

Dual distribution for Council MembersREPORT OF THE COUNCIL NGO COMMITTEE
(Item 31)Introduction

The Economic and Social Council in its Resolution (No.2/3, 21 June 1946. Official Records, Economic and Social Council, Second Session, page 500, of 21 June 1946, originally issued as document E/43/Rev.2, 1 July 1946), implementing Article 71 of the Charter of the United Nations, established the Committee on Arrangements for Consultation with Non-Governmental Organizations (Council NGO Committee), composed of the President and five members of the Council. The Council subsequently elected China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America as members. The Committee by Resolution No.2/3 was given the duty of reviewing and making recommendations on applications for consultative status submitted by non-governmental organizations. By Resolution No.16 (III) the Committee was also to act as the standing committee referred to in section IV, paragraphs 3 and 5 of Resolution No.2/3, to carry on consultations with organizations given consultative status.

In accordance with the above-mentioned Resolutions, the Council NGO Committee met at Lake Success on 21 and 22 June 1948 under the chairmanship of Mr. Charles Malik and on 23 June 1948 under the acting chairmanship of Mr. T.Y.Wu. The Committee also met at Geneva on 26 July 1948 under the chairmanship of Mr. Charles Malik and on 27, 28 and 29 July 1948 and on 2, 3 and 4 August 1948 under the acting chairmanship of Mr. J.A.C.C. Alexander to consider documents E/C.2/W.10, E/C.2/W.10/Add.1, E/C.2/W.10/Add.2, E/C.2/W.10/Add.3, E/C.2/W.10/Add.3/Corr.1, E/C.2/W.10/Add.4, E/C.2/W.10/Add.5, E/C.2/W.11, E/C.2/W.12, E/C.2/98, E/C.2/109, and to hear the views of the organizations with consultative status which so requested.*

The Committee accordingly submits its Report in five parts for the consideration of the Economic and Social Council:-

1. Part I of the Report of the Committee to the Economic and Social Council - Resolution of 11 March 1948 of the Economic and Social Council (Communications from the World Jewish Congress E/710)
2. Part II of the Report - Consultations with Non-Governmental Organizations

* See also E/C.2/SR.35-39 for meetings at Lake Success and E/C.2/SR.40-48 for meetings at Geneva.

3. Part III of the Report - Reconsideration of the Council's Resolution No.57 (IV) on International Non-Governmental Organizations having Members in Spain.

4. Part IV of the Report - Functioning of Consultative Arrangements

5. Part V of the Report - Applications of Non-Governmental Organizations relating to Consultative Status *

* These parts may be separately submitted, in whole or in part, as they become available and as circumstances dictate.

PART I OF THE REPORT OF THE COMMITTEE
RESOLUTION OF 11 MARCH 1948

(RESOLUTION No. 133(VI),H.) OF THE ECONOMIC AND SOCIAL COUNCIL
(COMMUNICATIONS FROM THE WORLD JEWISH CONGRESS - E/710)

1. The Economic and Social Council adopted the following resolution on the 11th of March 1948:

"THE ECONOMIC AND SOCIAL COUNCIL

TRANSMITS to the Council NGO Committee the summary record of its discussion of 11 March 1948 concerning document E/710, with the request that the Committee submit to the Council at its next session whatever recommendations it may deem useful."

2. The Committee at its first session on the 21st of June decided to inform the World Jewish Congress and the following eight governments - Egypt, Iran, Iraq, Pakistan, Saudi-Arabia, Syria, Turkey and Yemen that they could be represented at meetings of this Committee when this subject was under consideration. It furthermore decided that it would be prepared to hear the Representative of the World Jewish Congress and it considered it the right of the States mentioned above to participate in the discussion without vote.

3. At the afternoon meeting of 21 June and the morning session of 22 June, statements were made accordingly by the Representatives of Egypt, Pakistan, Syria and Turkey and by the Representative of the World Jewish Congress.

4. The Committee decided to recommend to the Economic and Social Council, the following Draft Resolution:

"THE ECONOMIC AND SOCIAL COUNCIL

TAKES NOTE of the Report of the Council NGO Committee prepared in response to Council Resolution No.133(VI),H of 11 March 1948, regarding "Communications from the World Jewish Congress,"

DECIDES that it has at the present time no competence to judge and hence to recommend any useful action on the statement by the World Jewish Congress,

RECOGNIZES, however, that the unsettled conditions in Palestine may affect the observance of fundamental human rights in Palestine and some other areas, and

EXPRESSES the hope that governments and authorities concerned will not cease to exert whatever efforts are necessary to safeguard the fundamental human rights of individuals and groups of different faiths."

Having disposed of the substantive part of this item of the Agenda, the Committee adopted by four votes to none with one abstention the following text for inclusion in the Report to the Committee:

"In considering the procedure for reporting to the Council on the results of consultations with the non-governmental organizations in categories (b) and (c) as provided for in paragraph 5, Section IV of the Council's Resolution of 21 June 1946, the Council NGO Committee concluded that it should not make specific recommendations regarding the substance of the consultation unless specifically requested by the Council. It furthermore agreed that its Reports on Consultations should be sufficiently detailed and explicit to permit the members of the Council to form their own judgment regarding the importance of the subject under consideration and any action to be taken thereon."

The Representative of the U.S.S.R. wished to reserve the right to express the views of his Government on this statement at a later date.

ANNEX I

1. At the beginning of its discussion on the agenda item "Consideration of Communications from the World Jewish Congress", the Committee spent some time in making clear its terms of reference in regard to the item in question. It was pointed out by several members of the Committee that neither the Economic and Social Council nor the Council NGO Committee had the competence of an international court; it had no judicial or other powers at the present time to settle any disputed human rights issue. It could, however, make recommendations to the Council directed toward the promotion of human rights.
2. The representative of the World Jewish Congress speaking before the NGO Committee suggested that the Committee make the following recommendations to the Economic and Social Council:
 - (a) The Council should ask the Arab States, Members of the United Nations, for their observations regarding the facts mentioned in the memoranda of the World Jewish Congress and for information as to the measures taken by them to avert the danger arising out of the present situation for their Jewish nationals or residents.
 - (b) The Council should draw the attention of the Governments concerned to Article 1, paragraph 3, Article 55, paragraph 2, and Article 56 of the Charter, and request them to institute measures which would help to maintain the security of the Jewish populations, should their security be endangered.
3. The Representative of Egypt, referring to Paragraph 2 of Article 62 and paragraph 7 of Article 2 of the Charter, stated that the matter under discussion was not within the competence of any organ of the United Nations. He had not come to the Committee to take part in any argument, to make any defense or to give any explanation. Egypt had never shown any discrimination against the members of any other race or religion. The Representative of Syria supported the views expressed by the Representative of Egypt. The Representative

of Turkey stated that the incidents referred to in the memoranda on the consultation with the World Jewish Congress (document E/710) had not occurred in his country and that the reference to the "Near East" implied an accusation against Turkey which he was sure was not the intention of the World Jewish Congress. The Representative of Pakistan stated that the incident in Peshawar was a robbery; the fact that the victim was Jewish was purely incidental. Pakistan practised no discrimination.

4. The members of the Council NGO Committee considered at some length, the character of the problem before the Committee. Some delegates emphasized the humanitarian character of the appeal made by the World Jewish Congress; others stressed the need of considering it as part of the very complex situation existing in Palestine. Other members emphasized the political implications of the question. Yet others suggested that the matter was solely within the competence of the Commission on Human Rights.

5. The Council NGO Committee agreed that the original proposal of the World Jewish Congress for the appointment of a Committee of three to investigate the incidents involving Jews in Arab countries would involve judicial functions of the type on which the Economic and Social Council has already cited its incompetence in a resolution at its Sixth Session. It was agreed that for the Council to establish an investigating body or to act as a judicial organ would pre-judge the issue of implementation of human rights, and that until such machinery is created the Council is not competent to deal with this or similar issues.

The Council NGO Committee during the whole discussion recognized the deep responsibilities of the United Nations to promote human rights but it was stated that it could only be done under the terms of existing constitutional provisions.

The Representative of the U.S.S.R. felt, however, that the Committee had the right to determine whether human rights have been violated in the countries mentioned in the memorandum of the World Jewish Congress. He also stated that the Committee should address specific recommendations to the Economic and Social Council concerning the protection of human rights in the case under consideration.

6. After the Representatives had stated their views on the question in reference, the Representative of the United States submitted a Draft Resolution which as subsequently amended was adopted (see above). The Representative of the U.S.S.R. felt that the Resolution did not go far enough. Speaking on the Resolution the Representative of Egypt suggested that it should also contain an appeal not only to Governments and interested authorities but also to the peoples, requesting them to show perfect loyalty to the Governments of the States and the Territories in which they lived. The Representative of the World Jewish Congress endorsed the suggestion of the Representative of Egypt and stated that the World Jewish Congress had always considered it the duty of every Jew to be loyal to his country. He suggested that the appeal to the interested peoples should be made in the sense that they should act in a spirit of fraternity toward each

other and loyalty to their Governments. The Council NGO Committee took no action on these suggestions.

The Representative of Egypt, in his concluding remarks said that Egypt had always shown good will and a broad spirit of hospitality towards the different communities with which it had dealings and she would continue to exercise this policy. In this respect, he quoted an exchange of letters between two eminent personalities in Cairo, a Jewish and an Egyptian leader.*

The Chairman of the Council NGO Committee, speaking as the representative of the Arab States stated that his position in regard to the Arab States was the same as he stated before the Security Council on 2 June 1947.

* The Egyptian leader in a letter dated 6 June 1948, Cairo, writes that he feels that he is indeed gratified "that amidst the present turmoil and strife and despite the virulent campaign of perverted propaganda now being waged against the Arabs, there still are people who understand and appreciate Arab Liberalism and whose confidence in Arab chivalry and sense of justice has not been shaken." He adds that he was deeply impressed by a kind letter of the Jewish leader and he feels that he did not need to assure him "that the Arabs - Governments and peoples - will forever hold fast to their noble principles and inherited traditions of justice and fair play, and that no harm will ever befall the Jewish communities now living in the various Arab countries, provided they swear allegiance to the rulers and governments of these countries, abide by the laws of the land and refrain from all activities of a nature to disturb the peace."

In a letter from New York on 11 June 1948, a Jewish leader replying to the letter of the Egyptian leader writes that he was deeply impressed by the fact that despite all the excitement, the Jews of Arab States have remained unmolested. He recognized that this fact was due very largely to the influence of the Arab leader in question who impressed him a great deal at a meeting in Cairo two years ago by his true liberalism of spirit. In conclusion the Jewish leader states that he wishes to express the sincere hope that the lives and the honour of the Jews of Egypt and the Arab States will be protected in the difficult days to come as has been the case up to the present. He once again appeals to the Arab leader stating that he knows that he will do everything he can.