

NGO Briefing – GA President

16 December 2005

Introduction

On 16 December, the President of the General Assembly convened a briefing for the NGO community on the status of negotiations on reform items tied to the follow-up of the World Summit. The format of the briefing was comprised of two segments that included, in the first instance, a presentation by the President of the General Assembly, H.E. Mr. Jan Eliasson, followed by a series of short presentations from the Co-Chairs overseeing negotiations on Management and Secretariat Reform, ECOSOC Reform and Development, Human Rights Council, and General Assembly Revitalization. These two sets of presentations were accompanied by question and answer sessions with NGO representatives in attendance. The briefing was showcased on UN Webcast, and can be viewed at the following address: <http://www.un.org/webcast/2005.html>

The following is an informal-summary of the briefing's proceedings, and highlights the most salient points made during the presentations and discussions. This summary was completed by the United Nations Non-Governmental Liaison Service at the behest of the office of the President of the General Assembly.

Opening Remarks

President of the 60th Session of the General Assembly – H.E. Mr. Jan Eliasson

In welcoming participants to the briefing, Mr. Jan Eliasson expressed how an open, direct dialogue with the NGO Community was essential to the work of the UN. NGOs, he noted, play a crucial role not only as bridges to the world and communities outside the halls of policy making at UN, but also as practitioners helping the UN achieve its objectives in the field. Recognizing this area to be critical, Mr. Eliasson emphasized that the real success of the UN's reform exercise should be based on a field test, where one could measure whether the livelihoods of individuals affected by poverty, conflict or disease had effectively improved. "I'm a firm believer in the first three words of the Charter," he continued, "We – the – Peoples."

Speaking on the outcome of last September's World Summit, Mr. Eliasson encouraged those in attendance to spread the word on the gains achieved at this major event. While some focused on the shortcomings of the Document, Mr. Eliasson considered that high expectations, in many cases, distorted the tangible progress made on reform. When measured against past efforts, he said, the results of the Summit were most ambitious. Citing the "Responsibility to Protect Civilians" as an example, Mr. Eliasson argued that this was a new concept that would allow the international community to protect populations against egregious violations of human rights when nation states failed to live up to their responsibility. "Solidarity," he said, "no longer stops at a border, but rather at the human being in need." The Peacebuilding Commission was listed by Mr. Eliasson as another major accomplishment of the Summit. He said this initiative would help countries in their reconstruction and reconciliation efforts in the aftermath of conflict by bolstering humanitarian action, development projects and institution building through country specific prisms that will prevent conflict from reoccurring in these places.

For these Summit decisions to be implemented, Mr. Eliasson recognized that political will would need to take root around multilateral solutions. On this matter he expressed some concerns in light of ongoing tensions between global approaches to solving certain crises, and the suspicion that sometimes arises among Member States in the negotiations dealing with the reform agenda. Mr. Eliasson underscored that for this reform endeavor to be successful the multilateral framework of decision-making at the UN would

need to be strengthened rather than weakened. He noted that this was especially important for the attainment of the Millennium Development Goals (MDGs), and that without maintained multilateral attention the Goals would not be met.

To strengthen the multilateral framework, Mr. Eliasson pointed to a number of options, most notably the necessity to mobilize public opinion which would require the support of the NGO community. “The UN needs the energy, dedication of those of you who keep that banner of international solidarity floating high,” he said. Mr. Eliasson also acknowledged that NGOs were an indispensable ally in helping Member States connect with two realities: on the one hand, the human face to the problems of disease, poverty and conflict, and on the other, the expectations and aspirations needed for addressing these plagues. The combination of these two realities, he emphasized, lends the UN to be more outward looking, which, according to Mr. Eliasson, represents a building block for effective international cooperation.

In his closing remarks, Mr. Eliasson said he wanted participants to remember one element of his presentation which was that global problems would only be solved if the UN, Member States and civil society worked “together.”

Question & Answer

Human rights and NGO participation in post-Summit negotiations were the issues that attracted the most attention by audience members throughout the discussion. Other points addressed during this segment included Secretariat and Management reform, disarmament and NGO engagement in the new Capital Master Plan.

Human Rights

Q. On the issue of human rights, several questions from NGO representatives focused on the Human Rights Council, with special attention on overall progress in negotiations. Several speakers spoke of the sense of urgency behind the establishment of a new Council for the people on the ground. Representatives also shared their concerns vis-à-vis NGO participation, especially regarding restricted access to negotiations on the Council, with one speaker focusing on participation of African NGOs. Some speakers emphasized that NGOs had made substantial contributions to the Human Rights Commission over the last decades, and had expertise to share on how to make a new Council more effective than the current Commission. One speaker suggested that the Council would need to have legitimacy not only in the eyes of governments, but also in those of the victims – for that NGOs would need to be involved in the process.

A. Responding to questions, Mr. Eliasson said that negotiations on Human Rights Council were currently at a critical stage. The intensity, difficulty of the process, he argued, did not pertain to the issues under discussion, but rather to a general lack of trust and confidence among Member States in deciding on the end result. Other challenges to the negotiation process that were mentioned included: the artificial divide between Northern and Southern Member States, and the need for governments to live up to the ‘universal’ pursuit of human rights, specifically the idea of universal scrutiny and review – no matter the size or location of countries. Mr. Eliasson stressed that only if confidence building steps take place will the outstanding issues of the Council be resolved, notably the points on voting procedures and requirements for membership. He was heartened, however, by some of the breakthroughs to date, such as the agreement that Member States meet more than six weeks a year to discuss human rights matters, and that serious progress could be made in the next three or four negotiating sessions.

Mr. Eliasson also mentioned the positive consultation he had with the NGO community in Geneva last November. If the HRC was to achieve tangible results, he said, NGOs would need to play an active role, and that this feature of the Commission should be retained for the Council. Echoing other NGO speakers’ sense of urgency, Mr. Eliasson said that he set a short timeframe for negotiations in order to have an

operational Council in the new year to eschew any overlapping confusion with the work of the current HR Commission.

NGO Participation

Q. While speakers expressed their appreciation for Mr. Eliasson's initiative to organize a briefing to report on the status of negotiations on items emanating from the Summit's Outcome Document, a majority of interventions conveyed a sense of disappointment at the limited access and interaction of NGOs on negotiations for issues of reform. One speaker asked how NGOs were going to play a role if all the doors to negotiations were closed, while others inquired as to how they could set up a process for NGOs to be included. Outside the negotiation process for reform issues, participants welcomed the modalities for NGO participation recently adopted for the Comprehensive Review Meeting for HIV/AIDS and the High-level Dialogue on Migration and Development, but displayed some concerns at the lack of NGO consultation in determining the timing and format of these modalities. Also, several NGO representatives who took to the floor congratulated the President of the General Assembly for his appointment in his office of two civil society advisors; one participant hoped that this would set a new precedent for future GA presidencies. On the larger issue of UN-civil society relations, participants shared their interest in re-introducing the issue of the Cardoso report, and inquired as to how to could help the President broach this discussion in the General Assembly.

A. Mr. Eliasson said that while negotiations on reform issues were matters of great sensitivity, he understood the concerns of NGOs vis-à-vis their lack of access. He acknowledged that it was a difficult balance to strike for Member States and that the inter-governmental tradition was deeply embedded in New York proceedings; ultimately, he argued, this tradition should not leave NGOs on the outside looking in. As a short-term solution to this problem, Mr. Eliasson encouraged NGOs to consult and send comments to the Co-Chairs of each group negotiating reform matters, which he said would be open to their input. Another suggestion was for NGOs to lobby directly Member States with whom they had established a relationship. He also recommended that NGOs recommend to his advisers ways to engage NGOs in a dialogue with his office and the UN Secretariat on UN-civil society related issues, including the Cardoso report.

Other Issues

Three other issues were brought to the President's attention during the discussion: management and secretariat reform, disarmament and NGO involvement in the UN's new Capital Master Plan.

Speaking on the Management and Secretariat reform, Mr. Eliasson said that a delicate balance would need to be struck between a Secretary-General that is empowered to implement the decisions of Member States and an inter-governmental process that retains the decision-making authority. Member States, he stressed, would need to avoid micro-management tendencies, such as determining the number of posts for certain departments. Mr. Eliasson further underscored the fact that management reform was not an issue solely driven by one delegation. Management, he argued, is a common pursuit part of every country's best interest. On disarmament, the President conveyed his disappointment that not more was achieved at the Summit. NGOs, he acknowledged, would be critical in bringing the issues of non-proliferation and disarmament to the fore. If progress was possible on the issues of landmines and small arms, more could be done on disarmament. For NGO involvement in the UN's Capital Master Plan, Mr. Eliasson said that he would take note of the issue and follow-up in the future.

Presentations by Co-Chairs

Co-Chair on HIV/AIDS

Permanent Representative of Barbados – H.E. Mr. Christopher F. Hackett

As a follow-up to the outcome of the 26th Special Session on the implementation of the Declaration of Commitment on HIV/AIDS, Member States decided to undertake a Comprehensive Review of the progress achieved on the Declaration and convene a High-Level Meeting in 2006. In discussing the draft resolution – adopted on 16 December – on the preparation and organization of this major meeting, Mr. Hackett mentioned that several Member States involved in the negotiation of this resolution recognized the important contribution of civil society to the work currently done in addressing the HIV/AIDS pandemic. He also noted that the resolution called on NGOs to play an active role throughout the Comprehensive Review and High-Level Meeting.

Co-Chair on ECOSOC Reform and Development

Permanent Representative of Belgium – H.E. Mr. Johan Verbeke

Speaking on ECOSOC Reform, Mr. Verbeke drew attention to the World Summit's Outcome Document in which operative paragraph 155 outlined newly defined functions with the aim to revitalize ECOSOC. Mr. Verbeke listed five new functions that were currently under negotiations, including: Global Policy Dialogue, Development Cooperation Forum, Annual Ministerial Review, work on humanitarian emergencies, and overall coherence of ECOSOC. He emphasized that the Global Policy Dialogue, Development Cooperation Forum and the Annual Ministerial Review would operate at a ministerial level, and it would seek the active engagement of stakeholders both inside and outside the UN system, including civil society. Mr. Verbeke concluded by mentioning that the current negotiations in the General Assembly would equip ECOSOC with the overall framework, but that ECOSOC itself would need to revise its working methods to ensure genuine interactive dialogue – not just written statements – within these newly designed functions.

Co-Chair on ECOSOC Reform and Development

Permanent Representative of Mali – H.E. Cheick Sidi Diarra

Based on the mandate given to the co-chairs by the GA President, Mr. Diarra said that negotiations on development focused on assessing the implementation of the internationally agreed development goals, including the MDGs and other commitments reached during UN Conferences and Summits. The Summit's Outcome Document serving as their major point reference, Mr. Diarra stressed that development discussions were intended to call on different stakeholders to own up to their responsibilities in implementing the development policy objectives. The aim of this exercise, he explained, was to bolster the current system of implementation by identifying its shortcomings and duplicative activities, while fostering greater synergy between stakeholders and creating dynamic, result-oriented processes, especially when looking at aid effectiveness. Another priority noted for Member States in their negotiations was the need to increase the coherence between national, regional and international levels of implementation activities. Mr. Diarra mentioned that there would be a draft resolution on development in the near future.

Co-Chair on Working Group for General Assembly Revitalization

Permanent Representative of the Republic of Yemen – H.E. Mr. Abdullah Alsaidi

Referring to the ad hoc working group to further enhance the role, authority, effectiveness and efficiency of the General Assembly (A/RES/59/313), Mr. Alsaidi apprised participants of the latest developments on this group's progress. He noted that the group was reviewing the agenda and working methods of the Assembly to eliminate redundancies and increase its effectiveness in tackling the issues before it. According to Mr. Alsaidi, one of the areas that deserved careful consideration by the working group was the multitude of resolutions that are adopted, and that currently overwhelm the GA secretariat. More needed to be done, he stressed, to rationalize the work of the Assembly. At first glance, he remarked, this

task appears quite straightforward but that once the political interests of 191 Members of the GA are taken into account, the process was nothing else than formidable. In terms of the timetable for negotiations, Mr. Alsaidi said that decisions were adopted by consensus, which led to a longer process. He concluded by endorsing the idea that the NGOs were the “windows to reality,” and welcomed NGO views on the matter of GA revitalization.

Co-Chair on Management and Secretariat Reform

Permanent Representative of Canada – H.E. Mr. Allan Rock

In his remarks, Mr. Rock mentioned that the attention around Management and Secretariat Reform had increased over the last couple of weeks as it was becoming the major prism through which the underlying tensions between interests and regions were taking shape. As a result, Mr. Rock emphasized that as Co-Chairs, Canada and Pakistan, strived to depoliticize the process, and bring the discussion down to a human level. In doing so, five principles had been established to guide the discussions. Firstly, improving and modernizing the management of the UN and reforming its Secretariat to be more responsive and effective, he stressed, was not the agenda of a single nation, but rather in the collective interest of Member States. Secondly, Mr. Rock said that the reform of the Secretariat would not allow it to identify the priorities for the Organization; instead, that responsibility would rest in the hands of nation states. Thirdly, the intent behind the reform process was not to save costs as the UN was not a corporation with stakeholders. Mr. Rock added that the UN was an intergovernmental organization that did not need to meet the management efficiency of Fortune 500 companies. Fourthly, Secretariat reform was not about diminishing the influence of Member States; if anything, it aimed to increase the decision-making abilities of Member States by providing them with greater accountability and transparency, as well as more entry points to make contributions. Finally, Mr. Rock argued that in carrying out the reform decisions due respect would be given to the authority of the 5th Committee of the GA and the Advisory Committee on Administrative and Budgetary Questions (ACABQ). Mr. Rock encouraged NGOs to provide input and assist Member States in their deliberations. The Group B issues – Management – was identified as the area where NGOs could make the most significant contribution. Citing the review of all UN mandates older than 5 years as an example, Mr. Rock noted that this exercise would be politically sensitive as some programmes could be revoked or cancelled. Therefore, NGO views would be helpful to the process once Member States have framed the appropriate questions around which they would need feedback. Among the other issues where NGO input would be welcomed, Mr. Rock listed contract buyouts, appointment of a Chief operations officer, structure of management and revision of the budgetary decision-making process. He told participants that they could expect a paper by the end of February on questions of mandate and the future of management on which they be asked to comment.

Co-Chair on the Human Rights Council

Permanent Representative of Panama – H.E. Mr. Richard Arias

Providing background information on the Human Rights Council (HRC), Mr. Arias explained that the interest for its creation emanated from the recognition by Member States of the interdependence between the issues of security, development and human rights. With this recognition, he stressed, there was a need to elevate the profile of human rights issues within the UN system. Speaking on the Council’s standing within the UN, Mr. Arias noted that it was a complex process to turn the Council immediately into a primary organ. The likely scenario, he said, would see the Council be created as a subsidiary body of the General Assembly accompanied with a review clause that would allow Member States to upgrade it to a primary organ after its 5th year of operation. In terms of the HRC’s overall framework, Mr. Arias put much emphasis on the fact that it would be conducive to resolving human rights through cooperation and dialogue. Looking at the current state of negotiations, he mentioned that the mandates and functions were the most critical issues on which Member States needed an agreement, especially on universal periodic review. Mr. Arias was adamant that universal review would significantly diminish the politicization of human rights issues – a major pitfall identified in the workings of the Human Rights Commission. If agreement on mandates and functions could be achieved, he said, the other mechanical issues -- mode of

election, geographical distribution, size of the Council and transition from the Commission to the Council – would not be cause for concern. He concluded by noting that Member States were currently working under the premise that an agreement on the Council would be reached by 23 December.

Questions & Answers

HIV/AIDS

Q. During discussion, NGO representatives focused on the items for the agenda of the Comprehensive Review and High-Level Meeting, but also on modalities for civil society participation in these events. Speakers inquired as to how prominently certain issues, such as WTO related topics -- TRIPS agreement and access to affordable medicines -- as well as the gender dimensions of HIV/AIDS, would figure on the agenda of this major meeting.

A. Mr. Hackett informed participants that the UNAIDS office would be putting together country driven reports that would serve as the basis for the discussion at the Comprehensive Review. According to Mr. Hackett, this exercise will seek the engagement of civil society groups to provide input at the national level. He recommended that the NGO representatives who raised issues like the TRIPS agreement and the gender dimensions of HIV/AIDS to take full advantage of this country driven reports' process. The challenge, Mr. Hackett noted, was one of time as these reports would be drafted in the near future since the Comprehensive Review and High-Level Meeting would be taking place from 31 May to 1 June 2006.

In terms of civil society engagement, Mr. Hackett explained that the meetings would ensure the active participation of civil society as several Member States, during the negotiations of the draft resolution, expressed support for their inclusion. As a result, modalities for the Comprehensive Review and High-Level Meeting provide for the selection of an NGO representative to speak at the Opening Plenary, as well as the inclusion of civil society representatives in roundtable discussions. Mr. Hackett also drew attention to the interactive hearings, which would offer the opportunity for NGOs to interact directly with Member States.

Human Rights Council

Q. NGO representatives expressed their concerns regarding the lack of consultation -- especially of regional groups from Africa, Asia and Latin America -- and the fast pace of negotiations for the HRC. On this last point, participants inquired if such a short timeframe for negotiation could lead to results of the lowest common denominator. Speakers underscored that NGOs had significantly contributed to the work the Human Rights Commission over the last decades, and that their views on the new Council deserved to be heard. Another issue broached by participants related to whether the new Council would retain and build upon the effective mechanisms, such as special procedures, currently in use within the Commission.

A. In response to questions, Mr. Arias confirmed that the HRC would build upon the good practices currently displayed within the work of the Commission, and would not eliminate such mechanisms as special procedures. He specified that this was clearly stated within the preamble of the text currently under negotiation. As for the timeframe on negotiation, Mr. Arias stressed that Member States were not rushing to conclusion, and that in fact substantive progress had been made to date. He underscored that once the functions would be agreed upon, other mechanical matters, such size and membership, of the HRC would be easier to resolve.

NGO Participation

Q. Participants posed several questions pertaining to the access of NGOs to reform negotiations, with an emphasis on those NGOs operating at the grassroots level that often do not have the resources to attend briefings or consultations. Speakers also put forward the recommendation that co-Chairs, or the office of the GA President, organize formal consultations with NGOs.

A. Mr. Verbeke argued that two phases of the reform process needed to be distinguished. On the one hand were the pre-Summit negotiations, and on the other was the follow-up of the World Summit outcome. In the first instance, he said NGOs, through the informal interactive hearings, did participate and provided substantive input. In terms of the follow-up to the Summit, Mr. Verbeke recognized that NGO participation had been limited, but that their views and input would be needed to make the agreements operational. Citing the example of the ECOSOC reform – namely the Development Cooperation Forum and the Global Policy Dialogue – he said NGO participation would be indispensable to reach the expected objectives.

Also speaking to the issue of NGO participation was Mr. Diarra who argued that more could be done to facilitate the participation of NGOs from the South in the UN's inter-governmental process. Looking around the room, Mr. Diarra noted that the reason why the issue of development had not received much attention in this briefing was largely due to the absence of NGOs from developing countries.

Building on Mr. Verbeke and Mr. Diarra's points, Mr. Rock emphasized that there was an important role for NGOs to play within the intergovernmental process. One way to more closely examine this issue was to re-open the discussion on the Cardoso report that could look at the idea of a Trust Fund for NGO participation. This discussion he said should happen in the same breadth as other reform issues, such as the HRC, Peacebuilding Commission, ECOSOC reform, and other reform matters.

Revitalization of the General Assembly

Q. Looking at ways to strengthen the role of the General Assembly within the UN system, speakers put forth some suggestions on how the GA presidency could extend its term from one to three years, which would result in greater continuity in the GA's work. Participants also recommended that the GA could be further revitalized by opening up more of its meetings to NGOs.

A. Mr. Alsaidi emphasized that NGO participation in the General Assembly had to date led to constructive outcomes. However, he said that Member States also had some trepidation regarding the role of NGOs in GA business. Some perceived NGOs as a threat to government sovereignty as it applied to the decision-making process at the UN. As for extending the term of the GA Presidency, Mr. Alsaidi concurred that it could foster greater continuity in the work of the GA, but that this was an issue on which it would be difficult to reach consensus among the 191 Member States.