



H. E. Kofi Annan
Secretary-General
United Nations, S-3800
New York, NY 10017
USA

20 September 2004

Dear Secretary-General,

First of all we would like to thank you for your unequivocal commitment and vision to the strengthening of relations between the United Nations and civil society. This process has progressed, due in part to your leadership, and in part to the efforts of Civil Society Organizations (CSOs), which have increasingly recognized, together with the international community, the importance of global governance for the 21st century.

We would like to refer you to the Report of the High Level Panel (HLP) on United Nations-Civil Society Relations: *“We the Peoples: Civil Society, the United Nations and Global Governance”* (A/58/817) released on 21 June 2004. Through this report we wish to convey some comments regarding the report, and the recommendations it contains. The comments below were compiled during a Special Seminar on the Report of the UN High-Level Panel on UN-Civil Society Relations, held on August 13, 2004 at the ESCAP Building, UNCC, in Bangkok, Thailand. The panel was attended by approximately 20 concerned NGOs from across the Asian region, including HLP member Ms. Mary Racelis.

The main objectives of the seminar were to clarify & discuss the implications of these recommendations on the present and future relationship between the UN, NGOs, and Asian governments. A further objective of the seminar was an attempt to develop a common response to the report of the panel, in hopes of assisting with your report to the UN General Assembly.

Summary of Concerns/ View Points

A. Appreciation

The seminar participants agreed with the emphasis made in proposal 4 of the HLP report, which stated that: “The UN should retain the global mechanism but use it sparingly – to address major emerging policy issues that need concerted global action...” Such practices should be continued and further developed.

B. Concerns

1. Definition of CSOs

There were strong doubts raised regarding the inclusion of the private sector/ Transnational Companies (TNCs) into the definition of CSOs in this HLP report.

While the participants have nothing in general against the UN engaging TNCs and the private sector, considering the growing influence of these sectors under the globalization process, concerns about these actors being grouped as CSOs were expressed. Participants felt that bringing the private sector into the partnership so that we can monitor their contribution to social development and introduce some accountability on their part does hold some merit. However, this endeavor has not proved fruitful. In fact, the UN has been unable to monitor these companies through the Global Compact, and as it was mentioned in the forum by some participants, the Compact is not functioning in a manner which ensures the business community is accountable and responsible for their actions and activities.

Recommendation:

The UN should consider enforcing the "*U.N. Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with regard to Human Rights*" adopted by the U.N. Sub-Commission on the Promotion and Protection of Human Rights on August 13, 2003 last year. This means that private sector/ TNC partnerships could only begin after the endorsement of these Norms. This measure would ensure that both global corporations and states are held responsible for the promotion and security of human rights standards.

2. Partnership

The partnership framework recommended by the HLP is itself predominantly more relevant for civil society groups working on the Sustainable Development pillar. However, recognizing the diversity of CSOs, and the vast array of efforts on diverse pillars such as human rights, peace and security, trade and investment, and many others, the overall paradigm requires various smaller engagement frameworks which will best suit groups working in most of the areas mentioned.

Serious concerns were expressed that the HLP report seemingly over-emphasizes partnership, and in many cases fails to take into account many of the specific situations of countries, especially in Asia, where CSOs continue to work under suppressive and hostile conditions. Such concerns were consistently raised by the Special Representative of the UN SG on Human Rights Defenders in her annual reports to the UN Commission on Human Rights and the General Assembly.

Recommendation:

Many participants felt that there is a fundamental need for the HLP to report other types of CSO engagement, such as "in defense of human rights," and a more critical engagement, and acknowledgment of the role of "human rights defenders" rather than a simple reference to "service providers" and "partners".

In addition, the reference to the UN GA Declaration on the Role of Human Rights Defenders in the clause was felt to have been positioned to balance the construct of partnership argument in this report, as raised by CSOs working in Human Rights pillars which are operating under critical constructive engagement modes. This reference must be made explicit.

3. Trust funds

Significant concerns were raised regarding proposal 27; on the setting up of a trust fund to support CSO participation especially those from the South. It is our experience, with similar trust funds in the past that CSOs often end up competing with other UN agencies for the same funds.

4. Proposal for a new Undersecretary-General for Partnerships

Additional concerns noted that the proposed increase of UN positions could result in more bureaucracy and further limit funds for Southern CSO involvement.

5. “Focus on the Country Level”

While recognizing the “Focus on the Country Level” as the best place to start enhancing UN-civil society relations, the report mainly emphasized efforts based on the needs of developing countries, and on development issues.

Some focus however, should also be directed toward developed countries. For instance, ensuring the UN’s facilitation of its role in supporting the participation of Southern CSOs at major UN events, seminars, and meetings, so that Southern perspectives can be heard. At the very least, the two cities where the UN sits, and where all major international initiatives are hosted (Geneva and New York), such a focus is especially crucial.

Recommendation:

Support must be interpreted to mean, among other things, the facilitation of access to such international initiatives, and the creation of favorable conditions and rates for South CSOs opting to have offices in these important cities.

Participants felt that instead of a trust fund, whose mobilization cannot be decided by CSOs themselves, the UN should consider enforcing approaches aimed at lifting the financial burden of operating, transporting and sustaining Southern CSOs’ presence in the UN host countries. Another concrete example of this would be waving service fees for CSOs such as those charged by the UN Optical System, and many other facilities of the UN.

6. Focus on Regional Level?

Participants felt that the UN regional commissions should have been given greater mention in the report as UN regional bodies were largely left out of the report.

Recommendation:

Considering that the UN Regional Commission is much closer to countries in the region than the UN Headquarters in Geneva or New York could ever be, the UN should provide more incentives, and encouragement to the regional commission to strengthen their relationship with CSOs by developing more regional mechanisms to support civil societies’ engagement with the UN and governments.

7. Human Rights Education

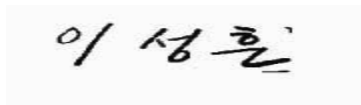
In many Asian societies, where the general environment is rarely conducive to the free, independent and secure functioning of CSOs, the promotion and strengthening of human rights education is crucial. However, such emphasis was entirely exempt from the HLP report.

Recommendation:

The group urges the UN to provide more support to CSOs working on Human Rights Education especially at the grassroots level, in communities and in schools, where they are vulnerable to suspicion and attacks. The group considers this an important aspect of our recommendation as strategic to theme “We the Peoples...” since it is from the promotion of human rights that we gather support for the protection of human rights.

We respectfully submit above observations and concerns as a further contribution to your suggestions and recommendations to the General Assembly. In closing we would like acknowledge our commitment to the enhancement of the valuable and productive relationship between the United Nations and civil society. The groundbreaking, inclusive and participatory process which marked the work of the Panel, should endure, so that NGOs will remain encouraged and empowered to act on, and ensure the success of these recommendations in the future.

Yours respectfully,



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Appendix:

Participant organizations

NGOs

1. Asian Centre for the Progress of People (ACPP)
2. Asian Forum for Human Rights and Development (Forum-Asia)
3. Asia Partnership for Human Development (APHD)
4. Action Aid
5. Ain O Salish Kendra (ASK)
6. Altsean Burma
7. Centre for Human Rights and Development (CHRD), Mongolia
8. Committee for Asian Women
9. CONGO Working Group on Asia
10. Focus of the Global South
11. INFID, Indonesia
12. NGO Koalisi on UN Mechanisms, Indonesia
13. Nonviolence International
14. South East Asian Council for Food Security & Fair Trade (SEACON)
15. Asian Regional Resource Centre (ARRC)
16. ODHIKAR, Bangladesh
17. OXFAM GB
18. Third World Network
19. Think Centre, Singapore
20. Shan Women Network, Burma

UN

21. ESCAP
22. HLP Member, Ms. Mary Racelis
23. OHCHR-AP