

COMMITTEE OF ARRANGEMENTS FOR CONSULTATION WITH  
NON-GOVERNMENTAL ORGANIZATIONS  
E.C.O. COMMITTEE OF THE COUNCIL

## SUMMARY RECORD OF THE THIRTY-SEVENTH MEETING

Held at Lake Success, New York  
on Tuesday, 22 June 1948, at 10:30 a.m.

<u>Chairman:</u>	Mr. Charles MALIK	Lebanon
<u>Members:</u>	Mr. WU	China
	Mr. de FOLIN	France
	Mr. BCRISOV	Union of Soviet Socialist Republics
	Mr. ALEXANDER	United Kingdom
	Mr. KOTSCHNIG	United States of America
<u>Also present:</u>	Mahmoud Bey FAWZI	(Egypt)
	Mr. PIENENHID	(World Jewish Congress)
<u>Secretariat:</u>	Mr. HAMCRI	Secretary of the Committee

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CONTINUATION OF THE CONSIDERATION OF COMMUNICATIONS FROM THE WORLD JEWISH CONGRESS (documents E/710, E/C.2/W.10, pages 27 to 30 and E/C.2/W.10/Add.1)

At the invitation of the CHAIRMAN, FAWZI Bey, representative of Egypt, and Mr. BIENENFELD, representative of the World Jewish Congress, took seats at the Committee table.

The CHAIRMAN read the draft resolution proposed on the preceding day by the United States delegation in implementation of resolution 133 (VI) of the Economic and Social Council (see document E/C.2/SR.36), with the addition of the following paragraph proposed by the United Kingdom delegation as the second paragraph of the draft resolution:

"Decides that it has at the present time no competence to judge and hence recommend action on the statement by the World Jewish Congress."

Mr. WU (China) pointed out that his delegation wished the paragraph to be drafted to read: "...and hence recommend any useful action..." which would bring the wording of the draft resolution into conformity with that of the Economic and Social Council's resolution.

Mr. ALEXANDER (United Kingdom) suggested the wording: "...any action of practical value..."

FAWZI Bey (Egypt) stated that neither of the two phrases satisfied his delegation since they both implied not that the Council had no competence in the matter but that it doubted its ability to intervene in an efficient manner; moreover, the Egyptian delegation considered that the Council had no competence whatever in the matter.

Fawzi Bey pointed out that in its resolution 75 (V) of 5 August 1947, the Economic and Social Council had decided that the Human Rights Commission "has no power to take any action in regard to any complaints concerning human rights"; he suggested the adoption of the same ruling so that the Council would not be obliged later to admit its incompetence.

The CHAIRMAN expressed the view that the text under discussion established beyond any doubt that the Council had no competence to judge the question submitted by the World Jewish Congress. The Committee could not go beyond that statement, because the obligation of all the Member States to co-operate with the United Nations to ensure respect for human rights was clearly contained in the Charter.

With regard to the phrase of resolution 75 (V) quoted by the Egyptian representative, the Chairman observed that the question of the

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competence of the Commission on Human Rights was at present under consideration and would probably be the object of recommendations in 1949. In any event, the two cases were not analogous, as the decision of 5 August 1947 concerned the competence of the Commission on Human Rights whereas, at present, the Committee was discussing the competence of the Economic and Social Council itself.

The Chairman did not think that the expression "any useful action" which, as had been pointed out by the Chinese representative, figured in the Council's own resolution, could possibly be interpreted in the sense which the Egyptian representative seemed to fear.

Mr. KOTSCHEG (United States of America) supported the wording proposed by the Chinese representative.

FARZI Bey (Egypt) wished it to be said that the Council did not have at present the necessary competence to "intervene" instead of "judge" because certain measures of intervention could be taken without first passing judgment.

With regard to the Economic and Social Council's power of recommendation, the representative of Egypt again stressed the rather undefined character of that power. It was certain that that power was clearly limited by the provisions of paragraph 7, Article 2 of the Charter for which one sole exception -- the application of enforcement measures provided in Chapter VII -- was allowed.

It was recognized by everybody that no effort should be spared to ensure respect for human rights at any time and at any place, but it was impossible to accept any impairment of the principle of the national sovereignty of States affirmed in Article 2 of the Charter.

The Council was competent to draft a recommendation in the same general terms as resolution 96 (I) adopted by the General Assembly on the proposal of the Egyptian delegation, but it could not make a specific recommendation based on unconfirmed accusations or insinuations. Such action would not only be beyond its competence but unjust.

Mr. ALEXANDER (United Kingdom) did not think it was possible to substitute "intervene" for "judge". His delegation had accepted the latter expression because it considered that neither the NGO Committee nor the Economic and Social Council should exercise judicial functions in any matter.

He observed, moreover, that the Committee was dealing with a well-defined problem to which the provisions of Article 2 did not apply.

/Finally,

Finally, Mr. Alexander suggested two purely drafting amendments: to replace in the English text "having taken note" by "takes note"; to combine the two last paragraphs in a single one in both texts and to draft the entire resolution in the present indicative.

The drafting amendments suggested by the United Kingdom representative were adopted.

At the suggestion of the CHAIRMAN it was decided to say "governments and authorities concerned" instead of "interested governments and authorities".

The CHAIRMAN put the first paragraph of the draft resolution to the vote.

The first paragraph was unanimously adopted.

Mr. BORISOV (Union of Soviet Socialist Republics) stated that the second paragraph proposed by the United Kingdom representative considerably weakened the text of the United States draft resolution -- a meaningless draft even without the second United Kingdom paragraph.

In accordance with paragraph c of Article 55 of the Charter the Council could call upon certain circles in the Arab countries to cease discrimination against the Jews. The Council had instructed the Committee to take the decisions required to put an end to the existing discrimination and incitement of national hatreds. Perhaps that was why the United Kingdom representative was against discussing this question, for the banning of national hatred between the Arabs and the Jews suited his wishes.

The USSR delegation considered that the draft resolution proposed for adoption by the Committee was inadequate; his delegation could only vote for the draft resolution if the paragraph proposed by the United Kingdom representative were deleted. Moreover, it proposed to that the original draft of the United States delegation should be made more specific, by mentioning certain circles in the Arab countries. If that change were accepted, the USSR delegation would be able to vote in favour of the text of the resolution with the amendments mentioned. Mr. Borisov pointed out that the competence of the Council could not be questioned, as what was involved was an appeal and not interference.

Mr. ALEXANDER (United Kingdom) said that Mr. Borisov wished the Council to address an appeal to the Arab States on the basis of allegations which, though they had not been refuted, had certainly not been proved. Neither the NGO Committee nor the Council were inquiry / commissions.

commissions. Any recommendation of the Council would be inadequate and would harm the prestige of the United Nations.

The CHAIRMAN put the second paragraph of the draft resolution to the vote.

The wording "any useful action" proposed by the Chinese representative was adopted by 3 votes to 2.

The whole of paragraph 2 was approved by 2 votes to 1, with 2 abstentions.

Mr. KOTSCHNIG (United States of America) explained that he had abstained from voting because while there was no doubt that at the present moment the Council had no competence to judge, it was nevertheless a fact that the controversial question of the power of any United Nations body to take measures with regard to complaints concerning human rights had not yet been settled. Until that question had been decided the United States Government would abstain.

Mr. Kotschnig stated, moreover, that though he fully understood the spirit in which the USSR representative had proposed to modify the original text of the draft resolution, he did not consider the suggestion advisable because by saying "certain other areas" it was obvious that those words applied to the countries adjoining Palestine, or, in other words, the Arab countries.

He did not, however, find it inappropriate to say, as the Egyptian representative had suggested, "some other areas" instead of "certain other areas".

FAWZI Bey (Egypt) objected to a direct reference to the Arab countries. In reply to the USSR representative, he stated that his Government did not come before the Committee as a defendant and consequently was not obliged to submit to an examination or to furnish explanations. Egypt had no intention of being the first among the United Nations Members to renounce its national sovereignty and to submit to an inquiry in flagrant contradiction to the letter and spirit of Article 2 of the Charter.

Mr. BORISOV (Union of Soviet Socialist Republics) said that he had so far abstained from answering the statements of the Egyptian representative. The Committee, however, could not ignore the threats expressed by the representations of the Arab States against the Jews who lived in their territories. It was bound to recommend to the Council /the adoption of

the adoption of measures which would put an end to those threats. He considered it his duty to defend the human rights of national minorities and urged that in the present case the Council should make a recommendation reflecting the principles embodied in the United Nations Charter. What was required in this case was an appeal to the countries concerned to abide by paragraph (c) of Article 55 of the Charter.

Mr. ALEXANDER (United Kingdom) felt obliged to comment on the remarks of the USSR representative; he did not concede that that country had the right to act as the sole champion of the protection of human rights and he regretted that the Committee had been chosen as the rostrum for unjustified attacks against Member States.

FAWZI Bey (Egypt) was surprised that the USSR representative had so rapidly come to unfavourable conclusions with regard to Egypt where no discrimination had ever existed. He protested against the fact that the USSR representative in his statements always qualified the Arab countries as "aggressors" in a most arbitrary manner, and he refused to concede him the right to pass judgment on his country.

Mr. BIENENFELD (World Jewish Congress) pointed out that the World Jewish Congress had drawn the Economic and Social Council's attention to the discriminatory measures taken in the Arab countries with regard to the Jewish population, and that it had requested the Council to take appropriate measures to put an end to that state of affairs. What answer did the Committee propose to give to that request? The draft resolution the adoption of which it would recommend to the Council established the fact that unsettled conditions existed in Palestine and that that situation might affect the observance of fundamental human rights in that country and "in some other" unspecified "areas". The exactness of that statement could not be denied: a state of war existed in Palestine and war inevitably affected the observance of human rights. But what were the "some other areas" which had been mentioned? The resolution did not specify them; they could equally well be Germany, Austria or Italy where there still were displaced persons. As it stood, the resolution in no way corresponded to what was sought by the World Jewish Congress. The Council could not set up as a commission of inquiry nor could not verify and confirm the statement of the World Jewish Congress concerning the discriminatory measures which were applied in the Arab countries. But it could recognize that the unsettled conditions which existed in Palestine because of the war also existed in the neighbouring countries. Consequently, Mr. Bienenfeld proposed that the

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third paragraph of the draft resolution should be modified as follows:

"Recognizes that the unsettled conditions in Palestine may affect the observance of fundamental human rights in Palestine and maybe even in some other countries involved in the conflict."

He hoped that the Committee would find that very moderate wording acceptable.

Mr. KOTSCHNIG (United States of America) considered that the original wording of the draft resolution was at least as specific as that proposed by Mr. Bienenfeld.

The CHAIRMAN put to the vote the third paragraph of the draft resolution. The vote would be taken separately on each of the two parts of the paragraph.

The USSR representative's proposal that direct reference should be made to the Arab States was rejected by 4 votes to 1.

The first part of paragraph 3 was adopted by 4 votes to nil, with 1 abstention.

The second part of paragraph 3 was unanimously adopted.

FAWZI Bey (Egypt) wished to point out, before the resolution was voted on as a whole, that it seemed to him to lack balance. It contained an appeal to the Governments and authorities concerned, but did not call upon the peoples themselves. The Council certainly had the right to appeal to the peoples; that precedent had been established in numerous resolutions.

Fawzi Bey thought it only natural and logical that if the peoples were given the right to protection, they should be expected to fulfil the obligations arising from the loyalty they owed to the Governments of the countries in which they lived. It would be well, therefore, to add a fourth paragraph to the resolution, as follows:

"And also expresses the hope that all peoples will strictly observe their allegiance to the Governments of the States where they reside."

Mr. BIENENFELD (World Jewish Congress) was pleased to associate himself with the Egyptian representative's proposal. He reaffirmed that the World Jewish Congress had always recognized that it was the duty of every Jew to be loyal to his Government.

Whether it was to take the form of a fourth paragraph or of a separate resolution, it would be well for the Council to remind the peoples that they should act in a greater spirit of brotherhood than was

/was/being shown

being shown at the present day. Such an appeal could be couched in the following terms:

"Appeals to the peoples concerned to act in a spirit of brotherhood and in loyalty to their Governments."

Mr. ALEXANDER (United Kingdom) did not favour the idea of adopting a separate resolution, or of adding an extra provision to the resolution under consideration, but thought it better to include in the Committee's report one or two paragraphs along the lines suggested by the Egyptian representative. That would make it clear that the rights of the peoples were accompanied by certain duties.

FAWZI Bey (Egypt) declared that Egypt's sole desire was to continue to extend towards the different communities residing in its territory that great good-will and broad spirit of hospitality it had always shown. His country would be the first to be sorry if any circumstances were to force it to change that attitude, of which it was justly proud.

The CHAIRMAN put the resolution as a whole to the vote.

The resolution as a whole was adopted by 4 votes to nil, with 1 abstention.

The Chairman, speaking on behalf of the Arab States, declared that those States wished to make it clear that their attitude was the same as that stated by him in the Security Council on 2 June 1948:

FAWZI Bey (Egypt) thanked the Committee for the patience it had shown him.

Before leaving the Committee table, he would like to read two letters which had been exchanged between two eminent persons in Cairo, one of whom was Jewish and the other Egyptian. The Jewish leader, in his letter, stated that he had been agreeably surprised to see that the Jews in Egypt had not been subjected to any kind of annoyance, which was yet another proof of Arab liberalism. The letter went on to state that the Jews in Egypt would be loyal to the Egyptian Government and would abide by all the laws of the country, and to express the hope that the Egyptian authorities would continue to grant them protection. The Egyptian spokesman, in his reply, declared that Egypt would remain true to its noble principles and to its traditions of justice and equity, and he renewed his assurance that so long as the Jews in Egypt were loyal to the Egyptian Government and its laws, they had nothing whatever to fear.

/Mr. BIENENFELD

Mr. BIELENFELD (World Jewish Congress) also thanked the Committee for having invited him to participate in its discussion. The World Jewish Congress would be the first to rejoice when the present unfortunate conflict between Arabs and Jews came to an end.

FAWZI Bey (Egypt) and Mr. BIELENFELD (World Jewish Congress) withdrew.

Mr. KOTSCHNIG (United States of America) requested that the following text, prepared by his delegation in consultation with the United Kingdom delegation, should be included in the Committee's report to the Economic and Social Council:

"In considering the procedure for reporting to the Council on the results of consultations with Non-Governmental Organizations in categories (B) and (C) as provided for in paragraph 5 of section IV of the Council resolution of 21 June 1946, the 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 report 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 purpose of the proposal was to save the Council's time; the Committee's report should be so drafted that, without making any specific recommendations, it would enable the Council to form its own opinion regarding the importance of the subject and any action necessary.

Mr. Kotschnig emphasized the importance of the Committee's reports, adding that it should be well understood that those reports had to be approved by the Committee itself before the close of the session.

Mr. BORISOV (Union of Soviet Socialist Republics) reserved the right to state at a later date the views of his Government concerning the proposal which had just been submitted, since the authors of the proposal had not submitted it early enough to allow perusal and study.

In the absence of any objection, the CHAIRMAN stated that the text proposed by the delegations of the United States of America and the United Kingdom would be included in the Committee's report.

Mr. ALEXANDER (United Kingdom) reminded the Committee that it had been decided not to draft the report of the present session immediately. In view of the importance of the question raised by the communications

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from the World Jewish Congress, however, he asked for the section of the report dealing with that item of the agenda should be prepared and approved at the present session.

Mr. KOTSCHNIG (United States of America) supported that request.

Mr. BORISOV (Union of Soviet Socialist Republics) suggested that the Committee should confine itself to the approval of a very short report, which would only record the decisions of the Committee.

The CHAIRMAN asked Mr. Hamori (Secretariat) to prepare a draft report on item 2 of the agenda for consideration at the afternoon meeting.

CONSIDERATION OF THE REQUEST FOR RECLASSIFICATION OF THE WORLD JEWISH CONGRESS (document E/C.2/W.10/Add.1, pages 28 to 38)

The Chairman explained that the Economic and Social Council had granted to World Jewish Congress consultative status as a non-governmental organization in category B. In a letter dated 2 June 1948 the World Jewish Congress had asked to be reclassified from category B to category A.

The Chairman drew attention to the importance of the work of the World Jewish Congress and the vast scope of its activities, and invited members to state their views with regard to the request.

Mr. KOTSCHNIG (United States of America) stated that his Government held the World Jewish Congress and its activities in high esteem. The United States rightly appreciated the importance of its contributions to the work of the Council. There were few organizations which had showed as much intelligence as the World Jewish Congress in the exercise of the privileges granted with consultative status. Nevertheless, the United States delegation was not convinced that the World Jewish Congress fulfilled all the necessary conditions for classification in category A. The chief task of the organization was to defend the rights of Jewish communities throughout the world, and its main objective was to ensure respect for human rights in such communities. It was therefore, by definition, a category B organization.

Since, however, it was possible that steps might be taken in the near future to make the request of the World Jewish Congress admissible, Mr. Kotschnig proposed that the request should not be rejected -- which would mean that the organization would not be entitled to make a fresh application for eighteen months -- but that its consideration should be deferred until the session of the Economic and Social Council to be held in the summer of 1949.

/Mr. WU (China)

Mr. WU (China) supported the proposal of the United States representative.

Mr. ALEXANDER (United Kingdom) thought that the Committee should show great caution in the reclassification of organizations with consultative status.

Mr. Alexander himself was by no means convinced by the arguments of the World Jewish Congress in support of its request. An examination of the list of organizations in category A had revealed that not one of them was the same type of organization as the World Jewish Congress; category B, on the other hand, contained many organizations of that type.

That being the case, Mr. Alexander thought it would be better to reject the request of the World Jewish Congress unreservedly. If the United States proposal was adopted, it would only give the organization false hopes, which would be a pity.

Mr. BORISOV (Union of Soviet Socialist Republics) associated himself with the United States representative's praise for the work of the World Jewish Congress. Unlike the United States delegation, however, he considered that the organization deserved classification in category A.

Mr. Borisov formally moved that the request of the World Jewish Congress should be granted.

Mr. de FOLIN (France) supported that proposal.

The CHAIRMAN put to the vote the proposal of the USSR representative to classify the World Jewish Congress in category A.

The proposal was rejected by 3 votes to 2.

The Chairman proceeded to put to the vote the proposal of the United States representative to defer consideration of the request of the World Jewish Congress until the 1949 summer session of the Economic and Social Council.

The proposal was not adopted, 2 votes being cast in favour and 2 against, with one abstention.

Finally, the Chairman put to the vote the United Kingdom proposal to dismiss the request of the World Jewish Congress.

The proposal was adopted by 3 votes to 2.

/Mr. KOISCHNIG

Mr. KOTSCHNIG (United States of America) explained that he had voted in favour of the United Kingdom proposal in order to avoid the difficult situation with which the Committee would have been faced if all three proposals had been rejected.