



## Economic and Social Council

Provisional

26 December 2012

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### Substantive session for 2012

#### General Segment

#### Provisional summary record of the 41st meeting

Held at Headquarters, New York, on Monday, 23 July 2012, at 3 p.m.

*President:* Mr. de Alba (Vice-President) . . . . . (Mexico)

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In the absence of Mr. Koterec (Slovakia), Mr. de Alba (Mexico), Vice-President, took the Chair.

The meeting was called to order at 3.15 p.m.

### Non-governmental organizations (E/2012/32 (Parts I and II))

1. **The President** invited the Council to begin its general debate on the item.

2. **Ms. Rafti** (Observer for Cyprus), speaking on behalf of the European Union; the acceding country Croatia; the candidate countries Iceland, Montenegro, Serbia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania and Bosnia and Herzegovina; and, in addition, Liechtenstein, said that the Committee on Non-Governmental Organizations had made an effort, at its 2012 session, to consider the applications of non-governmental organizations (NGOs) more swiftly and to reduce its traditional backlog. It had recommended granting consultative status to 129 NGOs.

3. While the European Union commended the progress achieved, it remained concerned by the Committee's continued deviations from the guiding principles of Economic and Social Council resolution 1996/31. Members of the Committee had continued to use delaying tactics to defer applications, such as asking repetitive questions unrelated to information that NGOs were required to submit under Council resolution 1996/31. In May 2012, the Committee had deferred 130 applications for consultative status, leaving the organizations in limbo for several years. The Committee should live up to its responsibility to take a decision on any given application within a reasonable time.

4. With regard to many human rights NGOs, the Committee had simply balked at taking a decision for several consecutive sessions, resulting in perpetual deferrals for those organizations, often only because they were critical of some Committee members' human rights records or because they held views which were different from those of Governments. Of particular concern was the resistance of some Committee members to grant consultative status to organizations which defended the right to protection against discrimination based on sexual orientation.

5. Some Committee members had also refused to take note of the quadrennial reports of various human rights organizations which were already in consultative status. The systematic deferral of those activity re-

ports was an unjust form of reprisal against human rights defenders.

6. The core mandate of the Committee was to determine solely whether an organization's activities fell within the competence of the Council and whether its aims and purposes conformed to the Charter of the United Nations. The arrangements for consultations with non-governmental organizations had not been designed to foster the interests of States, but to allow civil society actors to support and enrich the work of the United Nations by providing a perspective which often differed from that of States.

7. **Mr. Escalante Hasbún** (El Salvador) said that his country welcomed the current format of the Committee's reports, but sought to improve their quality by ensuring that they included more information, such as the geographical distribution and reach of the organizations that were in consultative status, and comparative data broken down by gender and areas of action.

8. Since more than 250 organizations had been recommended for consultative status during the last two sessions of the Committee, resources should be identified quickly that would allow the Department of Economic and Social Affairs to be able to handle the increased workload.

9. **Ms. Morgan** (Mexico) said that social organizations were of the highest priority for her country, as captured in its Federal Act to Promote the Activities of Civil Society Organizations and in its efforts to ensure that those organizations participated in all United Nations activities. The dialogue between Governments and non-governmental organizations laid the groundwork for participatory democracy and accountability. Even though the participation of NGOs was vital in addressing the challenges confronting the United Nations, there was a significant delay in the development of mechanisms that would allow them to participate more actively in the Organization's activities.

10. It was unfortunate that the recommendations contained in the 2004 Report of the Panel of Eminent Persons on the United Nations and Civil Society Relations, entitled "We the peoples: civil society, the United Nations and global governance", had not resulted in concrete measures to enhance the participation of social organizations in the agenda of the United Nations, particularly in the reforms needed to implement sustainable development, as mandated by the United Nations Conference on Sustainable Develop-

ment. The Committee's policy framework should therefore be updated.

*Draft decision entitled "Quadrennial report of the non-governmental organization Suzanne Mubarak Women's International Peace Movement" (E/2012/L.14)*

11. **Mr. Khalil** (Egypt), introducing the draft decision, said that the Committee had been requested to defer its consideration of the request for the change of name of the "Suzanne Mubarak Women's International Peace Movement" to "End Human Trafficking Now" until its regular session of 2013, so as not to interfere with ongoing investigations concerning that organization. The Egyptian authorities had launched an investigation into the financial activities of foundations founded by or affiliated with members of the family of former President Mubarak, including the Suzanne Mubarak Women's International Peace Movement. An international investigation had also been launched in connection with accounts held by members of that family. He called on the Council to support the text.

12. *The draft decision was adopted.*

*Draft decision entitled "Application of the non-governmental organization Khmers Kampuchea-Krom Federation for consultative status with the Economic and Social Council" (E/2012/L.15)*

13. **Mr. Le Hoai Trung** (Observer for Viet Nam), said that NGOs played a meaningful role in the formulation and implementation of national policy and laws in Viet Nam and contributed to the country's socio-economic development. In addition, a number of Vietnamese NGOs were in consultative status with the Economic and Social Council. However, Viet Nam, along with other Association of Southeast Asian Nations (ASEAN) countries Brunei Darussalam, Indonesia, the Lao People's Democratic Republic, Malaysia, the Philippines, Singapore and Thailand, and also the Comoros, Cuba, El Salvador, Nicaragua and the Bolivarian Republic of Venezuela, had sponsored the draft decision not to grant special consultative status to the non-governmental organization Khmers Kampuchea-Krom Federation, because that organization promoted the separation of Viet Nam's territory. Its aims violated the Charter of the United Nations, including the principle of territorial integrity, and Council resolution 1996/31.

14. The Khmers Kampuchea-Krom Federation was a foreign-based group that did not represent the ethnic Khmer people in Viet Nam, but used them to further its

illegitimate political agenda. It had also made slanderous statements regarding Viet Nam's policies and the political, economic, social and cultural lives of its ethnic groups. Viet Nam's Constitution outlined the State's policy of equality, solidarity and mutual support among all ethnic communities and prohibited discrimination.

15. Viet Nam was not a member of the Committee on Non-Governmental Organizations and thus had not been able to provide the Committee with information concerning the applicant organization. He noted the importance of exchanging information with observer States while considering applications for consultative status, and called on the Council to support the draft decision.

16. **Mr. León González** (Cuba) said that organizations in consultative status must comply with Council resolution 1996/31, which clearly established that non-governmental organizations must respect the principles of sovereignty and territorial integrity of Member States and refrain from carrying out any politically motivated acts against States. The Khmers Kampuchea-Krom Federation was involved in secessionist activities. He regretted that, during the Committee's resumed session in May 2012, it had not received all the information needed in order to take a well-informed decision concerning the application of the Khmers Kampuchea-Krom Federation. His delegation supported the draft decision.

17. **Mr. Khan** (Indonesia) said that his country was deeply concerned by the allegations that the Khmers Kampuchea-Krom Federation had violated the Charter of the United Nations and Council resolution 1996/31 by promoting secession from the territory of Viet Nam. Information from the delegation of Viet Nam had not been made available to the Committee during its consideration of the organization's application and the Vietnamese delegation had not been informed of the Committee's deliberations. His delegation had done its best to encourage the relevant parties to reach a compromise on the issue but had been unsuccessful. Bearing that in mind, and considering the merits of the issue, his delegation supported the draft decision.

18. **Mr. De Vega** (Philippines) said that his country recognized the right to freedom of expression and the partnership between civil society and Governments. However, it was also essential for all States to be given an opportunity to air their views on the consultative

status of a group affecting them. The Government of Viet Nam had felt that it should have been given the opportunity to express its concerns regarding the applicant organization, which it believed was violating the principle of territorial integrity.

19. The current case highlighted the need to review the application process for consultative status. While civil society groups were not expected to conform to Government positions, it was important for Governments to be informed when a non-governmental organization was being considered for such status, especially when the group was based in another country. As laudable as any group's goals might be, the Council should not immediately grant consultative status without having heard from the concerned State. Granting consultative status to non-governmental organizations was intended as a way to allow them to participate in States' developmental agendas, not to air grievances that might be best presented in more appropriate forums.

20. **Mr. Kommasith** (Observer for the Lao People's Democratic Republic) said that the Khmers Kampuchea-Krom Federation was a secessionist organization with aims that violated the spirit and principles of the Charter and Council resolution 1996/31. Granting consultative status to that organization would set a precedent for other secessionist or politically motivated groups. The Committee's recommendation would have been different if, during its deliberations concerning the applicant organization, it had had access to the information that had since come to light. His delegation supported the draft decision.

21. **Ms. Solórzano-Arriagada** (Nicaragua) regretted that the facts presented by Viet Nam had not been made available during the Committee's deliberations concerning the application of the Khmers Kampuchea-Krom Federation. That organization was carrying out politically motivated and secessionist activities which violated the principles of Council resolution 1996/31. Her delegation supported the draft decision, because the Council could not grant consultative status to a group attempting to undermine the territorial integrity and sovereignty of a Member State.

22. **Mr. Rybakon** (Russian Federation) said that Russia's position had traditionally been to uphold the recommendations of the Committee on Non-Governmental Organizations, because that Committee studied all applications for consultative status very

carefully before submitting any recommendations to the Council. Nonetheless, some of the applications it received were so sanitized and polished that its members were unable to determine the true nature of the applicant organization. In such circumstances, the Committee might approve an organization that would otherwise not have been granted consultative status.

23. In view of the explanations provided by the delegation of Viet Nam, the Russian Federation agreed that the Khmers Kampuchea-Krom Federation was engaged in activities that contravened the purpose and principles of the Charter of the United Nations. It would therefore support the draft decision.

24. **Ms. Calcinari Van Der Velde** (Observer for the Bolivarian Republic of Venezuela) said that, at the resumed session of the Committee in May 2012, her delegation had not been provided with sufficient information to be able to assess the Khmers Kampuchea-Krom Federation. Nonetheless, it was grateful to the delegation of Viet Nam for the additional information it had provided. It was important for all NGOs applying for consultative status to adhere very closely to the spirit of Council resolution 1996/31. Her delegation rejected any politically motivated acts that undermined the principles of sovereignty and territorial integrity and therefore supported the draft decision.

25. *A recorded vote was requested on draft decision E/2012/L.15.*

26. **The President** said that the draft decision contained no programme budget implications.

27. **Ms. Cousens** (United States of America), speaking in explanation of vote before the voting, said that her delegation was deeply dismayed at the tabling of the draft decision to overturn the decision of the Committee on Non-Governmental Organizations to grant consultative status to the Khmers Kampuchea-Krom Federation. Civil society actors made a valuable contribution to the work of the United Nations system and should have the right to express their views in a non-violent manner, even when those views ran counter to those of Member States.

28. The Khmers Kampuchea-Krom Federation was a peaceful advocacy organization based in the United States, whose aim was to help the marginalized Khmer-Krom people of Viet Nam by voicing their legitimate concerns and bringing them to the attention of the international community. It was a well-established or-

ganization that had been participating actively in the work of United Nations bodies focusing on the rights of indigenous peoples. Its principles were fully consistent with those of the Charter of the United Nations.

29. The Committee on Non-Governmental Organizations had agreed to grant consultative status to the Federation at a session that was conducted in a transparent manner and where all the facts had been made fully available to all the relevant Member States. The Committee members had had ample time to review the application before the session and had asked questions which had been duly answered. All countries, including non-members of the Committee, had had the opportunity to raise any concerns but none had done so. All Committee members had agreed that the Khmers Kampuchea-Krom Federation met the criteria established in resolution 1996/31 to be granted consultative status. Its goals were spelled out in its application and no information had been presented that warranted revocation of the Committee's decision.

30. If the Member States that were concerned about the Khmers Kampuchea-Krom Federation had been genuinely interested in assessing the merits of the allegations made, the appropriate cause of action would have been to refer the matter back to the Committee, rather than to overturn the Committee's decision in a non-deliberative manner. It had never been, nor should it ever be, the practice of the Council to insist that NGOs agree with Governments before they could be granted special consultative status.

31. In the recent past, the Council had resorted to a vote only when there had been a vote in the Committee on Non-Governmental Organizations. Overturning the Committee's unanimous decision would send a wrong message and further politicize the NGO accreditation process. The role of NGOs was not to reinforce government policies, but to express independent and alternative view points. Her delegation had therefore decided to vote against the draft decision and urged other delegations to do likewise.

32. **Ms. Mc Breen** (Ireland), speaking on behalf of the European Union in explanation of vote before the voting, said that the European Union was concerned at the tabling of the draft decision not to grant consultative status to the Khmers Kampuchea-Krom Federation, despite the contrary decision of the Committee on Non-Governmental Organizations. The Committee had reached its decision after duly considering the applica-

tion submitted by the Khmers Kampuchea-Krom Federation and satisfying itself that the organization met all the requirements set out in Council resolution 1996/31 and that its aims and purposes were in conformity with the spirit, purposes and principles of the Charter of the United Nations.

33. All information on the Khmers Kampuchea-Krom Federation had been available via open sources and nothing new regarding the requirements of resolution 1996/31 had come to light. Consequently, there was no reason to overturn the Committee's decision. It was also inappropriate to deny accreditation to any NGO simply because it expressed views that were different from those of Governments. The member States of the European Union that were currently members of the Economic and Social Council had therefore decided to vote against the draft decision and urged others to do likewise.

34. *A recorded vote was taken.*

*In favour:*

Argentina, Bangladesh, Belarus, Brazil, China, Comoros, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Ghana, India, Indonesia, Lesotho, Libya, Mongolia, Nicaragua, Pakistan, Philippines, Russian Federation, Rwanda, Senegal, Turkey and Ukraine.

*Against:*

Bulgaria, Canada, Finland, France, Germany, Ireland, Italy, Latvia, Netherlands, Slovakia, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland, and United States of America.

*Abstaining:*

Australia, Bahamas, Burkina Faso, Chile, Japan, Mexico, Nigeria, Qatar, Republic of Korea and Zambia.

35. *The draft decision was adopted by 27 votes to 14, with 10 abstentions.*

36. **Mr. Errázuriz** (Chile), speaking in explanation of position, said that Chile unswervingly supported the contribution of NGOs to the United Nations and favoured measures designed to facilitate their participation in the Organization's work. In the case of the Khmers Kampuchea-Krom Federation, it was regrettable, given the legitimate concerns raised by the delegation of Viet Nam and the doubts expressed by other delegations, that the matter could not be referred back

to the Committee on Non-Governmental Organizations. Consequently, and considering the importance of complying with the provisions of Council resolution 1996/31, his delegation had decided to abstain from the vote.

37. **Mr. Kodama** (Japan), speaking in explanation of position, said that, regardless of their thoughts and beliefs, NGOs that could contribute to the work of the Council and its functional committees and whose activities were not incompatible with the Charter of the United Nations and Council resolution 1996/31 should be granted consultative status. Although it was a concerned party, Viet Nam had not been given the opportunity to present its position before the Committee on Non-Governmental Organizations adopted its recommendation.

38. His delegation believed that the Council should have seriously considered the proposal to have the Committee reconsider the Khmers Kampuchea-Krom Federation's application based on relevant information from concerned parties, including Viet Nam, before making its decision. The current draft decision made such reconsideration impossible. Consequently, his delegation had decided to abstain from the vote.

39. **Ms. Morgan** (Mexico), speaking in explanation of position, said that civil society organizations made a valuable contribution to the work of the United Nations and should participate in all agenda items under consideration. In that connection, applications for consultative status should be considered carefully, to ensure that they fulfilled the requirements of resolution 1996/31. Unfortunately, her delegation did not have sufficient elements to be able to take a definitive position on the application by the Khmers Kampuchea-Krom Federation. It would have been preferable for the Committee to reconsider the application in the light of elements presented after the decision. Consequently, her delegation had decided to abstain from the vote.

40. **Mr. Motanyane** (Lesotho), speaking in explanation of vote after the voting, said that Lesotho supported the active participation of NGOs in the work of the United Nations, as well as the granting of special consultative status to such organizations, as appropriate. In that process, respect of the principles and purposes of the Charter of the United Nations was of paramount importance. The Committee should reconsider its *modus operandi* and consult with Member States that were not members of the Committee when

an application for consultative status in which they might have an interest was being considered.

41. The consensus reached by the Committee in the case of the Khmers Kampuchea-Krom Federation was not based on all the facts. It was on that basis, and in the light of the statements made by the delegation of Viet Nam and those of several members of the Committee on Non-Governmental Organizations, that his delegation had decided to vote in favour of the draft decision. Its vote should not be interpreted as a position against NGOs in general.

42. **Mr. Le Hoai Trung** (Observer for Viet Nam) said that the Council had taken the right decision not to grant consultative status to the Khmers Kampuchea-Krom Federation. That decision upheld the spirit, purposes and principles of the Charter of the United Nations and those contained in resolution 1996/31, and distinguished clearly between genuine NGOs and organizations that sought to abuse their non-governmental status and the relationship between NGOs and the United Nations in order to advance their illegitimate and illegal aims and purposes. The draft decision supported the legitimate interests of the Member States of the United Nations and enhanced their relationship with NGOs, and was not aimed at any Member States in particular.

*Recommendations contained in the report of the Committee on Non-Governmental Organizations (E/2012/32 (Part I))*

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

43. *Draft decision I was adopted, taking into account the decision adopted earlier as contained in document E/2012/L.14.*

*Draft decision II: "Report of the Committee on Non-Governmental Organizations on its 2012 regular session"*

44. *Draft decision II was adopted.*

*Recommendations contained in the report of the Committee on Non-Governmental Organizations (E/2012/32 (Part II))*

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

45. *Draft decision I was adopted, taking into account the decision adopted earlier as contained in document E/2012/L.15.*

*Draft decision II: "Withdrawal of consultative status of the non-governmental organization Interfaith International"*



46. *Draft decision II was adopted.*

*Draft decision III: "Suspension of consultative status of non-governmental organizations with outstanding quadrennial reports, pursuant to Council resolution 2008/4"*

47. *Draft decision III was adopted.*

*Draft decision IV: "Reinstatement of consultative status of non-governmental organizations that submitted their outstanding quadrennial reports, pursuant to Council resolution 2008/4"*

48. *Draft decision IV was adopted.*

*Draft decision V: "Withdrawal of consultative status of non-governmental organizations in accordance with Council resolution 2008/4"*

49. *Draft decision V was adopted.*

*Draft decision VI: "Requests for withdrawal of consultative status"*

50. *Draft decision VI was adopted.*

*Draft decision VII: "Dates of and provisional agenda of the 2013 session of the Committee on Non Governmental Organizations"*

51. *Draft decision VII was adopted.*

*Draft decision VIII: "Report of the Committee on Non-Governmental Organizations on its 2012 resumed session"*

52. *Draft decision VIII was adopted.*

*The meeting rose at 4.35 p.m.*