



Federal Bar Association

Policy No. 1-17: Consultative Status with the United Nations

Approved By: Board of Directors

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Policy:

The mission of the Federal Bar Association (FBA) embraces the promotion of rule of law principles, as similarly embodied in the 1946 charter of the United Nations (UN) and subsequent UN declarations. Indeed, the strengthening of the rule of law is associated with the capacity of democratic institutions to bolster human rights, eradicate poverty, and uphold the economic, social and environmental dimensions of sustainable development.

The United Nations Economic and Social Council (ECOSOC) is one of the six main organs of the United Nations established by the UN in 1946. It is the principal body for coordination, policy review, policy dialogue and recommendations on economic, social and environmental issues, as well as for implementation of internationally agreed development goals.

In furtherance of UN policy dialogue with nongovernmental organizations (NGOs) and civil society worldwide, ECOSOC confers “consultative status” to eligible organizations, providing access to the ECOSOC, its subsidiary bodies, human rights mechanisms of the United Nations, as well as special events organized by the President of the General Assembly. Such access may permit eligible organizations to engage in a variety of permissible activities, including information dissemination, awareness raising, development education, policy advocacy, joint operational projects, participation in intergovernmental processes and the contribution of services and technical expertise. Participation in such activities may also provide the FBA with information and insight on international cooperative efforts that may be relevant to treaties and other international agreements co-signed by the United States and affect federal law and individuals and entities subject to United States jurisdiction.

The United Nations Economic and Social Council (ECOSOC) conferred consultative status to the Federal Bar Association on June 18, 2020, following recommendation of approval of the Association’s application by the ECOSOC Committee on NGOs on February 7, 2020.

Consultative status means that eligible FBA representatives, as duly appointed by the President of the association, may participate in United-Nations-sponsored events, meetings and activities and assist in the Association’s collection and dissemination of ECOSOC information, as well as raise awareness within FBA’s membership about matters under discussion and debate at the UN.

ECOSOC regards its consultative relationship with NGOs as reciprocal. NGOs are granted the privilege of participating in a wide variety of United Nations-sponsored events, meetings and activities in return for their contributions to the development aims of ECOSOC and the United Nations at large, based on their relevant areas of experience and expertise.

For purposes of this policy:

“FBA Entity” refers to a Division, Section, and Professional Chapter of the FBA.

“Consultative status” refers to the eligibility of the Federal Bar Association to participate in United-Nations-sponsored events, meetings and activities as described by this Policy.

“FBA National Policy” includes the FBA Issues Agenda, public statements of the Board of Directors, testimony, briefs, correspondence and similar expressions reflecting the interests of the Federal Bar Association, as duly authorized under the Constitution by the Board of Directors and national officers of the Association.

Program Administration:

The Executive Director, with the support of the Government Relations Committee (GRC), administers all aspects of this program. The GRC maintains a UN Consultative Status Subcommittee (subcommittee) composed of five members, responsible for UN Grounds Pass application review, making recommendations about Grounds Pass allocation to the FBA President, compilation and drafting of the Quadrennial Reports, review of Grounds Pass holder reports, and general oversight of activities related to this program.

In October of each year, the GRC designates at least one (1), but up to two (2), UN Conference Focal Point individuals, who are responsible for reviewing the individual registrations for all events using the Indico Integrated Civil Society Organisations System (iCSO). The Conference Focal Point Designees serve on the subcommittee.

Designation and Use of Grounds Passes:

The FBA, pursuant to its consultative status, shall annually select and designate FBA members as recipients of grounds passes to United Nations facilities. Under UN rules, each NGO may request a maximum of seven annual passes to UN facilities at each of the following locations: New York, Geneva, and Vienna. UN rules require that two of the seven annual passes at each location be reserved for the President and Chief Administrative Officer of the NGO, with five annual passes at each location available for designation to FBA members. In addition, UN rules permit the FBA to request temporary ground passes for designated members for 1 day, and up to 3 months, for a maximum of 9 temporary passes at a time.

Only FBA members in good standing may be eligible to hold a grounds pass. An FBA member seeking an annual or temporary grounds pass must file an application (attached) with the Executive Director. A range of factors will be considered in the conferral of passes including: (a) the pass-holder's plan for use of the pass; and (b) how conferral of the pass will support the FBA's mission and the missions of relevant FBA sections or divisions. Upon the recommendation of the Executive Director and the subcommittee, the FBA President shall appoint and designate, subject to the approval of the Board of Directors, the holders of annual grounds passes. The Executive Director,

Government Relations Counsel, and Chair of the Government Relations Committee shall approve requests for and designate the holders of temporary grounds passes.

Illustratively, the designation of annual grounds passes may be appointed as follows:

- Pass Number 1: FBA President
- Pass Number 2: FBA Executive Director
- Pass Number 3: FBA Counsel for Government Relations
- Pass Number 4: Representative of FBA Entity
- Pass Number 5: Representative of FBA Entity
- Pass Number 6: Member or Representative of FBA Entity
- Pass Number 7: Member or Representative of FBA Entity

At all times, FBA members shall exercise the highest standards of professional and ethical conduct and adhere to FBA Policies, including, but not limited to, Policy 1-7: Conflict of Interest, Policy 1-13 Standards for Professional Ethics and Conduct; Policy 1-15: Advocacy of Public Policy Positions by FBA Entities; and Policy 5-1: Social Media. Every member holding an annual or temporary pass shall [file a report with the Executive Director detailing their activity and use of the pass](#) during the respective period and its value to the association. All reports shall be due within thirty days following expiration of the respective pass.

Grounds Pass Application Procedures

The Grounds Pass Application period opens on October 1 and closes October 31. [Applications are filed electronically](#). In November, the GRC Grounds Pass Review Committee reviews pending applications, and assembles recommendations for the FBA President to review. The FBA Board of Directors considers such recommendations by December 5 and authorizes up to fifteen (15) Grounds Passes, representing five (5) each to the United Nations facilities in New York, Geneva, and Vienna which are valid January 1 until December 31 of each year.

In January of each calendar year, the Conference Focal Point Designee designates on the ECOSOC Indico website the FBA President and Executive Director in each of the three UN locations, and any additional passes which have been approved.

Temporary ground passes are issued on a rolling basis to designated members for one (1) day, and up to three (3) months, for a maximum of nine (9) temporary passes globally at a time. Applications filed electronically and pending on October 1, January 1, April 1, July 1, are reviewed by the subcommittee during a quarterly meeting. Application results are announced within 60 days of receipt and do not require FBA Board approval.

Permissible Consultation Activity:

FBA consultative activity at the UN shall involve only observation and information-gathering for the purpose of educating FBA members about UN activity and policies that are of interest to the membership.

On or before December 31, the GRC shall report to the Board of Directors on the use of grounds passes, FBA entity and member participation, and the value of consultative status. As part of its review, the GRC shall consider the association's readiness to engage in more complex consultation

activity, including policy advocacy, participation in intergovernmental processes and the contribution of services and technical expertise, as well as any revisions to this policy.

Quadrennial Report:

Under ECOSOC resolution 1996/31, NGOs in consultative status with the Economic and Social Council must submit to the Committee on NGOs, a brief report of their activities every 4 years, known as the quadrennial report, which includes information about contributions of the NGO to the work of the United Nations. The failure to timely submit this report may cause the Council to suspend or withdraw consultative access from the NGO.

The Executive Director and the Government Relations Committee shall be responsible for the formulation and filing of the quadrennial report with the United Nations. The first quadrennial report will be due in 2024.

Purpose:

This policy addresses the administration of FBA’s consultative status with the United Nations for the benefit of the association, its membership, and the strengthening of the rule of law and civil society.

Change Notice: Amended January 25, 2021 (added section on Program Administration and Ground Pass Procedures)