



**UN Accountability Issues and the Role of NGOs and Global Civil Society:**  
**A quick sketch<sup>1</sup>**

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The issue of the accountability of the United Nations is complex. Consisting of 192 Member States represented by governments of very different forms of political regime from countries of diverse economic and social structures, not to mention unique histories and traditions, it is hardly surprising that no consensus exists among the UN's membership on the meaning of political concepts and practices such as democracy, participation, accountability and good governance. And yet such political notions are firmly embedded in the discourse of the UN and today surface both explicitly and in its sub-text all the time – and are hotly contested!

It is important to recall that when Member States join the United Nations they solemnly pledge to promote the aims and objectives of the Organization and uphold the values and principles enshrined in the Charter. Ultimately therefore, the Members of the organisation are accountable to the highest ideals and aspirations of the UN Charter, and therefore to the ethical and moral foundations of the United Nations which make it unique and which, together with its universal membership and formal equality between Member States, gives the UN an unparalleled place and stature in world affairs.

While the Charter sits at the apex of the UN's organisational accountability structure, over time the Organisation has taken innumerable decisions in fields such as development, human rights, peace and disarmament, the environment, food and agriculture, health and education and so on for which, and to which, members of the Organisation are accountable. Such decisions may be informal and moral, such as the agreement that rich countries should provide 0.7 % of GNP in development aid (brokered in UNCTAD) or may be formal and more legally binding such as the UN Conventions on biodiversity and climate change and other environmental matters or, in particular, the actions of the Security Council.

The reason why the negotiation and adoption of an agreed outcome text by UN Member States can be so protracted and tortuous - whether this be a Programme of Action agreed at a World Conference, the agreed summary of an ECOSOC Commission or indeed the decisions taken by the Security Council, the General Assembly or ECOSOC itself - is because of the understanding and principle at the heart of the UN's political life that UN

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<sup>1</sup> These are the personal views of the authors and do not imply any endorsement whatsoever on the part of the United Nations and its member organisations.

<sup>2</sup> This review will not consider the accountability issues raised by the operational activities of the UN system in development aid, humanitarian action and peace-keeping/building which directly impact on people's lives since this would have to be treated as a subject in its own right. This "quick sketch" will focus on accountability issues related to the role and place of the United Nations and UN System, and NGOs and Civil Society, in the institutional system of global governance.

members can be held to account for the agreements and decisions and subsequent actions they are party to, or not party to. Indeed at the core of the UN's mission is facilitating agreement amongst Member States on actions to tackle global issues and holding governments accountable for their commitments, decisions and actions. A huge proportion of the UN's time, work and resources are dedicated to this accountability function.

Many, if not most of the intergovernmental agreements reached and decisions made at the UN are not legally binding on the membership and do not carry the force of international law. With the virtual exception of the Security Council, which can impose economic and political sanctions on governments and countries and decide even to go to war (or not), there are no real enforcement mechanisms available to Member States as part of peer review exercises to ensure greater compliance with a decision or an agreement except for moral suasion, peer pressure and/or incentives, both positive and negative (such as the Clean Development Mechanism, a positive incentive built into the Kyoto Protocol on climate change). And, while it would be naïve to think that the more powerful Member States do not use their power and resources to influence the positions of less powerful member-states, there are innumerable times when decisions taken globally at the UN and involving the most powerful states, fall down in the face of state sovereignty – to which the on-going crisis in the Darfur region of Sudan is a tragic testimony.

As bureaucratic organisations the United Nations and the various specialized agencies, programmes and funds that comprise the UN system operate managerially on the principle of bureaucratic hierarchy and upward accountability. The Secretariats of the UN Headquarters in New York (DESA, DPI, DPKO, DPA etc) report and are accountable to the General Assembly for the carrying out of their mandates; some also report to ECOSOC. The specialized agencies, and UN programmes and funds (UNICEF, UNEP, HABITAT, UNDP, WFP, FAO, ILO, UNESCO, WHO, World Bank and IMF etc) all have their own autonomous governing bodies (as do others such as UNAIDS, UNHCR, IFAD, UNCTAD and UNRISD or UNITAR) which set organizational policy and to which the secretariat is accountable for carrying out that policy. The governing bodies of all thirty plus main UN organisations are composed of the Member States of the UN and most of these organizations of the larger UN system also report to the GA and ECOSOC both formally and informally. Over recent years the formal and informal participation of NGOs and CSOs in the meetings of the governing bodies of the UN system's agencies, programmes and funds has increased enormously<sup>3</sup>. At the same time one particular population group, indigenous peoples, has a permanent UN Forum dedicated exclusively to the concerns of the world's indigenous peoples.

As a political organisation composed of states/governments, the accountability principle at the heart of the UN is that of the mutual accountability of members for

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<sup>3</sup> For example, the Civil Society Hearings at UNCTAD's Trade and Development Board; the 5 persons representing HIV/AIDS organisations that sit on the Programme Coordination Board of UNAIDS; the joint statement delivered to the Executive committee of UNHCR from the preceding two-day meetings of NGOs involved in refugee issues; the NGO presence at the World Health Assembly of WHO, Governing bodies of FAO and UNESCO and so on. In recent years there has also been an annual NGO/SCO forum linked to the High Level Segment of ECOSOC and which is growing in stature as ECOSOC takes up the role of assessing progress or not towards the Millennium Development Goals. In the past two years the General Assembly has held four informal Hearings with NGOs, Civil Society and the Private Sector (see below). See also "UN System – Civil Society Engagement; Year in Review: 2006" published by NGLS.

their individual and/or group performance on a large and diverse range of global/regional and other issues such as promoting women's rights, cutting CO2 emissions, eradicating poverty, protecting the environment and so on. In the intergovernmental fora of the UN, Member States essentially engage in peer reviews of the performance of each other. These take place in the General Assembly and its Committees, in ECOSOC and its Commissions and other fora including specifically organised conference reviews. Peer reviews are often based on national reports submitted by the Member States or independent reports and other materials including oral and written inputs from organisations of global civil society that have formal consultative relations with the UN. The 'peer reviews' undertaken at the UN can range from the routine to the highly politicised and contentious in areas such as human rights and peace and security, depending on the political forces and interests at play.

It is worth recalling here that the system of Member State peer review as the core accountability mechanism is a relatively recent phenomenon at the UN dating back to the 1981 UN Conference on the Least-Developed Countries when, for the first time, a group of Member States (the 29 LDCs) agreed to discuss and reform their domestic policies in return for increased financial and other support from the rich/donor countries. Prior to this moment, discussion of Member States' domestic policies at the UN was strictly taboo on the grounds of state sovereignty and in the context of Cold War geo-politics. Since then and for reasons too complex to go into here, the political space for discussing domestic/national policies at the international level has expanded considerably to the point where, as national governments accede to more and more global policy regimes in areas such as trade and finance, environmental protection and climate change, armament bans (landmines) and international justice (ICC), more and more areas of domestic policy are opened up to international scrutiny and accountability – some would say to international constraints and limitations<sup>4</sup>. At the same time, and spearheaded by UNDP's Human Development Report and Human Development Index, the past decade has witnessed a veritable outpouring of rankings and indexes that compare the performance of UN Member States on a range of specific issues, one of the latest being on progress or not towards achieving the Millennium Development Goals. Historically speaking, this increased global scrutiny of national policies and government actions is both new and of great significance.

Also new and of great significance is the fact that an increasing number of UN Member States are represented by governments that have been (to a greater or lesser degree) democratically elected. This is significant because it changes the accountability matrix at the UN since these governments can and do argue that they are socially accountable because they report at the national level on their UN and other international work and actions, and are ultimately accountable to their electorates for their performance. In principle, of course, this is absolutely indisputable. In practice, however, and unless in a time of war or international crisis, issues relating to “foreign affairs”, “international relations”, or the performance of governments in international organisations, scarcely figure in national domestic politics or as election issues. Correspondingly, mechanisms at the national level for holding governments to account for their international actions in organisations such as the UN, tend to be weak. The most important accountability

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<sup>4</sup> In UN fora in recent times (at UNCTAD XI for example) there has been a call by developing countries for greater “policy space” at the national level, particularly with regard to economic, trade and finance policies. At a global political level, conservative-nationalist political forces around the world tend to view any “intrusion” by international organisations into domestic affairs as an affront to state sovereignty.

mechanism at the national level in addition to the formal political opposition and parliamentary processes are the NGOs and CSOs that are active on global justice and global governance issues and that scrutinize their governments' actions in the UN and other international organisations and engage in advocacy, public education and mobilisation, and awareness-raising of the wide range of issues on the global justice agenda. This part of organised civil society at the national level has the most comprehensive understanding and knowledge of what their governments do at the UN, World Bank and IMF etc. and can and do mobilise “public opinion power” in their efforts to hold governments to account.

The role and work of NGOs and CSOs at the national level on global issues and global governance and in holding national governments to account is absolutely vital to the work NGOs and CSOs do at the global level participating in the deliberations, policy-setting dialogues and peer reviews of the UN system. One of the strategic challenges facing global civil society at the national level is how to bring greater synergy and coherence to its role and work at the national and international levels. Another is how to mobilise more public engagement in global justice issues and scrutiny of the institutions of global governance.

At the UN itself, non-governmental actors and organisations have engaged with the United Nations since its creation in 1945, thanks to Article 71 of the UN Charter. Their key mission and role has been to contribute to intergovernmental deliberations and hold governments accountable for their decisions or non-decisions and action, or non-action, on key international and global issues and challenges facing mankind. A new generation of UN-NGO engagement emerged from the changes that shook the world at the end of the 1980s, the collapse of Communism, the fall of the Berlin Wall and the emergence of a new concept and practice of civil society which, because of the communications and transportation opportunities opened up by globalization, led to the emergence of global civil society whose representatives turned up in their tens of thousands around the UN world conferences of the 1990s on sustainable development, human rights, population and development, women, and social development. These conferences set renewed agendas for the UN and created non-governmental constituencies concerned to follow up at the global level and at the UN.

Today there is scarcely a UN forum where NGOs and CSOs are not present in varying degrees both formally and informally including the Commissions of ECOSOC and ECOSOC itself, the governing bodies of UN agencies programmes and funds and even the Security Council, through the Arria formula, consults informally from time to time with NGOs/CSOs. In other words, global civil society now plays a key formal and informal role in the governance of the UN system and in so doing enriches intergovernmental deliberations and makes the work of the UN's Member States far more transparent and accountable than would otherwise be the case. The presence of global civil society at the UN as intermediaries between global intergovernmental deliberations and realities at the national level and in the world at large, provides the opportunity, the mechanism, and the inexorable political necessity, for the UN to be more accountable to a wider constituency than its own membership.

In 2002 Secretary-General Kofi Annan established a High Level Panel chaired by ex-President Cardoso of Brazil to look at UN-Civil Society relations, consult with all stakeholders and make recommendations for taking things forward. For a variety of

reasons too complex to go into here, the Panel's report, containing 30 recommendations and released in June 2004, was not taken up vigorously by Member States. At the centre of the proposals were recommendations concerning more interaction between the General Assembly and Civil Society, creatively establishing new kinds of UN forums with appropriate civil society constituencies, bringing greater coherence to the UN accreditation system and devolving some aspects of UN-Civil Society engagement to the national level, particularly in developing countries.

Although the "Cardoso Report" did not garner the formal support of a General Assembly Resolution some of the key ideas it contained have clearly influenced subsequent practice. Over the past two years, for example, the General Assembly has held four informal interactive Hearings with NGOs, Civil Society and the Private Sector as part of its preparations for its subsequent "Special Sessions" on the Secretary-General's Report "In Larger Freedom", on migration and development, on HIV/AIDS and on the Least-Developed Countries. While not without their limitations, this completely new departure in the engagement of the General Assembly with NGOs and Civil Society has to be built upon, developed and made more effective. Potentially, it is extremely important that the term "Hearings" is now part of the UN's political lexicon relating to its accountability principles and consultative practices and should be further developed by all stakeholders into a more effective way for Member States and Civil Society to engage.

In addition to the four GA Hearings, and also in the spirit of Cardoso, the UN Development Group, a management body comprising UNDP, UNICEF, WFP and UNFPA (and others) has been developing a Trust Fund which, if successful, will fund NGO and CSO activities in developing countries that link national experiences and situations with global governance issues and practices, further democratizing the global governance system.

While the legitimacy and credibility of the presence of global civil society is now fairly well established across the UN system, its actual participation and role in intergovernmental bodies and fora remains contested. To strengthen their role in the institution/s of global governance such as those of the UN it is vitally important that NGOs/CSOs continue to address legitimate - as opposed to ideologically, or politically motivated - issues and questions raised about their transparency and accountability in constructive, creative and democratic ways. In this regard, it is greatly encouraging that in recent years NGOs and CSOs have been rigorously addressing these issues and engaging in a range of related initiatives<sup>5</sup>.

### Looking Ahead

Over the past twenty years, and due to seismic shifts in the global political architecture, the governance of the United Nations and the UN system has undergone a transformation with the spread of democracy amongst UN member states and the emergence of global civil society as a counterweight to global political and economic power. The UN has moved from an organisation in which governments spoke mainly to governments to one in which its member governments and states now engage on a daily basis in diverse ways with the bewildering array of NGOs and CSOs that comprise global civil society. In view

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<sup>5</sup> See "Debating NGO Accountability" by Jem Bendell. Published as a Development Dossier by NGLS.

of this, it is true to say that the UN and the organisations of the UN system are more transparent, accountable and therefore democratic today than they were two decades ago.

At the same time, the United Nations, an intergovernmental organisation, can only do what its Member States and governments empower it to do. This means not only taking decisions to take action but also providing the resources of various kinds to allow the UN to get the job done. Some would say that the UN's membership does not have the best possible track record in this regard. The presence of NGOs and civil society in the fora of the UN empower those fora by holding the Member States and Governments to account for the manner in which they have met their international obligations and empowered or not the UN to fulfil its innumerable mandates. In the coming years the UN and the UN system will undergo a major and significant reform process that may have a profound impact on what the UN system does, how the UN system operates and the place and role of the United Nations in the global order. There are crucial issues concerning the political and institutional architecture of global governance at stake here and it is of vital importance that global civil society deepens its engagement with UN reform issues and processes. It is too important to be left to governments alone, as many UN Member States would, today, agree.

Despite the progress made over the past twenty years in democratising and making more accountable the organisations of global governance such as the UN, there is much still to be done. The institutional system of global governance is a work in progress and constantly evolving. As globalisation advances and all countries become increasingly interdependent, whether in economic matters, the environment, health challenges, or security issues, the world will need more global governance, not less. In finding new ways to manage the planet that are both democratic and accountable, fair and equitable, NGOs and CSOs have a hugely important role to continue to play.