

Dual Distribution for Council Members

SEVENTH SESSION

COMMITTEE ON ARRANGEMENTS FOR CONSULTATIONS
WITH NON-GOVERNMENTAL ORGANIZATIONS

SUMMARY RECORD OF THE FORTY-NINTH MEETING

Held at the Palais des Nations, Geneva, on
Monday, 9 August 1948, at 3 p.m.

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N.B. Will delegates who wish to have corrections made to the Summary Record, please submit such corrections in writing to the Secretariat, Room C-436 within twenty-four hours of distribution of the Summary Record.

Present:

CHAIRMAN	Mr. ALEXANDER (United Kingdom)
China	Mr. WU
France	Mr. LAMARLE
Union of Soviet Socialist Republics	Mr. ROSTOWSKY
United States of America	Miss BELL

Secretariat:

Mr. Lyman White	Secretary of the Committee
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The CHAIRMAN, before proceeding to business, asked the Committee if it would authorise the Secretary to inform the International Committee for Mental Hygiene of the decision to recommend that its application for Category B consultative status be rejected, on the grounds of its specialized character and the greater appositeness of relations with UNESCO or the World Health Organization. The President of the International Committee for Mental Hygiene had specially requested to be informed of that decision before 18 August, when the International Congress for Mental Health would meet.

It was agreed that this information might be given, as an act of courtesy, although it was the practice to communicate to the public only the positive recommendations of the Committee at the time they were made. All the recommendations of the Committee became public when the Report of the Committee to the Council was issued.

1. CONSULTATIONS OF COMMITTEES OF THE COUNCIL WITH NON-GOVERNMENTAL ORGANIZATIONS IN CATEGORY A. (Documents E/SR/189, page 32, E/C.2/119)

The CHAIRMAN drew attention to the President's note (E/C.2/119) asking the Committee, in view of the new procedure of sending various items of the agenda direct to the Committees without a prior hearing in plenary, to consider a recommendation providing that Category A organizations could be heard in committee as well as in plenary. Without such a provision, the hearing of organizations might not take place during the discussion of the substance of an item.

He presented a Draft Resolution which would amend Resolutions 95(V) and 133 (VI) and read as follows:

"THE ECONOMIC AND SOCIAL COUNCIL
RECALLING its Resolution No.95(V) as amended by Resolution No.133(VI) G, which established the procedure for a non-governmental organization in category A to be heard by the Council NGO Committee and by the Economic and Social Council,
AND NOTING that these resolutions do not provide for an organization in category A to be heard by a Committee of the Council, even though the Council may have referred agenda items directly to Committees and may, therefore, not discuss them in plenary sessions,
RECOGNIZES that the intention of the above-mentioned resolutions was to enable non-governmental organizations in category A to express their views before the Council during the course of the debates,
AND RECOGNIZING that the procedure of referring matters directly to Committees of the Council might deprive these organizations of this opportunity,
DECIDES that Part III of Resolution No.95(V) as amended by Resolution No.133(VI) G, be further amended to read as follows:

" THE ECONOMIC AND SOCIAL COUNCIL,
DECIDES with a view to the further implementation of the General Assembly Resolution of 15 December 1946 /No.49(1), sections B and C/ and the Council Resolutions of 21 June 1946 /No.2/3/ and of 28 March 1947 /No.95(V)/
THAT whenever the Council or a Committee of the Council discusses the substance of an item proposed by a non-governmental organization in category A and included on the agenda of the Council, such an organization shall be entitled to present orally

either to the Council or to the appropriate Committee of the Council an introductory statement of an expository nature,

"THAT such an organization may be invited by the President of the Council, or the Chairman of a Committee of the Council, with the consent of the Council, or the Committee, to make, in the course of the discussion of the item before the Council, or before a Committee of the Council, an additional statement for purposes of clarification,

"THAT non-governmental organizations in category A will be expected to follow the procedure already established, of presenting their views, in the first instance, to the Council NGO Committee on all items which they have not proposed, it being understood that the Committee may recommend that the Council or a Committee of the Council invite the organization to present an oral statement to it, and

"THAT any request on the part of non-governmental organizations in category A, referred to in the preceding paragraph, to be heard by the Council or by a Committee of the Council on any item of the agenda of the Council should be made to the Council NGO Committee not later than forty-eight hours after the adoption of the agenda by the Council."

"THAT this Resolution shall replace that part of Resolution No.95(V) entitled "III. Consultation with Non-Governmental Organizations in category A" as amended by Resolution No.133(VI) G.*"

In reply to a query from the representative of the United States, the CHAIRMAN said that the reference to Committees in that document meant Committees of the Whole, and accepted a suggestion from the representative of China that that should be specified.

Mr. LAMARLE (France) accepted in principle the proposal made at the President's request (E/C.2/119/Rev.1); but he wondered whether that request had been occasioned by some specific circumstance or by an approach made by a non-governmental organization.

* The parts of the draft resolution, which, if adopted, would amend resolutions 95(V) and 133(VI), are underlined.

The CHAIRMAN replied that the President's note arose from the logical consequences of the new procedure; but several items on which category A organizations had requested to be heard during the current session had, in fact, been among those sent to a Committee before discussion in plenary.

Mr. ROSTOWSKY (Union of Soviet Socialist Republics) expressed concern that the phrase "to either the Council or to the appropriate Committee" would prevent organizations that had been heard in committee from asserting the right to be heard also in plenary.

The CHAIRMAN emphasised that the intention of the original Resolution was to allow organizations to be heard at the highest level and also in the preliminary debate, but in the past there had been no case of a category A organization addressing both Committee and Council. What had to be decided was whether it was more advantageous for category A organizations to be heard by Committees of the Whole, or to wait till the question with which they were concerned came up before the Council, or, as a third possibility, whether they should be given facilities for speaking both in committee and in plenary. He doubted whether the Council would agree that the same organization should be heard more than twice on any one item of the agenda. With the interests of such organizations at heart, it was necessary to see how those legitimate interests could best be served.

Mr. LAMARLE (France) agreed that the arguments he had just heard, particularly from the Soviet Union representative, were extremely weighty and apposite. The Committee's rôle should be to leave all possibilities open.

It might indeed be a matter of importance for category A non-governmental organizations to be able in certain cases to offer their views at the very outset of a discussion; but provision should also be made for the possibility of their being heard by the Council before the end of such discussion. He appreciated the Chairman's fear lest non-governmental organizations abuse such a right, but it would rest with the Council and with the Committee to assert their authority and decide whether or not a further hearing should be given to organizations requesting it.

Miss BELL (United States of America) agreed to some extent with the representative of France, but thought the case in point had been covered when it had been agreed that the representative of the American Federation of Labor might withdraw his request to speak in case the ground should prove to have been covered by Members of the Council. The United States delegation could not agree that an organization should be allowed to express new views after a recommendation had been forwarded to the Council by a Committee of the Whole.

Mr. WU (China) concurred in this view. The Draft Resolution before the Committee provided that an organization could speak more than once before the Committee but not in plenary as well - though naturally the Council was free to decide whether it wished to hear an organization in plenary.

Mr. ROSTOWSKY (Union of Soviet Socialist Republics) reaffirmed his view that the phrase "to either the Council or to the appropriate Committee" restricted the rights of the non-governmental organizations. There were no grounds

for fearing that they would abuse their right to speak; should any one of them do so, it would always be possible to point out the fact to the organization.

The CHAIRMAN explained that the draft Resolution did not affect the right of the non-governmental organizations to be heard in the Commissions, in which they had taken an active part in accordance with Part V of Council resolution No.2/3 of 21 June 1946, which provided that consultations with Category A organizations "should normally be with the Commission itself".

The original Resolution spoke of the right of category A organizations responsible for items on the agenda, to make "an introductory statement" and "an additional statement for purposes of clarification" to the Council. That wording was adopted to prevent general debates in the Council which should properly occur in the Commissions.

No category A organization had yet spoken before a Committee of the Whole. The draft Resolution left it open for both the introductory statement and the eventual clarifying statement to be made either in committee or in plenary; or, when the introductory statement had been made in committee, for the invitation to make an additional statement to come from the Council. He did not feel entitled, under the terms of the President's note, and in the light of precedent, to suggest that an organization should be able to speak twice in committee and twice before the Council.

Mr. WU (China) suggested that discussion should be limited to the President's request, i.e. to consider only

the aspect of the problem affected by the new procedure of sending items direct to the Committees. There were other aspects - e.g. items referred by plenary to committee, to be brought up again in plenary a second time, which should be discussed at a later stage.

Mr. LAMARLE (France) said that the Chairman's explanations had enabled him to form a clearer opinion; but he would like some further details. In the first place, the second paragraph of the Resolution, in its present form, seemed to indicate that non-governmental organizations could not themselves request a hearing, but had to await an invitation from the President of the Council. He doubted whether that was the Chairman's intention. Secondly, the penultimate paragraph did not specify whether organizations should state in advance by what body they wished to be heard - the Committee or the Council. He wanted to avoid the possibility that they might be prevented from being heard by either, as a result of failure to make that point clear. Subject to those reservations, the French delegation could support the draft submitted.

Miss BELL (United States of America) pointed out that two categories of organizations were envisaged: firstly, those which had placed an item on the agenda of the Council; such organizations should be entitled to speak both before a Committee and before the Council, and secondly, organizations that had simply sent in requests to speak on certain items. The latter should be enabled to speak either in committee or in plenary; the course of debate would determine which.

The CHAIRMAN noted that that was a fundamental point. In regard to the French observation, the original

Resolution made clear the Council's definite intention to leave the question of an additional statement to the President's discretion - as brought out by the words "shall be entitled" in the first substantive paragraph and "may be invited by the President of the Council" in the second. There could be no question at that juncture of altering the original Resolution 95(V) as amended by 133 (VI) G which had been approved by the General Assembly. There was some ambiguity in the penultimate paragraph of the English text, which might perhaps be more easily obviated in French, where a doubt was left whether a non-governmental organization in category A could formally request to be heard by both Council and Committee of the Whole. The reference in the preceding paragraph to "an oral statement" suggested indeed the intention to provide for one statement only; but the Committee was free to form its own judgment on what was advisable.

The Committee accepted his proposal that, as the discussion had raised tricky and fundamental points, on which delegations would wish to reflect, it should be deferred till the next meeting.

2. REPORT ON THE CONFERENCE OF NON-GOVERNMENTAL ORGANIZATIONS

Miss BELL (United States of America) questioned whether it was desirable that the Committee's Report should include the summary of a report on a conference over which it had no control, where the United Nations representatives were merely observers.

Mr. WU (China) shared the doubts of the United States representative. He had proposed that that item should

figure on the agenda out of a desire to show an interest in the work of the non-governmental organizations; but in view of the heavy programme of the Committee he now proposed that the Report of the Non-Governmental Organizations' Conference be struck off the Committee's agenda, and that the Secretary be directed to prepare a memorandum for circulation to the non-governmental organizations, assuring them of the continued interest of the Committee in their work.

The CHAIRMAN, as a result of a general exchange of views, put to the vote two alternate proposals, that proposed by the representative of China, seconded by the representative of the United States, to the effect that the Report of the Conference of Non-Governmental Organizations should be struck off the agenda, and reference to it deleted from the Committee's Report, while he as Chairman should write a letter for circulation to those organizations, encouraging their efforts; and secondly, a proposal that a report on the Conferences in question, to be prepared by the Secretariat, should be considered before reaching a decision.

Each proposal secured two votes. The CHAIRMAN, in his capacity as United Kingdom representative, gave the casting vote in favour of the China-United States proposal.

3. REVISED DRAFT REPORT OF THE COMMITTEE ON APPLICATIONS OF NON-GOVERNMENTAL ORGANIZATIONS FOR CONSULTATIVE STATUS (Document E/C.2/W.17)

It was agreed, after a short discussion on the proposal of the USSR representative, seconded by the representative of France, that discussion of this item should be postponed to give time to read through the revised draft, which had been received only that day.

The CHAIRMAN pointed out that it could then be considered together with Part 4 of the Committee's Report. Mr. LAMARLE (France) requested that the documents be distributed simultaneously in French and English. There had been occasions when, had he been in possession of the French translation of particular documents, he would not have intervened during the present meeting.

The meeting rose at 5.40 p.m.