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President: Mr. Raymond SCHEYVEN (Belgium).

AGENDA ITEM 17

Non-governmental organizations (continued) (E/4647, E/4671, E/L.1251):

- (a) Applications and re-applications for consultative status;
- (b) Review of non-governmental organizations in consultative status

Co-ordinating Board of Jewish Organizations
(continued)

1. The PRESIDENT, after reviewing what had taken place at the Council's 1585th meeting, said that, as a result of his consultation, in a personal capacity, with the Legal Counsel, he believed that there were two ways of interpreting the Council's decision to refer the matter at issue to its Committee on Non-Governmental Organizations. Before explaining those two interpretations, however, he wanted to make it clear that the President of the Council was not arrogating to himself the right to impose his personal interpretation on the Council. It was likewise not the function of the Legal Counsel to interpret the intentions of the Council while that body was in session and was still conducting its business. The Council was the sovereign interpreter of its own intentions. It was thus in that spirit that he was presenting to the Council for its consideration the two alternatives with which, in his view, it was confronted—namely whether, pending the further study and recommendation of the Council Committee on Non-Governmental Organizations, the Co-ordinating Board of Jewish Organizations did not have consultative status with the Economic and Social Council, or whether it did have its former consultative status until a decision was reached.

2. He then proceeded to define the matter in greater detail. According to the first alternative, as from the entry into force of Economic and Social Council resolution 1296 (XLIV) of 23 May 1968, which superseded the provisions of resolution 288 B (X) of 27 February 1950, the Co-ordinating Board of Jewish Organizations would not have any consultative status until a decision was made by the Council in 1970 on the basis of a further study and of further recom-

mendations by its Committee on Non-Governmental Organizations. According to the second alternative, the decision adopted by the Council the previous day (1585th meeting) did not deprive the Co-ordinating Board of Jewish Organizations of its consultative status during the period of the review, and, pending the Council's decision in 1970, that organization would continue to enjoy the privileges which had been accorded to it in category B by virtue of Council resolution 288 B (X). The second alternative would be regarded as an interim measure that would ensure the continuance of the present relationship between the Co-ordinating Board of Jewish Organizations and the Council until a final decision was made regarding the new consultative status of the organization in question.

3. Mr. KOTSCHNIG (United States of America) said that it had been clear from the explanations of vote given at the 1585th meeting that there was considerable confusion regarding the consequences of the vote. His delegation therefore wished to submit the following new proposal.

"Pending action on the recommendations regarding the future status of the Co-ordinating Board of Jewish Organizations, which the Council Committee on Non-Governmental Organizations was asked to formulate, the Co-ordinating Board of Jewish Organizations would continue in consultative status as a non-governmental organization, with the rights and obligations previously exercised by it."

4. In support of that proposal, he pointed out that there was no mention in the report of the Council Committee on Non-Governmental Organizations (see E/4647) of expulsion or suspension. It was how the Co-ordinating Board of Jewish Organizations was to be categorized, and not its consultative status as such, that was under discussion. Furthermore, the Council Committee had voted against the proposal that the Co-ordinating Board of Jewish Organizations should be deprived of its status. The Council Committee could have recommended that the organization should be suspended, if adequate reasons had been given, or it could have decided to place the organization in a particular category, but it had done neither. If, at the time of the Council's meeting, the Co-ordinating Board of Jewish Organizations and the other non-governmental organizations on which the Council had not come to a decision were without consultative status, there was reason to ask why no objection had been made to their attending and participating in the present session of the Council and in meetings of its sessional committees in the exercise of their rights as organizations in consultative status.

5. The United States motion was not intended to derogate from the decision taken by the Council the previous day (1585th meeting) to refer the question of categorizing the future status of the Co-ordinating

Board back to its Committee on Non-Governmental Organizations for further study and recommendation. The sole intent of the motion was to clarify the confusion which had arisen regarding the present and interim status of the organization without prejudice to any future decisions of the Council. This was a matter which needed to be clarified without delay in a spirit of law and equity.

6. Mr. KHANACHET (Kuwait) said he was quite convinced that all members of the Council were well aware of what they had voted for. There had been two proposals before them, and the majority had voted to take note of the report of the Council Committee on Non-Governmental Organizations (E/4647) and refer the question back to it. He was unimpressed by the argument that the failure to recommend a category was not the same as a loss of consultative status, since there was no resolution by the Council or any other body which empowered the granting of consultative status without specifying the category of the status.

7. The new United States proposal was identical to its previous proposal, which had already been rejected, and it was unbecoming for the Council as well as contrary to its rules of procedure for it to allow itself to be manoeuvred into voting twice on the same decision.

8. Mr. VIAUD (France) reiterated the fact that his delegation had voted for the Kuwaiti amendment because it had regarded it as a matter of procedure which thus took priority. As he understood it, it was with the approval of the sponsors of the amendment that the second paragraph of rule 66 of the rules of procedure of the council had been read out at the 1585th meeting in support of the argument for the amendment's priority. It was on the basis of that logic that his delegation had decided that the amendment should be voted on first. It followed that no decision could have been taken on the substance of the matter, for a procedural motion could not be a positive act. In the view of his delegation, the granting of consultative status to the Co-ordinating Board of Jewish Organizations or its suspension from such status would require a positive act, and it was therefore logical and legally correct for that organization to be treated as remaining in its previous category until a firm decision was made to place it in category II or to suspend it.

9. Mr. HAQUE (Pakistan) pointed out that it was his delegation which had invoked rule 66 of the rules of procedure of the council, that it had not done so with the consent of the sponsors of the proposal which had been adopted, and that the President had decided to take a simple vote without recourse to the rules of procedure. Furthermore, before the vote, his delegation had said that it would interpret the adoption of the proposal as meaning that the Co-ordinating Board of Jewish Organizations would automatically be suspended from consultative status.

10. With regard to the United States proposal, if the organization remained in consultative status without having been placed in any category, he wondered where it would sit. The new categories established under Council resolution 1296 (XLIV) would supersede the former categories, and the Co-ordinating Board

of Jewish Organizations could not therefore remain in category B. The Council Committee on Non-Governmental Organizations had been asked to review all non-governmental organizations in consultative status. That did not mean that the Committee should merely allocate the equivalent category to such organizations; it could also consider putting them in a lower category or suspending them. It had, in fact, recommended that Agudas Israel World Organization should be put in a lower category, namely, the Roster, but that recommendation had been overruled by the Council, which had the authority to allocate categories or suspend organizations. At its previous meeting the Council had quite clearly not granted consultative status to the Co-ordinating Board of Jewish Organizations, and that organization was therefore not in consultative status until the Council decided otherwise.

11. Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that the Council Committee on Non-Governmental Organizations had found itself in the same dilemma as the Council was now in when discussing the Co-ordinating Board of Jewish Organizations. It had been his delegation which, without prior instructions from his Government, had initiated the whole review. In doing so, his delegation had been motivated by a desire to preserve the good name of the United Nations and to ensure that the behaviour of non-governmental organizations in consultative status with the Council did not detract from that good name. It had, in that connexion, been mainly concerned with the activities of the United States Central Intelligence Agency (CIA).

12. As the review had progressed it had become clear that, essentially, non-governmental organizations were infiltrated by the agencies of certain governments only through their national affiliates and that at the international level they could not be held responsible for such infiltration and possible interference with their work and procedures. No organization had therefore been condemned for deliberate acquiescence to infiltration by the CIA. The fourteen or fifteen organizations concerned had, however, agreed that there was a certain degree of involvement with the CIA and that they would try to rectify the process which had led to any possible interference.

13. His delegation had not been motivated by any political considerations in carrying out the review in the Committee; it had endeavoured to be completely objective and to be guided solely by legal considerations. Where an organization had national affiliates in South Africa or Southern Rhodesia, his delegation and the delegation of Sierra Leone had invited that organization to insist that its national affiliates should do their utmost to fight apartheid and bear in mind the plight of the African people. Those two delegations had not voted against any organization being retained in consultative status, although they had voted against certain organizations being placed in a particular category.

14. In the proposal adopted at the previous meeting, as it had been read out by the President immediately prior to the vote, the Council had taken note of that part of the report of the Council Committee on Non-Governmental Organizations (see E/4647) relating to the Co-ordinating Board of Jewish Organizations and

had invited that Committee to study the matter further and make a recommendation to the Council. No time had been specified in the proposal; legally, therefore, the Committee could meet that same day or within a few days, decide to place the organization in a given category, and then report back to the Council, during the current session, before the Council had concluded its consideration of the item. Furthermore, the proposal had not included the word "suspension" or any term which could reasonably imply suspension; the question of suspension therefore did not arise.

15. The Council had taken note of that part of the Committee's report relating to the Co-ordinating Board of Jewish Organizations, and, as could be seen from that report, the Committee had insisted, by a vote, that the organization should have consultative status. There was, therefore, no question but that it had consultative status; the only question was in which category it was to be placed. Until the Council decided on its category, the organization could legally enjoy all the privileges attendant upon consultative status, including those privileges accorded to organizations in category I.

16. Those were the legal implications of the vote which had been taken at the previous meeting, and they could not be disputed. The Council should give a clear mandate to the Council Committee on Non-Governmental Organizations—was it to decide whether or not the Co-ordinating Board of Jewish Organizations was to have consultative status (the Committee had in fact already decided that it should), or was it to decide merely in which of the three categories the organization should be placed. If the question of whether or not the organization was in consultative status was in doubt, then it was not a question to be dealt with by the Committee. If the organization was not in consultative status, the Committee did not legally have jurisdiction, since it was in the process of reviewing only those organizations which were currently in consultative status with the Council. If the organization was not now in consultative status, was the Committee to receive a fresh application from it? The Council should, in the first place, decide, preferably by a vote, whether or not the Co-ordinating Board of Jewish Organizations was in fact and in law in consultative status with the Council, and secondly, it should clarify the Committee's terms of reference and specify when the Committee should report back to it. All that the Committee need do was to take a simple vote on the category in which the organization should be placed, since the various arguments were already known to the members of the Committee. It could therefore deal with the matter immediately, if the Council so decided.

17. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that, when the Council had taken its decision at the previous meeting, his delegation had had no doubt whatsoever about the meaning and the legal consequences of that decision. The Council itself had taken no decision to place the Co-ordinating Board of Jewish Organizations in consultative status, and the matter would be referred back to the Council Committee on Non-Governmental Organizations, which would make the recommendations. In the meantime, the organization would not have consultative status in any category.

18. The latest United States proposal was a manoeuvre designed to get the Council to abrogate the decision taken at the previous meeting. That proposal was out of order. The Council had already placed approximately 160 organizations in the new categories (I, II and the Roster), and the previous categories (A, B and the Register) had therefore ceased to exist. Organizations which had not been placed in one of the new categories would cease to have consultative status in accordance with the proposal submitted by his own delegation and that of France, which was referred to in paragraph 9 of the report of the Council Committee on Non-Governmental Organization (E/4647).

19. He did not understand exactly what consultative status the organization would have under the United States proposal; its former category, category B, would have disappeared, and it would not yet have been placed in one of the new categories. The proposal was absolutely invalid from the legal point of view, and the points made by the United States representative in his statement were in complete contradiction to the decision taken at the previous meeting. If the organization was to continue in consultative status, in other words, to continue in category B, then the Council would have to reconsider its decisions on the organizations already placed in the new categories and would have to take up the whole matter afresh. Otherwise, category B would cease to exist, and the new categories would come into effect.

20. The Council had taken no decision to grant consultative status to the Co-ordinating Board of Jewish Organizations, and that organization should therefore be treated in the same manner as all those organizations which had not yet been considered by the Council; it should cease to have consultative status until the Council reached a decision.

21. Mr. JHA (India) said that his delegation had taken account of the arguments put forward on both sides concerning the Co-ordinating Board of Jewish Organizations and believed that that organization had much positive work to its credit. His delegation had therefore abstained in the vote at the previous meeting.

22. In the view of his delegation, the debate had no bearing on the substance of the question of the reclassification of the Co-ordinating Board of Jewish Organizations but was purely legal and procedural. The recommendation submitted to the Council by its Committee on Non-Governmental Organizations (see E/4647) was clear: the Committee had decided that it was unable to make a recommendation.

23. Admittedly, the report of the Council Committee did contain an account of the decisions reached on the proposals before it, including the rejection of the USSR proposal that the Co-ordinating Board of Jewish Organizations should not be placed in any consultative status, but the only actual recommendation made by the Committee in that respect was contained in a note in its report (*ibid.*). If that recommendation had contained a phrase to the effect that, despite its inability to make a specific recommendation, the Committee had felt that, in the light of the vote on the USSR proposal, the organization should be placed in some category of consultative status, then the

point made by some delegations would have been valid. That, however, was not the case.

24. If, as had been said, the organization should continue to be granted the attributes of consultative status, he wondered under what resolution it would do so; Council resolution 288 B (X) would no longer be valid, and the organization had not been placed in any category by virtue of Council resolution 1296 (XLIV). It would be a bad precedent to allow an organization to enjoy consultative status without being placed in any category.

25. Although the Council Committee on Non-Governmental Organizations would once again be faced with the unenviable task of deciding what consultative status to recommend for the Co-ordinating Board of Jewish Organizations, it was fully competent to continue its review, and it did have all the relevant documentation. He agreed with the Tanzanian representative that the Council should specify clearly what it expected the Committee to do and should set a time limit for the Committee to report back to it.

26. In the view of his delegation, the Co-ordinating Board of Jewish Organizations would cease to have any consultative status with the Economic and Social Council the moment resolution 1296 (XLIV) came into effect.

27. Mr. EL HADI (Sudan) said that his delegation had objected to the President's decision at the previous meeting to seek legal advice on the matter before the Council for fear that such advice would spark further discussion that would be detrimental to the Council's work. The present debate showed that his fears had been justified.

28. Referring to the second and fourth preambular paragraphs of Economic and Social Council resolution 1225 (XLII) of 6 June 1967, he stated that the Co-ordinating Board of Jewish Organizations was no longer in any of the three categories of consultative status. The Council, at its previous meeting, had rejected a proposal to classify the organization in category II. It could not place it in category B, since that category no longer existed. The new United States proposal was an attempt to place the organization in category II and was therefore out of order.

29. Miss MARTINEZ (Jamaica) said that her delegation had voted in favour of the motion to grant priority to the Kuwaiti proposal on the understanding that it was not a matter of substance. It had voted against the proposal itself, firstly because, judging from the substantial data about the Co-ordinating Board of Jewish Organizations which it had studied, it had considered the proposal unjustified, and, secondly because it feared that the adoption of the proposal would lead the Council into precisely the kind of dilemma in which it now found itself. Resolution 288 B (X) would be superseded by resolution 1296 (XLIV) only after the Council had completed its task of reviewing the Committee's recommendations. There were still a number of organizations on which no decision had yet been taken, and the Co-ordinating Board of Jewish Organizations, as one of those, should retain its consultative status in category B. In deciding at its previous meeting to take note of that part of the report of the Committee relating to the

Co-ordinating Board of Jewish Organizations, the Council was also acknowledging that the USSR proposal to deny that organization any consultative status had been rejected. There was thus no question of removing the organization from such status.



30. She agreed with the Tanzanian representative that the Committee should meet very soon to determine whether it was in a position to take a decision on the Co-ordinating Board of Jewish Organizations before Council resolution 1296 (XLIV) came into force and that the Committee's terms of reference should be made very clear.

31. Mr. ALLEN (United Kingdom) felt that the Jamaican representative's statement had been most helpful. He disagreed with the Indian representative that the Council should be concerned only with the note in the Council Committee's report (see E/4647) concerning its failure to take a decision on the Co-ordinating Board of Jewish Organizations. As the Committee had clearly rejected the proposal that the organization should be denied consultative status, that meant that the organization should continue to enjoy such status even though no category had been specified.

32. The representative of the Soviet Union had attempted to build up a case to deny the organization consultative status on the basis of paragraph 9 of the report (*ibid.*), claiming that that paragraph referred to non-governmental organizations on which no decision had been taken. The paragraph actually referred to organizations which had not submitted applications to the Committee, but the Co-ordinating Board of Jewish Organizations had submitted an application.

33. His delegation would support the new United States proposal if it was put to the vote.

34. Mr. KHANACHET (Kuwait) reiterated his delegation's belief that the Council's decision at its previous meeting had been final and that the new United States proposal was therefore out of order.

35. He fully agreed with the representative of India that, in the absence of a formal decision by the Council, the Co-ordinating Board of Jewish Organizations could not enjoy consultative status in any category. He could not accept the United Kingdom representative's interpretation of paragraph 9 of the report (*ibid.*). That paragraph related to the broad context of the Committee's terms of reference and was not limited to the question of the classification or reclassification of organizations.

36. Referring to the comments made by the representative of France, he said that the representative of Pakistan had not been speaking on behalf of the Kuwaiti delegation when it had invoked rule 66 of the rules of procedure of the Council at the previous meeting.

37. By invoking the time factor, the representative of the United Republic of Tanzania had sought to undermine the Kuwaiti proposal, which, as amended by Turkey, had clearly stated that a decision on the status of the Co-ordinating Board of Jewish Organizations should be postponed until 1970.

38. The PRESIDENT, summing up, said that the Council had before it a new proposal by the United States. The representatives of Kuwait, the Soviet Union and the Sudan had challenged the admissibility of that proposal, and the Council would have to take a decision on that challenge. The Tanzanian representative's suggestion that the Council Committee on Non-Governmental Organizations should meet as soon as possible to take a decision on the Co-ordinating Board of Jewish Organizations was in harmony with the decision taken by the Council at its previous meeting. He wished to know whether the Tanzanian representative intended to present that suggestion as a formal proposal.

39. Mr. EL HADI (Sudan), speaking on a point of order, noted that although Council resolution 1296 (XLIV) was supposed to enter into force after the Council had completed consideration of the item under discussion, the report of the Council Committee on Non-Governmental Organizations stated that the Committee had carried out its task on the basis of the criteria set forth in that resolution. He would appreciate clarification of that point by the Chairman of the Committee.

40. Mr. JHA (India), speaking as the Chairman of the Council Committee on Non-Governmental Organizations, said that although Council resolution 1296 (XLIV) had not yet come into force, the Committee

had used part of it as a basis for its review of the organizations already in consultative status with the Council. All organizations having such status under Council resolution 288 B (X) continued to have it; however, the suspension clauses of resolution 1296 (XLIV) had not been, and would not be, applied until that resolution came into force.

41. Mr. KHANACHET (Kuwait), speaking on a point of order, challenged the admissibility of the United States proposal and urged that the meeting should be adjourned to allow further consultations.

42. Mr. WALDRON-RAMSEY (United Republic of Tanzania) formally proposed that the Council should instruct the Council Committee on Non-Governmental Organizations to meet forthwith and report back to the Council, before the Council concluded its consideration of the item now before it on the category in which the Co-ordinating Board of Jewish Organizations, currently in category B, should be placed pursuant to Council resolution 1296 (XLIV).

43. Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that that proposal prejudged the issue and ran counter to the decision the Council had taken at its previous meeting. Moreover, it was impossible for the Committee to meet in view of the Council's heavy agenda.

The meeting rose at 1.20 p.m.