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Recommendations on Civil Society Participation in a new women's entity

May 2009

Civil society has played an important role in setting the agenda and in advancing international policy development at the United Nations, especially since the world conferences of the 1990s. Civil society has brought expertise, critical information, personal stories, and diverse voices to assist the UN and member states in addressing global challenges. This systematic participation has enhanced the credibility of the UN *vis a vis* other international institutions and helped it gain the trust of the peoples of the world. In no arena has there been a more successful synergy between the UN and civil society than in addressing gender equality and women's empowerment.

Building on this track record, one of the principles of the GEAR campaign has been to ensure that the new women's entity is both accountable to and informed by civil society, especially women's organizations, through the establishment of formal mechanisms that include their meaningful participation at headquarters and at the regional and country level. Women's NGOs bring years of experience working at the country level as well as regionally and internationally to advance women's rights and improve women's daily lives. Bringing in diverse women's voices and building on this experience is critical to the success and sustainability of the new women's entity.

RECOMMENDATIONS

The Deputy Secretary General's modalities paper recognizes the important role of civil society and the expertise that women's groups and others bring to programs to advance gender equality and women's empowerment. The paper specifically calls on the head of the entity to "establish a mechanism for periodic consultations" with civil society (para 39) but does not make any specific recommendations on the possible governance structure that would allow for this. The paper provides no details on the composition of the Executive Board, including the possibility of civil society representation.

The GEAR campaign has called for systematic and meaningful participation of civil society, particularly women's groups, in the governance of the new women's entity. This should include:

- (1) Full participation on the Executive Board governing the women's entity for five representatives of civil society, especially women's groups, (one from each region following the HIV/AIDS Program Coordinating Board model); and**
- (2) The creation of larger civil society advisory councils at the country, regional and global levels.**

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Background Review of UN Processes

There are only a few examples in the UN system where civil society has actually been included as a full participant in the governance structure. One notable exception is the International Labor Organization (ILO) which is a real pioneer with its tripartite governance by governments, employers and workers. A more recent innovative example, and one which we use as our model, is the **Programme Coordinating Board of the Joint Programme on HIV and AIDS (UNAIDS)**. The GEAR Campaign has also reviewed the NGO consultation processes used by other UN agencies, funds and programmes, as well as the experience of the Commission on the Status of Women.

Joint Programme on HIV and AIDS (UNAIDS) PCB Model

The oversight mechanism of UNAIDS is the Programme Coordinating Board (PCB), consisting of representatives of 22 rotating governments representing all geographic regions, 10 UN Co-Sponsoring Agencies (UNHCR, UNDP, UNICEF, WFP, UNFPA, UNODC, ILO, UNESCO, WHO, World Bank), and a 5 member rotating NGO delegation (with 5 alternate delegates) with one representative from each region (defined as Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and North America). Although the GEAR Campaign does not think that the UNAIDS model is appropriate for the structure of a new women's entity, the PCB Governing Board does enable civil society groups to partake in the planning and execution of the programme.

The PCB NGO Delegation's Terms of Reference, as well as its vision and mission, reiterate civil society's role in bringing to the PCB the perspectives and expertise of people living with and affected by HIV and AIDS, as well as civil society and non governmental entities actively involved in HIV/AIDS in order to ensure that their human rights, and equitable, gender-sensitive access to prevention, treatment, care and support are reinforced by the policies, programs, strategies, and actions of the PCB and UNAIDS.

The NGO delegation has full speaking rights, but is "without the right to take part in the formal decision-making process and without the right to vote"¹. It is, however, able to participate in key mechanisms relating to the Board, including the Programme Coordinating Board Bureau and plenary discussions. The inclusion of civil society as an integral part of the PCB has been acknowledged as bringing significant 'added value' to the policy making and governance of UNAIDS. It enables the PCB to be more responsive and accountable to the issues and needs of the people affected by its policies and programs.

NGO delegates are selected by civil society in accordance with a formal selection process set out in detailed terms of reference for UNAIDS PCB NGO delegation. These terms of reference also contain specific qualifications and commitments for the applying NGOs and their delegates to maximize effective participation.

In 2007, an Independent Review recommended the establishment of an "independent communication and consultation facility to strengthen NGO participation and support with

¹ Resolution 1995/2. Economic and Social Council, United Nations

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other members of the PCB, for example by coordinating briefings with Member States at non-meeting effectiveness of NGO country-level voices in Programme Coordinating Board policy dialogue.”² This enhanced communication and coordination facility, with two assigned staff, provides secretariat infrastructure and significant consultation and communications support to the NGO Delegation by strengthening internal communications and ensuring administrative infrastructure, developing information resources on the PCB for civil society constituencies (public website), and strengthening its relationship points.

The PCB has also strengthened civil society participation in its processes by increasing opportunities for the NGO Delegation to meet with key players (e.g. the Chair) prior to each PCB meeting; confirming an equitable speaking order among the PCB members, including the NGO Delegation; and ensuring that all initiatives, recommendations, and conclusions that the PCB decides upon “be based on the meaningful and measurable involvement of civil society...”³

The terms of reference for NGO Delegations states “Though technically NGOs do not have the right to take part in the formal decision making processes of the PCB, in practice NGOs fully participate and are essential, respected stakeholders in decision-making processes. They do not, however, have voting rights.”

Other Approaches to Civil Society Participation

Most UN funds/programmes are overseen by a Governing Board or Council comprised only of member states. Many have developed other mechanisms for gaining input and advice from civil society but these are advisory only. For example, **UNDP** is governed by an Executive Board that reviews its program and operations, and which is comprised solely of member states without any civil society participation. The UNDP Administrator has set up his own civil society (CSO) Advisory Committee to get the advice and input of civil society. Established in 2000, the CSO Advisory Committee, comprised of leading development NGOs from around the world, meets once a year and reports directly to the Administrator. Its mission is to advise senior management on program and policy directions, putting forth priority issues for discussion and debate. While the Committee provides a useful opportunity for discussion and dialogue, it is not involved in ongoing consultations or decision making. UNDP has begun to set up similar CSO advisory committees in some countries.

The **UN Environment Program (UNEP)** maintains a civil society unit, which is organized around nine major groups, a structure established at the Rio Earth Summit in 1992. The major groups include women, as well as NGOs, youth, labor unions, farmers, local governments, and the private sector among others.. UNEP organizes regional and then a Global Civil Society Forum prior to its biennial Governing Council (comprised only of member states) meetings. Accredited civil society organizations have access to reports and

² Decision 9.40, 20th meeting of the UNAIDS Programme Coordinating Board, June 2007.

³ Decision 7.1 of Agenda Item 4.2, 19th Meeting of the UNAIDS PCB, December 2006.

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documents on the agenda of the Governing Council, which tend to be normative policy documents, and are intended to set standards for UNEP's work. NGOs have an opportunity to give UNEP comments and also to give feedback and make suggestions to member states, but this is in an advisory capacity only.

Habitat has also established a practice of involving local authorities and other partners in a dialogue at its meetings of the Governing Council, which is comprised of member states.

Representatives of partner groups, including non-governmental organizations, parliamentarians, the private sector, and labor unions, among others are given an opportunity to make substantive presentations followed by a discussion with member states. Opportunities for consultation by the various groups prior to the Governing Council meeting is also provided. This process has enabled partners to contribute ideas and experiences to the Habitat program of work.

Looking at intergovernmental processes, the **Commission on the Status of Women (CSW)** has a long track record of CSO participation in its annual meetings, which often attract over 1000 civil society participants, primarily from women's organizations, the largest participation of any functional commission. Participants include ECOSOC-accredited NGOs and those accredited at the UN Fourth World Conference on Women in Beijing and its subsequent reviews. However, as this is an intergovernmental meeting which focuses on negotiating "Agreed Conclusions" and resolutions, NGOs have no decision making role. NGOs have the right to speak in the meetings at scheduled times and submit written statements; have access to documents and open discussions (but often are excluded from "informals", or negotiating sessions); and can only provide comments and suggestions directly to member states outside meeting rooms. As the CSW will continue its current role and mandate even as the new entity takes root, it is important that this useful and accepted practice for intergovernmental negotiations continue. However, it is not a substitute for participation in the new women's entity.

Civil Society Participation and the new Women's Entity

The GEAR campaign believes that the PCB model of inclusion of civil society in the governing body of the new women's entity is a good starting point for a formal mechanism that involves organizations committed to advancing gender equality and women's empowerment. NGOs with women's rights expertise and a history of working on gender equality and women's empowerment can bring much of the women's experiences and analysis needed by the new entity. The term 'meaningful participation of civil society' is very important, as the voices of representatives of women's groups need to have direct access to and a voice in the ongoing work of the UN women's body. This should include full access to meetings and participation in policy formulation, agenda setting, strategic planning, resource mobilization, budgetary allocation, monitoring and evaluation, and accountability mechanisms to ensure that women's empowerment and gender equality are actively incorporated in the UN's work at all levels.