

Repertory of Practice of United Nations Organs

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Volume IV

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ARTICLE 71

TEXT OF ARTICLE 71

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.

INTRODUCTORY NOTE

1. The structure of the present study for Article 71 remains the same as those for *Supplements 5, 6 and 7*.

I. General Survey

2. During the period under review, application of Article 71 within the relevant principal organs and their subsidiary bodies, notably the Council Committee on Non-Governmental Organizations (the Committee) was similar to that of the past. Both the Article and Economic and Social Council resolution 1296 were cited frequently. With regard to the latter, the Committee stressed that this resolution should remain "...the basis of, and guiding element for, the work of the Committee,"¹ although there was a need for the establishment of practical administrative and technical guidelines to facilitate the work of the Committee, as well as the Non-Governmental Organizations Unit of the United Nations Department of International Economic and Social Affairs² (the NGO Unit).³

**A. The purpose of consultation

**B. Establishment of consultative relationships

II. ANALYTICAL SUMMARY OF PRACTICE

A. The Council Committee on Non-Governmental Organizations

3. The Committee continued, as in the past, to meet biennially. In a 1994 report⁴ by an open-ended working group,⁵ its Chairman stated that:

"While it was generally recognized that the Committee had served as a valuable mechanism for regulating the consultative relationship, it was felt that the effectiveness of its functioning could be enhanced by increasing the frequency of its meetings and rationalizing and simplifying the procedures for the review of non-governmental organization applications and of the quadrennial reports. It was also suggested that the Committee's interaction with the substantive work of other intergovernmental bodies should be improved by giving it a broader mandate and enlarging its membership."

However, by the end of the period under review, the Committee was still meeting biennially.

4. In 1991, with regard to its review of future activities, the Committee had before it a note from the Secretariat containing a report⁶ on the annual informal consultations between the Committee and the NGOs in consultative status with the United Nations. The Under-Secretary-General for International Economic and Social Affairs made the introductory statement, in which he highlighted the unique functions of the Committee and pointed out that the forms of co-operation being used at the time between the United Nations bodies and the NGOs had gone beyond those envisaged by the Council in its resolution 1296 (XLIV).⁷ He went on to say that efforts would continue to be made by DIESA to explore new methods of communication.

¹ E/1991/20, para. 45.

² The Department of International Economic and Social Affairs (DIESA) later became the Department of Economic and Social Affairs (DESA).

³ E/1991/20, para. 45.

⁴ A/49/215-E/1994/9

⁵ The assignment of the working group is discussed further below under "The nature and scope of consultations".

⁶ E/C.2/1991/CRP.4.

⁷ E/1991/20, para. 38.

5. During the period under review, the work of the NGO Unit was discussed at length. The NGO Unit of the United Nations Secretariat was described as a substantive secretariat of the Committee, an assistant in the implementation of resolution 1296 (XLIV) and a focal point within the Secretariat for matters relating to non-governmental organization status.⁸ As a result of the increasing number of NGOs in consultative status with the United Nations and the expanding volume of documentation, demands on the NGO Unit's staff resources had increased greatly. The Committee, therefore, recommended a review of the staff resources of the NGO Unit. It was noted that redeployment within DIESA, would be the only way to increase the staff of the NGO Unit, given the "...dire financial situation of the Organization..."⁹

6. The Council, by its resolution 1992/39, cited the authority given to it under Article 71 of the United Nations Charter to make suitable arrangements for consultation with non-governmental organizations. It requested that the Secretary-General "... consider, to the extent possible within existing resources, increasing the human and financial resources of the Non-Governmental Organization Unit in order to enable it to fulfil its mandate under Economic and Social Council resolution 1296 (XLIV) within the proposed programme budget for the biennium 1994-1995".

7. In response to this resolution, the Secretary-General submitted a report¹⁰ to the General Assembly on the functioning of the NGO Unit. In this report, the Secretary-General decided to redeploy from existing resources, one Professional post, at the P-2 level, and one General Service post to the NGO Unit. This move was expected to increase the NGO Unit's resources by 33 percent.¹¹ The Assembly took note of this decision by its resolution 47/433.

B. Admission to, and review of, consultative status

8. The Committee, as a subsidiary body of the Council, continued during the period under review to convey and review consultative status for NGOs. In 1989 the Committee recommended to the Council that consultative status be granted to fifty-one NGOs, that six NGOs be reclassified to different categories¹² and that the Council reclassify the status of three organizations which had failed to provide satisfactory additional information.¹³

9. In 1991 the Committee recommended that the Council grant consultative status to thirty- six NGOs; that nine NGOs be reclassified and, further to the Committee's earlier recommendation in, 1989, that the Council withdraw consultative status from the three organizations, which had earlier failed to submit a detailed quadrennial report on their activities for the period 1986-1989.¹⁴ In response to this recommendation, the Council withdrew the consultative status of the three NGOs.

10. In 1993 the Committee recommended that the Council grant consultative status to forty-three NGOs, that ten NGOs be reclassified, that consultative status be withdrawn from eight organizations which failed to submit a detailed report of their activities for the period 1986-1989 and that the consultative status of six organizations be reclassified from Category II to the Roster.¹⁵

⁸ E/1992/63, para. 4.

⁹ E/1991/20, para. 44.

¹⁰ A/C.3/47/13.

¹¹ *Ibid.*

¹² Consultative status is conveyed to NGOs on a category basis: Categories I, II and the Roster.

¹³ E/1989/40/Corr. 1. The Committee further recommended that the Council request these three organizations to submit detailed reports on their activities and that failure to do so would result in withdrawal of their consultative status.

¹⁴ E/1991/20. *See also* E/1989/40/Corr. 1.

¹⁵ E/1993/63.

****C. Criteria of eligibility**

****D. International organizations within the meaning of Article 71**

****E. National organizations within the meaning of Article 71**

****F. Non-governmental organizations within the meaning of Article 71**

G. Questions concerning consultation with the Council

1. THE NATURE AND SCOPE OF CONSULTATIONS

11. During the period under review, the Committee continued to investigate methods of strengthening consultations between the Council and the NGOs. In 1993, the Committee recommended that the Council adopt a draft resolution entitled “Review of the Arrangements for Consultation with Non-Governmental Organizations”.¹⁶ Accordingly, an open-ended working group consisting of representatives of all interested States would be established under the auspices of the Committee. Such working group would introduce consistency in the rules governing the participation of non-governmental organizations in international conferences, as well as to make proposals with a view to updating Council resolution 1296 (XLIV) if necessary. Further, the working group should examine ways and means of improving practical arrangements for the work of the Committee and of strengthening the NGO Unit of the Secretariat.¹⁷

12. In 1994, the open-ended Working Group on the review of arrangements for consultations with non-governmental organizations (the Working Group) submitted a report¹⁸ to the Council at its substantive session. The discussions of the Working Group covered a wide range of topics, among them the scope of Council resolution 1296 (XLIV), a change in the categorization of NGOs and the frequency of Committee meetings.

13. Regarding Council resolution 1296 (XLIV) the Chairman of the Working Group reported that although there was a wide view among the Working Group participants that the resolution had for years proven to be a valid and useful framework for consultations with NGOs, there was an equally wide view that the framework for such consultations should be updated.¹⁹

15. Two of the main criticisms of the resolution, as stated by the Chairman of the Working Group, were as follows. First, the resolution, though “technically comprehensive” had left itself open to conflicts of interpretation. The framework for consultations should therefore be “... brought into line with the changes that [had] taken place in the world at large, as well as within the United Nations...” and, generally, made more “non-governmental organization friendly”.²⁰ Further, the Chairman addressed the issue of the resolution’s scope. Bodies other than the Council and its subsidiary machinery appear to fall outside the ambit of Council resolution 1296 (XLIV). It was not agreed during the discussions how far-reaching the competence of the resolution should be, but it was felt that such should be defined by Article 71 of the United Nations Charter.²¹

¹⁶ E/1993/63, para.1

¹⁷ *Ibid.* NGOs in consultative status with the United Nations were permitted to participate in this assignment of the Working Group. See Annex.

¹⁸ A/49/215- E/1994/99.

¹⁹ A/49/215- E/1994/99, Annex para. 6.

²⁰ *Ibid.*

²¹ *Ibid.* paras. 7 and 8.

16. As to the change in categorization of NGOs in consultative status, the Chairman reported the following: even though the current categories were generally felt to be useful, the contribution of NGOs to the work of the United Nations could be improved if such categories were reviewed. Suggestions were even made as to the type of categories to be employed, for example, categorization by function and specialization.²²

****2. STATEMENTS CONTAINING COMPLAINTS AGAINST GOVERNMENTS**

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****6. COUNCIL ACTION FOLLOWING THE HEARING OF AN ORGANIZATION IN CATEGORY II
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****H. Consultation with the Council's commissions and *ad hoc* bodies**

****I. Consultation with the Secretariat**

****J. Attendance at public meetings of the General Assembly**

****K. Consultation with subsidiary organs of the General Assembly**

****L. Calling of conferences of non-governmental organizations**

****M. Relations with Organizations not in consultative status.**

²² *Ibid.* para. 12.