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Guidelines for the Participation of Civil Society Organizations in OAS Activities

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THE PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES,

HAVING SEEN the report by the Chair of the Committee on Civil Society Participation in OAS Activities and having studied the document prepared by that Committee, "Guidelines for the Participation of Civil Society Organizations in OAS Activities" (CP/CSC-4/99 rev. 7); and

BEARING IN MIND:

General Assembly resolution "The Organization of American States and Civil Society" [AG/RES. 1661 (XXIX-O/99)] containing the mandate for the Permanent Council to prepare guidelines for civil society participation in OAS activities and to adopt them before December 31, 1999;

The standards on cooperative relations between the Organization of American States and the United Nations, UN specialized agencies, and other national and international agencies contained in resolution AG/RES. 57 (I-O/71) and resolution CP/RES. 704 (1129/97) on the legal status of nongovernmental organizations (NGOs) in the Organization;

The General Assembly's recognition of the significant contribution of civil society organizations to activities of the OAS and its organs and agencies; and

The work carried out since 1995 by the Permanent Council and its subsidiary bodies to increase the degree to which appropriate nongovernmental organizations and civil society organizations might become more closely involved in, and contribute to, the activities of the Organization, as well as its examination of ways to implement the tasks entrusted to the OAS in the Santiago Plan of Action with respect to civil society,

RESOLVES:

1. To adopt the attached Guidelines on Participation by Civil Society Organizations in OAS Activities, which will supplement existing provisions in the Organization, will contribute to its modernization, and ensure the enhancement of relations between it and civil society.
2. To instruct the Secretary General to take the necessary measures to enable the implementation of these Guidelines and to report thereon to the Permanent Council prior to the thirtieth regular session of the General Assembly.
3. To encourage member states to disseminate information on these Guidelines among civil society organizations in their respective countries.
4. To congratulate the Committee on Civil Society Participation in OAS Activities for the efficient way in which it has complied with the General Assembly mandate in the preparation of the above-mentioned Guidelines.
5. To report to the General Assembly at its thirtieth regular session on the implementation of resolution AG/RES. 1661 (XXIX-O/99).

APPENDIX

GUIDELINES FOR PARTICIPATION BY CIVIL SOCIETY

ORGANIZATIONS IN OAS ACTIVITIES

INTRODUCTION

The Organization of American States (OAS) has taken a special interest in potential contributions by civil society organizations to the activities of its organs, agencies, and entities. For that reason, the OAS Charter assigned the handling of possible special agreements or arrangements between the Organization "and other American agencies of recognized international standing" to the Permanent Council in 1948. Over the past 50 years, the various organs, agencies, and entities of the OAS have developed, in the context of their institutional aims, various kinds of relationships with national and international institutions. This wealth of experience, which has given rise to some outstanding innovations in the arena of intergovernmental agencies, has also revealed the need to channel the contributions of those institutions and organizations by developing appropriate regulations.

That is why the General Assembly—which in 1971 had already adopted provisions to govern cooperative relations between the OAS and "other international and national organizations"—came to adopt resolutions to complement the pertinent articles of the OAS Charter. The importance of such cooperation was firmly established at the 1994 Summit of the Americas in its declaration emphasizing the importance of civil society organizations in enhancing and preserving democratic institutions. At the Summit of the Americas on Sustainable Development, held in Bolivia in December 1996, various civil society institutions contributed experience that enriched the Plan of Action of Santa Cruz de la Sierra. The Plan of Action of the Second Summit of the Americas, held in 1998, indicates that the OAS could serve as a forum for the exchange of experience and information in connection with civil society organizations, and entrusts the OAS with promoting suitable programs to foster increased civil society participation in public affairs.

Thus began the second phase in the development of regulations and mechanisms for channeling the contributions of civil society organizations—an effort spearheaded by the OAS Permanent Council. The Committee on Juridical and Political Affairs conducted an exhaustive study of the subject and, in 1998, prepared a report on the legal status of nongovernmental organizations at the OAS. For its part, the Special Joint Working Group of the Permanent Council and the Inter-American Council for Integral Development on the Strengthening and Modernization of the OAS contributed to the development of guidelines for civil society participation in OAS activities.

For its part, in 1998 the General Assembly instructed the Permanent Council to study means of increasing the level of participation by civil society organizations in OAS activities and ways to implement the Santiago Plan of Action's mandates to the OAS relating to civil society. In 1999, the General Assembly decided to establish, within the Permanent Council, a Committee on Civil Society Participation in OAS Activities, whose tasks include developing rules to ensure such participation.

The OAS has thus acquired considerable experience with civil society participation in its activities. Initially, the different forms that participation took were developed by individual organs in accordance with their particular aims. Especially apt examples are the ties established by the Inter-American Commission on Human Rights, the Department of Sustainable Development (formerly Regional Development and Environment), and the Inter-American Telecommunication Commission. These different forms of relationship are reflected in the statutes and rules of procedure of those OAS bodies. In addition, civil society organizations traditionally attend the sessions of the OAS General Assembly.

This tradition of OAS cooperation with civil society organizations is based on the significant contributions these organizations can make to OAS work, since they can contribute knowledge and additional information to decision-making processes, raise new issues and concerns that will subsequently be addressed by the OAS, lend expert advice in their areas of expertise, and contribute to consensus-building in many spheres.

Bearing in mind recent changes in the responsibilities of non-state actors in public life and their increasingly important role at the national, regional, and international levels—trends acknowledged

by the OAS and the Summit of the Americas—new mechanisms and methods must be identified to improve current standards and practices in order to adapt them to these new phenomena.

Within this framework, a new phase, i.e., efforts to facilitate participation by civil society organizations in OAS activities overall, began in 1994. In order to bear fruit, civil society participation must be oriented by a clear and yet flexible regulatory framework. Such flexibility is achieved by way of periodic review of participation in OAS activities. These Guidelines thus represent a further step toward enhancing civil society participation in OAS activities.

GUIDELINES FOR PARTICIPATION BY CIVIL SOCIETY

ORGANIZATIONS IN OAS ACTIVITIES

1. Purpose. The purpose of these guidelines is to govern participation by civil society organizations in activities of the organs, agencies, and entities of the Organization of American States (OAS), in accordance with the inter-governmental nature of the OAS and the provisions of the Charter of the Organization, in particular Articles 91.d, 95.d, 103, and 112.h, the statutes and rules of procedure of the corresponding organs, and the rules governing the conduct of OAS activities in pursuit of its essential purposes.

2. Definition. "Civil society organization" is understood to mean any national or international institution, organization, or entity made up of natural or juridical persons of a nongovernmental nature.

3. Scope of participation by civil society organizations.

a. Civil society organizations may attend the activities of the OAS, make presentations, provide information, and, at the request of the organs, agencies, and entities of the OAS, provide expert advice, in accordance with these guidelines. They may also participate in operational activities relating to the design, financing, and execution of cooperation programs, in accordance with applicable regulations and specific agreements negotiated for this purpose.

b. The provisions of these Guidelines complement but do not modify the Rules of Procedure of the General Assembly, the Rules of Procedure of the Inter-American Council for Integral Development (CIDI), the rules governing the inter-American specialized conferences and organizations, and the rules governing the inter-American committees of CIDI.

4. Principles to govern participation by civil society organizations in OAS activities. Civil society organizations may participate in OAS activities in accordance with the following principles:

a. The matters with which they are concerned must fall within the competence of the OAS, and the aims and purposes they pursue must be consistent with the spirit, aims, and principles established in the Charter of the OAS.

b. Participation by civil society organizations in OAS activities shall have the purpose of enabling the organs, agencies, or entities of the OAS to benefit, in a manner consistent with their operational regulations, from expert advice or specialized information provided to them by those organizations on subjects in which those organizations have special competence or interest and from the cooperation such organizations may provide.

c. Participation by civil society organizations in OAS activities should further the activities of its organs, agencies, and entities without prejudice to the regulatory, policy-making, and policy implementation functions established by the instruments that govern those organs, agencies, and entities.

d. Participation by civil society organizations in OAS activities, while welcome, shall not be interpreted as a concession of negotiating functions—which are the exclusive preserve of the States—and shall not alter the intergovernmental nature of the organs, agencies, and entities of the OAS.

e. Arrangements for participation by civil society organizations in OAS activities are distinct from the rights accorded to member states, permanent observers, and entities and organs of the inter-American system.

5. Responsibilities of the organs, agencies, and entities of the OAS with respect to participation by civil society organizations in their activities.

a. The Permanent Council, through its Committee on Civil Society Participation in OAS Activities ("the Committee"), shall monitor the arrangements established between civil society organizations and the OAS within the scope of the functions conferred upon it by the Charter of the OAS.

b. The other organs, agencies, and entities of the OAS shall govern their relations with civil society organizations in ways that are consistent with their own governing provisions and that will best serve their purposes and specific mandates, with due regard to these guidelines.

c. The General Secretariat shall carry out the duties entrusted to it by the Permanent Council through the Committee, shall implement the mechanisms and procedures detailed below, and shall present recommendations as it sees fit to the Committee, with a view to improving the system once established.

6. Application to participate. In order for a civil society organization to participate in the activities of the OAS, it must direct an application to the Secretary General. The Secretary General shall refer the application to the Committee, which shall examine it, make such recommendations as it sees fit, and submit it to the Permanent Council for a decision. The application should contain the following elements:

a. Official name, address, and date of establishment of the organization and the name(s) of its directors and legal representative(s).

b. Its primary areas of activity and their relationship to the activities of the OAS organs, agencies, and entities in which it wishes to participate.

c. Reasons why it believes its proposed contributions to OAS activities would be of interest to the Organization.

d. Identification of the OAS work areas in which it proposes to support ongoing activities or to make recommendations on the best way to achieve OAS objectives.

e. The application shall be accompanied by the following documents:

- Charter or constitution
- Statutes
- Most recent annual report
- Institutional mission statement
- Financial statements for the previous fiscal year, including reference to public and private sources of financing.

7. Registration of civil society organizations. The General Secretariat shall establish a register of all civil society organizations approved by the Permanent Council for participation in OAS activities. The General Secretariat shall keep this register updated, and shall publish it on the OAS web site in the area pertaining to civil society organizations.

8. Conditions of eligibility. In examining the application to participate submitted by a civil society organization, the Committee shall take into account the following factors in preparing its recommendation thereon:

a. The civil society organization shall be of recognized standing within its particular field of competence and shall be of a representative nature.

b. The civil society organization shall have an institutional structure that includes appropriate mechanisms for holding its officers accountable and subject to its members. It shall also have a legal representative and an executive officer, as well as established headquarters.

c. The civil society organization shall obtain its resources primarily from its affiliates or individual members, and shall have provided a listing of its sources of financing and any donations received, including, in particular, those originating from government sources. Those organizations that are not membership-based shall also provide a listing of sources of financing and any donations received, including, in particular, those originating from government sources.

d. The Committee must satisfy itself in particular that the institutional and financial structure of the civil society organization is transparent and affords it a degree of independence.

e. The Committee shall not process applications to participate from civil society organizations that have their headquarters or conduct their principal activities in any territory over which there exists a sovereignty dispute between an OAS member state and a state outside the Hemisphere.

9. Geographic origin of the civil society organizations. The Committee should seek to ensure the registration of civil society organizations from all member states, in order to facilitate just, balanced, effective, and genuine participation by all regions of the Hemisphere.

10. Comments and requests for reports by member states. During the Committee's examination of applications to participate, member states may submit comments and request information from the organization in question. These comments and requests shall be sent to that organization for a response.

11. Responsibilities of registered civil society organizations. By registering, the civil society organization assumes the following responsibilities:

a. Answer inquiries from the organs, agencies, and entities of the OAS and provide advisory services to them upon request.

b. Disseminate information on OAS activities to its members.

c. Present to the General Secretariat, before December 31 of each year, a report, containing an executive summary, on its participation in OAS activities during that year, its financial situation and sources of funding, and the activities planned for the coming year. This report shall be transmitted by the General Secretariat to the Committee.

d. Keep the information on its executive officers up to date.

12. Participation in OAS conferences. Participation by civil society organizations in OAS conferences shall be governed by the following rules:

a. A registered civil society organization may participate after notifying the General Secretariat of the name(s) of the representative(s) who will attend the conference.

b. A civil society organization that is not registered and wishes to participate in an OAS conference shall submit an application to that effect to the General Secretariat, which shall transmit it to the Committee. The application shall contain the information specified in item 6.

c. After the Committee has made a preliminary review of the application and has made such recommendations as it sees fit, the application shall be transmitted to the committee or working group charged with preparing for the conference, which shall take a final decision and, if appropriate, shall issue accreditation to the applying organization.

d. If a member state comments on or requests information with respect to an application to participate, the civil society organization referred to should be informed in time for it to be able to respond.

e. In all other respects, the participation of civil society organizations in OAS conferences shall be governed by the rules governing those activities.

13. Attendance and participation by civil society organizations in the OAS at meetings of the Permanent Council, CIDI, and their subsidiary bodies

a. Registered civil society organizations may designate representatives to attend, as observers, public meetings of the Permanent Council, CIDI, and their subsidiary bodies. Whether representatives of civil society organizations may attend closed meetings shall be determined by the chair of the meeting in question, in consultation with the participating member state delegations.

b. The Secretariat shall provide registered civil society organizations, in a timely manner, with information on the calendar of public meetings and, when available, the order of business of such meetings.

c. A registered civil society organization may present written documents, not exceeding 2,000 words, preferably in two of the official languages of the OAS, on questions that fall within its particular sphere of competence and appear on the agenda or order of business for the meeting. These documents shall be distributed by the General Secretariat to member states, insofar as possible, in two of the official languages of the OAS. Texts exceeding 2,000 words shall be accompanied by executive summaries in two of the official languages of the OAS, which the Secretariat shall distribute sufficiently ahead of time. The complete text of the document may be distributed in its original language or languages, the cost to be borne by the civil society organization in question.

d. In the case of meetings of committees of the Permanent Council or of CIDI, registered civil society organizations may distribute written documents in advance, in keeping with item 13.c, and, with prior approval from the committee in question, may give a presentation at the beginning of the deliberations. Civil society organizations may not participate in deliberations, negotiations, or decisions adopted by member states.

e. In the case of meetings of expert groups and working groups of the Permanent Council or of CIDI, registered civil society organizations that have special competence in the issue to be discussed shall receive the relevant documents in advance and, with the prior approval of the meeting, may present a statement at the beginning of the deliberations, the text of which may be distributed in advance to the member states. With such approval, they may also give a presentation once the consideration of the issue has concluded. Civil society organizations may not participate in deliberations, negotiations, or decisions adopted by member states.

14. Review of participation by civil society organizations in OAS activities. The Committee may conduct a periodic review of participation by civil society organizations in OAS activities, with a view to recommending to the Permanent Council any measures for improvement it considers appropriate. For this purpose, the Committee shall take account of the annual reports civil society organizations must submit under item 11.c.

15. Suspension or cancellation of registration. The Committee may recommend to the Permanent Council that it suspend or cancel the registration of any organization if it has concluded that such organization:

- a. Has acted in a manner that is inconsistent with the essential aims and principles of the OAS;
- b. Has failed to make a positive or effective contribution to the work of the OAS, as reflected in the reports submitted under item 11.c;
- c. Has failed to submit reports for two consecutive years; or
- d. Has furnished manifestly false or inaccurate information.

16. Term of suspension of registration. The Permanent Council may suspend registration, upon a recommendation from the Committee, as a result of the review referred to in items 14 and 15. The Permanent Council shall determine the length of the suspension period, which in no case may be longer than one year. Any civil society organization whose registration has been suspended may

apply to the Permanent Council to reinstate its registration, in accordance with the procedure established in item 7, after the period of suspension has expired.

17. Cancellation of registration. The Permanent Council may cancel the registration of a civil society organization as a result of the periodic review referred to in items 14 and 15. A civil society organization whose registration has been cancelled may apply again to the Permanent Council for recognition three years after the effective date of cancellation.

18. Notification of the procedure to the civil society organization. The Secretary General shall provide written notification to any registered civil society organization before the Committee recommends the suspension or cancellation of its registration. The Committee shall provide the organization in question with a reasonable opportunity to submit any comments, observations, or information it deems relevant.

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