

ARTICLE 71

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ARTICLE 71

Text of Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Introductory Note

1. The structure of the present study is similar to that of the original *Repertory* for this Article. However, for the purpose of comprehensiveness and comprehensibility, some minor adjustments have been made as to the positioning of the subheadings. Those sections dealing with the "Council Committee on Non-Governmental Organizations," "Consultation with the Council, its commissions and ad hoc bodies" (now entitled "Consultation with the Council's commissions and ad hoc bodies") and "Consultation with the Secretariat" have been moved from the general survey to the analytical summary of practice. The sub-headings under "Consultation with subsidiary organs of the General Assembly" have been removed. In addition, the sub-headings "The nature of consultation" and "The scope of consultation" have been combined as one sub-heading, "Nature and scope of consultation", since the topics are so closely related to each other.

I. General Survey

A. The purpose of consultation

2. The purpose of consultation, during the period under review, has remained for the most part unchanged.¹ However, there have been many statements advocating the amelioration and expansion of the purpose of consultation, particularly with regard to the dissemination of information. For example, in 1973, in his presentation to the Council Committee, the Assistant Secretary-General for Public Information stated that he regarded "non-governmental organizations as one of the principal channels to inform and educate public opinion about international development efforts".² Other similar statements expressed throughout the period are highlighted below.

B. Establishment of consultative relationships

3. Although there were no major developments in the establishment of consultative relationships, some of the developments in the nature and scope of consultative relationships during the period under review may have an effect on the establishment of such relationships in the future. Therefore, one should use the section of this study ad-

dressing the nature and scope of consultation as a cross-reference.

4. At the end of 1970, there were 419 non-governmental organizations in consultative status with the Council: 16 in category I, 137 in category II and 266 on the Roster. By the end of 1978, there were 764 non-governmental organizations in consultative status: 27 in category I, 206 in category II and 531 on the Roster.³

5. During the period under review, the Economic and Social Council's arrangements for consultation with non-governmental organizations continued to progress pursuant to Article 71 of the Charter of the United Nations. However, Economic and Social Council resolution 1296 (XLIV) of 23 May 1968, entitled "Arrangements for consultations with non-governmental organizations", played a major role in those arrangements, and continued to be cited as authority therefor.

¹See *Repertory* under Article 71: "The purpose of consultation".
²E/5257/Add.1, p. 3.

³See *Repertory* under Article 71: "Establishment of consultative relationships". See also *Supplement No. 4*, under Article 71: "Establishment of consultative relationships".

II. ANALYTICAL SUMMARY OF PRACTICE

A. Council Committee on Non-Governmental Organizations

6. During the period under review, the Council Committee on Non-Governmental Organizations continued to meet biennially.⁴ However, in 1977, the Economic and Social Council decided:

“[t]o authorize the Committee on Non-Governmental Organizations, in exceptional circumstances and when required on an *ad hoc* basis and without prejudice to the biennial cycle of meetings, to hold brief meetings—which would be additional to the Committee’s regularly scheduled meetings—during sessions of the Council, in years when the Committee would not normally be meeting, using the meetings facilities allocated to the Council...”⁵

7. During this period, the Conference of Non-Governmental Organizations requested that the Committee reinstitute the use of summary records at its meetings at which particular non-governmental organizations were discussed, and further, at meetings at which non-governmental organizations would make oral statements. This would ensure that proper records would be kept of the oral statements.⁶ The Committee decided, however, that the reinstitution of summary records would have greater “financial implications” than would be tenable.⁷

B. Admission to, and review of, consultative status⁸

8. The period under review saw some steps towards the improvement of consultation between the United Nations and non-governmental organizations, particularly where guidelines for consultation needed to be followed more closely.

9. During the fifty-fourth session of the Economic and Social Council, on 12 March 1973,⁹ the Committee considered the question of the categorization of non-governmental organizations, specifically with regard to requests from the International Association of French-Speaking Parliamentarians and the Organization for International Economic Relations, which had been placed on the Roster by action of the Secretary-General and were now applying for category II status. The Committee, for want of clear guidelines on such cases, considered the applications as new and recommended the two organizations for category II status. The Committee did this with the understanding that it was not instituting a precedent.

10. To establish guidelines for the future, the Committee decided¹⁰ to include the following statement in its report to the Council:

“Noting that Council resolution 1296 (XLIV) of 23 May 1968 is not explicit regarding reclassifications for non-governmental organizations placed on the Roster by action of the Secretary-General under paragraph 19 of this resolution, the Committee wishes to clarify this situation by establishing that paragraph 40 (a) of the resolu-

tion shall apply to these organizations as well as to non-governmental organizations placed in consultative status by direct action of the Council’s Committee. That is, organizations placed on the Roster by action of the Secretary-General that wish to apply for a change of status will be considered to be applying for reclassification.”

11. During its sixty-second session, the Economic and Social Council, in accordance with its resolution 1296 (XLIV),¹¹ adopted decision 227 (LXII) of 13 May 1977, requesting all non-governmental organizations in consultative status with the Council to submit quadrennial reports to the Council Committee on Non-Governmental Organizations until 30 October 1977.¹² The purpose of such reports was to determine the extent to which the organizations complied with the rules governing their consultative relationships with the Council and how their activities contributed to the work of the United Nations.

12. During its sixty-third session, the Economic and Social Council decided that the implementation of decision 227 (LXII) was “...a matter of exceptional priority for the Council Committee on Non-Governmental Organizations”.¹³

13. At its session in 1978, having received and reviewed 195 quadrennial reports, the Economic and Social Council expressed its concern that some non-governmental organizations had failed to comply with the rules governing their consultative status with the Council.¹⁴ Those organizations which had not submitted the requested reports and failed to do so by 15 May 1978 would face sanctions as set out in paragraphs 35 and 36 of resolution 1296 (XLIV).

14. In its annual report in 1978, the Council Committee on Non-Governmental Organizations took up the question of the non-compliance of some non-governmental organizations with Council decisions 227 (LXII) and its decision 1978/16 of 5 May 1978 on the review of quadrennial reports submitted by NGOs in category I and II consultative status.¹⁵ In addition, the Committee recommended that the Council decide that four non-governmental organizations¹⁶ should be suspended for one year from consultative status with the Council and automatically be withdrawn thereafter if they failed to submit a quadrennial report.

¹¹E S C resolution 1296 (XLIV), para. 40(b), calls for review of non-governmental organizations in consultative status with the Council in categories I and II. The question had already been considered in 1971 by the Council Committee on Non-Governmental Organizations (E/4945, paras. 22-25).

¹²Thereby the Council took note of the report of the Council Committee on Non-Governmental Organizations (E/5934, para. 9), in which the Committee requested quadrennial reports from all non-governmental organizations to be submitted before 30 June 1978.

¹³E S C decision 278 (LXIII).

¹⁴E S C resolution 1978/16.

¹⁵E/1978/116.

¹⁶Afro-Asian Organization for Economic Cooperation, Centre for Latin American Monetary Studies, Inter-American Council of Commerce and Production, International Association of Educators for World Peace.

⁴E S C resolution 1768 (LIV).

⁵E S C decision 281 (LXIII).

⁶E/5098, para. 27.

⁷Ibid., para., 28.

⁸See sect. F below.

⁹E/5257.

¹⁰Ibid., para. 9.

**C. Criteria of eligibility

D. International organizations within the meaning of Article 71

15. During the period under review, there was some question as to the classification of certain organizations affiliated with the United Nations. In some cases the organizations appeared to fit within the meaning of more than one classification.

16. One such case was the International Criminal Police Organization—Interpol. The Economic and Social Council, in its Article 71 power to make suitable consultative arrangements with non-governmental organizations, sought to establish “special arrangements” with Interpol. During subsequent debate in the Council Committee on this subject, one representative suggested that Interpol should be “confirmed in category II status as, noting paragraph 7 of Council resolution 1296 (XLIV), an international organization not established by intergovernmental agreement could be regarded, for the purpose of consultation with the Council, as a non-governmental organization”.¹⁷ Other representatives suggested that special arrangements should be worked out between Interpol and the Council. In the meantime, the Committee recommended that Interpol should remain in category II until a new arrangement had been concluded.¹⁸

17. In 1971, a “special agreement” was concluded between Interpol and the United Nations, thereby removing Interpol from consultative status.¹⁹

18. During the period under review, the relationship between the International Union of Official Travel Organization (IUOTO) and the United Nations was transformed. At the beginning of the period, IUOTO was a non-governmental organization in consultative status, even though there was in existence a proposal to change its status to that of an intergovernmental organization.²⁰

19. By the end of the period, IUOTO had, by amending its statutes, adopted the statutes of the World Tourism Organization.²¹ IUOTO therefore became WTO, and in so doing became an intergovernmental organization, as reported by the Secretary-General on 22 May 1974 during the fifty-sixth session of the Economic and Social Council.²²

**E. National organizations within the meaning of Article 71

**F. Non-governmental organizations within the meaning of Article 71²³

G. Questions concerning consultation with the Council

1. NATURE AND SCOPE OF CONSULTATION

20. During the period under review, there were many suggestions put forward and steps taken towards the im-

provement of the nature and scope of consultative relations between non-governmental organizations and the United Nations.

21. The General Assembly, in its resolution 32/197 of 20 December 1977, endorsed the conclusions of the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System, including the recommendation that:

“The Economic and Social Council should examine and improve its consultative relationships with the non-governmental organizations, taking fully into account the provisions of the Declaration and the Programme of Action on the Establishment of a New International Economic Order. The Council should also make recommendations for the rationalization and harmonization of consultative relationships with the non-governmental organizations by the organizations of the United Nations system as a whole and in the context of ad hoc world conferences.” (resolution 32/197, annex, para. 15)

22. The Economic and Social Council, on several occasions, invited the non-governmental organizations interested in particular economic and/or social areas to assist in United Nations initiatives in these areas, and to submit reports, usually biennially, on such assistance. For example, the Council emphasized the necessity for non-governmental organizations in consultative status to be active in the implementation of the International Development Strategy;²⁴ the Council invited non-governmental organizations in consultative status with an interest in the elimination of racial discrimination to assist in this area and to correspond with the Council biennially on the matter;²⁵ and the Council instructed its Committee on Non-Governmental Organizations to study how non-governmental organizations in consultative status with the Council assisted in the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples and other relevant resolutions of the General Assembly, and to report to the Council at its fifty-fourth session.²⁶

23. As a further step towards improvement, at the resumed forty-eighth session of the Economic and Social Council, the Council Committee noted that, while certain members strongly supported the grouping of non-governmental organizations with basic interests and similar views in a given field, as set forth in paragraph 4 of the Council resolution 1296 (XLIV), others expressed the view that the grouping should not be mandatory and that the primary responsibility in the matter should rest with the non-governmental organizations themselves.²⁷ In its recommendation to the Council,²⁸ the Committee highlighted the possible benefit of grouping certain organizations together. Such grouping would be both voluntary and temporary. The Council approved the text of these recommendations²⁹ at its 1692nd meeting, on 27 May 1970.

24. In another instance, the extensive contribution of the non-governmental organizations which attended the 1972 Stockholm Conference on the Human Environment

¹⁷E/4799,para.16

¹⁸Ibid., para. 19.

¹⁹E S C resolution 1579 (L). See also this *Supplement*, under Article 57, paras. 16-22.

²⁰G A resolution 2529 (XXIV).

²¹E/4955.

²²E/5519.

²³See sect. C above.

²⁴E S C resolution 1580 (L).

²⁵E S C resolution 1588 (L); see also resolution 1591 (L).

²⁶E S C resolution 1651 (LI).

²⁷E/4799, para. 20.

²⁸Ibid., para. 21.

²⁹E/4832/Add. 1, “Other decisions”: non-governmental organizations, p. 21.

prompted Dr. Margaret Mead of the World Society of Ekistics, a non-governmental organization in consultative status with the United Nations, to suggest, with regard to non-governmental organizations in consultative status, that "much better arrangements will need to be made in the future for open and free access to the Secretariat of the Environmental Programme and for all parts of the United Nations."³⁰

25. In February 1974, the Secretary-General, in his interim report, addressed some of the recommendations brought to his attention by the Committee on Non-Governmental Organizations.³¹ The report gave an interim outline status of the concerns contained in Economic and Social Council resolutions 1739 (LIV) and 1740 (LIV) of 4 May 1973, which were prepared for ease of liaison between the United Nations and the non-governmental organizations.³²

26. Among the issues being explored, the Secretary-General mentioned proposed improvements in communication between non-governmental organizations and the United Nations;³³ the classification and reclassification of non-governmental organizations³⁴ and coordination with non-governmental organizations on subjects neither solely nor exactly within the competence of the Economic and Social Council.³⁵

27. During the fifty-sixth session of the Economic and Social Council in February 1974, the Committee discussed the statements made by the Secretary-General.³⁶ There was a general interest in these interim statements, although regret was expressed that the report showed little evidence of concrete activity taken to date and was principally an indication of future plans which needed further elaboration. Some members expressed regret that the Secretary-General had been unable to produce a full report at the session of the Committee as requested by the Council in resolutions 1739 (LIV) and 1740 (LIV).³⁷

28. In February 1975, the Secretary-General presented a full report pursuant to resolutions 1739 (LIV) and 1740 (LIV). He reported, *inter alia*, that informal consultations had already been conducted regarding the two Council resolutions.³⁸

2. STATEMENTS CONTAINING COMPLAINTS AGAINST GOVERNMENTS³⁹

29. In 1975, the Economic and Social Council reaffirmed the manner of submission of NGO statements, oral as well as written, based on alleged gross violations of human rights.⁴⁰ At its 1947th plenary meeting, on 5 May 1975, the Council, "having been made aware by the Commission on Human Rights that some non-governmental organizations have occasionally failed to observe the requirements of confidentiality, appeal[ed] urgently for the strict obser-

vance of the requirements of confidentiality stated in paragraph 8 of Council resolution 1503 (XLIV)".⁴¹

30. Communications from NGOs containing complaints alleging gross violations of human rights were to be dealt with in conformity to Economic and Social Council resolutions 454 (XIV) and 728 (XXVIII), the latter of which outlines the Council's guidelines for confidentiality. The statements were also to be dealt with according to Council resolution 1296 (XLIV), paragraph 36 (b), which states that a non-governmental organization should not "abuse" its consultative status "by systematically engaging in unsubstantiated or politically motivated acts against States Members of the United Nations contrary to and incompatible with the principles of the Charter".

31. A non-governmental organization failing to follow these guidelines may "render its consultative status subject to suspension or withdrawal under the terms of that resolution".⁴²

3. THE HANDLING OF WRITTEN STATEMENTS FROM ORGANIZATIONS

32. During the period under review, there was a great deal of interest shown and a number of questions raised concerning joint written statements prepared by non-governmental organizations.

33. In 1973, the Deputy Director of the Centre for Social Development and Humanitarian Affairs highlighted the "interesting recent development ... of joint written statements made on specific items on behalf of several organizations. The designation by the General Assembly of 1975 as International Women's Year was one concrete example of an initiative taken by several non-governmental organizations, acting in concert."⁴³

34. Further, there was some question as to whether joint statements presented by non-governmental organizations to the Economic and Social Council, or a subsidiary body thereof, could be signed by non-governmental organizations on the Roster.⁴⁴ The Secretary of the Council Committee explained that the Secretariat's way of handling this issue was "to interpret resolution 1296 (XLIV) of 23 May 1968 in a way that would facilitate joint statements by non-governmental organizations on the Roster to associate themselves with such joint statements".⁴⁵

35. The representative of the Conference of Non-Governmental Organizations made a proposal that a provision should be added to the rules of procedure of the Economic and Social Council whereby the length of joint statements by non-governmental organizations would be increased further than the length of single non-governmental organization statements.⁴⁶

³⁰*Ibid.* See also sect. D above.

³¹E/C.2/766, paras 4-14.

³²The resolutions suggested several possibilities for the improvement of collaboration between non-governmental organizations and the Council.

³³E/C.2/766, paras. 5 and 6.

³⁴*Ibid.*, para., 8.

³⁵*Ibid.*, para., 9.

³⁶E/5452 p. 13, para. 5.

³⁷*Ibid.*

³⁸E/C.2/768, para. 56.

³⁹See the *Repertory*, under Article 71; see also paras. 23 – 25 above.

⁴⁰E S C resolution 1919 (LVIII).

⁴¹*Ibid.*

⁴²*Ibid.*, paras. 4 and. 6.

⁴³E/5257/Add.1, annex I.

⁴⁴*Ibid.*, paras. 30 and 31.

⁴⁵E/5257, para. 31.

⁴⁶E/5631, para. 29.

****4. REPORTS OF THE COUNCIL COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS TO THE COUNCIL**

****5. THE POWER OF THE COUNCIL COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS WITH RESPECT TO ITEMS PROPOSED FOR INCLUSION IN THE PROVISIONAL AGENDA OF THE COUNCIL**

****6. COUNCIL ACTION FOLLOWING THE HEARING OF AN ORGANIZATION IN CATEGORY II BY THE COMMITTEE**

H. Consultation with the Council's commission and ad hoc bodies

36. During the period under review, emphasis was also placed on the improvement of consultative relations between the non-governmental organizations and the Council's commissions and ad hoc bodies, in addition to those with the Council and those with the Secretariat.

37. In April 1977, the Economic and Social Council recommended that the General Assembly invite certain non-governmental organizations in consultative status with the Council to take part in the World Conference to Combat Racism and Racial Discrimination to be held in 1978.⁴⁷ Such an invitation would bestow observer status on these non-governmental organizations.

38. The report of the Preparatory Subcommittee of the Council for the World Conference to Combat Racism and Racial Discrimination, in its draft provisional rules of procedure of the Conference, outlined the circumstances under which those non-governmental organizations would participate.⁴⁸

39. Rule 57 of the draft rules states that a non-governmental organization invited to the Conference may allow its representatives to attend public meetings of the Conference and its main committees as observers, and "upon the invitation of the presiding officer of the body concerned and subject to the approval of that body, such observers may make oral statements on questions in which they have a special competence."⁴⁹

40. Rule 58 of the draft rules deals with written statements prepared by the invited non-governmental organizations. It states that "written statements...shall be distributed by the Secretariat to all delegations...provided that a statement submitted on behalf of a non-governmental organization is on a subject in which it has a special competence and is related to the work of the Conference."⁵⁰

41. The General Assembly, in response to the recommendations of the Council, invited certain non-governmental organizations to participate in the World Conference to combat Racism and Racial Discrimination.⁵¹

I. Consultation with the Secretariat

42. In 1975, the Under-Secretary-General for Economic and Social Affairs noted that there needed to be better co-operation between the non-governmental organizations and the United Nations. He therefore proposed the establishment of a central office for ease of consultation between the non-governmental organizations and the Secretariat.⁵² At its fifty-eighth session, the Economic and Social Council took note of the report of the Committee on Non-Governmental organizations.⁵³

****J. Attendance at public meetings of the General Assembly**

****K. Consultation with subsidiary organs of the General Assembly**

****L. Calling of conferences of non-governmental organizations**

****M. Relations with organizations not in consultative status**

⁴⁷E S C resolution 2057 (LXII).

⁴⁸E/5922, annex II.

⁴⁹Ibid.

⁵⁰Ibid.

⁵¹G A resolution 32/129 (1977).

⁵²E/5631, para. 6

⁵³E S C decision 72 (LVIII), para. 3.