

PROVISIONAL

E/2006/SR.34

28 July 2006

Original: ENGLISH

ECONOMIC AND SOCIAL COUNCIL

Substantive session of 2006

General segment

PROVISIONAL SUMMARY RECORD OF THE 34th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 21 July 2006, at 10.15 a.m.

President:

Mr. ČEKUOLIS
(Vice-President)

(Lithuania)

CONTENTS

NON-GOVERNMENTAL ORGANIZATIONS

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Section, room E.4108, Palais des Nations, Geneva.

GE.06-62991 (E) 260706 280706

In the absence of Mr. Hachani (Tunisia), Mr. Čekuolis (Lithuania), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

NON-GOVERNMENTAL ORGANIZATIONS (E/2006/32 (Part I) and E/2006/L.7)

The PRESIDENT invited the Council to take up the draft decisions contained in chapter I, section A, of the report of the Committee on Non-Governmental Organizations on its 2006 regular session (E/2006/32 (Part I)).

Draft decision I: Applications for consultative status and requests for reclassification received from non-governmental organizations

Mr. SCHRÖER (Germany), speaking on behalf of the European Union, expressed serious concern regarding the Committee's recommendations to reject the applications for consultative status submitted by the International Lesbian and Gay Association and the Danish National Association for Gays and Lesbians (E/2006/32 (Part I)) and by the Lesbian and Gay Federation in Germany and the International Lesbian and Gay Association-Europe (E/2006/L.7). In accordance with Economic and Social Council resolution 1996/31, any non-governmental organization (NGO) that was concerned with matters falling within the competence of the Council and its subsidiary bodies, had aims and purposes in conformity with the spirit, purposes and principles of the Charter of the United Nations and undertook to support the work of the United Nations should be granted consultative status. In recent years, applications had been rejected or consultative status withdrawn only in the case of organizations that had carried out activities against a Member State or had been involved in or connected with terrorist activities. The four NGOs concerned opposed discrimination, advocated respect for human dignity, and had expressed their willingness to contribute to the work of the United Nations. Since they met the criteria set out in resolution 1996/31, there was no valid reason to refuse them consultative status. The Human Rights Committee had consistently ruled that sexual orientation was to be understood as a status protected against discrimination under articles 2 and 26 of the International Covenant on Civil and Political Rights. By withholding consultative status from the four organizations concerned, the Council would be acting in a discriminatory manner against non-governmental organizations that defended the rights of sexual minorities.

Ms. BROWN (Canada) said that her Government was in favour of an inclusive United Nations and shared the concerns voiced by the representative of Germany on behalf of the European Union regarding the Committee's recommendation to withhold consultative status from the four lesbian and gay NGOs. It had placed its trust in the Committee to carry out its functions in a spirit of fairness and dialogue and was concerned by a pattern of discrimination in its decisions in matters concerning sexual orientation.

Mr. KOTSIONIS (Observer for Greece) endorsed the views expressed by the representative of Germany on behalf of the European Union concerning the exclusion of lesbian and gay NGOs from the list recommended for adoption in the Committee's report.

Regarding the application of the Federation of Western Thrace Turks in Europe for special consultative status, he said that the name of the non-governmental organization, as well as its proclaimed goal of securing the rights of the so-called "Turkish minority in Greece", were incompatible with applicable international treaties and profoundly misleading. Every member of the Muslim minority in Thrace, which was not exclusively Turkish, was free to speak his or her language and exercise his or her religion, customs and traditions. The rights of the minority were fully guaranteed in a democratic society in which the rule of law prevailed. National legislation provided for special measures in favour of the Muslim minority in a wide variety of fields and was fully in line with international and regional standards. While it was a staunch supporter of NGO participation in human rights forums, his Government believed that an organization that only sought to propagate unfounded and politically motivated allegations did not contribute to the promotion and protection of human rights.

The PRESIDENT, responding to a point of order raised by the representative of China, said that he was allowing the representatives of Member States to make a number of general observations on the Committee's report prior to the adoption of the individual draft decisions.

Ms. MAGNÚS (Iceland) and Mr. DUQUE ESTRADA MEYER (Brazil) endorsed the views expressed by the representative of Germany on behalf of the European Union concerning the exclusion of lesbian and gay NGOs from the list recommended for adoption in the Committee's report.

Mr. SIDDIG (Observer for Sudan) said that the work of the Committee on Non-Governmental Organizations would be undermined if its decisions were reversed by the Council.

Mr. CABRAL (Guinea-Bissau), supported by Mr. MILLER (United States of America) and Mr. NEJAD (Observer for the Islamic Republic of Iran), said it would be useful if the Chairperson or a member of the Committee could say on what grounds the exclusion of the four lesbian and gay non-governmental organizations had been based.

Mr. LA Yifan (China) said that in the absence of any new information the Council should move to a decision without further discussion.

Mr. KURTTEKIN (Turkey) said that one of the organizations being recommended for special consultative status, Geneva Call, was continuing to engage in activities that were in breach of commitments it had made following previous complaints by a number of members of the Council. That organization had arrogated to itself a role in the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. While non-governmental organizations had a legitimate part to play in raising awareness of the threat posed by landmines, they had no special responsibility for implementing the ban on landmines. His delegation had previously agreed to the granting of consultative status to Geneva Call in return for a commitment by that organization to keep in mind the sensibilities of Member States and to conduct its activities in collaboration with the Governments concerned. It had since learned that Geneva Call had signed an agreement with an armed non-State actor identified as an international terrorist organization by the European Union, the North Atlantic Treaty Organization (NATO), the United States of America and other countries. The Economic and Social Council could not be used as a rubber stamp by terrorist organizations that constituted a common threat to its membership. He therefore proposed that Geneva Call be removed from the list of non-governmental organizations recommended for special consultative status pending reconsideration of its case by the Committee on Non-Governmental Organizations.

Ms. JANJUA (Pakistan), while expressing support for Geneva Call's work on landmines, agreed with the suggestion that its application for consultative status should be re-examined by the Committee.

Mr. CABRAL (Guinea-Bissau) said that a representative of Geneva Call should be given the opportunity to put its case to the Committee on Non-Governmental Organizations.

The PRESIDENT proposed that draft decision I, entitled "Applications for consultative status and requests for reclassification received from non-governmental organizations", should be adopted after the removal from the relevant list of Geneva Call, on the understanding that the case of that organization would be referred back to the Committee for further examination and that account would be taken of the suggestion that its representative should be heard by the Committee.

Draft decision I, as orally amended, was adopted.

Draft decision II: Application of the International Lesbian and Gay Association

Mr. SCHRÖER (Germany), speaking on behalf of the European Union, proposed that the word "not" be deleted from the draft decision.

Mr. BAMGBOSE (Nigeria) said the amendment proposed by the representative of Germany was not acceptable to his delegation.

Mr. CABRAL (Guinea-Bissau) said that the German amendment amounted to more than the simple deletion of the word "not"; it was a rejection of the consensus reached in the Committee on Non-Governmental Organizations.

Mr. SCHRÖER (Germany), supported by Mr. DUQUE ESTRADA MEYER (Brazil), pointed out that the draft decision had in fact been adopted by the Committee following a vote, not by consensus. What the Council had before it was a recommendation on which the Council was called upon to take a decision.

Mr. LA Yifan (China) said that the amendment proposed by the representative of Germany changed the entire tenor of the draft resolution. It was, in fact, a new proposal in disguise and should be treated as such. It would therefore be more appropriate if the Council dealt with the original draft decision before taking up, if appropriate, the proposal put forward by the representative of Germany.

Following a protracted procedural discussion in which the PRESIDENT, Mr. LA Fiyen (China), Mr. CABRAL (Guinea-Bissau), Ms. JANJUA (Pakistan), Mr. DUQUE ESTRADA MEYER (Brazil), Mr. SCHRÖER (Germany) and Ms. BROWN (Canada) took part, Mr. NEBENZIA (Russian Federation), invoking rule 67.2 of the Council's rules of procedure, moved that the Council take no decision on the proposal put forward by the representative of Germany.

Following a further procedural discussion in which the PRESIDENT, Mr. CABRAL (Guinea-Bissau), Mr. OULD MOHAMED LEMINE (Mauritania), Mr. SCHRÖER (Germany), Mr. DUQUE ESTRADA MEYER (Brazil), Ms. JANJUA (Pakistan), Mr. MILLER (United States of America), Ms. BROWN (Canada), Mr. LA Yifan (China), Mr. MOULTON (South Africa) and Ms. FERNANDO (Sri Lanka) took part, Mr. NEBENZIA (Russian Federation) requested that a roll-call vote be taken on the motion requiring that no decision be taken on the German proposal.

At the request of the representative of the Russian Federation, a vote was taken by roll-call on the motion that no decision be taken on the proposal by Germany to amend draft decision II.

Haiti, having been drawn by lot by the President, was called upon to vote first.

In favour: Angola, Benin, China, Costa Rica, Cuba, Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Indonesia, Madagascar, Mauritania, Mauritius, Namibia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania, United States of America.

Against: Albania, Armenia, Australia, Austria, Belgium, Brazil, Canada, Colombia, Czech Republic, Denmark, France, Germany, Iceland, Italy, Japan, Lithuania, Mexico, Panama, Republic of Korea, Spain, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Belize, Guyana, India, Paraguay, Turkey.

The motion was adopted by 25 votes to 21, with 5 abstentions.

The PRESIDENT, noting the result of the vote, said that the Council had decided not to take a decision on the German proposal, and invited it to continue with its discussion of draft decision II in that light.

Mr. SCHRÖER (Germany), supported by Mr. DUQUE ESTRADA MEYER (Brazil), requested a roll-call vote on draft decision II.

The PRESIDENT invited the Secretary of the Council to clarify the consequences of an adoption or rejection of the draft decision.

Mr. SETH (Secretary of the Council) said that if the Council adopted the draft decision it would be rejecting the application of the organization in question. On the other hand, a rejection of the draft decision would not automatically entail referral of the application back to the Committee or acceptance of the application. Any further action would require a separate decision of the Council.

At the request of the representative of Germany, a vote was taken by roll-call on draft decision II.

Spain, having been drawn by lot by the President, was called upon to vote first.

In favour: Angola, Australia, Benin, China, Costa Rica, Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Madagascar, Mauritania, Mauritius, Namibia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, United Republic of Tanzania, United States of America.

Against: Albania, Armenia, Austria, Belgium, Brazil, Canada, Colombia, Czech Republic, Denmark, France, Germany, Iceland, Italy, Japan, Lithuania, Mexico, Panama, Spain, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Belize, Guyana, India, Indonesia, Paraguay, Republic of Korea, Sri Lanka, Thailand, Turkey.

Draft decision II was adopted by 22 votes to 19, with 9 abstentions.

Mr. MAHIGA (United Republic of Tanzania) said his delegation welcomed the positive contribution made by non-governmental organizations to the work of the United Nations and the Council; such organizations should however be credible, morally acceptable and capable of making a contribution to international objectives such as the promotion of development and the eradication of poverty. Recalling that homosexual acts were considered immoral in his country and were punishable by 30 years' to life imprisonment under the Penal Code, he said that his delegation could never accept the granting of consultative status to any organization which advocated homosexuality.

Mr. RAUBENHEIMER (South Africa) said that the Committee on Non-Governmental Organizations was mandated by the Economic and Social Council to consider applications for consultative status and to make recommendations in that regard. It was incumbent therefore on the Council to respect the decisions of the Committee and for that reason his delegation had voted in favour of draft decision II.

Mr. CABRAL (Guinea-Bissau) said that his delegation had voted in favour of the draft decision because the Council had given the Committee on Non-Governmental Organizations a mandate and should accept the recommendations made by the Committee in fulfilment of that mandate. His delegation's vote should not be construed as opposition to homosexual rights and adoption of draft decision II did not preclude taking up the issue of the status of the International Lesbian and Gay Association once again at a later date.

Draft decision III: Application of the Danish National Association for Gays and Lesbians

Mr. SCHRÖER (Germany), speaking on behalf of the European Union, proposed that the word “not” be deleted from the draft decision.

Mr. NEBENZIA (Russian Federation), invoking rule 67.2 of the Council’s rules of procedure, moved that the Council take no decision on the proposal put forward by the representative of Germany.

At the request of the representative of the Russian Federation, a vote was taken by roll-call on the motion that no decision be taken on the proposal by Germany to amend draft decision III.

China having been drawn by lot by the President, was called upon to vote first.

In favour: Angola, Benin, China, Cuba, Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Indonesia, Madagascar, Mauritania, Mauritius, Namibia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Sri Lanka, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania.

Against: Armenia, Australia, Austria, Belgium, Brazil, Canada, Colombia, Czech Republic, Denmark, France, Germany, Iceland, Italy, Japan, Lithuania, Mexico, Panama, Republic of Korea, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belize, Costa Rica, Guyana, India, Paraguay, Turkey.

The motion was adopted by 23 votes to 21, with 6 abstentions.

At the request of the representative of Australia, a vote was taken by roll-call on draft decision III.

The United States of America having been drawn by lot by the President, was called upon to vote first.

In favour: Angola, Benin, China, Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Madagascar, Mauritania, Mauritius, Namibia, Nigeria, Pakistan, Russian Federation, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, United Republic of Tanzania.

Against: Albania, Armenia, Australia, Austria, Belgium, Brazil, Canada, Colombia, Czech Republic, Denmark, France, Germany, Iceland, Italy, Japan, Lithuania, Mexico, Panama, Republic of Korea, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belize, Costa Rica, Guyana, India, Indonesia, Paraguay, Sri Lanka, Thailand, Turkey.

Draft decision III was rejected by 22 votes to 19, with 9 abstentions.

Mr. CABRAL (Guinea-Bissau) proposed that, in the light of the Council's rejection of the recommendation of the Committee on Non-Governmental Organizations, the issue of the granting of consultative status to the Danish National Association for Gays and Lesbians should be referred back to the Committee.

Mr. RAUBENHEIMER (South Africa) said that his delegation welcomed the positive contribution made by non-governmental organizations to the work of the Council. The Committee on Non-Governmental Organizations was mandated by the Council to consider and make recommendations on applications for consultative status and the Council should respect its recommendations. Accordingly, his delegation had voted in favour of draft decision III.

Mr. MÉRORÈS (Haiti) associated himself with the statement made by the representative of South Africa. His delegation's vote in favour of the draft decision did not imply any position with regard to sexual orientation but simply reflected a desire to respect the role of the Committee on Non-Governmental Organizations.

Mr. SCHRÖER (Germany), speaking on behalf of the European Union, proposed that, in the light of the Council's rejection of the Committee's recommendation not to grant consultative status to the organization in question, the Council should vote on the substance of the draft decision and grant consultative status to the Danish National Association for Gays and Lesbians.

Mr. CABRAL (Guinea-Bissau), speaking on a point of order, said that his proposal had been made first and the Council should proceed to a vote on his proposal.

Mr. LA Yifan (China), supported by Mr. NEBENZIA (Russian Federation), said that the Council's rejection of draft decision III was, in fact, a vote on the substance of the matter and therefore, since a defeated motion could not be put forward a second time, the proposal made by the representative of Germany could not be allowed. Moreover, the proposal made by the representative of Guinea-Bissau was already before the Council; the Council should proceed to vote on that proposal.

After a procedural discussion in which Mr. DUQUE ESTRADA MEYER (Brazil), Mr. OULD MOHAMED LEMINE (Mauritania), Mr. MACEDO (Mexico), Ms. JANJUA (Pakistan) and Mr. SETH (Secretary of the Council) took part, the PRESIDENT said that the Council would resume its consideration of draft decision III at its next meeting.

The meeting rose at 1.10 p.m.