

AUTHORITARIAN STATES: BLOCKING CIVIL SOCIETY PARTICIPATION IN THE UNITED NATIONS

FEBRUARY 2019



ROBERT STRAUSS CENTER

FOR INTERNATIONAL SECURITY AND LAW

THE UNIVERSITY OF TEXAS AT AUSTIN

ABOUT THE STRAUSS CENTER

The Robert Strauss Center for International Security and Law integrates expertise from across the University of Texas at Austin, as well as from the private and public sectors, in pursuit of practical solutions to emerging international challenges.

ABOUT THE AUTHOR

Rana Siu Inboden is an associate with the Robert S. Strauss Center for International Security and Law and an adjunct professor at The University of Texas at Austin. Dr. Inboden serves as a consultant on human rights, democracy and rule of law projects in Asia for a number of non-governmental organizations. Her current research interests focus on international human rights, Chinese foreign policy, and evaluating the effectiveness of international human rights and democracy projects.

Previously, she served in the U.S. State Department's Bureau of Democracy, Human Rights and Labor. Rana joined the State Department in 2000, serving at the U.S. Consulate in Shanghai, in the Office of Chinese and Mongolian Affairs, and in the Bureau of Intelligence and Research where she covered U.S.–China relations.

She completed her DPhil at Oxford University in the Department of Politics and International Relations. She obtained an M.A. at Stanford University in East Asian Studies and a B.S. at the School of Foreign Service at Georgetown University. She was awarded a U.S. State Department Superior Honor Award for her work in the Bureau of Democracy, Human Rights and Labor.

UNITED NATIONS



TABLE OF CONTENTS

Introduction	1
The Like-Minded Group in the UN Commission on Human Rights	1
Reemergence in the UN Human Rights Council	3
The UN Economic and Social Council Committee on NGOs	7
LMG Members in the ECOSOC NGO Committee	8
Reforming the working methods of the NGO Committee	11
Conclusion	14



INTRODUCTION

Although the United Nations has in many instances affirmed the value of civil society, the UN's process for granting non-governmental organizations (NGOs) consultative status has been widely criticized as arcane, politicized and biased. In particular, a number of countries with problematic human rights records use their seats on the UN Economic and Social Council (ECOSOC) Committee on NGOs (NGO Committee) to hinder the applications of non-governmental organizations whose work they disagree with for political reasons, especially organizations that are engaged in the promotion and protection of human rights. The majority of these countries hail from the Like-Minded Group (LMG), a coalition of largely authoritarian nations that have been active in the UN Commission on Human Rights (UNCHR) and its successor body, the UN Human Rights Council (HRC). The LMG stakes out restrictive rights positions in the UN's human rights bodies, yet little scholarly or policy research has been done on this group, including their efforts to restrict civil society engagement with the United Nations.


In order to better understand the Like-Minded Group's ideology, cooperation among these countries, and their impact on the UN's NGO accreditation process, this report examines the LMG's stances in the UN's human rights bodies and the group's behavior during the NGO Committee's reviews of civil society applications. Although the Like-Minded Group first emerged in the late 1990s, there has been little research on the group's impact on the UN and practitioners have failed to strategize ways to counter the group's regressive human rights stances. This report attempts to make up for these lapses and has both academic and policy relevance. The analysis of the LMG's behavior is based on a variety of sources, including UN reports and documents, NGO reporting, and interviews with over a dozen practitioners, including diplomats involved with the Committee's work.

The first section of the report begins by providing background on the composition, evolution and growth of the Like-Minded Group, including an analysis of the group's statements in the Human Rights Council from the 21st session in the fall of 2012 through the 36th

session in the fall of 2017. As an informal coalition the LMG does not have a website or secretariat. Therefore, the group's statements were identified by relying on the United Nations' web TV service, the extranet website of the Office of the High Commissioner for Human Rights (OHCHR), and when possible other sources, such as the statements from particular country delegations published on their websites. Next, the report turns to investigating ways this group has operated in the UN ECOSOC NGO Committee by analyzing the group's interventions and questions during the NGO Committee's biannual sessions from 2016 through 2018. The analysis on the conduct of these countries in the NGO Committee is based on documentary research utilizing official UN reporting, particularly meeting summaries, as well as interviews with participants on the Committee, including several diplomats, UN officials and NGO representatives.¹ It concludes with proposals to improve the functioning of the UN's process for reviewing NGO applications.

THE LIKE-MINDED GROUP IN THE UN COMMISSION ON HUMAN RIGHTS

The Like-Minded Group first emerged in the UN Commission on Human Rights in the late 1990s and appears to have developed from the cooperation of a smaller subset of countries obstructing progress on the Optional Protocol to the Convention against Torture (OPCAT) in the drafting group as it was being negotiated from 1992 through 2002. The OPCAT group, which included Cuba, China, Algeria, Egypt, Saudi Arabia, Syria and Sudan, resisted allowing the proposed Sub-Committee on the Prevention of Torture robust authority to conduct investigative visits and hampered progress on the draft.² Although the LMG does not practice formal membership and countries are free to decide if they want to sign onto a particular statement, in the UNCHR the group generally included Algeria, Bangladesh, Belarus, Bhutan, China, Cuba, Egypt, India, Indonesia, Iran, Malaysia, Myanmar, Nepal, Pakistan, the Philippines, Russia, Sri Lanka, Sudan, Syria, Venezuela, Vietnam and Zimbabwe. Diplomats and practitioners describe China, Pakistan, Cuba, India and Egypt as the LMG's core countries, and these countries have taken a turn



serving as spokesperson for the group.³ The LMG's main positions in the UNCHR were to denigrate and oppose the use of country-specific human rights scrutiny, including resolutions, while calling for less public forms of human rights monitoring based on "cooperation and dialogue;" calling for greater emphasis on economic, social and cultural rights, including a right to development, as opposed to civil and political rights; resisting the universality of human rights standards based on arguments asserting the salience of particular national, economic, and cultural conditions; and championing state sovereignty over robust international human rights monitoring mechanisms.⁴ Beyond their shared human rights views, these countries have similarly troubled human rights records. According to Freedom House rankings, all of these nations would be considered not free or partly free.⁵

Since a number of the group's positions are at odds with some key principles undergirding the UN human rights system, the LMG has in several instances attempted to alter the international human rights regime under the guise of reform. Along these lines, in the late 1990s, LMG countries put forward innocuous-sounding resolutions and initiatives, such as the "Rationalization of the Work of the Special Procedures System" and "Enhancing the Effectiveness of the Commission on Human Rights." Yet, these proposals reflected attempts to weaken the UN's human rights system through, for example, seeking to reduce the number of independent experts serving as special rapporteurs focused on civil and political rights.⁶ The group was particularly successful in diluting the mandate of the UN Sub-Commission on Human Rights (Sub-Commission), an entity comprised of independent human rights experts that played a critical role in developing human rights standards and norms, spotlighting particular human rights problems, including drawing attention to specific countries with problematic records, and passing resolutions to mobilize public pressure and raise awareness. From the late 1990s through 2006, the group used a series of resolutions to erode the Sub-Commission's authority, including stripping it of the power to consider country situations being dealt with by the Commission, pass country or thematic resolutions that contained specific reference to individual countries, and initiate its own studies and research.⁷ Countries

associating with the group also employed a strategy of "promoting superfluous, meaningless and often regressive resolutions..."⁸ For example, during the 2002 session of the UNCHR, a number of LMG countries put forward resolutions on "Strengthening of popular participation, equity social justice and non-discrimination as essential foundations of democracy" and "Human Rights and International Solidarity."⁹

The Like-Minded Group also took aim at country-specific human rights monitoring using two strategies. First, China, Cuba and Zimbabwe introduced "no-action" motions to avert resolutions on their records in the UNCHR. Fellow LMG countries then voted in support of these motions, which were political maneuvers that prevented the resolution from coming to the floor.¹⁰ The LMG also endeavored to eliminate the use of "all critical country-specific resolutions and procedures."¹¹ They framed their opposition by complaining that the Commission was "politicized" and that UNCHR's work should be focused on "dialogue and cooperation."¹² During the 2004 through 2006 negotiations over dissolving the UNCHR and replacing it with the Human Rights Council, China, serving as spokesperson for the LMG, made a number of statements bemoaning the use of country-specific human rights monitoring and using the reform discussions to promote the group's customary points. For example, in March 2005, China in its capacity as spokesperson for the Like-Minded Group complained that the UN High-Level Panel Report (which had called for a new UN human rights body):

failed to address the problem of misuse of Item 9 [which allowed for discussion of specific countries] and proliferation of country specific resolutions. In addition, the report should have highlighted the following concerns of the developing countries... more emphasis on the promotion of economic social and cultural rights, and the right to development. Second, the UN Charter clearly stipulated that the way of promotion and protection of human rights is "to achieve international cooperation"... It's about time that members of the Commission do more to promote dialogue instead of confrontation, and have more soul-searching instead of finger-pointing.¹³



In the Human Rights Council, which replaced the Commission in 2006, countries affiliated with the LMG gained proportionally more seats. In the UN Commission on Human Rights the 53 seats had been allotted as follows: 15 from the African Group, 12 from the Asian Group, 5 from the Eastern European Group, 11 from the Latin American and Caribbean Group and 10 from the Western European and Others Group (WEOG). In comparison, the 47 HRC members are distributed as follows: 13 from the African Group, 13 from the Asian Group, 6 from the Eastern European Group, 8 from the Latin American and Caribbean Group and 7 from the Western European and Others Group. As a result of this geographic distribution of seats, LMG countries possessed more comfortable voting margins and a near “automatic majority.”¹⁴ Although the group was active during the Council’s first year, from 2006 through 2007, when key institutional decisions were being finalized as part of the Institution-Building (IB) process, after the passage of the IB package the group became less active. Due to their ability to more comfortably prevail in votes, the necessity underlying the need for these countries to band together diminished and the group “faded away.”¹⁵ A South Asian diplomat explained that there was less of a need for the LMG to be active because “these countries were able to control outcomes in the Council because a number of key LMG countries held leadership positions over regional or country groupings that represented a ‘triangle of power.’”¹⁶ For example, key LMG countries such as Egypt, Cuba and Saudi Arabia held leadership positions in the Non-Aligned Movement, the Africa Group and the Organization of Islamic Cooperation and these countries could rotate leadership positions with other countries that held similar human rights views.¹⁷


Some observers explain the LMG’s dissolution during these years by also noting related developments, such as the United States withdrawal from the Council, which meant that there were fewer initiatives that LMG countries needed to counter.¹⁸ As another diplomat put it, “The LMG lost something to be opposed to.”¹⁹ While LMG countries may have been pleased with the status of the Council, particularly the limited spotlighting of countries engaging in serious human rights abuses,

others with a commitment to human rights expressed a somber assessment of the Council’s first several years. Pointing to the repeated failures to focus on egregious country-specific abuses and few meaningful human rights initiatives during the Council’s early period, a Western European diplomat commented that “some were so discouraged at the Council’s functioning that they were ready to simply write it off.”²⁰

REEMERGENCE IN THE UN HUMAN RIGHTS COUNCIL

After a hiatus during the first few years of the Human Rights Council, the Like-Minded Group re-emerged in 2011. Not coincidentally, the Obama administration’s decision to run for a seat in the Human Rights Council in 2011 ushered in greater focus on country-specific monitoring, including the use of a resolution, commission of inquiry and membership suspension to spotlight human rights violations in Libya; special sessions on the Ivory Coast, Libya and Syria; and the reinstatement of special rapporteurs on Iran and Belarus.²¹ These developments resulted in more positive assessments on the Council’s effectiveness from human rights activists and diplomats representing Western European and Others Group countries.²² Yet, in contrast, a diplomat from an LMG country speaking in 2011, stated that “Unfortunately, over the last nine to ten months the Council is moving toward the way of the Commission. There is a general atmosphere of pointing fingers... or you hold a special session in which you condemn. We believe the best way is to engage and work cooperatively...”²³

A number of observers note that as a result of the Council’s increasing activism after 2011 the LMG reemerged.²⁴ As an Egyptian diplomat, writing in 2016, put it, “The Like-Minded Group (LMG), which had disappeared by the time of the end of the Commission on Human Rights era, was reborn as a by-product of these evolving group dynamics... Certainly, 2013 was a defining experience for the LMG... The vote on Council resolution 24/24 [referring to the resolution on Libya] and later its suspension at the General Assembly were



moments that significantly reinforced the cohesiveness of the [LMG] group, elevated its status and helped define its *raison d'être*.²⁵ In March 2014, Egypt delivered what some LMG members referred to as the group's charter.²⁶ The statement made several key points, including:

- Affirming state sovereignty, domestic legislation and the will of the Egyptian people over “external imposition or external vision”
- Insisting that the international community should “not politicize the work of the [Human Rights] Council” but rather implement human rights mechanisms “in a fair manner, and not... [apply] double standards”
- Rejecting “the attempts of some to impose their values and their social and legal standards” and not taking into “consideration the social differences, religious, legislative differences between populations” while criticizing “without understanding our daily problems”
- Emphasizing economic, social and cultural rights, including “the right to development”²⁷

As with its conduct in the UNCHR, in the Council the LMG does not require permanent membership and countries have the flexibility to decide whether to associate with the group depending on the initiative or position.²⁸ In 2014, the Universal Rights Group estimated LMG membership to be 28 nations, yet an LMG participant claimed membership to be as high as 52 countries with Russia, China and Egypt spearheading coordination.²⁹ The group appears to be using some of the same strategies it used in the HRC, including proposing meaningless resolutions. By one estimate this has resulted in an increase in the number of HRC resolutions from 80 to around 100 annually since 2011.³⁰ In addition and perhaps more troubling, the group began to offer stiffer resistance to rights-friendly initiatives and resolutions, including using hostile amendments to attempt to alter, weaken, delay or block the original draft of the resolution.³¹ Along these lines, as a report by the Permanent Mission of Switzerland noted, the practice of using hostile amendments to HRC resolutions “has

become more widespread since the reactivation of the Like-Minded Group (LMG).³² For example, in 2014 when the HRC was considering an annual resolution on human rights defenders, which also renewed the mandate of the special rapporteur on the situation of human rights defenders, a Western European diplomat explained that:

[the timing of the introduction of the resolution] coincided with a number of countries returning to the Council as members, including China. So China, Russia, Cuba and Saudi Arabia [were] also elected as members... it was really a well-coordinated effort on behalf of the Like-Minded Group. I think mainly Egypt... [was] very much in the lead. And also Russia in particular, but China was very much a part of that... [securing passage of the resolution] was pretty difficult... [there were]... two amendments that were ... introduced from the floor by Russia. And China was very much a part of that group and co-sponsoring the amendments.³³

In order to assess the LMG's positions in the Council and its membership, this report presents an analysis of the group's statements in the HRC from the 21st session in the fall of 2012 through the 36th session in the fall of 2017. Because the LMG is not a fixed or formal group and the term “like-minded” is commonly used in diplomacy, in order to identify the group's statements, this research involved combing through the OHCHR Extranet to examine submitted statements and reviewing the proceedings on the UN web TV. Both of these sources noted whether a particular country was delivering the statement on behalf of the Like-Minded Group.³⁴ In addition, when possible this was cross-checked with the websites of some country delegations, which often posted their statements after speaking for the LMG.³⁵ Where there was a country speaking for the “Like-Minded Group,” the composition and substance of the group were considered in order to verify that this was a “Like-Minded Group” statement.


This methodology revealed 62 Like-Minded Group statements during this time period with the number of countries affiliating with a particular position varying widely. A total of 51 countries affiliated with

the group's position at least once. However, Table 1 below shows only 31 countries signed on to nine or more LMG statements. The most active countries that signed onto 39 or more positions included Venezuela, Cuba, Egypt, Russia, Belarus, China, Pakistan, Bolivia,

Indonesia, Saudi Arabia, Algeria, Ecuador and India. While over a dozen countries took turns delivering the group's statements, China, Cuba, Egypt, Pakistan and Russia were the most frequent spokespersons.³⁶

Table 1: Countries Signing on to Like-Minded Group Statements in the HRC

Country	Number of Statements Signed
Venezuela	52
Cuba	51
Egypt	48
Russia	47
Belarus	46
China	44
Pakistan	43
Bolivia, Indonesia, Saudi Arabia	40
Algeria, Ecuador, India	39
Bangladesh	34
Nicaragua, Vietnam	32
North Korea, Sri Lanka	31
Myanmar, Zimbabwe	30
Iran	29
United Arab Emirates	28
Uganda	27
Malaysia, Sudan	24
South Africa	20
Singapore	18
Philippines	17
Bahrain	14
Thailand	13
Kazakhstan	9
Bhutan, Tajikistan, Ethiopia, Eritrea, Namibia, Turkmenistan, Afghanistan, Angola, Mauritania, Syria, Brunei, Cambodia, Kuwait, Laos, Palestine, South Sudan Djibouti, Fiji, Maldives, Somalia	7 or fewer




The 62 LMG statements in the Human Rights Council reveal that the thrust of the group's positions in the Human Rights Council largely mirrored their previous positions in the UNCHR. The LMG's most common points were:

- Criticizing the “disproportionate focus on civil and political rights”³⁷ while seeking to elevate economic, social and cultural rights, including the right to development, by insisting that “every right should be treated on the same footing in a fair and equal manner... [and that the] right to development is inalienable and part of parcel of basic human rights.”³⁸
- Insisting on the import of “mutual understanding and respect to different societal values, and levels of economic development,” including asserting the significance of national and regional particularities and various historical, cultural and religious backgrounds.³⁹
- Prioritizing the use of technical assistance and capacity building based on the argument that “the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue and be aimed at strengthening the capacity of Member States to comply with their human rights obligations.”⁴⁰
- Denigrating country-specific human rights action as “naming and shaming,” “confrontational,”⁴¹ “biased and politically motivated”⁴² while insisting on human rights monitoring being implemented in a universal, non-selective and impartial way, particularly with regard to the Universal Periodic Review process.⁴³
- Restricting the reach of the international human rights system based on the arguments referring to state sovereignty and interference in internal affairs while stressing that the state has the primary role in the protection of human rights domestically.⁴⁴

In March 2016, Myanmar delivered a statement that was illustrative of the group's general views. The statement asserted that:

We firmly believe that efforts to promote and protect human rights for all should be based on the principles of universality, objectivity, non-selectivity, avoidance of double-standards and politicization. All human rights are universal, indivisible, interdependent, and interrelated. All human rights and fundamental freedoms must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context keeping in mind different political, economic, legal, social, cultural, historical and religious backgrounds... Adoption of country-specific resolutions in the Council against the principles of universality, objectivity, non-selectivity, avoidance of double standards and politicization can in no way create a constructive, conducive and meaningful human rights dialogue.⁴⁵

In addition to these broad human rights positions, the LMG also spoke out against human rights attention spotlighting particular countries. For example, the group especially objected to the Council's attention on Sri Lanka and Belarus⁴⁶ and it resisted changes to the Universal Periodic Review process by insisting that the UPR remain an objective, non-selective tool based on an exchange of ideas and sharing best practices rather than a mechanism to highlight abuses.⁴⁷ The LMG also took aim at the special procedures system, which is comprised of independent experts who serve within the UN system and investigate and report on human rights violations. The LMG alleged that some of the special procedures were not sufficiently deferential to state views, failed to be impartial and incorporate state-provided information, and did not abide by the code of conduct, particularly claiming that some special procedures interfered in the internal affairs of a state.⁴⁸ These statements may have achieved more than merely putting forward the group's rhetorical arguments. By reinforcing each other's views and shielding each other from human rights scrutiny, LMG countries may have been successful in easing normative human rights pressure on each other and therefore, weakening



moral suasion to comply with international human rights standards.⁴⁹ Moreover, as outlined in the next section, these LMG positions translated into restrictive positions in the ECOSOC NGO Committee where a number of countries constrained the ability of civil society organizations to gain UN accreditation.

THE UN ECONOMIC AND SOCIAL COUNCIL COMMITTEE ON NGOS

The United Nations allows for civil society organizations to obtain UN consultative status and has in several instances affirmed the important role of civil society.⁵⁰ Article 71 of the UN Charter states that

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations...⁵¹


In 1996, the UN Economic and Social Council also affirmed “the breadth of non-governmental organisations’ expertise and the capacity of non-governmental organisations to support the work of the United Nations.”⁵² Moreover, in 2014 the Special Rapporteur on the rights to Freedom of Peaceful Assembly and of Association noted that, “It should be acknowledged that a strong civil society sector is essential for multilateral institutions’ effectiveness, as it is often the best source of information on the ground.”⁵³ With respect to human rights, Navi Pillay, the former UN High Commissioner for Human Rights, affirmed that, “One cannot overestimate the contribution that civil society has made toward the development of international human rights standards... Today, civil society’s views, practical knowledge and scholarship are as crucial to the human rights movement as ever in the pursuit of justice and equality for all.”⁵⁴

Beyond affirming the role of civil society, ECOSOC resolution 1996/31 governs the United Nation’s process for reviewing NGO applications for consultative status

and is the basis for the work of the ECOSOC Committee on NGOs.⁵⁵ The NGO Committee is comprised of 19 elected states that have responsibility for reviewing applications from non-governmental organizations and making recommendations on those applications to ECOSOC. According to ECOSOC resolution 1996/31 in order to obtain UN consultative status NGOs should meet the following criteria: engage in work that is relevant to and supportive of the UN’s mission; possess transparent and democratic decision-making, including a democratically adopted constitution; have established headquarters with an executive officer; have been in existence for two-years or more; enjoy substantive competence or authority to speak for its members; and be guided by a representational structure and appropriate mechanisms for accountability. As part of the application process, NGOs must provide the Committee copies of its constitution, charter, statutes or by-laws; its official registration; financial statements, including contributions and other support, and expenses; and examples of publication and recent articles or statements.⁵⁶

The conferral of UN consultative status allows NGOs to better engage and access a range of UN bodies and processes. Accredited NGOs are able to attend international conferences and events, such as ECOSOC and Human Rights Council sessions; present written and oral statements at these events; organize parallel or side events; enter UN premises; and engage in networking and advocacy, including meeting with government delegations and other NGOs.⁵⁷ A number of NGOs have been particularly interested in the Human Rights Council, which serves as the UN’s principle intergovernmental body for addressing human rights.⁵⁸

As a standing committee of ECOSOC, the NGO Committee meets twice a year for approximately a week and a half, including one regular session and one resumed session, and its 19 UN member states, include five from Africa, four from Asia, two from Eastern Europe, four from Latin America and the Caribbean, and four Western European states. The Committee can recommend that ECOSOC approve or deny an application for consultative status or the Committee can opt to defer the application. Any question, even



a mundane or innocuous one, from a Committee member automatically defers the application until the Committee's next session, six months later.⁵⁹ As a result of the Committee's rules, even arbitrary and repetitive questions serve to delay the application process, often for years. In fact, in numerous cases Committee members have effectively blocked the application of an NGO for years simply by putting forward a question during the Committee's biannual sessions. The experience of the International Dalit Solidarity Network, which seeks to end caste discrimination, is one of the most extreme examples of prolonged deferral as it has sought UN consultative status for nearly a decade since it first submitted its application in 2008.⁶⁰

These rules and the arbitrary and prolonged deferrals have increasingly drawn criticism of the process as arcane and “unduly onerous.”⁶¹ As U.S. Ambassador Samantha Power put it, “It is increasingly clear that the NGO committee acts more and more like an anti-NGO committee.”⁶² The U.S. continued to express deep misgivings as it noted that “We are also concerned about the use of excessive and repetitive questions by certain Committee members, which unnecessarily delays the accreditation of credible NGOs that could contribute to ECOSOC's and the UN's work.”⁶³ The crescendo of criticism grew in 2016 when over 230 NGOs and 45 countries signed an open letter that expressed concern “about recent actions taken by the Committee suggesting it functions in a politicized manner, particularly in regard to its consideration of application for consultative status from human rights organisations.”⁶⁴ Further compounding these problems is the significant increase in the Committee's workload due to the growing number of civil society organizations seeking UN consultative status. The next section will examine the behavior of Like-Minded Group countries on the Committee.

LMG MEMBERS IN THE ECOSOC NGO COMMITTEE

Given the Like-Minded group's positions in the UN Human Rights Council and the complaints about the Committee's functioning, this section investigates the

behavior of LMG countries in the NGO Committee, particularly examining actions to defer NGO applications. Although the LMG has not been active in delivering statements or taking formal action as a group in the UN's New York-based bodies, including ECOSOC and the NGO Committee, the countries that align with LMG positions in the Human Rights Council have been the most active states putting forward questions to hinder NGOs from obtaining UN accreditation.⁶⁵ During the time period covered in this report from 2016 through the winter 2018 session, 11 of the 19 Committee seats were held by LMG members including China, Cuba, India, Iran, Mauritania, Nicaragua, Pakistan, the Russian Federation, South Africa, Sudan and Venezuela.⁶⁶ During this period, of the 690 NGO applications deferred by the Committee 646 of those instances were due to a question from an LMG country.⁶⁷ Thus, 94 percent of the time an NGO experienced a deferral resulted from a question from an LMG country, and in some instances multiple LMG countries posed questions. Their conduct in the NGO Committee mirrors the domestic practices of the majority of LMG countries, which as noted by Freedom House tend to seek to muzzle and repress domestic civil society.⁶⁸ Of the LMG countries, a UN official described China, Russia and Cuba as “the most active, NGO opponents” that acted as the “driving force” in the Committee.⁶⁹ Further parsing the specific behavior of these countries, a New York-based diplomat observed that, “China is one of the leaders in deferring NGOs but in terms of who is active, vocal and bombastic, it is not China—it is more likely to be Russia, Cuba or Venezuela.”⁷⁰

Civil society organizations working on human rights have had particular difficulties with repetitive deferrals and often “face a protracted and challenging accreditation process due to the hostility of certain member States.”⁷¹ The International Service for Human Rights (ISHR), an NGO with an office in New York, estimates that human rights organizations face a 50 percent less likelihood of being recommended for accreditation than NGOs working in other areas.⁷² Moreover, once an application is deferred the first time, ISHR estimates that it has only an 8 percent chance of gaining accreditation.⁷³ A UN official estimated that only about 25 to 27 percent of human rights NGOs get accreditation.⁷⁴ Given the LMG's




positions challenging a number of key tenets of the international human rights regime, these countries' resistance to human rights NGOs is not surprising. As an NGO representative put it, "I call this the payback Committee because countries that are unhappy with an NGO's vigorous human rights advocacy, use this Committee to harass, intimidate, block and punish NGOs. This is where countries get even."⁷⁵ In addition, some countries appear to have national agendas. Along these lines, China repeatedly raised concerns about the position of NGOs on Tibet and Taiwan and insisted that NGOs should not refer to Taiwan in such a way that might suggest that Taiwan was an independent political entity.⁷⁶ As part of Turkey's larger crackdown on civil society following a 2016 attempted coup, Turkey stripped particular NGOs of their domestic registration and then pushed for the Committee to revoke their UN accreditation on the basis that the organization no longer existed.⁷⁷

Even the website content of human rights NGOs can cause LMG countries to resist an application. According to a UN official, "some countries might look at an NGO's website and see something that makes them suspicious of the NGO."⁷⁸ Along these lines, the Child Rights International Network (CRIN), faced repeated questions from China about the content of its website, especially information related to Tibet.⁷⁹ CRIN's website serves as a repository of NGO reporting to the UN Committee on the Rights of the Child, and some of the NGO reports on CRIN's website referenced the condition of children in Tibet and Tibetan parts of China. In the same spirit, when the NGO Committee considered the application of Freedom Now, an organization that works to free prisoners of conscience, China complained that the NGOs website "contained a lot of accusations against" UN member states.⁸⁰

Human rights NGOs also faced persistent questions about their sources of financial support and information about their activities. According to a diplomat on the Committee, human rights NGOs often faced particularly intense questioning about "their funding, especially any government sources of support [and] the locations that they work."⁸¹ For example, during the February 2018 review of the application of We care for Humanity, an NGO based

in the United States, "the representative of China said that the application noted that it was a non-profit organization; however, on its website, it had an online store that sold clothes, jewelry and other items... He asked for more information on how the revenue raised could be used for humanitarian work."⁸² At times, NGOs felt that some questions were an attempt to gain sensitive information about the NGO's partners and sources of information in particular countries but often the questions were simply a strategy to delay and block the NGOs application.⁸³ Along these lines, during the NGO Committee's review of an application from the Iran Human Rights Documentation Center, which had applied for UN consultative status in 2011, Iran asked about its independence from funding sources on five previous occasions during earlier Committee sessions. When this repeat questioning was pointed out, Iran reformulated its question asking about "financial records and a list of planned projects."⁸⁴ Yet, Iran revealed the nature of its opposition during the Committee's February 2018 session when the delegate from Iran stated that the Iran Human Rights Documentation Center "was a pseudo-NGO that should not even be on the Committee's agenda. It was a political non-governmental organization financed by the Government of the United States to interfere in the internal affairs of a Member State and undermine Iran's sovereignty. Its activities had nothing to do with human rights, but rather sought to destabilize Iran. Furthermore, the group would not contribute to the work of the Economic and Social Council..."⁸⁵

Even NGOs that do not focus on human rights face repeated questioning, leading to long deferrals. For example, in January 2016, following numerous deferrals the Trustees of the University of Pennsylvania, an educational institute, appeared before the Committee to participate in the interactive discussion, which provides an opportunity for applicants to answer questions and make their case in person. In response to China's question about the group's position on Tibet, the representative of the Trustees of the University of Pennsylvania said that "as an academic institution it did not take a political stance" and attempted to clarify that its mission was "literacy and equality." Yet, the representative of China insisted that "all non-governmental organizations must respect the



sovereignty and territorial integrity of every country as outlined in the United Nations Charter. He therefore requested written clarification addressing where the organization stood on Tibet.”⁸⁶ NGO representatives who have appeared before the Committee describe it as “extremely hostile,” “similar to an inquisition,” and a “Kafkaesque court.”⁸⁷

As noted previously, a single question, even ones that sound mundane, automatically defers the NGO’s application for half a year. Thus, LMG countries have often used uninteresting yet repeated questions to indefinitely block particular NGOs’ applications. In this vein, in May 2016, as the NGO Committee was considering the application of the Center for Media and Peace Initiative, Inc., the South African delegation “requested clarification on the concept of diaspora—whether it was African or European diaspora—and also more information on which media houses had benefitted from one of the organization’s programmes.”⁸⁸ When the NGO Committee reviewed the application of NK Watch, a South Korea based NGO working on North Korea, in May 2016, “the representative of Cuba asked for further information about the organization’s activities and projects.”⁸⁹ At the same time, as noted previously some NGO representatives suspect that there were instances when the questions appeared to be a fishing expedition to get potentially sensitive information, especially when an LMG country asked about partner organizations or sources of information in particular countries with human rights violations.⁹⁰ As a human rights activist put it, “there were questions that were clearly intended to figure out our contacts in certain countries, and our sources for information about human rights abuses.”⁹¹

As Cuba’s above questioning of a South Korean NGO demonstrates there are indications that LMG nations “carry each other’s water”⁹² on the Committee and will ask questions on behalf of a fellow LMG country.⁹³ A human rights NGO representative who appeared before the Committee after facing repeated deferrals, noted that “it was clear that countries were asking questions on behalf of other countries.”⁹⁴ A non-LMG diplomat observed that if “a country delegate is not present, then another country’s delegate might ask a question on their behalf.”⁹⁵ As a diplomatic participant

noted, during the Committee session “you might see an observer state, such as Egypt get up and go over to a country that is sitting on the Committee, such as Sudan, Iran or Venezuela or China... and they obviously hand them a piece of paper, which we suspect is a pre-drafted question for a particular NGO. Then after this, the country delegation asks a question that reflects the interests of the observer state.”⁹⁶ Correspondingly, a UN official observed that you “can observe countries meeting outside the room before a session” and “even in the room you can see papers being passed from one delegation to another.”⁹⁷ This UN official elaborated that “countries help each other” and questions sometimes appear “to be suggested to them by other countries with whom they share general positions on the principles of NGO involvement... For example, you might have country A asking a question for country B, and vice versa.”⁹⁸ Moreover, a diplomat representing an LMG member country acknowledged that “they have informal exchanges” outside of the NGO Committee sessions.⁹⁹ Along these lines, according to reporting by the International Service for Human Rights, the Committee for Human Rights in North Korea (HRNK), a U.S.-based NGO, “faced questioning from a small group of countries. Committee member Russia has asked HRNK whether it reported North Korea’s successful human rights practices, particularly in education and healthcare. Russia and China have both questioned the group’s independence and sources of financing.”¹⁰⁰

A Like-Minded Group diplomat defended this practice saying that even if an NGO is focused on a different country his delegation may have concerns of “inappropriate human rights work and positions, such as selective, country-focused criticism because this is not how to deal with human rights.”¹⁰¹ Further, in explaining why countries object to NGOs working on other countries he noted that “a South Korean NGO currently working on DPRK could expand and cover other countries in the future, so we need to raise questions.”¹⁰² Considering how frequently other countries have appeared to ask questions that reflect China’s interests in the Committee, a diplomat speculated that the Beijing might encourage other countries to put forward questions because they want to “spread the wealth by requesting that other countries



put forward some questions so that the PRC does not look like it is the one asking lots of questions.”¹⁰³ Some countries might also ask questions on behalf of an observer state that might struggle to gain a seat on the NGO Committee because of their particularly egregious human rights abuses. Along these lines, a diplomat noted that “some countries like DPRK, would have a hard time getting elected, so they might prefer to use this process of working through another state that is willing to do its bidding.”¹⁰⁴ An LMG member acknowledged that “If a country is not on the Committee they can still observe and make statements... and they could even circulate a note verbale about a particular NGO or ask another country to ask a question for them.”¹⁰⁵

The motivations of these LMG countries in protecting each other’s interests on the NGO Committee does not appear to be based on material gain or any anticipated pay off. A UN official suggested that he sees no signs of exchanging questions for material incentives or other favors, but that these countries’ behavior appears to be driven by a “meeting of the minds” or “a shared desire to quiet civil society.”¹⁰⁶ On a similar note, a non-LMG diplomat said “there does not appear to be a quid pro quo but rather that these countries act out of solidarity for each other.”¹⁰⁷ Moreover, because stalling an NGO application requires only one simple question, this does not require significant forethought or coordination and the costs to the country posing a question are low. As a diplomat put it, the LMG “probably doesn’t engage in central coordination, but does this on ad hoc basis... [because] all it takes is one simple question.”¹⁰⁸


In order to overcome this kind of opposition from LMG countries that leaves NGOs in an indefinite limbo, some states on the Committee that are sympathetic to an NGO’s cause or are supportive of a more robust role for civil society in the UN have called for a vote by the Committee on the application of an NGO. Given the composition of the NGO Committee, most of these applications are voted down. This, then, allows the state to bring the NGO’s case directly to ECOSOC, which in numerous instances has voted to overturn the Committee’s denial and confer UN consultative status. The U.S. used this strategy to assist the Committee to Protect Journalists, Freedom Now and the U.S.

Committee on Human Rights in North Korea to obtain consultative status. Likewise, the United Kingdom brought forth the application of Christian Solidarity Worldwide, which was also granted consultative status by ECOSOC. The calculus to take this action is based on the belief that in some cases “the NGO will never be able to satisfy some States, and [therefore, pushing for]... a decision on a blocked NGO by calling for a vote on whether or not to recommend status” provides the NGO with the opportunity to take their case directly to ECOSOC.¹⁰⁹ ECOSOC’s action overturning the NGO Committee’s decisions to deny status underscores the need to reform the NGO Committee and the misuse of their seats on the Committee by LMG countries.

REFORMING THE WORKING METHODS OF THE NGO COMMITTEE

The disillusionment with the NGO Committee’s functioning has spurred reform efforts that LMG countries have sought to stymie. For example, Like-Minded Group countries resisted the proposal from Chile, Uruguay and Mexico to allow for webcasting of the Committee’s proceedings, which was ultimately implemented in 2017. LMG countries have even opposed allowing members of civil society the opportunity to address the Committee during its proceedings. In May 2016, the United States proposed that the Committee give the floor to the International Service for Human Rights, an NGO with offices in New York and Geneva. This request precipitated a “protracted and tense back-and-forth” regarding the Committee’s practices and the right of NGOs to speak during the Committee’s sessions.¹¹⁰ Ultimately, ISHR was able to deliver a statement regarding widely shared civil society concerns about the Committee’s functioning.¹¹¹

While there have been discussions about reform, lack of political will and intransigence have prevented meaningful change. According to a diplomat serving on the Committee “this opposition to improving working methods predominantly comes primarily from Russia and China.”¹¹² Another diplomat reported that following discussions about reforming the Committee, a country belonging to the Like-Minded Group said,



“We are a majority, and we have the votes to block you.”¹¹³ Given the LMG’s majority on the Committee, a UN official also expressed concern that reform attempts could be hijacked by repressive countries who would use the opportunity to “roll things backwards” and rather than improving working methods we would have “regression.”¹¹⁴ Moreover, some observers have noted that the introduction of webcasting the NGO Committee’s proceedings, which was intended to improve transparency, has led to the unintended consequence of “delegates being more intense in their questioning because they were playing for the cameras to please people in capital [and show] that they were doing their job on the NGO Committee.”¹¹⁵

Yet, given ongoing concerns about the Committee, there is a clear need for reform. The obstructionist methods of LMG countries on the Committee, particularly restrict global south NGOs from accessing the UN. Not only do these NGOs often lack the means to travel to appear before the Committee and make their case in person, but also their home countries may not be as inclined to champion their case as the United States and United Kingdom have done. This section advances a variety of ideas for possible reform. These ideas range from official reforms that UN members, particularly members of ECOSOC which is the parent body of the NGO Committee could pursue, as well as changes in diplomatic practices that are more easily implementable among interested country delegations.

Put forward better candidate countries for membership. As the International Service for Human Rights pointed out, “authoritarian governments deliberately seek seats on the Committee in order to limit the influence of certain NGOs by denying accreditation to them.”¹¹⁶ Thus, countries that are supportive of civil society should be urged to stand for election for the NGO Committee. It is particularly important that countries coming from outside the Western European and Others Group that are supportive of civil society run for a seat. Non-WEOG countries, such as Chile, Mexico and Uruguay, have actively used their participation in the Committee to defend civil society and were the proponents of improving transparency through webcasting.¹¹⁷ While the Committee’s work is time consuming, and for smaller delegations with limited

resources this may be a strain, smaller countries can play a crucial role on the Committee. Putting forward better candidate countries for membership is essential to correct the overrepresentation of LMG countries on the NGO Committee.

Bar countries that are reported to engage in reprisals against human rights defenders from being elected to the NGO Committee. Although currently there are no membership criteria, ECOSOC members should introduce criteria and candidate countries to the NGO Committee must face greater scrutiny. One possible metric for a country’s record on protecting civil society space could be whether they have been included in the UN Secretary General’s report on reprisals against human rights defenders. The most recent report highlighted 29 countries that engaged in serious reprisals and 14 of those countries were countries had affiliated with the LMG.¹¹⁸ A more ambitious reform would be to adjust the geographical make-up of the NGO Committee.

Require a hiatus in membership or set term limits. A number of the most problematic countries, particularly China, Russia and Cuba, have continuously held membership on the Committee for years. This has allowed these countries to remain in a position where they can continually block particular NGOs from obtaining consultative status. By requiring members to take a hiatus from Committee membership, this would potentially give states with that are committed to civil society an opportunity to serve on the Committee and prevent countries that are hostile toward civil society from monopolizing seats on the Committee.

Call for votes. Although the Committee prefers not to vote on applications and LMG countries might not want to be on record as blocking an application, as shown by the cases of the Committee to Protect Journalists, Freedom Now, Christian Solidarity Worldwide, and the U.S. Committee on the Human Rights in North Korea, this can be a successful tactic. While all of these NGOs were voted down in the NGO Committee, they prevailed in ECOSOC. Countries beyond the United States and the United Kingdom should be encouraged to call for a vote on the application of NGOs who have been continuously denied for political reasons.



Set parameters or limits on questions. As revealed above, states, particularly LMG countries, have abused their authority on the Committee by putting forward repeated questions, even very mundane ones. Countries have also abused the process by putting forward repetitive questions or new questions even after the NGO's application has been considered by the Committee numerous times. As a diplomatic participant lamented, "one question" is enough to derail an application for at least six months.¹¹⁹ Thus, ECOSOC should reform the Committee's working methods, including only permitting questions related to the stated criteria, establishing guiding principles regarding acceptable questions, dismissing repeat questions, or even possibly insisting that Committee members put forward all of their questions during the initial review of the NGO application or limiting the number of times that the Committee reviews an application.¹²⁰

Increase transparency. While the introduction of webcasting is a promising development, in order to further increase transparency, the UN should utilize more detailed reporting and make that reporting more easily accessible.¹²¹ The official UN reports for each session often do not identify which country is putting forward a particular question and NGO applicants are not regularly informed which country put forward a question. Although the UN's meetings coverage is more detailed in identifying particular delegations, it is not made permanently available on the NGO Committee's website. Increased publicity and transparency might deter some countries from their such overtly oppositional and hostile behavior since some of them want to avoid being on record as being obstructionist. Moreover, non-member states that are supportive of civil society should be encouraged to attend the Committee's proceedings as observer states. The presence and voice of non-member states can make a difference. For, example, when 40 observer states attended the Committee's session and echoed the recommendation for webcasting from Chile, Mexico and Uruguay, the proposal went through.¹²³


Establish space for NGOs to address the Committee. Even though civil society participation in the UN is part of the Committee's mandate, LMG countries have regularly resisted allowing civil society representatives

the opportunity to address the Committee, even though it is a UN Committee that is ostensibly created to encourage civil society engagement. LMG countries specifically sought to prevent NGOs from voicing their grievances regarding the Committee's high number of deferrals and repeated questioning. While other UN bodies regularly include time for NGO statements, the NGO Committee attempts to muzzle civil society during their proceedings.

Create more opportunities for NGO participation throughout the United Nations. To the extent possible, UN bodies should increase opportunities for NGOs, even ones that lack UN consultative status to engage and participate. Along these lines, the UN's human rights treaty bodies should be applauded for not restricting civil society submissions only to those NGOs that have UN consultative status. Often, small grassroots NGOs, lacking the means of obtaining UN status are an excellent source of reporting on the conditions on the ground. For the same purpose, other parts of the UN should find ways to ensure that more diverse civil society voices are heard, especially less-well resourced, grassroots NGOs from the global south.

Streamline the application process. NGOs and diplomats have expressed concern that the application process needs to be streamlined and improved, including making the form and questions and answers for NGOs more straightforward rather than burdensome. Moreover, as part of the application process, NGOs are required to provide evidence that they have been in existence for at least two years, often in the form of a certificate of registration from their home government.¹²⁴ However, because a number of repressive countries do not allow independent NGOs and are clamping down on civil society, many civil society organizations are forced to register as for-profit entities or exist in a nebulous grey space. The requirement to produce a certificate of registration bars these kinds of NGOs, which are often grassroots NGOs working in repressive countries where human rights are most at risk, from even being considered for UN consultative status.

Provide additional resources. Several observers note that as the number of NGO applications for consultative status has grown, the NGO Committee needs



additional resources, including both increased staffing of the UN office that supports the Committee's work as well as increased meeting time. Moreover, the outdated system being used by the Committee to review NGO applications slows down the Committee's proceedings and wastes valuable time.¹²⁵

The above proposals are a starting point in reforming the UN's NGO accreditation process, introducing greater fairness, impartiality and transparency. However, changing the UN's troubling practices and overcoming intransigence will not be easy. As scholar Elliott Abrams noted, "the worst countries are far more united in protecting human rights abuses than democracies are in protecting human rights."¹²⁶ In order to implement the reforms above, concerned UN member states will have to exercise strong leadership, commitment and political will. Moreover, states that embrace civil society will have to band together just as the Like-Minded Group has in its attempts to stymie civil society.

countries that embrace human rights, democracy and civil society to coalesce as a force in order to reform the UN's process for accrediting NGOs and more broadly to resist the regressive human rights positions espoused by the Like-Minded Group. Concerned states that want to see expanded space for civil society need to match the LMG's commitment to repression with a commitment to freedom.

CONCLUSION

The LMG's actions have not been limited to advancing their views within the Human Rights Council. As detailed in this report, LMG countries have not only engaged in rhetorical arguments in the UN's human rights bodies, they have also challenged the ability of civil society to access the UN through their obstruction on the ECOSOC's NGO Committee. As the analysis of their behavior in the NGO Committee shows, the views LMG countries have expressed in the UN Commission on Human Rights and the UN Human Rights Council have translated into actions in other parts of the UN where they have sought to restrict the role of civil society in the United Nations. This prevents NGOs from using their unique expertise and reporting on human rights concerns to augment the work of the United Nations.

As outlined in this report, the LMG has devoted more time, energy and resources in organizing resistance to universal human rights norms and thwarting a robust civil society, than liberal democracies have in championing freedoms. The challenge now is for



Endnotes

¹ The UN's meeting summaries were much more detailed than the UN reports on each session. The daily summaries are not archived indefinitely and are usually only available on the NGO Committee website for an estimated two years after each meeting. See, "The Committee on NGOs, Latest news on the Committee," United Nations ECOSOC NGO Committee, <http://csonet.org/index.php?menu=80>, accessed November 13, 2018. The diplomats I interviewed came from a variety of regions and included representatives from LMG and non-LMG countries.

² Even though the LMG had not yet formed as early as the UN World Conference in Vienna in 1993 some countries that later affiliated with the LMG took similar positions. China, Syria, Iran, Iraq, Cuba, Burma, Sudan, Libya, Vietnam, North Korea and Malaysia, were holding up the drafting process. Ann Kent, *China, the United Nations and Human Rights: The Limits of Compliance* (Philadelphia: The University of Pennsylvania, 1999), 179.

³ Interview Southeast Asian diplomat, Geneva, May 25, 2011, Interview Western European diplomat, Geneva, May 26, 2011 and Interview North American diplomat, Washington DC, June 17, 2011. A former Egyptian diplomat even referred to himself as the "chief of the LMG." Interview with former Egyptian diplomat, Geneva, May 25, 2011. Others have pointed out that the LMG is comprised of a subset of Non-Aligned Movement countries that had particularly strong views on human rights. Interview with Southeast Asian diplomat, Geneva, May 25, 2011. After the 1989 Tiananmen Square crackdown and intensified scrutiny of China, the PRC made a concerted effort to frame its battle against UNCHR resolutions on its record as a defending the interests of developing countries. See, for example, Kent, *China, the United Nations and Human Rights*.

⁴ Interview with Latin American diplomat, Geneva, June 1, 2011 and Interview with Southeast Asian diplomat, Geneva, May 25, 2011. LMG members give country-specific resolutions a negative gloss by referring to them as "naming and shaming," unfair and politically motivated "selectivity."

⁵ "Freedom in the World, 2018," Freedom House, <https://freedomhouse.org/report/freedom-world/freedom-world-2018>, accessed November 14, 2018.

⁶ For background see, Philip Alston, "Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council," *Melbourne Journal of Law* 7 (2006): 185-224. See also, UN Commission on Human Rights, "Rationalization of the work of the Special Procedures System," April 10, 1997, UN Doc. E/CN.4/1997/L.86 and Letter Dated 26 February 1999 from the Delegations of Algeria, Bhutan, China, Cuba, Egypt, India, Iran (Islamic Republic of), Malaysia, Myanmar, Nepal, Pakistan, Sri Lanka, Sudan, and Viet Nam Addressed to the Secretariat of the Commission on Human Rights, UN ESCOR, 55th session, Annex, Agenda Item 20, February 26, 1999, UN Doc. E/CN.4/1999/120.

⁷ See, UN Commission on Human Rights, "Summary Record of the Fiftieth Meeting," December 11, 2000, UN Doc. E/CN.4/2000/SR.50, paragraph 74; UN Commission on Human Rights, Resolution 2000/83, "Work of the Sub-Commission on the Promotion and Protection of Human Rights," April 26, 2000; UN Commission on Human Rights, Decision 2000/109, "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights," April 26, 2000; UN Commission on Human Rights, Resolution 2003/59, "The work of the Sub-Commission on the Promotion and Protection of Human Rights Commission on Human Rights" April 24, 2003; and UN Commission on Human Rights, Resolution 2005/53, "The Work of the sub-Commission on the Promotion and Protection of Human Rights," April 20, 2005. See also Kent, *China, the United Nations, and Human Rights*, 64 and 74-75 and "China Leads the Charge to Weaken the UN Human Rights System," Human Rights in China (HRIC), www.hrichina.org/public/contents/article?revision%5fid=4348&item%5fid=4347, accessed November 12, 2018.

⁸ "Human Rights Features, Like-Minded Group: Unlikely protectors of human rights," South Asia Human Rights Documentation Centre, www.hrdc.net/sahrdc/hrfeatures/HRF57.htm, accessed August 15, 2011. Similar observations from Interview with Western European diplomat, Geneva, May 26, 2011 and Interview with Human Rights NGO representative, Geneva, May 26, 2011. Resolutions are "the political expression" of the HRC members on a variety of human rights issues and while they are rarely binding, over the long-term they can impact general thinking on an issue. Permanent Mission of Switzerland to the UN, *The Human Rights Council: A Practical Guide*, (Geneva: Switzerland: Permanent Mission of Switzerland to the UN, 2014), 18.

⁹ "Human Rights Features, Like-Minded Group: Unlikely protectors of human rights," South Asia Human Rights Documentation Centre, www.hrdc.net/sahrdc/hrfeatures/HRF57.htm, accessed August 15, 2011.

¹⁰ See for example, Dominguez Redondo, Elvira. “The Universal Periodic Review of the UN Human Rights Council: An Assessment of the First Session.” *Chinese Journal of International Law* 7, no. 3 (2008): 721-34.

¹¹ Alston, “Reconceiving the UN Human Rights Regime,” 198.

¹² UN Information Service, “Commission on Human Rights Opens Sixty-First Session,” March 14, 2005, UN Doc HR/CN/1107.

¹³ “Statement by H.E. Ambassador Sha Zukang, on behalf of the Like-Minded Group, at the 61st session of the Commission on Human Rights, 2005/03/14” Permanent Mission of the PRC to the UN in Geneva, www.china-un.ch/eng/rqrd/thsm/t187353.htm, accessed August 20, 2017.

¹⁴ The Universal Rights Group blog; “The Like Minded Group (LMG): Speaking truth to power,” blog entry by Amr Essam, 2nd Secretary at the Permanent Mission of Egypt to the UN, May 10, 2016, accessed November 13, 2018.

¹⁵ Interview with Western European diplomat, Geneva, May 26, 2011 and Interview with former Middle Eastern diplomat, Geneva, May 25, 2011.

¹⁶ Interview with South Asian diplomat, Geneva, May 27, 2011.

¹⁷ Interview with South Asian diplomat, Geneva, May 27, 2011.

¹⁸ Relatedly, a diplomat participating in the LMG stated that “there was less of a necessity for the group” to work together under the LMG banner, citing less emphasis on country-specific action, Interview with Southeast Asian diplomat, Geneva, May 25, 2011.

¹⁹ Interview with North American diplomat, Washington DC, June 17, 2011 and Interview with Latin American diplomat, Geneva, June 3, 2011.

²⁰ Interview with Western European diplomat, Geneva, May 26, 2011.

²¹ See, for example, Suzanne Nossel, *Advancing Human Rights in the UN System, Working Paper* (Council on Foreign Relations, May 2012), https://www.cfr.org/sites/default/files/pdf/2012/05/IIGG_WorkingPaper8.pdf, accessed September 11, 2017. The Commission had not included a similar provision and suspension of Libya was the first time this procedure was invoked by the Council.

²² Interview with human rights NGO representative, May 31, 2011, Geneva, Switzerland, Interview with human rights NGO representative/human rights scholar, May 26, 2011, Geneva, Switzerland and Interview with Western European diplomat, Geneva, May 26, 2011.

²³ Interview with South Asian diplomat, May 31, 2011, Switzerland. This diplomat elaborated that after “you condemn something it is over and there is nothing more you can do about it after that” and that “cooperation and capacity building” were preferable. Similar points made by Interview with Southeast Asian diplomat, May 25, 2011.

²⁴ Interview with UN official, Geneva, June 24, 2016.

²⁵ The Universal Rights Group, “The Like Minded Group (LMG): Speaking truth to power,” blog by Amr Essam, 2nd Secretary at the Permanent Mission of Egypt to the UN in Geneva, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-to-power/>, accessed November 5, 2018.

²⁶ Ibid.

²⁷ UN Web TV, “Egypt, High-Level Segment - 8th Meeting, 25th Regular Session Human Rights Council 5 Mar 2014 - High-Level Segment - 8th Plenary Meeting 25th Regular Session of the Human Rights Council,” <http://webtv.un.org/meetings-events/human-rights-treaty-bodies/chairpersons%E2%80%9999-meeting/watch/egypt-high-level-segment-8th-meeting-25th-regular-session-human-rights-council/3296881104001?page=2>, accessed November 5, 2018.

²⁸ The Universal Rights Group, “The Like Minded Group (LMG): Speaking truth to power,” blog by Amr Essam, 2nd Secretary at the

Permanent Mission of Egypt to the UN in Geneva, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>, accessed November 5, 2018.

²⁹ The Universal Rights Group, “The 2015 Human Rights Council,” blog by Marc Limon and Toby Lamarque, November 17, 2014, <https://www.universal-rights.org/blog/the-2015-human-rights-council/>, accessed November 5, 2018 and The Universal Rights Group, “The Like Minded Group (LMG): Speaking truth to power,” blog by Amr Essam, 2nd Secretary at the Permanent Mission of Egypt to the UN in Geneva, May 10, 2016, <https://www.universal-rights.org/blog/like-minded-group-lmg-speaking-truth-power/>, accessed November 5, 2018. 2013 did indeed appear to be a turning point. That spring the PRC delivered two statements, including one signed onto by 37 countries.

³⁰ The Permanent Mission of Switzerland to the UN, *The Human Rights Council: A Practical Guide* (Geneva, Switzerland: Permanent Mission of Switzerland to the UN), 24.

³¹ Interview with Western European diplomat, via Skype, August 29, 2016.

³² The Permanent Mission of Switzerland to the UN, *The Human Rights Council: A Practical Guide*, 22

³³ Interview with Western European diplomat, via Skype, August 29, 2016.

³⁴ This was usually noted in parenthesis following the name of the country.

³⁵ The UN Extranet can be accessed via: <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/Pages/default.aspx> and requires registration in order to gain access.

³⁶ Noting the LMG’s membership, a foreign policy scholar noted “What a list of countries! A rogue’s gallery, with only North Korea missing from the list. What they are ‘like-minded’ about is jailing dissidents, preventing freedom of the press, corrupting or preventing free elections, and repressing human freedom.” Council on Foreign Relations, “Like-Minded” Dictatorships and the United Nations, blog by Elliott Abrams, September 18, 2017, <https://www.cfr.org/blog/minded-dictatorships-and-united-nations>, accessed November 5, 2018.

³⁷ UN Human Rights Council Extranet, 31st Session, Oral Statements, 27th Meeting, Thursday, 10 March 2016, Egypt (on behalf of a like-minded group of states), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=27&MeetingDate=Thursday,%2010%20March%202016>, accessed November 5, 2018.

³⁸ UN Human Rights Council Extranet, 28th Session, Oral Statements, 11th Meeting, March 5, 2015, Egypt (on behalf of a like-minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=11&MeetingDate=Thursday,%2005%20March%202015>, accessed November 5, 2018. For similar statement, see also UN Human Rights Council Extranet, 31st Session, Oral Statements, 49th Meeting, March 18, 2016, Pakistan (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=49&MeetingDate=Friday,%2018%20March%202016>, accessed November 5, 2018.

³⁹ UN Human Rights Council Extranet, 28th Session, Oral Statements, 11th Meeting, March 5, 2015, Egypt (on behalf of a like-minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=11&MeetingDate=Thursday,%2005%20March%202015>, accessed November 5, 2018. For similar statement, see UN Human Rights Council, 30th session, Oral Statements, 1st meeting, September 14, 2005, Egypt (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/30thSession/Pages/OralStatement.aspx?MeetingNumber=1&MeetingDate=Monday,%2014%20September%202015>, accessed November 5, 2018.

⁴⁰ UN Human Rights Council Extranet, 31st Session, Oral Statements, 27th Meeting, Thursday, 10 March 2016, Egypt (on behalf of a like-minded group of states), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=27&MeetingDate=Thursday,%2010%20March%202016>, accessed November 5, 2018. For similar statements, see UN Human Rights Council Extranet, 33rd Session, Oral Statements, 37th Meeting, September 29, 2016, Singapore (on behalf of a group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=37&MeetingDate=Thursday,%2029%20September%202016>, accessed November 5, 2018. UN Human Rights Council Extranet, 23rd Session, Oral Statement, 20th meeting, June 4, 2013, Russia (on behalf of the Like-Minded Group), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/23rdSession/Pages/OralStatement.aspx?MeetingNumber=20&MeetingDate=Tuesday,%2004%20June%202013>, accessed November 5, 2018.

⁴¹ UN Human Rights Council Extranet, 28th Session, Oral Statements, 11th Meeting, March 5, 2015, Egypt (on behalf of a like-minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=11&MeetingDate=Thursday,%2005%20March%202015>, accessed November 5, 2018. See also, UN Human Rights Council Extranet, 28th Session, Oral Statements, 34th Meeting, March 17, 2015, Myanmar (on behalf of Like-Minded Group) <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=34&MeetingDate=Tuesday,%2017%20March%202015>, accessed November 5, 2018.

⁴² UN Human Rights Council Extranet, 26th Session, Oral Statements, 19th Meeting, June 18, 2014, Russia (on behalf of Group of Like-Minded countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/26thSession/Pages/OralStatement.aspx?MeetingNumber=19&MeetingDate=Wednesday,%2018%20June%202014>, accessed November 5, 2018 and UN Human Rights Council Extranet, 31st Session, Oral Statements, 49th Meeting, March 18, 2016, Pakistan (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=49&MeetingDate=Friday,%2018%20March%202016>, accessed November 5, 2018.

⁴³ UN Human Rights Council Extranet, 28th session, Oral Statements, 4th Meeting, March 3, 2015, India (on behalf of Like-Minded Group) <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=4&MeetingDate=Tuesday,%2003%20March%202015>, accessed November 5, 2018. 2015. See also UN Human Rights Council Extranet, 33rd Session, 26th Meeting, September 23, 2016, India (on behalf of a group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=26&MeetingDate=Friday,%2023%20September%202016>, accessed November 5, 2018.

⁴⁴ The point on states as having primary responsibility did not reflect a genuine commitment to human rights, but rather was intended to limit the reach and authority of UN experts and officials. UN Human Rights Council Extranet, 27th Session, Oral Statement, 23rd Meeting, September 18, 2014, Russia (on behalf of Like-Minded group), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/27thSession/Pages/OralStatement.aspx?MeetingNumber=23&MeetingDate=Thursday,%2018%20September%202014>, accessed November 5, 2018 and Egypt, March 25, 2015. UN Human Rights Council Extranet, 28th Session, Oral Statements, 53rd Meeting, March 25, 2015, Egypt, (on behalf of Like-Minded Group, <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/28thSession/Pages/OralStatement.aspx?MeetingNumber=53&MeetingDate=Wednesday,%2025%20March%202015>, accessed November 5, 2018.

⁴⁵ UN Human Rights Council, 31st Session, Oral Statements, 39th Meeting, March 15, 2016, Myanmar (on behalf of LMG), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement.aspx?MeetingNumber=39&MeetingDate=Tuesday,%2015%20March%202016>, accessed November 5, 2018. For similar statement, see UN Human Rights Council, 30th session, Oral Statements, 1st meeting, September 14, 2005, Egypt (on behalf of a like-minded Group of States), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/30thSession/Pages/OralStatement.aspx?MeetingNumber=1&MeetingDate=Monday,%2014%20September%202015>, accessed November 5, 2018.

⁴⁶ UN Human Rights Council Extranet, 32nd Session, Oral Statements, 1st Meeting, June 13, 2016, Egypt (on behalf of a Like-Minded group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/32ndSession/Pages/OralStatement.aspx?MeetingNumber=1&MeetingDate=Monday,%2013%20June%202016>, accessed November 5, 2018.

⁴⁷ UN Human Rights Council Extranet, 33rd Session, 26th Meeting, September 23, 2016, India (on behalf of a group of countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/33rdSession/Pages/OralStatement.aspx?MeetingNumber=26&MeetingDate=Friday,%2023%20September%202016>, accessed November 5, 2019.

⁴⁸ UN Human Rights Council Extranet, 32nd Session, Oral Statements, 27th Meeting, June 23, 2016, India (on behalf of a group of Like-Minded countries), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/32ndSession/Pages/OralStatement.aspx?MeetingNumber=27&MeetingDate=Thursday,%2023%20June%202016>, accessed November 5, 2018 and UN Human Rights Council Extranet, 35th Session, Oral Statements, June 16, 2017, Item 5: Human Rights Bodies and Mechanisms, Russian on behalf of a group of countries, <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/35thSession/Pages/Statements.aspx?SessionId=14&MeetingDate=16/06/2017%2000:00:00>, accessed November 5, 2018. During the summer 2016 session, LMG countries also strongly resisted the HRC President's appointment of new mandate holders within the special procedures system, and took great exception with the appointment of a new mandate holder to occupy the position of UN Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions. UN Human Rights Council, 31st Session, Oral Statements, 39th Meeting, March 15, 2016, Myanmar (on behalf of LMG), <https://extranet.ohchr.org/sites/hrc/HRCSessions/RegularSessions/31stSession/Pages/OralStatement>.

[aspx?MeetingNumber=39&MeetingDate=Tuesday,%2015%20March%202016](#), accessed November 5, 2018.

⁴⁹ As scholars might put it, the LMG's presence and mutual defense prevents a "tipping point" from being reached in which human rights achieve a "cascade effect" as increasing number of countries embrace human rights norms. By providing an alternate reference group, the LMG has resisted normative diffusion. Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (Autumn 1998): 887-891.

⁵⁰ NGOs have long been involved with the UN, including participating at the founding conference in 1945. For background, see C. Alger, The Emerging Roles of NGOs in the UN System: From Article 71 to a People's Millennium Assembly," *Global Governance* 8, no. 1 (2002): 93-117.

⁵¹ United Nations, Charter, Chapter X, Article 71. ECOSOC consists of 54 states elected by the General Assembly for overlapping three-year terms. The geographic breakdown is as follows: Africa 14, Asia 11, Eastern Europe 6, Latin America and Caribbean 10, and Western Europe and other states 13.

⁵² UN Economic and Social Council, Resolution 1996/31, "Consultative relationship between the United Nations and non-governmental organizations," July 25, 1996.

⁵³ United Nations General Assembly, "Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association," September 1, 2014, UN Doc. A/69/365.

⁵⁴ UN Economic and Social Council, "Working with ECOSOC: An NGO's Guide to Consultative Status," September 2011, <http://csonet.org/content/documents/Brochure.pdf> (accessed August 24, 2017), 18.

⁵⁵ The previous governing resolution had been Resolution 1296 passed in 1968. Prior to the 1996 ECOSOC resolution, a UN official noted that UN civil society participation was mainly directed toward international organizations that were "recognized actors on global issues" but resolution 1996/31 opened the door to smaller, national-level NGOs. Interview UN official, New York, June 14, 2018. The ambiguous language of resolution 1996/31 is the result of compromises and some ongoing disagreement at the time of its passage. Jurij Daniel Aston, The United Nations Committee on Non-governmental Organizations: Guarding the Entrance to a Politically Divided House," *European Journal of International Law* 12, no. 5 (2001): 946.

⁵⁶ United Nations, *Working with ECOSOC: An NGOs Guide to Consultative Status* (New York: United Nations, 2011), 29. According to resolution 1996/31 an organization "should attest that it has been in existence for at least two years as at the date of receipt of the application by the Secretariat" and the UN secretariat has requested a copy of registration, generally issued by the national government. "How to Apply for consultative status with ECOSOC?," United Nations Department of Economic and Social Affairs, www.un.org/development/desa/dspd/civil-society/ecosoc-status.html, accessed November 13, 2018.

⁵⁷ United Nations, *Working with ECOSOC: An NGOs Guide to Consultative Status*, 7 and 11.

⁵⁸ A number of NGO representatives underscored that accreditation is valuable because it increases their visibility and increases their opportunities to engage in international advocacy. Interview NGO representative, New York, June 15, 2018.


⁵⁹ United Nations, *Working with ECOSOC: An NGOs Guide to Consultative Status*, 34.

⁶⁰ "Political interests continue to distort the decision of the NGO Committee, but this time the world is watching," International Service for Human Rights, <https://www.ishr.ch/news/political-interests-continue-distort-decisions-ngo-committee-time-world-watching-0>, June 14, 2016, accessed November 13, 2018.

⁶¹ Joint Statement on Methods of Work for the Regular January 2018 Session of the UN Committee on Non-Governmental Organizations," US Mission to the United Nations, <https://usun.state.gov/remarks/8290>, accessed November 13, 2018.

⁶² Melissa Kent, "Politicized UN committee using 'repeated and arbitrary deferrals' to block NGOs, critics say," January 21, 2018 <https://www.cbc.ca/news/world/un-ngo-committee-politics-1.4494291>, accessed November 13, 2018.

⁶³ "Joint Statement on Methods of Work for the Regular January 2018 Session of the UN Committee on Non-Governmental Organizations," United States Mission to the United Nations, <https://usun.state.gov/remarks/8290>, accessed November 13, 2018.



Similarly, the UN Special Rapporteur on the Rights to Freedom of Assembly and Association, stated that these “practices were deeply disconcerting” and that they “profoundly undermine the ability of the United Nations to constructively engage with civil society.” United Nations General Assembly, “Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association,” September 1, 2014, UN Doc. A/69/365. The broader clamp down on civil society was also noted by the UN Secretary-General, who noted the “disturbing pattern of actions against NGOs whose work is essential to progress” around the world and urged that the international community “cannot allow this authoritarian impulse to silence NGOs.” “Secretary-General’s Press Conference at opening of 66th Annual UN DPI/NGO Conference,” United Nations Secretary General, May 30, 2016, <https://www.un.org/sg/en/content/sg/press-encounter/2016-05-30/secretary-generals-press-conference-opening-66th-annual-un>, accessed November 19, 2018.

⁶⁴ “Open Letter to ECOSOC regarding the Committee on NGOs,” Human Rights Watch, <https://www.hrw.org/news/2016/05/24/open-letter-ecosoc-regarding-committee-ngos>, accessed November 13, 2018.

⁶⁵ Although the LMG is not technically active in the UN’s New York-based bodies, a UN official noted that most of the diplomats representing their countries in the NGO Committee also represent their countries in the Third Committee, which handles human rights related issues. Moreover, a number of diplomats on the NGO Committee have served in Geneva representing their country on the Human Rights Council. Thus, there is “coordination and coherence” between their Human Rights Council and NGO Committee positions. Interview, UN official, New York, June 14, 2018. Similarly, an LMG diplomat who was interviewed in New York noted that he was departing for Geneva the next day for the Human Rights Council session. Interview, diplomat, New York, June 15, 2018. Some of the LMG countries have participated in the Cross-Regional Group (CRG), whose membership and views align with the LMG. The CRG is active in some of the New York-based bodies.

⁶⁶ “The Committee on NGOs,” UN Department of Economic and Social Affairs, <http://csonet.org/?menu=105>, accessed November 13, 2018.

⁶⁷ In only 44 of those instances the question came from a non-LMG country.

⁶⁸ “Freedom in the World, 2018,” Freedom House.

⁶⁹ Interview UN official, June 14, 2018. The International Service for Human Rights identifies China, Cuba, Iran, Pakistan, Russia, Sudan and Venezuela as some of the active in posing questions. International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs* (New York: International Service for Human Rights 2017), 48.

⁷⁰ Interview with diplomat, New York, June 14, 2018.

⁷¹ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 4 and 10.

⁷² “Political interests continue to distort the decision of the NGO Committee, but this time the world is watching,” International Service for Human Rights. ISHR estimated that 70 percent of new applications by human rights organizations were deferred. For similar points, see International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 42.

⁷³ “Political interests continue to distort the decision of the NGO Committee, but this time the world is watching,” International Service for Human Rights.

⁷⁴ Interview UN official, New York, June 14, 2018.

⁷⁵ Interview NGO representative, New York, June 15, 2018. For similar point, see Aston, “The United Nations Committee on Non-governmental Organizations: Guarding the Entrance to a Politically Divided House,” 949.

⁷⁶ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 28

⁷⁷ United Nations, Economic and Social Council, Committee on Non-Governmental Organizations, “Meetings coverage, Opening Session, Non-governmental Organizations Committee Recommends Consultative Status for 21 Groups, Defers Action on 13 Others,” January 30, 2017, ECOSOC/6805-NGO/841.

⁷⁸ Interview UN official, New York, June 14, 2018.



⁷⁹ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 49.

⁸⁰ Report of the Committee on Non-governmental Organizations on its 2006 Regular Session (New York, 26 May-3 June and 12 June 2015) 17 June UN Doc. E/2015/32 (Part II), paragraphs 23-28.

⁸¹ Interview diplomat, New York June 14, 2018.

⁸² United Nations, “Meetings Coverage, Opening Session of Regular Session, Non-Governmental Organizations Committee Recommends Consultative Status to 2 Groups, Defers Action on 44, Opposes 1,” February 5, 2018, ECOSOC/6886-NGO/866.

⁸³ Interview with NGO representative, London, May 27, 2016

⁸⁴ “The NGO Committee: The ECOSOC body that shames the UN,” International Service for Human Rights, <https://www.ishr.ch/news/ngo-committee-ecosoc-body-shames-un>, accessed November 14, 2018.

⁸⁵ United Nations, “Meetings Coverage, Opening Session of Regular Session, Non-Governmental Organizations Committee Recommends Consultative Status to 2 Groups, Defers Action on 44, Opposes 1,” February 5, 2018, ECOSOC/6886-NGO/866.

⁸⁶ Human Rights Watch, *The Costs of International Advocacy: China’s Interference in United Nations Human Rights Mechanisms* (New York: Human Rights Watch, 2017), 38-39.

⁸⁷ Interview with NGO representative, London, May 27, 2016 and Interview with NGO representative, London, June 1, 2016. International Service for Human Rights, *An NGOs Guide to Consultative Status*, 33. While some NGOs have suggested that this might help overcome concerns or obstacles, the UN notes that “the presence of NGO representatives is not mandatory and will not affect the outcome of your application in any way.” Some NGOs that have had several questions and, therefore, years of deferrals opt to attend the Committee on NGOs session where they can participate in an interactive discussion that allows them to answer the Committee member’s questions directly and in essence present their case to the Committee.

⁸⁸ United Nations, Economic and Social Council, Committee on Non-Governmental Organizations, “Non-Governmental Organizations Committee Recommends 12 Groups for Consultative Status, Postpones Action on 33, May 31, 2016, ECOSOC/6764-NGO/837.

⁸⁹ United Nations, Economic and Social Council, Committee on Non-Governmental Organizations, “Non-Governmental Organizations Committee Recommends Special Status for 33 Groups, Postpones Action on 45 in Second Day of Session,” May 24, 2016, ECOSOC/6760-NGO/830.

⁹⁰ Interview with NGO representative, New York, June 15, 2018 and interview with NGO representative, London, May 27, 2016.

⁹¹ Interview with NGO representative, London, May 27, 2016.

⁹² Interview with NGO representative, New York, June 15, 2018.

⁹³ Similar point made in International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 57.

⁹⁴ Interview with NGO representative, New York, June 15, 2018.

⁹⁵ Interview with diplomat, New York, June 14, 2018.

⁹⁶ Interview with diplomat, New York, June 14, 2018.

⁹⁷ Interview with UN official, New York, June 14, 2018.

⁹⁸ Interview with UN official, New York, June 14, 2018.

⁹⁹ Interview with diplomat, New York, June 15, 2018.

¹⁰⁰ “NGO Committee: Will the UN benefit from full participation of NGOs expert on North Korea?” International Service for Human Rights, <https://www.ishr.ch/news/ngo-committee-will-un-benefit-full-participation-ngos-expert-north-korea>, accessed November 14, 2018.

¹⁰¹ Interview with diplomat, New York, June 15, 2018.

¹⁰² Interview with diplomat, New York, June 15, 2018.

¹⁰³ Interview with diplomat, New York, June 14, 2018.

¹⁰⁴ Interview with diplomat, New York, June 14, 2018.

¹⁰⁵ Interview with diplomat, New York, June 15, 2018. A note verbale is a form of diplomatic correspondence that states can use to circulate particular positions.

¹⁰⁶ Interview with UN official, New York, June 14, 2018.

¹⁰⁷ Interview with diplomat, New York, June 14, 2011.

¹⁰⁸ Interview with diplomat, New York, June 14, 2018.

¹⁰⁹ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 55.

¹¹⁰ “230 NGOs call for defense of freedom of association at the UN,” International Service for Human Rights, <https://www.ishr.ch/news/230-ngos-call-defence-freedom-association-un>, accessed November 14, 2018.

¹¹¹ “NGO Committee: The ECOSOC body that shames the UN,” International Service for Human Rights. For example, even though an NGO had been allowed to speak during the previous session, the PRC delegation insisted that the NGO Committee didn’t have time to listen to NGOs for what would have amounted to a 3-minute statement.

¹¹² Interview with diplomat, New York, June 14, 2018.

¹¹³ Interview with diplomat, New York, June 14, 2018.

¹¹⁴ Interview with UN official, New York, June 14, 2018.

¹¹⁵ Interview with diplomat, New York, June 14, 2018. Similar comment from another diplomat from a different region. Interview with diplomat, New York, June 14, 2018.

¹¹⁶ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 42.

¹¹⁷ Open Letter to ECOSOC regarding the Committee on NGOs,” Human Rights Watch, <https://www.hrw.org/news/2016/05/24/open-letter-ecosoc-regarding-committee-ngos>, accessed November 13, 2018.

¹¹⁸ United Nations General Assembly, “Cooperation with the United Nations, its representatives and mechanisms in the field of human rights, Report of the Secretary-General,” August 13, 2018, UN Doc. A/HRC/39/41.

¹¹⁹ Interview with diplomat, New York, June 14, 2018.

¹²⁰ Joint Statement on Methods of Work for the Regular January 2018 Session of the UN Committee on Non-Governmental Organizations,” US Mission to the United Nations, <https://usun.state.gov/remarks/8290>, accessed November 13, 2018.

¹²¹ The official UN report for the entire session, often does not contain detail regarding the origin of questions and the statements made by country delegations. Moreover, some diplomats report that the UN’s daily meetings summary is not always accurate. More troubling is that these detailed summaries of the daily sessions of the NGO Committee are not archived, and are only made available on the NGO Committee’s website for a limited amount of time.



¹²² In one reported instance, despite the normal practice of videoing the proceedings, when the China delegate was speaking, they pushed for the video to be turned off. Interview with NGO representative, New York, June 15, 2018.

¹²³ “Political interests continue to distort the decision of the NGO Committee, but this time the world is watching,” International Service for Human Rights.

¹²⁴ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 19.

¹²⁵ International Service for Human Rights, *A Practical Guide to the UN Committee on NGOs*, 30. According to participants, during the NGO Committee’s proceedings the diplomats view each NGO application and the computer system takes time to load each application. Thus, rather than quickly reviewing previously accessed applications, more time is spent on each application.

¹²⁶ Council on Foreign Relations, “Like-Minded Dictatorships and the United Nations, Elliott Abrams blog post, September 18, 2017.



ROBERT STRAUSS CENTER

FOR INTERNATIONAL SECURITY AND LAW

THE UNIVERSITY OF TEXAS AT AUSTIN

2315 Red River Street
Austin, Texas 78712

Phone: (512) 471-6267

Email: info@strausscenter.org

Follow us  @StraussCenter