

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. No changes have been made to the structure of the present study. It follows that of *Supplement 5*.

I. GENERAL SURVEY

2. During the period under review, there were several questions discussed which had a bearing on the interpretation of Article 71 itself, and some on resolutions related to Article 71, specifically Economic and Social Council resolution 1296 (XLIV) and General Assembly resolution 32/197. The period saw some reform to the method of admission to the different categories of consultative status and some pressure by the Council and its subsidiaries on non-governmental organizations to assist in the condemnation of apartheid. These subjects are discussed further below. For the most part, these questions related to the nature and scope of consultation.

****A. The purpose of consultation**

B. Establishment of consultative relationships

3. At the end of 1979, there were 593 non-governmental organizations in consultative status with the Council, 30 in category I, 206 in category II and 357 on the Roster. By the end of 1984, there were 712 non-governmental organizations in consultative status, 32 in category I, 236 in category II and 444 on the Roster.¹

¹See *Repertory*, under Article 71, sect. I.B. See also *Supplement No. 4*, under Article 71, sect. I.B.

II. ANALYTICAL SUMMARY OF PRACTICE

A. Council Committee on Non-Governmental Organizations

4. The manner in which the Council Committee on Non-Governmental Organizations went about its work remained mostly intact throughout the period, with only minor changes, none of which had any significant impact on the interpretation of Article 71. At its second regular session of 1981, the Economic and Social Council decided to enlarge the membership of the Committee from 13 to 19. The Council also approved of changing the composition of the Committee in order to have geographically balanced

representation and to reflect the current membership of the United Nations:²

“The Committee on Non-Governmental Organizations shall consist of nineteen Members of the United Nations elected for four years on the basis of equitable geographical representation. Accordingly, the membership of the Committee shall include:

Five members from African States;
Four members from Asian States;
Four members from Latin American States;

²E S C decision 1981/50.

Four members from Western European and other States;
Two members from Eastern European States.”³

5. At issue during the period was the question of how frequently the Committee should meet. The Committee was in the practice of meeting biennially, but suggestions were made that annual meetings should be held. At the 11th meeting of the first regular session of the Council, one delegation expressed its belief that more time should be devoted to the review of the quadrennial reports submitted to the Committee. This would then better enable the Committee to advise the concerned NGOs. The delegation, therefore, supported the proposal that the Committee’s meetings should be held annually instead of biennially.⁴

6. In 1983, at the 4th meeting of the first regular session of the Council, another delegation suggested that the Committee should hold a one-week meeting annually instead of a two-week meeting biennially.⁵ Notwithstanding those suggestions, by the end of the period under review, the Committee had not decided to change from biennial meetings to annual meetings.

B. Admission to, and review of, consultative status

7. During the period under review, some issues arose with regard to the consideration of the applications of NGOs for consultative status and for reclassification from one category to another. There was some question, for example, as to the degree of usefulness of the activities of some of the NGOs in consultative status. One delegation felt that one way of monitoring this would be to place any NGO applying for consultative status on the Roster for about two years so that its activities might be monitored by the Council before the Council decided whether to grant consultative status, and if so, in what category.⁶

8. Another of the several concerns expressed centred on what the delegation pointed to as the “ad hoc manner in which applications were dealt with”, as NGOs with similar agendas were being placed in different categories for no apparent reason. The delegation felt that there should be some uniformity in the criteria used to decide on assigning categories to the organizations.

9. With regard to a related issue on the same question, another delegation, speaking in 1981, suggested that decisions on the granting of consultative status to NGOs should continue to be made in unanimity. He stated that the Committee had in fact followed the practice of adopting such decisions by consensus until its most recent session (in 1980), at which certain States had decided to depart from that procedure, against the opinion of the majority.⁷

10. Another major issue during the period under review was that of the practice of apartheid by the Government of South Africa. In its resolution 1982/16, the Council:

³E/1981/50.

⁴E/1981/SR.11, p. 59.

⁵E S C (1983), 4th mtg., para. 12.

⁶Ibid., para. 28.

⁷Ibid., 5th mtg., para. 2.

“1. *Express[ed]* its expectation that non-governmental organizations in consultative status with the Economic and Social Council will take due account in their activities of relevant resolutions of the Council and the General Assembly condemning the policy of apartheid as practised by the Government of South Africa, in accordance with Council resolution 1296 (XLIV) of 23 May 1968;

“2. *Request[ed]* the Committee on Non-Governmental Organizations to include an examination of this question in the review of current practice related to the implementation of Council resolution 1296 (XLIV) which it is to undertake at its next session, in 1983.”

11. During the Committee’s discussion on carrying out the review of current practice for the implementation of Council resolution 1296 (XLIV), some delegations felt that in conducting the review, the Secretariat should report on the manner in which organizations complied with resolutions of the General Assembly and the Council. Particular attention should be paid to those resolutions relating to the condemnation of the practice of apartheid by the Government of South Africa.⁸

12. At the 5th meeting of the Council at its first regular session of 1984, one delegation pointed to a recommendation that the International Police Association should be reclassified to category II status from simple roster status. The Association’s background information had stated that it had no members from apartheid South Africa. However, it was later discovered that 850 policemen from apartheid South Africa had been admitted to the Association.⁹ Since the 850 policemen remained functionaries of apartheid South Africa as well as members of the Association, the delegation felt that by the very act of admission of those people, the Association had contravened paragraph 17¹⁰ of Council resolution 1296 (XLIV).¹¹ Since apartheid remained a threat to international peace and security, the delegation urged the Council to reject the Association’s application for reclassification. The delegation also called upon the International Police Association to act urgently to remove the 850 South African policemen from membership.¹²

C. Criteria of eligibility

13. Although the criteria of eligibility were at issue during the period, it is not discussed under this heading as there were no changes in the meanings of the terms

⁸E/1983/11, para. 137.

⁹E S C (1984), 5th mtg., para. 7.

¹⁰Paragraph 17 of E S C resolution 1296 (XLIV) states:

“Organizations accorded consultative status in category II because of their interest in the field of human rights should have a general international concern with this matter, not restricted to the interests of a particular group of persons, a single nationality or the situation in a single State or restricted group of States. Special consideration shall be given to the applications of organizations in this field whose aims place stress on combating colonialism, apartheid, racial intolerance and other gross violations of human rights and fundamental freedoms”.

¹¹E S C (1984), 5th mtg., paras. 8 and 9.

¹²Ibid.

“international organizations”, “national organizations” or “non-governmental organizations” based on an interpretation of Article 71. The reader should, however, also refer to section II.B above.

****D. International organizations within the meaning of Article 71**

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

****F. Non-governmental organizations within the meaning of Article 71**

G. Questions concerning consultations with the Council

1. NATURE AND SCOPE OF CONSULTATION

14. In 1981, the two main matters before the Committee were: (a) review of applications for consultative status and requests by NGOs for status reclassification, and (b) review of the future activities of the Council Committee on Non-Governmental Organizations.¹³

15. With regard to future activities, the Chairman of the Committee stressed that in spite of time constraints and the fact that discussions thus far had only been preliminary, the Committee had made “significant progress” in analysing the main areas of concern with regard to the consultative relationship between the Economic and Social Council and the NGOs.¹⁴

16. At the 11th meeting of the Council at its first regular session of 1981, the Nordic countries put forward a number of proposals concerning the nature and scope of consultations with NGOs. The delegation introducing the draft pointed out that, in addition to the Economic and Social Council, 27 other agencies and bodies within the United Nations system were enjoying consultative relationships with NGOs.¹⁵ The delegation stressed that the only formal relationship was that created by Council resolution 1296 (XLIV), the scope of which had obviously become too narrow.¹⁶ As indicated by the Under-Secretary-General for International Economic and Social Affairs, there was a tendency for important matters in the area of economic and social affairs to be dealt with directly by the General Assembly, bypassing the Council. The role of the Council should therefore be reinforced with a view to the improvement of relationships with NGOs.¹⁷

17. With regard to ad hoc meetings, the delegation also outlined the issue of the development of standard rules. Although it was the general practice for NGOs to be invited to participate in conferences organized by the United Nations, this only took place after a great deal of discussion as to the manner in which such invitations were to be extended.¹⁸ The delegation felt that standard rules should be

developed to regulate the participation of NGOs in ad hoc conferences. The delegation referred to General Assembly resolution 34/50, requesting that the Committee on Conferences review the arrangements of previous ad hoc conferences in order to design an effective structure for such conferences in the future.¹⁹

18. As an extension of their other suggestions, the Nordic countries proposed a review of the practices in place for the implementation of Economic and Social Council resolution 1296 (XLIV), pursuant to paragraph 15 of the annex to General Assembly resolution 32/197.²⁰ The delegation suggested that the Council Committee on Non-Governmental Organizations should report to the Council at its second regular session of 1982. The Secretary-General should also provide the necessary assistance to the Council for the undertaking of the review.²¹

19. In May 1981, by its resolution 1981/44, the Economic and Social Council:

“*Request[ed]* the Committee on Non-Governmental Organizations to undertake a review of current practice related to the implementation of Council resolution 1296 (XLIV) of 23 May 1968, bearing in mind paragraph 15 of the annex to General Assembly resolution 32/197 of 20 December 1977, in consultation with Member States, bodies and organizations of the United Nations system, the Secretariat staff concerned and representatives of non-governmental organizations, with a view to increasing the effectiveness of contributions by non-governmental organizations to the work of the Council, as well as to the relevant organs of the General Assembly and to ad hoc conferences of the United Nations in which the non-governmental organizations are invited to participate.”²²

20. By 1983, the Committee on Non-Governmental Organizations had begun discussing courses of action for the implementation of Council resolution 1981/44. Some delegations proposed that the Secretariat should report on the manner in which organizations had acted in accordance with resolutions and decisions of the General Assembly and the Economic and Social Council. They suggested that particular attention should be paid to those resolutions and decisions denouncing the practice of apartheid by the Government of South Africa.²³

21. One delegation outlined three objectives for the review: first, to increase the effectiveness of the Council; second, to enlarge the relationship with NGOs within the United Nations; and third, to increase the opportunity for NGOs to participate in the work of the United Nations.²⁴

¹⁹Ibid.

²⁰General Assembly resolution 32/197 of 20 December 1977 relates to the restructuring of the economic and social sectors of the United Nations.

²¹E S C (1981), 11th mtg., para. 27.

²²E S C resolution 1981/44, para. 1. E S C resolution 1296 (XLIV) of 1968 outlines the “principles to be applied in establishing consultative relations with non-governmental organizations”.

²³E/1983/11, para. 137.

²⁴Ibid., para. 139.

¹³E S C (1981), 11th mtg., para. 7.

¹⁴Ibid., para. 10.

¹⁵Ibid., para. 24.

¹⁶Ibid.

¹⁷Ibid.

¹⁸Ibid., para. 25.

22. The Committee decided to adopt the following procedures, in principle, for the implementation of the review, with emphasis on proceeding to step (a), below:

(a) The Committee would determine the factual information necessary as a basis on which to begin the review, which the Secretary-General would be asked to provide to the Committee;

(b) The Committee would determine further measures appropriate for the completion of its review;

(c) The Committee would draft a report, including its recommendations, which would be circulated to Governments, the Secretariat and non-governmental organizations in order to ascertain their views before the Committee adopted a final report.²⁵

23. At its fifteenth General Assembly, the Conference of Non-Governmental Organizations in Consultative Status with the Economic and Social Council discussed the matter of consultative relationships between NGOs and the United Nations. The Conference stated that it, too, had a significant contribution to make towards the review of the implementation of Council resolution 1296 (XLIV).²⁶ It therefore instructed its incoming board to view the review process as a priority. The Conference asked the board to bear in mind that, inter alia, NGOs in consultative status with the Council could offer a greater participation to the United Nations "if the formal relationship that non-governmental organizations enjoy with the Council and its subsidiary bodies, as regulated by Council resolution 1296 (XLIV), were extended to the United Nations as a whole."²⁷ The Conference further suggested that this could easily be implemented by a resolution by the General Assembly.

24. Additionally, the Conference considered that it should be permitted to proffer its views to all proper United Nations organs and bodies regarding questions of consultative procedures.²⁸

25. The Conference requested its board to, inter alia, "explore possibilities for a comprehensive study on Article 71 of the Charter of the United Nations, Council resolution 1296 (XLIV) and other resolutions concerning consultative arrangements".²⁹

26. The Conference also requested the United Nations to help in the enhancement of cooperation between NGOs and the United Nations. This could be achieved by, inter alia, an increase in the supply of United Nations staff, including clerical assistance, to NGOs and the provision of orientation courses to provide background information on possibilities for consultation with the Council.³⁰

****2. STATEMENTS CONTAINING COMPLAINTS
AGAINST GOVERNMENTS**

****3. THE HANDLING OF WRITTEN STATEMENTS
FROM ORGANIZATIONS**

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

****5. 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
commissions and ad hoc bodies**

****I. Consultation with the Secretariat**

****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**

²⁵See *ibid.*, para. 3.

²⁶See, generally, E/1983/11, annex III, sects. I-III.

²⁷*Ibid.*, sect. I, para. 1.

²⁸*Ibid.*, para. 6.

²⁹*Ibid.*, sect. II, para. 1.5.

³⁰*Ibid.*, para. 3.1 (a) and (b).