

# The Hague International Model United Nations

Forum: Human Rights Council Subcommission 2 (HRC-2)

Issue: Measures by the UN to better support Non-Governmental Organisations' work

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# Introduction

From providing humanitarian aid in conflict zones to advocating for marginalized communities, Non-Governmental Organisations (NGOs), either with a few members or hundreds of branches all over the world, are pivotal partners in advancing global progress. NGOs have played a significant role in advocating for social change, on issues such as human rights, climate change and systematic inequalities, especially at the grassroots level. The success that the United Nations has had to their achievement of the Sustainable Development Goals, especially with the adoption of the 2030 Agenda for Sustainable Development, can be attributed to NGOs having the ability to tailor their initiatives to the needs of specific communities, which cumulatively collaborates to sustainable development all over the world (United Nations | ECOSOC).

Yet, NGOs' potential often remains hindered by systemic challenges, including their access to funding being restricted by national laws, as well as their lack of authority in an international setting. Unfortunately, countries have now transitioned from funding NGOs who advocate for peacebuilding to large scale security and defense programs. More specifically, the challenges of financial constraints and lack of funding, political and legal restrictions placed on NGOs as well as their lack of authority that they have in the UN system has significantly impeded their ability to operate effectively and achieve their objectives. These challenges not only undermine the potential of NGOs to contribute meaningfully to global initiatives but also hinder the collective progress towards achieving a more equitable, sustainable, and peaceful world.

# **Definition of Key Terms**

#### **Non-Governmental Organisation**

A Non-Governmental Organisation (NGO) is a non-profit, voluntary organization that operates independently from any government. It is typically involved in addressing social, humanitarian, environmental, or developmental issues. NGOs can be local, national, or international in scope, and they often work to promote and protect human rights, provide aid in emergencies, advocate for policy changes, or support community development projects (Karns and Kenny).

#### **ECOSOC Consultative status**

ECOSOC Consultative Status refers to a designation granted by the United Nations Economic and Social Council (ECOSOC) to NGOs that allows them to formally engage with the UN system. This status enables NGOs to participate in the UN's work by attending meetings, submitting written statements, and delivering oral presentations on relevant issues (United Nations | ECOSOC).

#### **Civil society**

Civil society refers to the collective of voluntary organizations and institutions that operate independently of government, and business. It includes a wide range of groups such as advocacy organizations, grassroots movements, trade unions, faith-based organizations, and NGOs. These organizations work to represent the interests and values of citizens, often advocating for social, political, economic, or environmental change (DG NEAR).

#### Support

Support refers to the act of providing assistance, help, or resources to someone or something in order to enable or strengthen its functioning, success, or well-being. It can take many forms, including emotional, financial, physical, or logistical aid, and can be offered by individuals, groups, organizations, or institutions ("SUPPORT definition and meaning | Collins English Dictionary").

#### Advocacy

Advocacy is the act of supporting or promoting a cause, policy, or group of people, often by influencing public opinion, policymakers, or governments (Merriam-Webster).

# **Background Information**

NGOs have proven to be essential for the reconstruction of post-war societies, especially World War II, the catalyst for the creation of the United Nations. NGOs such as the Red Cross and Doctors Without Borders were instrumental in providing comprehensive healthcare services for prisoners of war, soldiers and fellow civilians in need. Additionally, organisations were instrumental in rebuilding infrastructure such as schools, roads, and hospitals (The Law Institute).

# NGOs' relationship with the UN

NGOs were instrumental in contributing to the founding of the United Nations. Numerous NGOs were at the United Nations Conference on International organisation, held in San Francisco in 1945, aimed at drafting the Charter of the United Nations (Dag Hammarskjöld Library).

## **Economic and Social Council (ECOSOC)**

Article 71 of the UN Charter formally recognized NGOs and allowed the Economic and Social Council (ECOSOC) to offer consultative roles to NGOs, which gives them access to other bodies within the UN (United Nations | ECOSOC). As of December 2022, there are 6343 different NGOs that have active consultative status under ECOSOC. Through this consultative status, they are able to participate in numerous events, such as UN meetings, submit statements, network with other representatives as well as UN officials, and participate in relevant discussions and debates (United Nations | ECOSOC). However, these contributions do not leave a binding influence on member states, which is key for shaping the outcome for negotiations or resolutions that impact the people they represent. Although claimed to be an integral part of the UN, even NGOs with consultative status do not have decision-making authority nor direct influence on policies and resolutions. They are not recognized as having formal status in the UN's subsidiary bodies, which many NGOs seek to change resistance from member states despite consistent resistance from certain member states, such as China and Russia (Jie).

## Department of Public Information (DPI)

The Department of Public Information (DPI) and NGOs have also worked in collaboration with each other, starting when the DPI was initiated in 1946. They were told to assist NGOs by providing NGOs with access to UN publications, documentary films, and other resources to help them spread information about the UN's work. DPI also organizes briefings and lectures to educate NGOs about UN principles and activities (United Nations | Civil Society).

## **Financial and administrative constraints**

## **Dependance on External Funding**

A significant struggle that NGOs face is the need for funding. As NGOs mostly rely on external funding, being able to financially plan and fiscal management becomes a challenge. In terms of

human resources in particular, it is becoming increasingly difficult to attract not only specialists in their field but volunteers as well. This is all simply due to the lack of financial resources. NGOs financially rely on numerous streams of funding to pay for operational costs, salaries of employees, and additional costs. After the COVID-19 outbreak and the following economic crisis, NGOs have had to change their funding processes to line up with the novel online world. Many organisations are essentially competing against each other for funding, as they are dependent on the same market which has become overloaded. This accumulates on their existing challenge of acquiring new donors, as they now need to wrangle with NGOs worldwide. In addition to the lack of donors, financial contributors may add certain expectations or conditions regarding the organisation's work: what they are allowed to advocate for and where, threatening the independence of NGOs.

#### Competition for donors among NGOs

Simply looking at the amount of NGOs available on non-profit repositories, it is evident that there is heated competition between different organisations as there is a very limited pool of donors available while NGOs incur additional costs to compete against each other, by investing in marketing and outreach to stand out (Faiz). In this new technological era, the extreme expenses of both time and money needed for social media marketing, public relations are not feasible for smaller, local NGOs who have limited resources, which need to be devoted to current projects.

#### **Complex Registration and Accreditation Processes**

Certain administrative hurdles significantly hinder NGOs seeking official accreditation or consultative status with UN bodies, delaying or obstructing their ability to participate effectively. The process to gain consultative status, particularly with ECOSOC, is complex and time-consuming. NGOs must provide extensive documentation, including objectives, governance structures, financial records, and evidence of alignment with UN goals. Applications are then reviewed by the Committee on NGOs, which subjects them to rigorous questioning. Even after committee approval, final endorsement by ECOSOC is required, making the entire process last months or even years.

## **Political and legal restrictions**

#### **Government Surveillance and Monitoring of NGOs**

Across the globe, upwards of 60 countries passed laws restricting the activities and operations of NGOs from the years 2014 to 2018. For instance in Russia, organisations were required to fill out personal information about every member of the NGO, and making missteps in the registration process grounds for denial of registration as an NGO. This heavily deterred interested parties who wanted to open offices in Russia, as seen by the MacArthur Foundation, who closed its office in 2015 as a result of its host country's restrictions, impacting their ability to conduct effective work. Another instance of this is China's Foreign NGO Law, which came into force

January 1st, 2017. The law requires foreign organisations to register with their provincial level Ministry of Public Security (MPS) before opening a sector in China. Any work that these NGOs complete must not "endanger China's national unity, security, or ethnic unity; and must not harm China's national interests, societal public interest" nor engage in "political or religious activities," in accordance with the Act's Article 5 and 10 respectively. Organisations must submit comprehensive reports on their operations and finances, ensuring constant oversight of their activities (The China NGO Project).

### Anti-NGO Legislation

It is also imperative to pay attention to the rise of laws that explicitly target NGOs, such as "foreign agent" laws, anti-terrorism laws, and the protection of "national unity". In 2010, the Indian Parliament passed a bill titled the "Foreign Contribution (Regulation) Act," otherwise known as FCRA. The Act aims to ensure that foreign contributions do not adversely affect India's sovereignty, integrity, and security (NARAYAN). However, it entails several provisions that severely inconvenience NGOs working for humanitarian causes in India. Notably, the 2020 amendment to the act reduced the cap on administrative expenditures that can be funded by foreign contributions from 50% to 20% limiting the ability of NGOs spending money on essential costs such as salaries, rent, and additional infrastructure. NGOs are prohibited from transferring foreign funds to other NGOs, even if the receiving organisation is registered under the FCRA, restricting possibilities for collaboration and large scale projects. Additionally, NGOs are ousted from the country if the government believes that they are "harming national unity." For instance, Saudi Arabia's government orders disbandment of new organisations if they are threatening their country's values, affecting numerous humanitarian groups, including women's protection groups who are not able to work in the country. These repressive actions have even led to volunteers being arrested and imprisoned, as they are under scrutiny from national authorities (Amnesty International).

## **Operations in conflict zones**

#### Security Risks and Threats to Personnel

Aid workers from NGOs are facing dangerous and violence incidents when working in conflict zones alongside UN Peacekeepers and military forces. The regions that they aid are more likely than not war torn, deprived of basic needs or destroyed from natural disasters. Because of these tense situations that they work amongst, their tasks expose them to various dangers, including physical assault, arrest and detention, even as far as armed robbery, murder, bombings, sexual harrassment and rape. These extreme incidents of violence affect both workers of large international organizations and local NGOs as well. Because of their need to remain neutral in heated conflicts, there is not much that the aid workers are able to do, and therefore they are forced to let the assailants go free.

#### **Political and Military Interference**

There is usually a disconnect in humanitarian crises because the parties present are distinct organisations who answer to different levels. UN deals with international conflicts, NGOs usually operate at a more grassroots level. Military present usually receive guidance from their respective governments, however they are assigned to aid the NGOs, who are responsible for answering to their donors who sponsor their work. One of the main challenges that humanitarian organisations face is the risk of losing their neutrality and impartiality, which is crucial for their safety and the effectiveness of their work. When military personnel engage in humanitarian activities, such as reconstruction and relief efforts, it can be hard for local populations to distinguish between civilian aid workers and military forces. This blurred boundary can put NGOs at risk, as they rely on their perception of neutrality to protect their staff from insurgents or opposing forces. The objectives and priorities of both parties also tend to vary, with NGOs typically focusing on long-term humanitarian aid and development, while the military's primary concern being achieving stability and security, often with a fixed exit strategy. These differing priorities can lead to misaligned efforts, especially when military and NGO projects conflict or overlap. NGOs might criticize the military's approach, especially when military-led reconstruction efforts lack coordination or expertise in development work, potentially undermining existing local initiatives (Aall #7).

# Major countries and organisations involved

Economic and Social Council (ECOSOC): ECOSOC supports NGOs, for example through consultative status, frameworks, programs, and partnerships. One of its key contributions is granting consultative status to NGOs under Resolution 1996/31, which allows NGOs to attend UN meetings, submit statements, and engage directly with Member States.

UN Refugee Agency (UNHCR): The UNHCR has taken various measures to enhance collaboration with Non-Governmental Organisations (NGOs) and to support their work, notably through the Global Compact on Refugees. The framework suggests that international cooperation, involving international organisations, refugees themselves, civil society organizations and experts, are key to developing a solution for ensuring safe lives for refugees.

World Wildlife Fund (WWF): The WWF places large emphasis on the importance of civil society, which is demonstrated by their cosigning of an open letter to the European Commission President. The letter, which was signed by 25 other NGOs, stressed the significance of a strong presence of NGOs in EU policy making in order for them to positively contribute to democracy, public participation, and to promote EU's commitments to sustainability (World Wildlife Fund).

Greenpeace: Greenpeace emphasizes the importance of civil society through its active participation

in global policy discussions, as demonstrated by its role in the High Ambition Coalition at the UN Ocean Conference. Alongside other NGOs, Greenpeace called for stronger international cooperation to protect marine biodiversity and promote the establishment of marine protected areas as part of the High Ambition Coalition (HAC).

USA: The U.S. stance aligns with its broader foreign policy objectives of promoting democracy, human rights, and humanitarian assistance. It advocates for removing barriers to NGO operations, ensuring their active participation in the UN, and fostering stronger partnerships between the UN and civil society, which can be seen through their large donations from governmental agencies such as USAID and the Department of State or various humanitarian projects implemented by NGOs (USAID).

**Russia:** Russia has had a very complex stance on supporting NGOs, as they have implemented several laws restricting the free activity of NGOs. Examples include the Foreign Agent Law, which was enacted in 2012, requiring NGOs receiving foreign funding and engaging in political activities to register as "foreign agents." Additionally, Russian President Vladimir Putin signed a bill allowing the prosecution of NGOs or other firms that pose a threat to Russia's security in 2015. Consequently, organisations have been forced to shut down as their ability to support the Russian people has been stifled.

India: NGOs in India often collaborate with the government to implement policies and programs that contribute to the country's development goals. However, India has also implemented regulations that emphasize accountability and transparency within the NGO sector. The Foreign Contribution Regulation Act (FCRA) is one such example, which regulates foreign donations to NGOs to ensure that they do not adversely impact the country's sovereignty or national security. While the government acknowledges the positive contributions of NGOs, it has also expressed concerns about the potential for foreign-funded NGOs to influence domestic politics and policy.

# **Timeline of Events**

Date	Name	Description of event
February 1863	Founding of the Red Cross	The International Committee of the Red Cross (ICRC), one of the oldest and most impactful NGOs worldwide, was created. It provided humanitarian aid during conflicts and disaster relief, setting a precedent for future NGOs in terms of neutrality, independence, and impartiality.
June 25th, 1945	Signing of the United Nations Charter	The United Nations Charter was signed, officially introducing the term "Non-Governmental organisation" in a global context. The UN recognized the role of NGOs working in collaboration with the Economic and Social Council

(ECOSOC) through Article 71 of the charter, which was a significant step in formally integrating NGOs into the international governance systems.

1946Establishment of<br/>the ECOSOCECOSOC allowed NGOs to have a role in formal discussions<br/>involving the UN through establishing the consultative status,<br/>symbolizing their first recognition of their role in global<br/>policymaking. NGOs were able to provide their expertise and<br/>knowledge on humanitarian issues, but did not have the right<br/>to vote.

 May 28, 1961
 Founding of
 Amnesty International is a global Non-Governmental

 Amnesty
 Organisation (NGO) focused on the protection and promotion

 International
 of human rights. It was founded by Peter Benenson, a British

 lawyer, but has now expanded to have over 10 million
 members around the world.

June 3-14th, 1992 The Earth Summit in Rio de Janeiro of environmental NGOs advocating for sustainable development. Organizations like Greenpeace and the World Wildlife Fund (WWF) played a crucial role in shaping global environmental policy.

September 25th-Adoption of theThe UN adopted the 2030 Agenda for Sustainable27th, 2015SustainableDevelopment, which includes 17 Sustainable DevelopmentDevelopment GoalsGoals (SDGs). NGOs were instrumental in advocating for the<br/>inclusion of human rights, poverty reduction, and<br/>environmental sustainability in the SDGs, ensuring that civil<br/>society perspectives were embedded in the global<br/>development agenda.

October 31st-**United Nations** The COP26 conference in Glasgow was a critical moment for November 12, 2021 **Climate Change** addressing global climate change. NGOs such as Conference Greenpeace and 350.org were heavily involved in mobilizing (COP26) global action, advocating for more ambitious commitments from governments, and holding countries accountable for their climate promises. The event highlighted the increasing role of NGOs in climate diplomacy and their influence on shaping international environmental policies. December 17th-The 2024 International Conference of Non-Governmental

19th, 2024

The 2024 International Conference of Non-Governmental Organizations (NGOs) took place at UNESCO Headquarters in France. The conference is organized every two years, and in 2024 was a platform for 425 NGOs from 70 different countries to communicate and strengthen relationships.

# **Relevant UN Treaties and Resolutions**

- Requests from Non-Governmental Organisations to be heard by the Economic and Social Council, 12 June 2018 (E/DEC/2018/236) - Request that certain NGOs be heard by ECOSOC at the high level segment of its 2018 session
- 2013, 04, 12: Protecting human rights defenders (A/HRC/RES/22/6) Resolution regarding the freedom of NGOs, including encouraging States to have transparent procedures for regulation
- 2000, 06, 15: Analysis of the organizational structure and the personnel and technical resources of the Non-Governmental Organisations Section of the Secretariat (A/RES/54/265) Takes note of the report of the Secretary-General (A/54/520/Add.1), and endorses the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/54/868).
- 1997, 07, 23: Strengthening of the Non-Governmental Organisations Section of the United Nations Secretariat (E/RES/1997/58) - Requests the Secretary-General to submit a report to the General Assembly at its 52nd session setting out specific proposals to ensure that the current and foreseeable workload of the Non-Governmental Organizations Section can be met effectively and efficiently.
- 1997, 07, 23: Enlargement of the Committee on Non-Governmental Organisations (E/RES/1997/57)
- 1946, 06, 21: Arrangements for Consultation with Non-Governmental Organisations (E/RES/3(II))
- 2024, 09, 06: Participation of Non-Governmental Organisations, civil society organizations, academic institutions, and the private sector in the High-Level Meeting on Addressing the Existential Threats Posed by Sea Level Rise (A/DEC/78/563)
- 2018, 06, 12: Requests from Non-Governmental Organisations to be heard by the Economic and Social Council (E/DEC/2018/236)

# Previous Attempts to solve the Issue

# **UN Democracy Fund**

The UN Democracy Fund (UNDEF) awards grants between between \$100,000 to \$300,000 for two years, to NGOs with projects regarding civil society in Africa, South America, parts of Europe and Asia, to advocate for the promotion of democratic processes and upholding of human rights. These

projects are evaluated by UNDEF themselves who upload all reports for the public to see on the UN website (United Nations).

## **Civil-Military Operations Centers (CMOC)**

A Civil-Military Operations Center (CMOC) is a collaborative facility where military forces, NGOs and international organisations (IOs) work together to coordinate efforts in conflict or disaster zones. The primary goal of a CMOC is to improve coordination, communication, and information-sharing between military and civilian actors involved in humanitarian aid and post-conflict reconstruction efforts. An example of this can be seen in Afghanistan, where the U.S Military coordinated with NGOs to provide security and reconstruction assistance (Finn).

#### Limitation of onsite aid

NGOs, in response to insecurity and dangerous conditions, may suspend activities, a decision that significantly impacts their humanitarian work and local communities. However, this is typically a last resort. More commonly, NGOs limit their activities and delegate responsibilities to local organizations. The practice of "remote management," where international and national staff are reduced and local partners take on more responsibilities, presents challenges (Irrera). It affects project monitoring and coordination, requires adaptation of ongoing programs, and necessitates identifying local expertise. Additionally, it can strain relationships with donors and complicate coordination with international agencies.

#### 2030 Agenda for Sustainable Development

The UN 2030 Agenda for Sustainable Development aims to utilize the essential role of NGOs in achieving the Sustainable Development Goals (SDGs). Through partnerships, the UN aims to coordinate within social sectors, as well as more complex policy-making processes while incorporating economic and environmental perspectives from civil society, including NGOs ("Social Development for Sustainable Development | Division for Inclusive Social Development (DISD)").

# **Possible Solutions**

#### **Solving financial constraints**

Funding programs could be conducted through international organizations, primarily the UN, the World Bank, or regional development banks. This can reduce dependency on a few donors and increase financial stability for smaller NGOs to take on ambitious projects. Providing training for NGOs in effective financial management, budgeting, and long-term financial planning can improve their economic sustainability. This would also allow them to better manage funds and attract new donors.

#### **Fighting back against restrictions**

NGOs can work with local legal experts to challenge restrictive laws or policies in courts. Additionally, legal frameworks that provide protection for NGOs could be enacted, which could involve drafting agreements that outline governments' responsibilities to respect the operational freedoms of NGOs, including their rights to access funding, express views, and engage with other international organizations.

## Providing legal personality to all NGOs

NGOs are restricted from fighting for their rights as they are not recognized as entities in the international legal system, or in other words they do not have the right to sue or be sued. If this was not the case, NGOs would be able to confront a nation in court for not following through on pre-existing agreements or restricting the rights of NGOs legally.

# Simplifying accreditation

A user-friendly digital platform could be created, where NGOs can easily apply for accreditation, submit required documents, track the status of their applications, and receive updates. This could reduce the complexity and time involved in obtaining accreditation, particularly for NGOs in remote, rural or resource constrained environments.

# Defending NGOs against security risks

We can develop comprehensive security protocols and guidelines for NGOs operating in highrisk areas like active conflict zones. These protocols could cover issues such as evacuation plans, communication procedures, and local security assessments. This would help NGOs establish clear and standardized security measures tailored to the specific environments in which they work and prepare them for any unexpected situations.

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