

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 standpoint 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 reprinted here as a contribution to the Forum and for the attention of participants. The French version was published in our last review.

1. INGO political ineffectiveness

Problem : INGOs (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.

Remark : Most INGOs claim to be non-political organizations, in the sense that there is a basic distinction between the organization of a political party and an organization representing the particular interests of its members - vocational, religious, etc. 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. INGOs controlled by particular national or cultural interests may be rejected for this reason. Furthermore, most expertise, however technical, is now held to have cultural overtones. Even INGOs concerned with palaeontology or Sanskrit literature, for example, are expected to align themselves with ma-

jority views of the INGO community on the current major issues of peace, human rights, etc.

But what is political impact in this context ? Does it mean the ability to ensure that the wording of an intergovernmental resolution is changed or that a new programme is undertaken within an inter-governmental agency ? What is the fate of most such resolutions? (One study showed that only 3 % of intergovernmental resolutions resulted in new action). To the extent that many INGOs are working in areas not yet recognized as significant by INGOs or governments, they may be preparing the way for political impact which will be legitimated (possibly years later) by their work (e.g. the UN discovery of the environment issues in 1972).

It is ironic that such arguments concerning political impact are made by political scientists, often within the framework of some INGO or one of its national members. It is equally ironic that remarks by government delegates on political impact are made by individuals who themselves are often members of national professional or technical associations linked to international bodies.

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. « INGO » 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 directly 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 their 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 pay scale. 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 secretariats 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-

terminated by its ability to continue to attract members and not by some externally imposed criteria.

4. IGO divisive response to INGO action

Problem : The major formal link between the main IGOs and INGOs is through the consultative status relationship. This is specific to each IGO which encourages the formation of standing conferences and associated committees for those INGOs linked to it in this way and discourages links between « its » group of INGOs and the groups linked to other IGOs - despite the fact that a) many INGOs are linked to more than one IGO and b) the matters discussed by one such INGO group and its committees may also be discussed by another (reflecting the overlap in IGO programme areas). The INGO community is thus fragmented by the divisive posture of IGOs with a consultative relationship, even though the majority of such bodies are Specialized Agencies of the UN system.

Remark : A special feature of this problem is that its continued existence is ensured by a) the status tokens accorded by the IGOs to the individuals with formal positions in such INGO groups, b) the services supplied to the INGO grouping, which effectively prevent excessive criticism of the IGO from such groupings, and c) the efforts by IGO secretariat personnel to maintain the fiction of some 25 years standing that supportive resolutions by the INGO grouping will accomplish more than any critical action. The irony of the situation is that the IGOs do not even formally recognize the existence of such INGO groupings and only relate to them through their office-holders. Clearly formal recognition of such INGO groupings would imply the existence of a well-formed international group which would pose questions of principle which it is more convenient for IGOs to avoid (whilst at the same time implying that INGOs are ineffective because they do not form viable inter-INGO confederations).

5. Lack of co-ordination between INGOs

Problem : Irrespective of whether INGOs duplicate each others' activity (see point 6), INGOs with complementary programmes, occupations, common positions, or common operational problems have considerable difficulty in linking together in some co-ordinated activity of other than a token nature. The absence of powerful inter-INGO federations with a common position considerably weakens their ability to act under certain circumstances and makes it easy to out-manoeuvre their separate actions and difficult to support their common position.

Remark : This condition is however also characteristic of IGOs and particularly the Agencies of the UN system and is in fact a general problem of our times. It is necessary to know why it should be expected that INGOs should group together in this way ? In whose interest are such groupings at a time when there is pressure for functional and regional decentralization ? More seriously, it is questionable whether the organizational models for such confederations 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 solicit funds from the same range of bodies. Such duplication may be accompanied by a total lack of co-ordination between the INGOs 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, including ideological and political differences (e.g. INGO trade unions), methodological differences (e.g. INGOs corresponding to different schools of psychology and psychoanalysis), 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, although duplication may be a criticism of organization in general, it is not specific to INGOs. In addition, research on research and innovation has shown that duplication is in fact beneficial in some instances.

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 interests 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 associate in that way - even when they deliberately choose to duplicate some existing body for political, economic, conceptual or other reasons. It is difficult to imagine some legislation or regulation 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.

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 some 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 resentment of any imposition 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 general awareness of the INGOs, or IGOs, 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 only a vague sense of identity with 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 national NGO, responsibility for such linkages may be limited to one person, so that there will be little awareness of its significance. There is even a tendency for some national-level 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 regional 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 3) and is reinforced by it, even in cases where there is no objective basis for any such assessment, it is particularly unfortunate when powerful INGOs enter into relationships with intergovernmental agencies (under category A or I 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 Astronomical Union that attempts to send radio messages to distant planetary systems might attract unwelcome (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 unfruitful 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 is the 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 long 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 expensive exchange of correspondence which occurs before a potential 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 controversy, multinational enterprises are able to make such transfers with ease for profit-making ends, although such facilities are lacking for organizations with social or scientific aims.

20. Absence of INGO policy in regional IGOs

Problem : Regional IGOs, 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 regional INGO activity. This reinforces the communication gap between IGOs and INGOs.

21. Non-facilitative policy of IGO secretariats

Problem : The major IGOs have specific mandates which tend to de-emphasize any need to relate to other organizations, whether IGO or INGO, having related programme concerns. As a result, little attention, if any, is given by them to the importance of improving the inter-organizational structure focussing on a network of related problems. Where outside contacts are made by the IGO, 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 IGO 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, whatever tasks appear necessary. At the present time there is insufficient consensus within IGOs for any policy change to remedy this. This applies particularly to the relations between bodies within the United Nations system, whether :

- within different divisions of a particular secretariat (e.g. Office of Public Information or NGO Liaison Section) ;
- between bodies reporting to the UN General Assembly (e.g. EC-OSOC and UNDP) ;
- between bodies reporting to different plenary bodies, despite ECOSOC's mandate to review such relationships (e.g. FAO and UNESCO).

22. Absence of national NGOs in some countries

Problem : Many of the newly independent countries are naturally characterized by a poorly developed organizational infra-structure. Priority is given to development of government agencies and productive 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 therefore deliberately created by government for political ends or, if independent of government, are viewed with suspicion if they are permitted to exist at all. This situation makes it difficult for non-governmental 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 indication 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 important to seek innovation of organizational forms ? With regard to areas of interest, who is to say that a seemingly irrelevant INGO to-

day should not be relevant tomorrow. (The best example is the existence of environmental INGOs several decades before the UN Stockholm conference on the human environment in 1972).

24. Supposed similarity of INGOs to multinational corporations

Problem : There is still considerable confusion within the international community concerning the range of organizations embodying the negative characteristics associated with « multinational corporations », now called « transnational corporations » by the UN to help clarify the matter. For those individuals or societies unfamiliar 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). Clearly in many countries this confusion, and the emphasis given to the negative impact of multinationals, constitute a considerable barrier 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-governmental ». The UN Charter does not distinguish under Article 71, governing its relationship to « NGOs », between profit-making and non-profit-making and may be forced to relate to multinationals under the procedures developed for INGOs. Further confusion is generated by the class of INGOs which are international trade and manufacturing 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 policy oriented to the interests of those most in need.

Remark : As noted earlier, many INGOs have had a more universal membership than IGOs 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* organizations by definition do not have representatives from other regions, 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 bodies in Europe is a reality resulting from the relative degree of economic 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 represented 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 realistic to expect the Comores to be represented in the International Association for the Computer-assisted Study of Ancient Languages ?
- Fourthly, there is the non-representativity forced upon organizations 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 representatives to the distant meetings of an international body ? - and this problem arises whether the meeting is in a developing country or in Europe, and whether the national body is based on a developed economy or not. At a time when travel costs are increasing rapidly and subsidies are increasingly hard to obtain, it is therefore natural that the viability of regional bodies may in many cases be greater than that of multi-continent organizations - to say nothing of the effect of increasing postage costs and the 8 week or more delivery time for inter-continental surface mail.

An argument which ignores these problems, particularly when nothing 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 located in Europe and North America. Because of the political significance attached to the geographical location of INGO offices, this leads to criticism that INGOs are primarily 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 continents 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 Europe are in fact less than those between neighbouring developing countries.

The unsatisfactory asymmetry is in fact a consequence of the development 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 forgotten that such asymmetry is reflected at the national or provincial 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 transnational level. The problem is that such models have not yet been sufficiently developed. Even regional organizations in African, Asian and Arab countries tend to be elaborations of the Western model rather than alternative models.

It is to be noted that national governmental agencies in developing countries, for example, are largely based on Western models, for lack of anything better. It is questionable whether the organizational concept used in Eastern socialist countries is sufficiently distinct from the Western model to escape such criticism. (To put matters in perspective, it is useful to look at the equivalent technological problem. The design of airplanes is governed by principles elaborated in developed countries. Whilst it would be delightful to travel in an intercontinental airplane designed in a developing country, there are none. Is this to mean that those designed in developed countries should not be used in developing countries?).

28. Treatment of INGOs as an administrative problem

Problem: For some intergovernmental agencies, the number of INGOs which are in some way engaged in activities relevant to their own programmes constitutes an administrative, or even political, problem. As such, efforts are made to limit contact with them in order to simplify the already difficult tasks of operating the agency. Clearly this determines the attitude of IGO secretariat personnel and delegates and 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 and governments 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 first and foremost a social phenomenon and only incidentally an administrative problem is an indication of the ability of such agencies to comprehend the nature of the international community within which they attempt to function (e.g. the inability of UNESCO to

recognize the usefulness of social studies of national and international 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 services 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 services and facilities in order to increase the efficiency of their administrative 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 usually 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 individuals express themselves or via which their views are molded. As a consequence, attention is switched to socio-economic considerations 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 ILO Yearbook of Labour Statistics has no details about trade unions, despite 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 activity emerges. The absence of such data prevents its consideration 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 variety of their activities. Alternatively, and with the connivance of the implicated INGOs, 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 important, preferring to publicize themselves directly and individually to their potential contacts. IGOs, where they are concerned with international understanding and comprehension of the international system (e.g. UNESCO, or UN Office of Public Information) devote their resources to publicizing the IGO system to which they are linked. This policy is reflected in the documents they produce. For it is difficult, via the IGO 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 programmes, attention is thus effectively diverted away from INGOs. This is even the case with the well-developed INGO 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 INGO 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 particular country, are not governed and protected by national legislation recognizing the special character of INGOs (the only exception being Belgium). The INGO is obliged to register itself as a national organization of that country or a « foreign » association, if it

is permitted to establish itself at all. Many obstacles are thus created to INGO activity, particularly in the Eastern bloc and developing countries. This is a major obstacle to (a) increasing the representativeness of INGO membership and to (b) ensuring that more INGOs 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 headquarters offices, (b) in field-level work, (c) in travel on INGO business. In addition, social security provisions are such that INGO employees 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 only nationals of the secretariat country can afford to spend career time with an INGO, or else people who are prepared to take the risk of forgoing such benefits. As a consequence this may have considerable implications for the INGOs ability to attract qualified personnel and guarantee their job security.

Remark : The significance of this problem becomes evident for the work of INGOs when the state of IGO personnel rights and privileges and immunities is considered. Such privileges are held to be essential in order to maintain an adequate international staff. They cover items such as : travel documents, residential requirements, tax exemption, in addition to social security and pension rights. In addition to generous fringe benefits, IGO personnel also receive salaries considerably in excess of local salaries to compensate them for the inconvenience for having to work away from their country of origin.

34. International legal status of INGOs

Problem : INGOs have no legal status within the framework of international law. They are therefore not recognized as having any international « 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 ensures that INGOs are unprotected (as « outlaws ») and do not operate within anything but a self-imposed code of responsibilities. Their activities are not aided by facilitative arrangements, as is 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 INGOs based in a particular country (see above). Since they are not recognized internationally, some countries view with great suspicion the participation of their nationals or national groups as members 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 associations was approved unanimously at that session and revised at a 1950 session. (1)

Another early important step taken by The Hague Conference on Private International Law resulted in the adoption in 1956 of a Convention 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 recognition not the activity of such bodies.

The Union of International Associations, after consultation with appropriate experts, submitted to the Director General of Unesco in May 1959 a text for a « Draft Convention aiming at facilitating the work of International Non-governmental Organizations ». This initiative only resulted in some changes to customs regulations governing the movement of INGO goods, primarily publications and international 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 a European Convention. This initiative appears to have been abandoned.

Recent parallel events include work within the European Community to formulate legislation for a « European (profit making) corporation ». The Committee on Trade Union Rights of the International Labour Conference (1970) 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 convention relating to the legal position of international associations ». In : The Open Society of the Future, Brussels, Union of International Associations, 1973, pp. 139-147.
The text of the Convention is also published as an annex to the Yearbook of International Organizations.