capacity to contribute to the implementation phase. The Committee shall review such applications as expeditiously as possible so as to allow participation of the respective organization in the implementation phase of the conference. In the interim, the Economic and Social Council shall decide on the participation of non-governmental organizations accredited to an international conference in the work of the relevant functional commission on the follow-up to and implementation of that conference.

54. The suspension and withdrawal of the accreditation of non-governmental organizations to United Nations international conferences at all stages shall be guided by the relevant provisions of the present resolution.

2. Decisions

a. 1996/297: Non-governmental organizations

“At its 489th plenary meeting on 25 July 1996, the Economic and Social Council, reaffirming the importance of the contributions of non-governmental organizations to the work of the United Nations and taking into account the contributions made by non-governmental organizations to recent international conferences, decided to recommend that the General Assembly examine, at its fifty first session, the question of the participation of non-governmental organizations in all areas of the work of the United Nations, in the light of the experience gained through the arrangements for consultation between non-governmental organizations and the Economic and Social Council.”

C. General Assembly Resolutions and Decisions

1. Resolutions

- a. 54/23: Implementation of the outcome of the World Summit for Social Development (including draft decisions for adoption by the General Assembly, A/54/45/Add.1)

Involvement of civil society and other actors:

“11. Takes note of the decision adopted by the Preparatory Committee at its resumed first session on accreditation and modalities for participation of non-governmental organizations at the special session, and recalls General Assembly decision 54/407 of 8 October 1999 on arrangements regarding participation of non-governmental organizations in the special session;”

Draft Decisions for adoption by the General Assembly (A/54/45/Add.1):

Chapter II: Matters calling for action by the General Assembly or brought to its attention

A. Draft decision for adoption by the General Assembly

6. The Preparatory Committee for the Special Session of the General Assembly on the Implementation of the Outcome of the World Summit for Social Development and Further Initiatives recommends to the General Assembly the adoption of the following draft decision:

Draft decision IV: Arrangements regarding participation of non-governmental organizations in the special session of the General Assembly on the implementation of the outcome of the World Summit for Social Development and Further Initiatives

The General Assembly:

- a) Decides that representatives from non-governmental organizations may make statements in the Ad Hoc Committee of the Whole of the special session;
- b) Decides that given the availability of time, a limited number of non-governmental organizations in consultative status with the Economic and Social Council may also make statements in the debate in the plenary of the special session. The President of the General Assembly is requested to present the list of selected non-governmental

- organizations to the Member States in a timely manner for approval. The President of the General Assembly is also requested to ensure that such selection is made on an equal and transparent basis, taking into account the geographical representation and diversity of non-governmental organizations;
- c) Decides that arrangements concerning the accreditation and participation of non-governmental organizations in the special session will in no way create a precedent for other special sessions of the General Assembly.

B. Decision adopted by the Preparatory Committee

7. The following decision adopted by the Preparatory Committee at its resumed first session is brought to the attention of the General Assembly:

Decision 5: Accreditation of non-governmental organizations at the special session of the General Assembly on the implementation of the outcome of the World Summit for Social Development and Further Initiatives

The Preparatory Committee:

- a) Decides that accreditation of non-governmental organizations to the special session should be open to:
- i) All non-governmental organizations enjoying consultative status with the Economic and Social Council;
 - ii) All non-governmental organizations that were accredited to the World Summit for Social Development, unless their application for consultative status was rejected by the Committee on Non-Governmental Organizations;
 - iii) All non-governmental organizations that have been accredited to the Preparatory Committee, with no further examination of their credentials, unless their application for consultative status was rejected by the Committee on Non-Governmental Organizations;
- b) Decides that the accreditation of other interested non-governmental organizations that have not participated in any of the above forums should be examined by a Committee composed of the Bureau of the preparatory body for the special session and the Secretariat by 7 April 2000, which would make the appropriate recommendations to the Preparatory Committee at its second session for review and decision, provided that requests for accreditation are accompanied by information on the organization's competence and relevance to the subject of the special session, including the following information, to be submitted by March 2000:
- i) The purpose of the organization;
 - ii) Information identifying the programmes and activities of the organization in areas relevant to the subject of the special session and indicating in which country or countries they are carried out;
 - iii) Confirmation of the activities of the organization at the national, regional or international levels;
 - iv) Copies of annual or other reports of the organization, with financial statements and a list of financial sources and contributions, including governmental contributions;

- v) A list of the members of the governing body of the organization and their countries of nationality;
 - vi) A description of the membership of the organization, indicating the total number of members, the names of member organizations and their geographical distribution;
 - vii) A copy of the constitution and/or by-laws of the organization;
- c) Requests the Secretary-General to widely inform the community of non-governmental organizations about all available accreditation procedures.
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b. 53/183: Implementation of the Programme of Action of the International Conference on Population and Development

“The General Assembly... (3.) Stresses the need for the effective participation of actors of civil society, particularly non-governmental organizations, in the preparations for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Conference, for their substantive contributions to and active involvement in the preparatory meetings and the special session, and invites the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for their effective involvement in the special session.”

c. 53/189: Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States

“The General Assembly... (8.) Stresses the need for the effective participation of actors of civil society, particularly non-governmental organizations, in preparation for the special session, as well as the need to ensure appropriate arrangements, taking into account the practice and experience gained at the Global Conference, , for their substantive contributions to and active involvement in the preparatory meetings and the special session, and in that context invites the President of the General Assembly, , in consultation with Member States, to propose to Member States appropriate modalities for their effective involvement in the special session.”

2. Decisions

a. 51/467: Participation of major groups, including non-governmental organizations, in the nineteenth special session of the General Assembly

“At its 96th plenary meeting, on 18 April 1997, the General Assembly, recalling its resolution 51/181 of 16 December 1996, in which it recognized, *inter alia*, the important contributions made by major groups, including non-governmental organizations, at the United Nations Conference on Environment and Development, held at Rio de Janeiro, Brazil, from 3 to 14 June 1992, and in the implementation of its recommendations, and recalling also that in the same resolution it invited the President of the General Assembly, in consultation with Member States, to propose to Member States appropriate modalities for the effective involvement of major groups in the nineteenth special session of the General Assembly:

- (a) Decided that major groups, as identified in Agenda 21 and represented by non-governmental organizations in consultative status with the Economic and Social Council

and on the Roster, would be invited to participate in the plenary meeting of the nineteenth special session of the General Assembly in the debate on an overall review and appraisal of the implementation of Agenda 21;

(b) Decided also that representatives of such major groups who could not be accommodated in the debate on an overall review and appraisal of the implementation of Agenda 21 in the plenary meeting of the nineteenth special session may be invited to address the Ad Hoc Committee of the Whole of the special session;

(c) Invited the President of the General Assembly to extend invitations to representatives of such major groups to participate in the nineteenth special session of the General Assembly;

(d) Decided that arrangements concerning the participation of representatives of such major groups in the nineteenth special session of the General Assembly would in no way create a precedent for other special sessions of the Assembly.

b. 52/453: Non-governmental organizations

“At its 78th plenary meeting, on 19 December 1997, the General Assembly, on the proposal of Canada, recalling the relevant provisions of the Charter of the United Nations, in particular its Article 71, and Economic and Social Council resolution 1996/31 and decision 1996/297, both of 25 July 1996, as well as the interpretative statement read out by the President of the Council upon adoption of decision 1996/297, requested the Secretary-General to prepare and circulate no later than the end of its current session, for consideration and action by the General Assembly at its fifty-third session, a report on:

a) Existing arrangements and practices for the interaction of non-governmental organizations in all activities of the United Nations system;

(b) The legal and financial implications of modifications in the current arrangements for participation of non-governmental organizations with a view to enhancing their participation in all areas of the United Nations system;

(c) The question of the participation of non-governmental organizations from all regions, in particular from the developing countries.

c. 53/452: Non-governmental organizations

“At its 92nd plenary meeting, on 17 December 1998, the General Assembly, on the proposal of Canada, having considered the report of the Secretary-General on arrangements and practices for the interaction of non-governmental organizations in all activities of the United Nations system, and recalling the relevant provisions of the Charter of the United Nations, in particular Article 71, General Assembly decision 52/453 of 19 December 1997 and Economic and Social Council resolution 1996/31 and Council decision 1996/297, both of 25 July 1996, as well as the interpretative statement read out by the President of the Council upon adoption of decision 1996/297, decided to request the Secretary-General:

(a) To seek the views of Member States, members of the specialized agencies, observers and intergovernmental organizations, as well as the views of non-governmental organizations from all regions, on his report;

(b) To submit a further report to the General Assembly, at its fifty-fourth session, in accordance with Assembly decision 52/453, taking into account the submissions received;

and also decided to continue its consideration of this question at its fifty-fourth session under the item entitled “Strengthening of the United Nations system.”

D. Other UN Documents

1. Agenda 21: Programme of Action for Sustainable Development

L) Non-Governmental Organizations (38.42-38.45):

- 38.42: Non-governmental organizations and major groups are important partners in the implementation of Agenda 21. Relevant non-governmental organizations, including the scientific community, the private sector and women’s groups, should be given opportunities to make their contributions and establish appropriate relationships with the United Nations system. Support should be provided for developing countries’ non-governmental organizations and their self-organized networks.
- 38.43: The United Nations system, including international finance and development agencies, and all inter-governmental organizations and forums should, in consultation with non-governmental organizations, take measures to:
- a) Design open and effective means to achieve the participation of non-governmental organizations, including those related to major groups, in the process established to review and evaluate the implementation of Agenda 21 at all levels and promote their contribution to it;
 - b) Take into account the findings of review systems and evaluation processes of non-governmental organizations in relevant reports of the Secretary-General to the General Assembly and all pertinent United Nations agencies and intergovernmental organizations and forums concerning implementation of Agenda 21 in accordance with the review process.
- 38.44: Procedures should be established for an expanded role for non-governmental organizations, including those related to major groups, with accreditation based on the procedures used in the Conference. Such organizations should have access to reports and other information produced by the United Nations system. The General Assembly, at an early stage, should examine ways of enhancing the involvement of non-governmental organizations within the United Nations system in relation to the follow-up process of the Conference.
- 38.45: The Conference takes note of other institutional initiatives for the implementation of Agenda 21, such as the proposal to establish a non-governmental Earth Council and the proposal to appoint a guardian for future generations, as well as other initiatives taken by local governments and business sectors.

Resolution 52/160, Resolution 53/105, Resolution 54/105 and Resolution 55/155 (Establishment of an international criminal court):

Resolution 52/160 under paragraph 9:

“Further requests the Secretary-General to invite non-governmental organizations, accredited by the Preparatory Committee with due regard to the provisions of part VII of Economic and Social Council resolution 1996/31 of 25 July 1996, and in particular to the relevance of their activities to the work of the Conference, to participate in the Conference, along the lines followed in the Preparatory Committee, on the understanding that participation means attending meetings of its plenary and, unless otherwise decided by the Conference in specific situations, formal meetings of its subsidiary bodies except the drafting group, receiving copies of the official documents, making available their materials to delegates and addressing, through a limited number of their representatives, its opening and/or closing sessions, as appropriate, in accordance with the rules of procedure to be adopted by the Conference;”

Resolution 53/105 under paragraph 7:

“Notes that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure to be adopted by the Commission, receiving copies of the official documents and making available their materials to delegates;”

Resolution 54/105 under paragraph 6:

“Notes that non-governmental organizations may participate in the work of the Preparatory Commission by attending its plenary and its other open meetings, in accordance with the rules of procedure of the Commission, receiving copies of the official documents and making available their materials to delegates;”

Rules of Procedure for the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court (A/CONF.183/6 23 June 1998):

CHAPTER XI Observers

Rule 63. Representatives of non-governmental organizations

"Non-governmental organizations invited to the Conference may participate in the Conference through their designated representatives as follows:

- (a) By attending plenary meetings of the Conference and, unless otherwise decided by the Conference in specific situations, formal meetings of the Committee of the Whole and of subsidiary bodies established under rule 50;
- (b) By receiving copies of official documents;
- (c) Upon the invitation of the President and subject to the approval of the Conference, by making, through a limited number of their representatives, oral statements to the opening and closing sessions of the Conference, as appropriate."

Rule 64. Written statements

"Written statements submitted by the designated representatives referred to in rules 60 to 63 shall be made available by the secretariat to delegations in the quantities and in the language or languages in which the statements are made available to it at the site of the Conference, provided

that a statement submitted on behalf of a non-governmental organization is related to the work of the Conference and is on a subject in which the organization has a special competence. Written statements shall not be made at United Nations expense and shall not be issued as official documents."

The Rules of Procedure of the General Conference of the International Atomic Energy Agency:

Title V. Representation of Other Organizations and of States not Members of the Agency
Rule 32 (b):

"Representatives of non-governmental organizations enjoying consultative status with the Agency may attend the General Conference in accordance with such rules as the General Conference has approved."

The United Nations Convention on the Law of the Sea:

Title IV. Participation of Observers
Rule 18 (5), Observers:

"Non-governmental organizations recognized by the Economic and Social Council whose field of competence are relevant to the law of the sea and other non-governmental organizations invited by the Meeting of State Parties which have demonstrated their interest in matters under the consideration of the Meeting may participate as observers."

Rule 18(6):

"Representatives of observers referred to in paragraphs [...] 5 of this rule may designate representatives to sit at public meetings of the Meetings of State Parties and, upon invitation by the President and subject to the approval by the Meeting, may make oral statements and submit written statements on questions within the scope of their activities."

Rules of Procedure of the Assembly of the International Seabed Authority :

Title XVI. Observers
Rule 82 (1) e:

"Non-governmental organizations with which the Secretary-General has entered into arrangements in accordance with article 169, paragraph 1, of the United Nations Convention on the Law of the Sea, and other non-governmental organizations invited by the Assembly which have demonstrated their interest in matters under the consideration by the Assembly."

Rule 82 (5):

"Observers referred to in paragraph 1 (e) of this rule may sit at public meetings of the Assembly, and upon the invitation of the President and subject to the approval by the Assembly may make oral statements on questions within the scope of their activities."

Rule 82 (6):

“Written statements submitted by observers referred to in paragraph 1 (e) of this rule within the scope of their activities which are relevant to the work of the Assembly should be made available by the Secretariat in the quantities and in the languages in which the statements are submitted.”