Problems hindering action of international nongovernmental organizations (INGOs)

Identity and participation

The Forum had its origins in the general review Symposium which the UAI organized in Geneva in 1976 on the theme « The future of transnational associations from the start of a new world order ». The Acts of the Symposium, rich in facts and ideas, are essential background to the Forum. This is especially the case with Appendix 4 which takes the form of a highly instructive list of 34 problems considered as hindrances to the associative phenomenon and to the action of INGOs. The list is repeated here as a contribution to the Forum and for the attention of participants. The French version was published in our last re-

1. INGO political ineffectiveness

Problem : IGOs (such as the United Nations) and national governments are political institutions and an INGO can only be politically effective by relating to such bodies politically. The frustrations that many INGOs experience arise, at least in part, from a failure to think and act politically and to acknowledge that the purpose of such relationships is to exchange influence. This problem is aggravated by INGO indifference to any governmental assessment of an INGO in terms of the importance of the political constituency it represents. The reality of the situation is that governmental delegates assess the potential value of an INGO primarily in terms of the political power of the constituency it represents. The INGOs, and especially their membership, seldom perceive themselves as INGOs, but rather as scientific associations, trade unions, youth organizations, etc. The INGO sense of identity, such as it is, is therefore shared only amongst a small elite concerned with the problems or potential of such bodies in general and who are obliged to use the unsatisfactory description to link perceptions about a wide variety of organizations which do not generally perceive themselves as having common concerns.

2. Lack of INGO identity

Problem : INGOs do not conceive of themselves as a well-defined group of organizations with common concerns and consequently have little basis for collective action.

Remark : There is no universally accepted description for organizations which are termed « INGO » in this paper. « NGO » is a term applied by the UN-related bodies in connection with their consultative status relationship, but not necessarily in connection with contractual relationships. « INGO » is a term favoured by some scholars. The INGOs, and especially their membership, seldom conceive of themselves as INGOs, but rather as scientific associations, trade unions, youth organizations, etc. The INGO sense of identity, such as it is, is therefore shared only amongst a small elite concerned with the problems or potential of such bodies in general and who are obliged to use the unsatisfactory description to link perceptions about a wide variety of organizations which do not generally perceive themselves as having common concerns.

3. INGO operational ineffectiveness

Problem : Evaluation of INGOs according to some criteria leads to an assessment of ineffectiveness which therefore justifies any proposed use of alternative organizational channels.

Remark : Assessment of INGO effectiveness is frequently based on the size of the budget, the number or qualifications of paid staff, the number of members, etc. Such assessments ignore a characteristic of INGO operations, namely that a) the operating costs may be primarily absorbed by national members (e.g. when the INGO secretariat is handled by a national INGO), b) much of the work may be done by people working voluntary (who may be both skilled and highly influential) and c) the members may be significant not in terms of numbers but rather in terms of the (many) influential positions they occupy or their collective expertise in some specialized domain.

A frequent error is to compare an INGO budget with that of some other organization operating with generous overheads, and a large support staff on an international payscale. This compares potential, but not actual ability to focus effectively on a problem. Another error is to generalize about INGOs without examining INGOs with clearcut operations as distinct from those with correspondence secretaries only.

An INGO’s effectiveness, whatever the quantitative conclusions, may be primarily determined by its critical relationship to other bodies in a network. « Insignificant » organizations may be very important communication centres in a network. The notion of effectiveness is a very Western managerial concept of questionable relevance to some organizations concerned with relations between people or exchange of experience. The relation between the effectiveness of an organization and its right to exist is surely de-
transnational and regional decentralization? More seriously, it is ques-
tionable whether the organizational models for such confedera-
tions are adequate to the complexity of the pressures which they
are expected to bring into focus and reconcile.

6. Duplication of INGO activity
Problem: In a significant number of cases, more than one INGO may
be concerned with the same subject or problem area, or may have
membership links with the same range of organizations, or may seek
funds from the same range of bodies. Such duplication may
be accompanied by a total lack of co-ordination between the IN-
GOs in question (see point 5). This situation may be considered a
waste of resources calling for rationalization and mergers.
Remark: There are many reasons for such apparent duplication, in-
cluding ideological and political differences (e.g. INGO trade
unions and political parties), methodological differences (e.g. INGOs corresponding to
different schools of psychology and psychiatry), geographical
location (e.g. when the INGOs are effectively regionally oriented
and based), historical circumstances, personality differences, etc.
Again, however, this condition is characteristic of all organizations
at this time. (It is reputed that there are over 30 bodies within the
UN family responsible for inter-Agency co-ordination). Thus, al-
though duplication may be a criticism of organization in general, it
is not specific to INGOs. In addition, research on research and in-
novation has shown that duplication is in fact beneficial in some in-
stances.

7. Establishment-orientation of INGOs
Problem: The well-established INGOs tend to « freeze out » people
with new ideas, motivations and organizational goals. Some INGOs
may therefore be assessed as not representing the changing inter-
est of the constituency they claim to represent.
Remark: This reflects a general problem of estrangement from
nearly all existing institutional forms, particularly among young
people.

8. Proliferation of INGOs
Problem: The number of INGOs and INGO-like bodies is increasing
rapidly. This increase is perceived by some to be an unnecessary
proliferation and a fragmentation of activity which could better be
focused through a limited number of existing bodies. The number of
such bodies makes it difficult for anyone to quickly grasp their
nature and potential and therefore constitutes a discouragement
to some forms of participation.
Remark: The increase in the number of bodies is a reality which
 corresponds to a felt need on the part of the members which as-
sociate in that way - even when they deliberately choose to dupli-
cate some existing bodies for political, economic, conceptual or
other reasons. It is difficult to imagine some legislation or regula-
tion to reduce the number of INGOs and the society in which it
could be effectively implemented. It is strange that it is acceptable
to recognize the existence of 4,000 million individuals, but we are
uncomfortable if the number of organizations representing them
exceeds a few hundred.

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9. Incompatibility of functionally equivalent INGO members
Problem: In the case of some INGOs working across different social systems, the functional equivalents of national organizations may have different relationships to governments, particularly with regard to the degree of governmental control, funding, and staffing. National sections in different countries may perform ranges of functions that only partially overlap such that the non-overlapping features tend to result in suspicion and incompatibilities which probably lead more governments to hesitate in facilitating interactions between their national organizations and the equivalent INGOs. In particular, in some non-Western cultures there may be difficulty in locating organizational forms natural to that culture which could relate to a given INGO. There may be reversion of any implication of a new Western style organization, and a lack of any socio-anthropological skill to match very different styles of organization, or to create or adapt an INGO appropriate to them.

10. Lack of awareness of inter-organizational linkages
Problem: Within an INGO whether the secretariat or the membership, there may be little or no awareness of the INGOs, or INGOs to which the organization is linked. Responsibility for such linkages may be limited to one person who may well treat such linkages as a private domain especially when the number of such linkages makes the overall situation somewhat difficult to grasp.

11. Lack of identity of INGO network
Problem: INGOs individually or in small groups with closely related concerns, tend to conceive of themselves as operating in an international vacuum. They are consequently surprised to find at some stage that there are other organizations with similar programmes or common problems, or whose programmes are in some way affected by their own. There is also a vague sense of identity as an « international community » and little general understanding of the elements and linkages constituting the inter-organizational network on which that sense of community is based.

12. Lack of national awareness of international linkages to INGOs
Problem: Amongst the membership of a national NGO which is a member of an INGO there tends to be little awareness of the INGO activity, particularly when the NGO is a member of more than one INGO. Within the INGO responsibility for such linkages may be limited to one person, so that there will be little awareness of the significance. There is even a tendency for some national/national leaders to monopolize such contacts, or to fail to relate international co-operation to the activities and problems of rank and file members.

13. Weakness of membership link to INGOs
Problem: It may be difficult for the INGO secretariat to stimulate its members to more than token interest in its programmes, particularly when these are internationally oriented, and especially when communications pass via a national secretariat of the INGO. It is therefore also difficult to allocate significant resources to international activity.

14. INGO naivety
Problem: INGO representation and activity is occasionally assessed as naive because of the lack of sophistication or qualification of those involved. Typically this assessment is made in the light of INGO « representation » to delegates at intergovernmental meetings or to staff members of IGO secretariats. It contributes to the negative image of INGOs in general (see point 10) and is reinforced by it, even in cases where there is no objective basis for any such assessment. It is not only unfortunate when powerful INGOs enter into relationships with intergovernmental agencies (under category A or 1 consultative status) in which it is of benefit to them to label other INGOs as naive in order to reinforce their own position.

Remark: 1. It is only too easy to accuse a body of naivety when it seeks with inadequate personnel and resources to defend some subtle human value ignored by some well-supported agencies pursuing a politically non-controversial programme. Concern with peace and disarmament in the midst of an arms race is surely naive. Concern with the protection of some species threatened by industrial development is also surely naive. As is concern with the rights of a minority group neglected by a democratic majority. The creation of an International Astronautical Federation in 1950 could only be considered naive by the majority of the academic and intergovernmental community, as must be the recent concern expressed within the International Astronautical Union that attempts to send radio messages to distant planetary systems might attract unwise replies (rather than welcome attention).

2. The irony of the assessment of INGOs as naive is that more often than not it is a reflection on the assessor rather than the assessed. When an INGO representative complains that the INGOs that make contact with him (or come to his meetings) are naive, he may even be correct. Some intergovernmental agencies have often set up such an unfriendly environment for contact with INGOs that many INGOs and their representatives avoid such contact because there are more effective forms of action. Those that do not either have special introductions (and are therefore labelled « effective ») or may be in the process of learning what a waste of time such contacts can be. (The latter group may perhaps be legitimately labelled as naive, although the assessment is about as useful as labelling a high school student as naive before he has graduated).

15. Inadequate INGO response to IGO preoccupations
Problem: INGOs are frequently perceived as unenthusiastic in response to IGO calls for action on some new issue and as such are viewed as less than satisfactory partners. Associated with this view that INGOs have been slow in adapting themselves to the many changes in the membership, attitudes and practices of IGOs such as the UN.

Remark: Many of the most important INGOs were established before the UN (or even the League of Nations) with aims and objectives of their own, not all of which have yet been accepted by the UN. Many have had a more universal membership than the UN in various stages of its development. Whilst they are prepared to pursue objectives in partnership with the UN, when these objectives are shared, they are quite prepared to pursue others on their own until IGOs come to recognize their validity.

16. Locating fund sources for INGOs
Problem: INGOs should be able to use an information system to locate individuals, foundations and governmental programmes interested in making funds available to INGOs in specific programme areas rather than depend on chance contact as at present. Similarly the information systems should permit the INGOs to be located by such bodies. The time taken for communication to be established should be reduced to a matter of days or, in the case of natural disaster, to hours.

17. Locating channels for distribution of INGO programme funds
Problem: Similarly, INGOs should be able to use an information system to locate the most appropriate international and national bodies through which to make available funds for a specific programme. As above, in the case of natural disaster, the time for communication to be established should be reduced to hours.

18. INGO Fund distribution
Problem: INGOs should be able to overcome the difficulty whereby funds are voted every two or more years for programmes which may become irrelevant during that period in comparison with the need for new programmes adapted to newly detected problems in the INGO’s domain. Flexible fund allocation and distribution techniques developed from the programme planning and budgeting system (PPBS) should permit rapid and continuous modification and funding of programmes in response to new problems as they evolve.
19. Obstacles to INGO fund transfers
Problem: INGOs should be able to reduce the current crude and ex-

pensive exchange of correspondence which occurs below a pot-

ential member or supporter transfers funds for dues or in support of a particular programme. Each action of the INGO reported

through the information system should result in automatic fund

transfers from supporters to the INGO’s account (and from there to

programme accounts). It is to be remarked that despite the con-

trary, multinational enterprises are able to make such transfers

with ease for profit-making ends, although such facilities are lack-

ing for organizations with social or scientific aims.

20. Absence of INGO policy in regional IOs
Problem: Regional IOs, particularly for the developing countries,
tend not to recognize INGOs (whether regional or not) and have no
policy to associate them in any programme activity or facilitate re-

gional INGO activity. This reinforces the communication gap be-

tween IOs and INGOs.

21. Non-facilitative policy of IO secretariats
Problem: The major IOs have specific mandates which tend to de-

emphasize any need to relate to other organizations, whether IO

or INGO, having related programme concerns. As a result, little at-

tention, if any, is given to them in the importance of improving

the inter-organizational structure focusing on a network of related

problems. Where outside contacts are made by the IO, they are

made because a project can best be completed by a specific INGO,

for example, The possibility that by facilitating the development

and operation on the INGO network as a whole it might not even

be necessary for the IO to initiate many of the specific projects,

is not considered.

Remark: It is of course a characteristic of all organizations to wish

to undertake projects for which they can obtain immediate credit,

without tasks appear necessary. At the present time there is in-

sufficient consensus within IOs for any policy change to remedy

this. This applies particularly to the relations between bodies with-

in the United Nations system, whether:

- within different divisions of a particular secretariat (e.g. Office of

  Public Information).

- between bodies reporting to the UN General Assembly (e.g. EC-

  OISSC and UNIPD).

- between bodies reporting to different plenary bodies, despite

  ECOSOC’s mandate to review such relationships (e.g. FAO and

  UNESCO).

22. Absence of national INGOs in some countries
Problem: Many of the newly independent countries are naturally

characterized by a poorly developed organizational infrastructure.

Priority is given to development of government agencies and pro-

duction enterprises. The creation of non-governmental, non-profit

bodies therefore poses a special problem, both as a distraction and

a drain on scarce resources, and as a possible focus for dissent

threatening the stability of the government. Such bodies are there-

fore deliberately created by government for political ends or if, in-

dependent of government, are viewed with suspicion if they are

permitted to exist at all. This situation makes it difficult for non-gov-

ernmental representatives of the country to relate to INGOs.

23. Diversity of INGO organizational forms and interests
Problem: INGOs do not conform to a limited range of organizational

models. They are in fact characterized by a wide variety of forms.

This reduces ability to understand them and consequently reduces

their credibility. Furthermore the fact that the interests of INGOs do

not always correspond to the priorities currently in fashion in the

major intergovernmental agencies is considered to be an indica-

tion of their irrelevance.

Remark: With regard to the form, why is it assumed that there

should not be a wide variety of organizational forms? Is it not im-

portant to seek innovation of organizational forms? With regard to

areas of interest, is it possible to say that a seemingly irrelevant INGO to

day should not be relevant tomorrow. (The best example is the ex-

istence of environmental INGOs several decades before the UN

Stockholm conference on the environment in 1972)

24. Supposed similarity of INGOs to multinational corporations
Problem: There is still considerable confusion within the interna-

tional community concerning the range of organizations embody-

ing the negative characteristics associated with « multinational

corporations », now called « transnational corporations » by the

UN to help clarify the matter. For those individuals or societies un-

familiar with INGOs, they are often considered as being identical to

multinationals or as having similar characteristics. This confusion

is reinforced by the lack of development of adequate distinctions

in some other languages (including French, for example). Cases

in many countries this confusion, and the emphasis given to the

negative impact of multinationals, constitute a considerable bar-

rier to the development of participation in INGO activity.

Remark: The situation is further confused by the fact that both

types of organization are « international » and « non-government-

al ». The UN Charter does not distinguish under Article 71, giving

its relationship to « INGOs », between profit-making and non-

profit-making and may be forced to relate to multinational institutions

under the procedures developed for INGOs. Further confusion is generat-

ed by the class of INGOs which are international trade and manufac-

turing associations. Clearly this category is closely related in

operation to multinationals and to cartels, although in form it may

be an entirely legitimate non-profit association (since only its

members are specifically profit-oriented).

25. Non-universality and non-representativity of INGOs
Problem: Many non-governmental organizations are considered to

be unrepresentative, namely when all the member countries and

regions of the UN are not represented in them. As such they are not

considered adequate vehicles for the formulation of impartial pol-

icy oriented to the interests of those most in need.

Remark: As noted earlier, many INGOs have had a more universal

membership than IOs in the various stages of their development

(not to mention Switzerland’s continuing non-membership of the

UN). More important, it is vital to make some distinctions here.

- Firstly, African, European, Asian and other such regional organ-

izations by definition do not have representatives from other re-

gions, is it useful to question the right to exist of such bodies or the

value of their activity? The fact that there are more such bo-

dies in Europe is a reality resulting from the relative degree of eco-

nomic and social development of Europe (and may in fact be of

benefit to all).

- Secondly, there is a functional distinction. Is it realistic to expect

that the African and Latin American continents should be well rep-

resented in the International Association for Arctic Agriculture?

- Thirdly, there is a distinction linked directly to the presence or

absence of national counterparts in some countries due to the

relative degree of economic and social development. Is it logical

to expect the Comores to be represented in the International

Association for the Computer-assisted Study of Ancient Lan-

guages?

- Fourthly, there is the non-representability based upon organiza-

tions by the problems of communication and transport between
distant points on the surface of the planet. Is it reasonable for a

national body to allocate funds (possibly equal to or in excess of

its own annual budget) to the cost of transporting its represen-

tatives to the distant meetings of an international body? - and

the problem arises whether the meeting is in a developing coun-

try or in Europe, and whether the national body is based on a de-

veloped economy or not. At a time when travel costs are increa-

sing rapidly and subsidies are increasingly hard to obtain, it is

therefore natural that the visibility of regional bodies may in many

cases be greater than that of multi-continent organizations. - so

say nothing of the effect of increasing postage costs and the 8

week or more delivery time for inter-continental surface mail.

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An argument which ignores these problems, particularly when no-
thing is done to alleviate their effects by direct or indirect subsidy,
cannot be taken very seriously.

26. Western-based INGO secretariats

Problem: Statistics on the location of INGO headquarters show
that a high proportion are based in Europe and North America. Be-
cause of the political significance attached to the geographical lo-
cation of INGO offices, this leads to criticism that INGOs are pri-
marily West-oriented, partisan, and therefore suspect.

Remark: This condition is also characteristic of IGOS. It is in fact
linked to the relative degree of development of the different conti-
nents and to the associated problems and costs of communication
and transport between them. It should never be forgotten that the
travel costs and times between many developing countries and Eu-
rope are in fact less than those between neighbouring developing
countries.

The unsatisfactory asymmetry is in fact a consequence of the de-
velopment problem with which many of the INGOs are concerned.
It is also linked to the considerable legal problems of establishing
such organizations in non-Western countries. Nor should it be for-
gotten that such asymmetry is reflected at the national or provin-
cial levels, whether in developed or developing countries. In both
cases the activity of national governmental or non-governmental
organizations is usually concentrated in the relatively developed
capital city and only to a significantly lesser degree in the relatively
undeveloped regional centres.

27. INGO use of Western-based organizational models

Problem: Most INGOs are organized in terms of what can be termed
a Western concept of organization. Such organizations, wherever
they are based, then appear to be transplants which are not natural
or meaningful in non-Western societies. As such they are easily
suspect and subject to criticism, thus deterring full contact with
them.

Remark: Agreed it would be valuable to make use of non-Western
models of organization at the international level. The problem is
that such models have not yet been sufficiently developed.

Even regional organizations such as African, Asian and Arab countries tend to
be elaborative of the Western model rather than alternative mod-
el. It is to be noted that national governmental agencies in developing
countries, for example, are largely based on Western models, for
want of anything better. It is questionable whether the organization-
al concept used in Eastern societal countries is sufficiently distant from
the Western model to escape criticism. (To put matters in perspective, it is useful to look at the significant technological
problem. The design of airplanes is governed by principles elabo-
rated in Western development. Whilst it would be delightful to travel
in an intercontinental airplane designed in a developing country,
there are none. Is this to mean that these designed in developed
countries should be considered as more modern?)

28. Treatment of INGOs as an administrative problem

Problem: For some intergovernmental agencies, the number of IN-
GOs which they have in their own programmes constitutes an administra-
tive, or even political, problem. As such, efforts are made to limit contact with them in or-
der to simplify the already difficult task of operating the agency.
Clearly this determines the attitude of NGO secretariat personnel
and delegates to the content of the policy recommendations and
documents that they generate for national governments. It restricts
the number of linkages between IGOS and INGOs and prevents
IGOs from recognizing the potential of the INGO network and the manner in which its activities can be facilitated and
the consequent benefits for governmental programmes.

Remark: The inability of such agencies to recognize that INGOs are free to express their own ideas and are not necessarily
administrative problems is an indication of the ability of such agen-
cies to comprehend the nature of the international community with
in which they attempt to function (e.g. the inability of UNESCO to
recognize the usefulness of social studies of national and interna-
tional INGOs - after 30 years of consultative relationship with them
through a designated administrative unit).

29. Inadequate facilities for INGOs

Problem: Most INGOs require the same basic administrative ser-
ices and facilities, but because of their restricted budgets, they
are forced to use minimum facilities, which are often inadequate
and insufficient. Because of great sensitivity to their independence
and autonomy of their programme, they are reluctant to pool ser-
vices and facilities in order to increase the efficiency of their admin-
istrative operations. This is partly due to an inability to distinguish
between the objective of the organization and the facilities and
professional skills required to achieve them. Whether in capital cities of developing or developed countries, the
offices of international non-governmental organizations are usu-
ally scattered so that face-to-face contact between organization
staff members is infrequent. Organizations are often poorly housed
and equipped. A < critical mass > is not built up.

30. Inadequate statistical data on INGOs

Problem: No attempt has been made, or formally recommended, to
collect statistical data on INGOs and their members. Although data is
collected on individuals (via the census), commercial bodies
and each nation, none is collected on the bodies through which in-
dividuals express themselves or via which their views are voiced.
As a consequence, attention is switched to socio-economic con-
siderations and away from the variety of concerns represented by
INGOs and their members.

Remark: This is particularly evident in the statistical data published
in the various yearbooks of the UN system. Typically the SLY Year-
book of Labour Statistics has no details about trade unions, de-
spite the amount of aggregated data on employees. The data on
INGOs published in the Yearbook of International Organizations
does not extend beyond INGOs as such in order to show the
amount of national organization from which such international ac-
activity emerges. The absence of such data prevents its considera-
tion as part of any battery of social indicators, given that it may be
argued that the degree of organization of a society is an important
measure of social development.

31. Social recognition of INGOs

Problem: The nature and existence of INGOs is poorly understood
as a phenomenon, if at all, despite their number and the wide vari-
ety of their activities. Alternatively, and with the concomitant of the
implanted IGOS, certain types of INGO receive special treatment
(e.g. trade unions, scientific organizations, etc.) as being < more
important >.

Remark: INGOs collectively do not consider this problem to be im-
portant, preferring to publicize themselves directly and inde-
pendently to their potential contacts. IGOS, where they are concerned with in-
ternational understanding and comprehension of the international
system (e.g. UNESCO, or UN Office of Public Information) devote
their resources to publishing the NGO system to which they are
linked. This policy is reflected in the documents they produce. For
it is difficult, via the NGO system, to gain knowledge of the existence
or activities of the INGO system. To the extent that IGO materials
are a basis for academic study, education, and public affairs pro-
grammes, attention is thus effectively diverted away from INGOs.
This is even the case with the well-developed NGO network of
United Nations Associations, which views the international system
as composed of UN IGOS plus UNAs.

32. National legal status of INGOs

Problem: The establishment of an NGO secretariat and associated
staff, or the holding of a conference, or the organization of a (field-
level) programme, or the maintenance of membership ties in a par-
ricular country, are not governed and protected by national legis-
lation recognizing the special character of INGOs (the only exemp-
tion being Belgium). The INGO is obliged to register itself as a na-
tional organization of that country or a < foreign > association, if it

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is permitted to establish itself at all. Many obstacles are thus creat-
ed to INGO activity, particularly in the Eastern bloc and developing
countries. This is a major obstacle to (a) increasing the represen-
tativeness of INGO membership and to (b) ensuring that more IN-
GOs have their headquarters or secretariats outside the North-
west group of countries whose legislation is somewhat more open
to association activity.

Remark: An interesting case in point is that of Kenya following the
establishment of UNEP in Nairobi. Considerable difficulties were
experienced by environmental INGOs wishing to establish offices
or headquarters there - even the NGO Environmental Liaison
Board which had the full support of UNEP. It is also interesting to
note how carefully trade unions dissociate themselves from other
INGOs on this point because their « freedom of association » is the
concern of a special ILO committee.

33. Status of INGO personnel

Problem: No convention or other arrangement exists to protect the
status of INGO personnel (except in Belgium). This means that
those who work for INGOs must be prepared to face bureaucratic
obstacles of every kind (a) in attempting to work in the headquar-
ters offices, (b) in field-level work, (c) in travel on INGO business.
In addition, social security provisions are such that INGO employ-
ees may be unable to ensure continuity of social security benefits
and pension rights on return to their country of origin or when they
move to some third country. Payment of pension or life insurance
may be blocked by currency regulations. Clearly this ensures that
INGOs have no legal status within the framework of inter-
national law. They are therefore not recognized as having any in-
ternational « existence » in a legal sense, with the consequence
that any governmental or scholarly attention which depends on
such recognition is absent. The absence of such legislation en-
sures that INGOs are unperturbed (as « outsiders ») and do not operate
within anything but a self-imposed code of responsibilities.
Their activities are not aided by facilitating arrangements, as in the
case with the international activities of commercial enterprises.
The absence of such legislation deprives national governments of
any stimulus to generate national legislation to accommodate IN-
GOs based in a particular country (see above). Since they are not
recognized internationally, some countries view with great suspi-
cion the participation of their nationals or national groups as mem-
ers of such bodies. There is also suspicion concerning the (field-
level) programmes of such INGOs in a particular country, which
may be construed as interference in internal affairs or as a cover
for politically subversive activity.

Remark: This question was first studied in detail by a Commission
on the Legal Status of International Associations of the Institute of
International Law in 1910. The Commission's report was presented
by N. Politis at its Brussels, 50th anniversary, session in 1923. The
text of a draft convention on the legal status of international asso-
ciations was approved unanimously at that session and revised at
a 1950 session. (1)

34. International legal status of INGOs

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Another early important step taken by The Hague Conference on
Private International Law resulted in the adoption in 1956 of a Con-
vention concerning the legal recognition of societies, associations
and foreign foundations. This has only been ratified by five of the
Conference Member States. In addition it only covers the recogni-
tion not the activity of such bodies.

The Union of International Associations, after consultation with ap-
propriate experts, submitted to the Director General of Unesco in
May 1958 a text for a « Draft Convention aiming at facilitating the
movement of INGO goods, primarily publications and in-
ternational conference materials.

Some studies have since been undertaken by FAO resulting in an
investigation in 1969 by the Council of Europe with a view to the
preparation of an European Convention. This initiative appears to
have been abandoned.

Recent parallel events include work within the European Commu-
nity to formulate legislation for « European (profit making) corpor-
ations ». The Committee on Trade Union Rights of the International
Labour Conference (1979) identified a number of rights. The ILO
Governing Body instructed the Director General to « undertake
further comprehensive studies and to prepare reports on law and
practice » in relation to trade unions.

(1) See: « Draft conventions relating to the legal position of international associations ». 

The text of the Convention is also published as an annex to the «Handbook of International
Organizations».