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President: Mr. Raymond SCHEYVEN (Belgium).

AGENDA ITEM 17

Non-governmental organizations (continued) (E/4647, E/4671, E/L.1251):

- (a) Applications and re-applications for consultative status;
- (b) Review of non-governmental organizations in consultative status

1. The PRESIDENT invited the Council to continue consideration of item 17, and reminded members that there was to be a vote on twelve organizations which the Council Committee on Non-Governmental Organizations had recommended for inclusion in category II.

International Association for the Promotion and Protection of Private Foreign Investments (continued)

2. The PRESIDENT recalled that the Soviet delegation had proposed to the Council (1582nd meeting) that the organization should be transferred from category II to the Roster.

3. Mr. KOTSCHNIG (United States of America) considered that the organization, which was concerned with the general problem of private investment, should remain in category II. Some countries, including the Soviet Union, objected to private investment, and it was their privilege to do so, but the fact remained that many developing countries were seeking such investment. The United Nations position had always been that investment both in the private and in the public sector was important, since the effect in both cases was to promote the development of the recipient countries. If the Council decided to transfer the Association from category II to the Roster, it would look as if the United Nations was no longer interested in the private sector but was concentrating solely on the public sector.

4. Mr. GARCÍA MORENO (Mexico) said that he had not yet been able to obtain sufficient information on the activities of the organization, particularly on the kind of protection which it was endeavouring to provide for private foreign investment. Investment in developing countries should be protected primarily by the legislation of the countries concerned, and

should not be given special and discriminatory treatment in relation to domestic investment. Consequently, the Mexican delegation would be obliged to abstain from voting on that Association.

5. Mr. TODOROV (Bulgaria) supported the Soviet proposal that the Association should be placed on the Roster. It was essentially a technical organization concerned with only one aspect of the work of the Economic and Social Council, whereas, under the provisions of Council resolution 1296 (XLIV) of 23 May 1968, the only organizations to be classified in category II were those which had a special competence in, and were concerned specifically with, a few of the fields of activity covered by the Council. Moreover, the Association was not truly representative, since it only included members from western Europe and North America.

6. Mr. BERRO (Uruguay) repeated the argument his delegation had put forward in the Council Committee on Non-Governmental Organizations: particularly on the eve of its Second Development Decade, the United Nations should avoid taking any initiative likely to discourage foreign investors and to reduce the flow of capital to the developing countries. As had been rightly stressed at the second session of the United Nations Conference on Trade and Development, held at New Delhi, the financial assistance provided to the disadvantaged countries by international organizations was still very inadequate, and the great Powers were not helping them as much as they should. It was therefore essential for the developing countries to be able to obtain, quite apart from the resources provided by State agencies or international organizations, the private foreign capital they needed to ensure their economic and social development; hence the need not only to promote foreign private investments but also to protect them. The elimination from category II of an Association whose task was precisely to study how to promote and protect private foreign investments was liable to discourage investors; the decision would be all the less justified as no provision of the constitution of that Association was contrary to the principles underlying Council resolution 1296 (XLIV). Therefore his delegation would vote against the Soviet proposal that the Association be transferred to the Roster.

A vote was taken on the proposal of the Soviet delegation.

The proposal was rejected by 18 votes to 3, with 3 abstentions.

International Recreation Association (continued)

7. The PRESIDENT reminded the Council that the Soviet delegation had proposed (1582nd meeting) that

the organization should not be granted consultative status.

8. Mr. KOTSCHNIG (United States of America) said that he was surprised by the Soviet proposal that no status should be granted to an organization which dealt with a vital problem facing the world of today and which would become increasingly serious in the world tomorrow, that of the constructive use of leisure. The purpose of the International Recreation Association was to develop appropriate facilities and opportunities for recreation and leisure in all countries. In fact, the only reason why the Soviet delegation opposed the organization was that it was at present conducting activities among refugees in Viet-Nam. How could it be reproached for attempting to provide some assistance to hundreds of thousands of people who were at present living in difficult and distressing conditions? From a purely humanitarian point of view, his delegation did not see why the activities of the Association should be ostracized by the United Nations, which itself was concerned with the problem of leisure; he therefore favoured its being maintained in category II.

9. Mr. NASINOVSKY (Union of Soviet Socialist Republics) retorted that the International Recreation Association was not concerned with refugees; it mainly organized the recreation of the American military forces in Viet-Nam. The United Nations could not give its support to an organization which in reality was supporting the United States policy of aggression in Viet-Nam and whose activities were essentially political. That was why the Soviet delegation had proposed that the organization be excluded from those granted consultative status.

10. Mr. BERRO (Uruguay) said that, in his view, the activities of the International Recreation Association were not only related to the activities of the United Nations but were in conformity with the purposes and principles of the United Nations Charter. The Association was merely trying to provide some measure of relaxation and spiritual peace in a world living in an atmosphere of violence and war nurtured by the cinema, television and the press, and in which young people were growing up in constant fear of world war. It was to youth, in particular, that the International Recreation Association devoted the bulk of its activities, and the delegation of Uruguay had been fully convinced by the eloquent arguments adduced by the President of the Association when he appeared before the Council Committee on Non-Governmental Organizations. It had noted that the aims of that Association were entirely praiseworthy and totally disinterested, and that it was simply attempting in Viet-Nam to provide a few hours of relaxation and entertainment for children to help them forget the war. In conclusion, he felt that it would be extremely regrettable to deprive of consultative status an association whose mission was to bring into the world a little of the spiritual peace which it needed so much.

A vote was taken on the proposal of the Soviet delegation.

The proposal was rejected by 18 votes to 3, with 3 abstentions.

11. Mr. KHANACHET (Kuwait), speaking in explanation of vote, said that in view of the situation created

in the Middle East by the uprooting of almost 2 million refugees, he found it difficult to admit to the United Nations an organization whose efforts were devoted to the promotion of recreation, when hundreds of thousands of children were dying of hunger and others, lacking educational facilities, could not be sure in future of a life fit for human beings.

12. The Association seemed to have done nothing to help those refugees, and his delegation had therefore voted against its admission to consultative status.

CARE (Cooperative for American Relief to Everywhere, Inc.) (United States of America) (continued)

13. The CHAIRMAN said that the Council had before it a proposal by the Soviet delegation (1582nd meeting) that the organization should be transferred to the Roster.

14. Mr. KOTSCHNIG (United States of America) pointed out that, since its establishment in 1947, the organization, which was essentially American, had done more in terms of food and other forms of relief for the people of the world than any other non-governmental organization, and had always co-operated with United Nations organs. During the past twenty years, it had always been found at work in disaster-stricken areas, and had made a large contribution to the economic development of the disadvantaged countries by providing them with food products, agricultural implements, school equipment etc. Since 1947 its assistance in that field had totalled more than 1.5 thousand million dollars, and there were few countries which had not benefited from its aid. His delegation therefore felt that the organization should remain in category II.

15. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said he respected the view expressed by the United States delegation, although he was not in a position to appreciate its merits, but he maintained his position with regard to CARE. Nevertheless, in order to facilitate the work of the Council, his delegation would not insist on a vote, although in its opinion the proper place for a purely national organization like CARE was on the Roster.

16. The CHAIRMAN said that since the Soviet delegation did not insist on a vote, he would assume that the Council approved the retention of CARE in category II.

It was so decided.

International Commission for Jurists (continued)

17. The CHAIRMAN observed that the Council had before it a Soviet proposal that no consultative status should be granted to the organization (1582nd meeting).

18. Mr. NASINOVSKY (Union of Soviet Socialist Republics) pointed out in support of his delegation's proposal that the International Commission of Jurists was among those organizations which systematically abused their consultative status by engaging in defamatory campaigns against many Member States and interfering in their internal affairs, but could not find time to defend the rights of the oppressed peoples.

The organization's activities were clearly of a political nature, and led one to suspect that it was being subsidized by the Central Intelligence Agency (CIA). It was precisely against such organizations that the provisions of paragraph 36 (b) of resolution 1296 (XLIV) should be applied, and it was the Council's duty to deprive the Commission of its consultative status.

19. Mr. BERRO (Uruguay) said he felt that the International Commission of Jurists was one of the most useful and important organizations for promoting a knowledge and appreciation of law throughout the world. If there was any problem with regard to that organization, it was only because the concept of "criticism" created a great deal of confusion. It was a serious mistake to see differences of opinion as proof of hostility or to brand every sign of disagreement as defamation. The decision handed down by the International Court of Justice with regard to the mandate of South Africa over South West Africa was a case in point. The decision had aroused much criticism within the United Nations itself; should it therefore be concluded that the representatives, including himself, who had expressed their disagreement with it at the time and pointed out the errors it contained had shown that they were hostile towards the Court? Indeed, law would never have evolved in the absence of opposing schools of thought and without the help of able men whose constructive criticism was dictated only by their concern for improvement. That was the spirit which guided the work of the International Commission of Jurists, a body consisting of eminent persons from all parts of the world whose integrity and moral character could not for a moment be questioned. That was evident merely from a glance at the names of the members of the Executive Committee of the Commission and the long list of their titles (see E/C.2/R.39/Add.2). The Commission comprised fifty-six national sections; groups of jurists and lawyers from all countries in the world, even including Namibia, were affiliated to it.

20. It was not true to state that the Commission had conducted defamation campaigns against the Governments of certain Member States; what it had done was to analyse the juridical systems of the political régimes of almost all Member States, regardless of cast. How could it be reproached, for example, for the conclusions it had reached with regard to South Africa, when that State had repeatedly been condemned by the United Nations itself? When it focused its attention on Angola or Namibia, the Commission's object was not to blame certain Member States but to expose objectively the acts contrary to law taking place in certain countries or territories.

21. Constructive criticism carried out in the spirit of the United Nations Charter was extremely important. That was clearly the understanding of the International Commission of Jurists, as shown by its reply to question 7 of the questionnaire, (*ibid.*), namely, that the word "criticized" included evaluations which were critical of laws or of legal systems which fell short of modern norms of the rule of law or did not conform with the requirements of the Universal Declaration of Human Rights and of United Nations international conventions, then the Commis-

sion had criticized specific aspects of the legal system, the laws and legal administration of most States.

22. Apart from the question of its usefulness, criticism was part of the right of freedom of expression. If that right had not been exercised throughout history, the United States of America would still be a British colony, most of the Latin American countries would still be Spanish colonies and the Soviet Union would not exist. It was diversity of opinion which determined progress and events in the world. On a more strictly legal level, freedom of expression was embodied in the constitutions of all free peoples and in the United Nations instruments concerned with human rights. What kind of a world would it be if all opposition were silenced? Was there any need to be reminded of the tragic unanimity of plebiscites in which no voice was raised in disagreement? Was dictatorship to be defended? Since when were differences of interpretation prohibited by the Charter? For fifty years the most eminent jurists of the whole world had not succeeded in reaching agreement on the definition of aggression because they could not reconcile their different interpretations of the Charter.

23. The International Commission of Jurists deserved the Economic and Social Council's praise for the way in which it was carrying out an international duty with objectivity, impartiality, dignity and courage. It was for those principles that the President of one of the national sections had died in prison and that a member of the Commission had been imprisoned for four years. In the name of those principles, the members of the Council should not allow themselves to inject political consideration into a problem which was essentially legal in nature, thereby preventing the Commission from making its proper contribution to the world.

24. It had been alleged that the International Commission of Jurists had received funds from certain United States foundations which had themselves received funds from other foundations, etc. and that at the end of the line there stood an agency of the United States Government. However, no valid evidence had been presented, and the President of the Commission had denied receiving any contribution whatsoever from the agency in question while admitting that it was difficult to have exact knowledge of what might be going on in each national section. The Commission adhered to the principle of not accepting any contribution which might compromise its independence. In that connexion, he observed that it was quite proper for Governments to assist non-governmental organizations which would otherwise be unable to survive. The important thing was that no conditions were attached to the contributions. Governments should certainly not be prevented from assisting in the useful work performed by the vast majority of non-governmental organizations; it was only the buying of loyalty that must be condemned. However, nothing of the sort was observable in the present instance. Furthermore, those who questioned the objectivity of the Commission should note that, although some had accused it of receiving funds from the United States Government, the Spanish press and the Turkish press had alleged that it was influenced by the Soviet Union. It was, in any event, inconceivable that the eminent individuals who headed the Commis-

sion should be held suspect of compromising themselves in that manner.

25. The Commission had also been criticised for not being sufficiently concerned about the position of the Middle East refugees. That accusation had been refuted at a meeting of the Committee on Non-Governmental Organizations dealing with the Commission. The President of the Commission had appeared before the Committee and had replied in a completely satisfactory manner to every question put to him.

26. Mr. KHANACHET (Kuwait) said that his delegation had studied with the greatest interest the section of the report of the Committee on Non-Governmental Organizations dealing with the International Commission of Jurists, as well as the publications of that organization, with whose activities his delegation was quite familiar. He was obliged to observe that for twenty years, during which time the Palestine refugee problem had led to three wars and had been a matter of concern to every country in the world, the International Commission of Jurists had done nothing to help the refugees regain their rights. Yet the problems pertained to private, civil and commercial law, and many of them concerned individual cases.

27. The Arab population of Palestine had been under Israeli occupation for nearly two years—during which period its fundamental rights had been violated by a military administration which subjected civilians to inhuman treatment in defiance of the most elementary principles of law. The International Commission of Jurists, which was now requesting the privilege of consultative status with the Economic and Social Council, had done nothing to defend the Arab civilian population. That was particularly unfortunate in that many members of the Commission were distinguished jurists of world repute whose assistance could be of value to the United Nations. It was therefore with regret that his delegation was obliged to vote against the granting of consultative status to the organization in question.

28. Mr. TODOROV (Bulgaria) said that, for the reasons already cited by the representatives of the Soviet Union and Kuwait, he whole-heartedly supported the proposal that no status should be granted to the International Commission of Jurists. It was undeniably useful to have objective and impartial criticism; however, the Commission could rightly be accused of partiality, as was evidenced by the fact that its President had been unable to explain to the Committee on Non-Governmental Organizations why the Commission had not taken an interest in the problems resulting from the war in the Middle East. His delegation felt that no status should be granted to the Commission, and it would vote accordingly.

29. Mr. HAMBRO (Norway) said that he had participated any years in the work of the International Commission of Jurists and had in that capacity investigated numerous violations of human rights in a number of countries. Jurists from many countries, including Norway, were members of the Commission, which was doing excellent work. The fact that criticism of the organization came from such varied sources attested to its impartiality.

30. Mr. CREMIN (Ireland) said he was certain that the International Commission of Jurists defended human rights to the best of its ability. His delegation would like to see the Commission continue its outstanding work and would vote for its retention in category II.

A vote was taken on the proposal of the Soviet delegation.

The proposal was rejected by 21 votes to 4.

World Jewish Congress (continued)

31. The PRESIDENT drew attention to the proposal of the Soviet delegation that the World Jewish Congress should not be granted any consultative status (1582nd meeting).

32. Mr. EL HADI (Sudan) said that certain non-governmental organizations must be in a position to bring extraordinary prestige or knowledge to the United Nations, since the question of their admission to consultative status was arousing more interest in some United Nations bodies than other matters which would appear to be far more serious. Since such organizations as the American Jewish Committee openly aimed at shattering the solidarity of the African and Asian countries, it could justifiably be asked how they could help to promote the aims and the ideals of the United Nations. On closer examination, it became clear that the organizations in question were in fact purely political and were pursuing goals completely foreign to those of the United Nations. For its part, the Sudan was resolutely opposed to granting them consultative status of any kind.

33. It was an undeniable fact that the Zionist organizations were basically political organizations having close ties with the authorities in the State of Israel and that it had always been their avowed objective to establish in Palestine a homeland for the Jewish people. The entire history of Zionism from 1897 to the present time attested to that fact, and the organizations in question were openly supported by the Israel authorities. The State of Israel had adopted a law under which those organizations enjoyed official status; similarly, it had concluded an agreement under which the World Zionist Organization, which was duly recognized by the Israel authorities, was authorized to pursue its activities both in Israel and abroad, where it acted as an official agent of the Israel authorities. The organic links between the World Zionist Organization and the State of Israel were clearly defined in the legislation enacted by the Israel authorities, and on official occasions the members of the executive bodies of the organization were given the same precedence as members of the Israel Government.

34. The Zionist organizations were thus clearly political bodies whose basic function was to defend the interests of the Israel authorities in the countries in which they were active; the Zionist organizations in the United States were no different in that regard from other similar organizations, as had been brought out in the inquiry made by the Foreign Relations Committee of the United States Senate in 1963. The in-

quiry in question had shown that the Zionist organizations in the United States had received more than \$5 million from the State of Israel for the purpose of influencing United States public opinion and that they in fact functioned as agents of a foreign Power.

35. Under the circumstances, it was clear that the Economic and Social Council could not grant consultative status of any kind to Zionist organizations.

The meeting rose at 1 p.m.