



Economic and Social Council

Provisional

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Resumed organizational session for 2002

Provisional summary record of the 5th meeting

Held at Headquarters, New York, on Tuesday, 30 April 2002, at 10 a.m.

President: Mr. Šimonović (Croatia)

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Adoption of the agenda and other organizational matters (*continued*)

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The meeting was called to order at 11.50 a.m.

Adoption of the agenda and other organizational matters (*continued*) (E/2002/L.4 and L.5)

1. **The President** drew attention to a number of draft proposals contained in document E/2002/L.4.

Draft decision I: Basic programme of work of the Economic and Social Council for 2003

2. *Draft decision I was adopted.*

Draft decision II: Theme for the operational activities segment of the substantive session of 2002 of the Economic and Social Council

3. **The President** said that he had been informed that delegations needed more time to consider the issue. He would therefore take it that the Council wished to defer the matter to a later date.

4. *It was so decided.*

Draft decision III: Theme for the humanitarian affairs segment of the substantive session of 2002 of the Economic and Social Council

5. *Draft decision III was adopted.*

Draft decision IV: Request for conversion of the International Civil Defence Organization (ICDO), an intergovernmental organization with observer status with the Economic and Social Council, to a specialized agency of the United Nations system

6. **Ms. Kelley** (Secretary of the Council) drew attention to a number of drafting changes.

7. *Draft decision IV was adopted with minor drafting changes.*

Draft decision V: Request for conversion of the World Tourism Organization, an intergovernmental organization with observer status with the Economic and Social Council, to a specialized agency of the United Nations system

8. **Ms. Kelley** (Secretary of the Council) drew attention to a number of drafting changes.

9. *Draft decision V was adopted with minor drafting changes.*

Provisional agenda and documentation for the third session of the Committee on Energy and Natural Resources for Development (E/2000/32-E/C.14/2000/11)

10. **The President** recalled that, by its decision 2001/234 of 20 December 2001, the Council had further deferred consideration of the provisional agenda and documentation for the third session of the Committee on Energy and Natural Resources for Development contained in document E/2000/32-E/C.14/2000/11 to its resumed organizational session for 2002. As he understood that delegations needed more time to consider the issue, he took it that the Council wished to defer consideration of the matter until after the World Summit for Sustainable Development in Johannesburg.

11. *It was so decided.*

Strengthening the work of the Commission on Science and Technology for Development (E/2001/31-E/CN.16/2001/9)

12. **The President** recalled that, by its decision 2001/323 of 20 December 2001, the Council had further deferred consideration of draft resolution III contained in document E/2001/31-E/CN.16/2001/9 entitled "Strengthening of the work of the Commission on Science and Technology for Development". He took it that the Council wished to defer consideration of the matter to the substantive session of 2002.

13. *It was so decided.*

Non-governmental organizations

14. **The President** drew attention to decisions contained in the report of the Committee on Non-Governmental Organizations on its resumed 2001 session (E/2002/10).

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

15. **Mr. Le Bret** (France) expressed regret that the Committee on Non-Governmental Organizations had reached a decision on the application for consultative status from the organization referred to in paragraph (d) without having all the necessary information at its disposal. The organization in question had been unable to produce certain documents

requested of it owing to lack of time. His delegation believed, as a matter of principle, that the Committee should give detailed consideration to every application before it. He requested a separate vote on paragraph (d).

16. **Mr. Roshdy** (Egypt) said that his delegation was satisfied with the manner in which the Committee had considered the application. The Council should show its trust in the Committee by approving the draft decision as a whole. Citing rule 50 of the rules of procedure, he proposed that no action be taken on the French proposal.

17. **Ms. Kelley** (Secretary of the Council) said that, rule 50 having been invoked, permission to speak on the motion proposed by the representative of Egypt would be accorded only to two representatives favouring and to two opposing it, after which the motion must be put to the vote immediately.

18. **Mr. Welsh** (United Kingdom), speaking on a point of order, said that the representative of France had requested that draft decision I should be divided and that a separate vote should be taken on paragraph (d), as provided for in rule 64 of the rules of procedure. Such a request did not constitute a proposal and could not therefore be the subject of a no-action motion. Rule 50 was not therefore applicable.

19. **Mr. Roshdy** (Egypt) said that, in accordance with paragraph 2 of rule 67 of the rules of procedure, a motion requiring that no decision be taken on a proposal should have priority over that proposal. The motion he had proposed should therefore be put to the vote.

20. **Ms. Khalil** (Office of Legal Affairs), replying to a question posed by the President, said that it was not the practice of the Organization for procedural motions to be the subject of no-action motions. However, the Council's rules of procedure were silent on the matter. The Council could either conclude that there was no right to object to a request for division of a proposal and that the latter should take place automatically, or it could infer, given the absence of any provision to the contrary, that there was a right to object. She noted that rule 89 of the rules of procedure of the General Assembly did provide for objection to be made to a request for division. Essentially, it was for the Council to interpret its own rules of procedure.

21. **The Chairman** said that it was his understanding that an agreement had been reached in informal consultations that the motion proposed by the representative of Egypt would be put to the vote.

22. **Mr. Welsh** (United Kingdom) said that, if that was the wish of the other members of the Council, his delegation would not object.

23. **Mr. de Alba** (Mexico), supported by **Mr. Rojas** (Chile), said that the Council should proceed in accordance with its rules of procedure. Those rules could not be interpreted on the basis of informal consultations in which not all members had taken part.

24. **Mr. Lolo** (Nigeria) urged the Council to put the motion proposed by the representative of Egypt to the vote.

25. **Mr. Peters** (Netherlands) said that paragraph 2 of rule 67 of the rules of procedure clearly stated that a no-action motion must pertain to a proposal. The Council should proceed on that basis. He noted that, under rule 85, the rules of procedure could not be amended until the Council had received a report on the proposed amendment from a committee of the Council. Regarding the request by the representative of France, he said that proposals must be liable to division. It was in the Council's power to decide on individual applications for consultative status. To approve the no-action motion would be tantamount to abdicating that power.

26. **Mr. O'Brien** (Australia) said that the Council should not depart from its rules of procedure unless there was a consensus in favour of so doing. His delegation did not generally support no-action motions and would prefer to vote on the substance of the matter.

27. **Mr. Ackermann** (Germany) said that his delegation wished to align itself with the statements made by the representatives of Mexico, the Netherlands and Australia. If it was decided that rule 50 was applicable, his delegation would vote against the no-action motion.

28. **Ms. Ahmed** (Sudan), supported by **Mr. Roshdy** (Egypt), said that an agreement had been reached in informal consultations that the no-action motion would be put to the vote. It was regrettable that the States members of the European Union members of the Council now seemed to have changed their position.

29. **Mr. Le Bret** (France) said that the reaching of an agreement in informal consultations should not preclude members from expressing their views on matters of principle or drawing attention to the rules of procedure.

30. **The Chairman** asked whether there was a consensus in favour of putting the motion proposed by the representative of Egypt to the vote.

31. **Mr. de Alba** (Mexico) said that having heard the explanation of the representative of the Office of Legal Affairs, he was prepared to vote on the no-action motion, providing that no precedent was set.

32. **Mr. Rosenthal** (Guatemala) said that he did not wish to see a situation in which an agreement among certain members was sufficient to override the Council's rules of procedure. However, the representative of the Office of Legal Affairs had identified a vacuum in the rules and, given that exceptional situation, a pragmatic approach was necessary.

33. **Mr. O'Brien** (Australia) said that he agreed that a Council meeting was not the appropriate forum for attempting to change the rules of procedure. However, in view of the opinion of the Office of Legal Affairs that a procedural vacuum existed, he was willing to accept an ad hoc decision in order to overcome the impasse.

34. **The President** said that, in the absence of objections, rule 50 of the Council's rules of procedure should be applied, on an exceptional basis, on the understanding that it would not create a precedent. The Council should therefore initiate the procedure on the no-action motion.

35. **Mr. Alaei** (Islamic Republic of Iran), speaking in favour of the motion, said that the Committee on Non-Governmental Organizations had devoted sufficient time to the NGO concerned. The latter had had the opportunity to express itself and had failed to convince the Committee that it should be granted consultative status. The Committee's report should therefore be adopted without amendment.

36. **Mr. Lolo** (Nigeria), speaking in favour of the motion, said that he, too, believed that the NGO had been granted ample time to justify its application for consultative status. Despite receiving special consideration, it had been unable to convince the Committee on Non-Governmental Organizations to

grant it that status for the past seven years. Certain specific questions had been raised by the Committee and they had not been answered. The Committee had many other applications pending before it and it was time to move on.

37. **Mr. Welsh** (United Kingdom), speaking against the motion, said that his reasons for opposing it were twofold. On general grounds because the no-action procedure stifled debate and prevented delegations from expressing their views. On substantive grounds, he considered that the Committee on Non-Governmental Organizations had given insufficient attention to the NGO in question. It was clear that many Committee members were dissatisfied that the issue had been forced to a vote. The NGO should be given a fair hearing so that the Committee could provide a more considered recommendation.

38. **Mr. Ackermann** (Germany), speaking against the motion, said that, on procedural grounds, he was opposed to the no-action motion and to the French delegation's proposal to divide draft decision I.

39. *A vote was taken by roll-call on the motion that no decision be taken proposed by Egypt, under rule 50 of the rules of procedure of the Economic and Social Council.*

40. *The proposal was rejected by 27 votes to 22, with 5 abstentions.*

41. **The President** said that, in accordance with rule 64 of the Council's rules of procedure, a separate vote would now be taken on paragraph (d) of draft decision I. He asked if any delegation wished to make a statement in explanation of vote before the vote.

42. **Mr. Le Bret** (France) said that the European Union considered that it would be premature to take a final decision on the International Lesbian and Gay Association. Therefore, on behalf of the European Union, he had merely proposed that the Council should decide, under rule 64, that paragraph (d) of draft decision I should be detached from the report so that no decision on it would be taken immediately.

43. **Mr. Roshdy** (Egypt) said that when the Association's representative had appeared before the Committee on Non-Governmental Organizations, certain allegations had been made concerning its attitude towards paedophilia. The representative did not deny the allegations, which proved that the Association did not have a specific policy against

paedophilia. Therefore, his delegation supported the report in its entirety and urged members of the Council to do the same.

44. **Ms. Ahmed** (Sudan), speaking in explanation of vote before the vote, said that the International Lesbian and Gay Association had failed to provide evidence that it had distanced itself from paedophilia or to comply with certain specific requirements established by the Committee on Non-Governmental Organizations. A vote in favour of not granting the Association consultative status would reaffirm the Council's confidence in the Committee. She therefore urged the members of the Council to vote in favour of paragraph (d) of draft decision I.

45. **Mr. de Alba** (Mexico), speaking on a point of order, said that the services of the Office of Legal Affairs were required once more, because he did not agree that the Council should necessarily have initiated in a voting procedure.

46. **Mr. Andrabi** (Pakistan), speaking on a point of order, said that it would have been preferable if the representative of France had submitted his proposal in writing, since the European Union appeared to be changing its position.

47. **Ms. Khalil** (Office of Legal Affairs) said that the issue of whether or not to defer a decision on subparagraph (d), as the representative of France had requested, was actually secondary. Council members must first decide whether the subparagraph should be considered part of draft decision I. Those who voted in favour were voting to retain subparagraph (d) as part of the draft decision; those who voted against, were voting to detach it for separate consideration. Rule 64 clearly stated that "Parts of a proposal ... shall be voted on separately if a representative requests that the proposal be divided." She understood that the President had issued a clear ruling, by which the Council should abide, barring any formal challenges to it.

48. **Mr. Andrabi** (Pakistan), referring to the assertions that the non-governmental organization had not been given a fair hearing, said that a representative of the International Lesbian and Gay Association had met twice with members of the Committee on Non-Governmental Organizations for a total of nine hours. The case under consideration was far from routine. The consultative status granted to the Association in 1993 had been withdrawn the following year because of allegations that the Association included organizations

condoned and even promoted and practised paedophilia. The Association had never answered three questions posed to it in 1998 on how it guaranteed that its members did not promote paedophilia, how it screened its member organizations and subsidiaries and which member organizations it had expelled (E/2002/10, para. 13). Although the Association claimed that it was expelling individuals or groups which had not signed a declaration denouncing paedophilia, its web site made no reference to such a declaration, nor did it contain any statement on the issue.

49. **Mr. Ackermann** (Germany) supported the French proposal to dissociate the subparagraph from draft decision I for further consideration by the Committee at a later stage. As the Council knew, there was a basic disagreement in the Committee on the substantive issues. From a procedural point of view, the case did not differ from a number of others to which the Committee had given very lengthy consideration. Since a number of delegations on the Committee had expressed a wish to continue exploring the matter (E/2002/10, para. 30), it was obvious that additional time was needed.

50. **Mr. Welsh** (United Kingdom) expressed his delegation's strong condemnation of paedophilia and said that the concerns of other delegations in that regard should be taken very seriously. The French proposal, however, would not involve approval or denial of status to the organization in question but rather determine whether or not the Committee on Non-Governmental Organizations could give its application further consideration prior to a final decision by the Council.

51. **Ms. Khalil** (Office of Legal Affairs), responding to a request for clarification from the President, said that, in accordance with rule 64 of the rules of procedure, the representative of France, in requesting a separate vote on subparagraph (d), had divided draft decision I, and that that request had not been defeated by the no-action motion. Thus, if the content of subparagraph (d) was approved, it would remain a part of the draft resolution, which would then be voted on as a whole. If the content of subparagraph (d) was not approved, the fate of the Association would have to be determined in a subsequent decision, since the subparagraph itself contained no recommendation for that eventuality.

52. **Mr. Le Bret** (France) said that his intention had been merely to vote on the principle of dividing the draft decision by separating out the subparagraph, not to decide immediately on whether or not to grant consultative status to the non-governmental organization.

53. **Mr. Rojas** (Chile) said that adoption of draft decision I in its entirety, with the exception of subparagraph (d), as well as draft decision II would not only be a constructive step but would also reflect the spirit of the Council's debate and still allow for further consideration of the disputed subparagraph.

54. **Mr. Rosenthal** (Guatemala) said that while his delegation defended the right of the Council to separate an element of a draft decision or whatever action it deemed appropriate it had serious doubts — as did many others — about granting consultative status to the Association. It must be absolutely certain of what the Council would be voting on.

55. **The President** said that the only alternative to voting on the substance of paragraph (d) — which had not been the French delegation's intention — would be for that delegation to withdraw its proposal.

The meeting was suspended at 1.45 p.m. and resumed at 2.15 p.m.

56. **Mr. Lolo** (Nigeria), speaking in explanation of vote before the voting, said that a vote against ILGA was not necessarily a vote on the sexual orientation of the organization, but a condemnation of paedophilia. ILGA had yet to make an unambiguous statement concerning its official position on paedophilia.

57. **Mr. Peters** (Netherlands), speaking in explanation of vote before the vote, said that his delegation did not consider that it had sufficient information at its disposal to reach a decision. Although the representative of the NGO had indicated that she considered paedophilia to be a criminal act, a number of issues had yet to be clarified.

58. **Mr. Le Bret** (France), speaking in explanation of vote before the vote, said that the organization's representative had repeatedly indicated that she considered paedophilia to be a criminal act and that ILGA did not promote paedophilia; moreover, the NGO had expelled the three member organizations which had refused to sign the declaration condemning paedophilia. Those former members had sought revenge by disseminating slanderous allegations

concerning ILGA. In fact, ILGA was one of the few NGOs to have incorporated a commitment to the Convention on the Rights of the Child within its charter. Voting against retention of paragraph (d) would allow consideration of the NGO's file to be deferred.

59. **Mr. Roshdy** (Egypt), speaking in explanation of vote before the vote, said that if the allegations in question were slanderous, it was incumbent upon ILGA to deny them. The Pink Triangle Press, which had left ILGA in its disagreement over the declaration against paedophilia, had rejoined the NGO once signing the declaration was no longer a requirement. None of the questionnaires sent to ILGA by the Committee on Non-Governmental Organizations had been returned. He thus urged all delegations to vote in favour of paragraph (d). ILGA could always reapply for consultative status if it was willing to clarify its position on paedophilia.

60. **Mr. Andrabi** (Pakistan), speaking in explanation of vote before the vote, said that according to the report of the Committee on Non-Governmental Organizations (E/2002/10), the representative had been asked if the NGO's General Conference was ready to adopt a public resolution condemning any form of sexual relations between an adult and a child (para. 17), but had failed to make any such commitment. The organization's web site (<http://www.ilga.org>) did not require prospective members to dissociate themselves from paedophilia, as might have been expected following such a charge. The burden of proof rested with ILGA. Given that the NGO had yet to prove that it merited consultative status, his delegation would vote in favour of the technical committee's recommendation.

61. **Mr. Aho-Glele** (Benin), speaking in explanation of vote before the vote, said that the Council should respect the recommendations of by its own subsidiary bodies, particularly when no new elements had been introduced. His delegation would be voting in favour of paragraph (d) on principle.

62. *At the request of the representative of France, a vote was taken by roll-call on paragraph (d) of draft decision I.*

63. *Zimbabwe, having been drawn by lot by the President, was called upon to vote first.*

In favour:

Angola, Argentina, Bahrain, Benin, Bhutan, Burkina Faso, Burundi, Chile, China, Costa Rica,

Cuba, Egypt, El Salvador, Ethiopia, Fiji, Ghana, India, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Nepal, Nigeria, Pakistan, Qatar, Russian Federation, Spain, Sudan, Suriname, Uganda, Zimbabwe.

Against:

Andorra, Australia, Austria, Croatia, Finland, France, Georgia, Germany, Hungary, Italy, Japan, Malta, Netherlands, Romania, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Brazil, Guatemala, Mexico, Peru, Republic of Korea, South Africa, Ukraine.

64. *Paragraph (d) of draft decision I was adopted by 29 votes to 17, with 7 abstentions.*

65. **Mr. Rojas** (Chile) said that although his delegation had been of the opinion that ILGA had provided satisfactory information, it had voted in favour of paragraph (d) out of respect for the decisions of subsidiary bodies.

66. **Mr. Chandra** (India) said that in the earlier voting, his delegation had voted against the no-action motion, since it believed that the proposal made by the representative of France had lent itself to the application of rule 64. It had then voted in favour of retention of paragraph (d) since, pursuant to Economic and Social Council resolution 1996/31 on the consultative relationship between the United Nations and non-governmental organizations, the arrangements should not be such as to overburden the Council or transform it into a general forum for discussion (para. 19). The resolution also stated that consultative status should be limited to those NGOs whose activities qualified them to make a significant contribution to the work of the Council and reflected in a balanced way the major viewpoints or interests (in matters falling within the competence of the Economic and Social Council and its subsidiary bodies) in all areas and regions of the world (para. 20). It was his delegation's view that ILGA did not fulfil those requirements.

67. **Mr. Salazar** (Peru) said that his delegation believed that organizations of homosexual groups should not be discriminated against, however it had abstained in the voting since it did not wish to contradict a recommendation made by the subsidiary

body that had been charged by the Council to examine the matter. Moreover, the NGO had not fully addressed the serious charges that had been made against it.

68. **Mr. Van Schalkwyk** (South Africa) said that his delegation had abstained since it had been unclear as to the meaning of the vote. Moreover, it was clear from the results of the vote in the Committee on Non-Governmental Organizations — 8 in favour, 6 against, and 5 abstentions — that there had been substantial disagreement on the issue. His delegation would have been in favour of referring the matter back to the Committee.

69. **Mr. Ndiaye** (Observer for Senegal) said that his delegation objected to so much time being devoted to one NGO; it must not be considered as creating a precedent. Moreover, he could not support the granting of consultative status to an organization which undermined his country's cultural values. Besides, recommendations of the Committee on Non-Governmental Organizations should not be called into question.

70. *A vote was taken by roll-call on draft decision I as a whole.*

71. *Romania, having been drawn by lot by the President, was called upon to vote first.*

In favour:

Andorra, Angola, Argentina, Australia, Austria, Bahrain, Benin, Bhutan, Brazil, Burkina Faso, Burundi, Chile, China, Costa Rica, Croatia, Cuba, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, India, Iran (Islamic Republic of), Italy, Japan, Libyan Arab Jamahiriya, Malta, Mexico, Nepal, Netherlands, Nigeria, Pakistan, Peru, Qatar, Republic of Korea, Romania, Russian Federation, South Africa, Spain, Sudan, Suriname, Sweden, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Zimbabwe.

Against:

None.

Abstaining:

Ukraine.

72. *The draft decision was adopted by 52 votes to none, with 1 abstention.*

Draft decision II: Report of the Committee on Non-Governmental Organizations on its 2001 resumed session

73. *Draft decision II was adopted.*

Report of the Secretary-General on the Establishment of an ad hoc group on African countries emerging from conflict (E/2002/12)

74. **The President** said that he took it that the Council agreed to defer the issue to a later date, since the Group of African States needed more time to consider the issue.

75. *It was so decided*

76. **Ms. Kelley** (Secretary of the Council) said that, according to the Office of the Controller, the estimated programme budget implications would be US\$ 9,350 but would involve no additional appropriation.

Draft decision: Consultations of the President of the Council with concerned United Nations agencies, funds and programmes (E/2002/L.5)

77. *The draft decision was adopted.*

The meeting rose at 2.55 p.m.