

Dual Distribution for Council Members

REPORT OF THE COUNCIL NGO COMMITTEE (Item 31)

PART III

RECONSIDERATION OF THE COUNCIL'S RESOLUTION NO. 57 (IV) ON INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS HAVING MEMBERS IN SPAIN.

The Economic and Social Council adopted on 5 March 1948 Resolution No. 133(VI), F. which reads as follows:-

"THE ECONOMIC AND SOCIAL COUNCIL

TAKES NOTE of the opinion of the Council NGO Committee that there appears to be a contradiction in the Council's resolution on international non-governmental organizations having members in Spain between paragraph 1 reading: "That the international non-governmental organizations should be excluded from relationship under Article 71, if they have legally constituted branches in Spain whose policies are determined and controlled by the Franco Government", and paragraph 2 reading: "That international non-governmental organizations should be eligible for consultative relationship:

"(a).....

"(b).....

"(c) If such branches are not active at the present time", and that the Committee also feels that the meaning of the expression "not active" in paragraph (c) above should be clarified as to whether it means "not active" in the international organization or "not active" in Spain; and

REQUESTS the Council NGO Committee to study this problem and to report thereon to the Council."

The Council NGO Committee, acting in accordance with the above resolution, recommends that the Economic and Social Council adopt the following resolution:-

"THE ECONOMIC AND SOCIAL COUNCIL

RECOGNIZING that the Council Resolution 57(IV) has given rise to differences of interpretation and with a view to clarifying the intent of that Resolution,

DECIDES as follows:

- 1. That international non-governmental organizations which have legally constituted branches in Spain, the policies of which are determined and controlled by the Franco Government, should be excluded from relationship under Article 71 of the Charter of the United Nations.

2. However, non-governmental organizations which have legally constituted branches in Spain, shall be eligible for consultative relationship, if their branches in Spain have the following characteristics:

- (a) If these branches are not actively participating in the international non-governmental organization in which they may hold membership, that is to say, if they are not represented on any of the policy-forming bodies of the international non-governmental organizations concerned, do not vote therein, and make no financial contribution.
- (b) If these branches are active but have a purely humanitarian character and if their policies are not determined and controlled by the Franco Government.

3. Non-governmental organizations should also be eligible for consultative relationship if they have only individual members in Spain who are not organized into a legally constituted branch.

4. That the Secretary-General be requested to inform the Council of any changes in the status of Spanish branches of non-governmental organizations brought into consultative relationship, which would debar the international non-governmental organization from consultative status.

5. That this Resolution shall replace that part of Resolution 57(IV) of the Economic and Social Council entitled "Decision on International Non-Governmental Organizations Having Members in Spain". *

* Resolution No. 57(IV) in Resolutions adopted by the Economic and Social Council during its Fourth Session from 28 February to 29 March 1947, document E/437, 22 May 1947, pages 46-50.