

**IN TURKEY'S OPINION,
WHAT SHOULD BE A CORRECT IMPLEMENTATION OF THE PROCEDURE
PROVIDED FOR IN RESOLUTION 1996/31?**

During the year 2000 and afterwards, the case of the Transnational Radical Party (TRP) was twice before the Committee on Non-Governmental Organizations of the ECOSOC. We shall discuss the first occasion, which is highly instructive concerning questions of procedure.

In June 2000, the Russian Federation filed a complaint against the TRP, accusing it, among other things, of threatening the Russian Federation's sovereignty and territorial integrity and of encouraging separatism in the Chechen region. This case occupied the Committee three times in the course of the months of June, July and September 2000 before the Committee adopted "by consensus" a recommendation addressed to the Economic and Social Council proposing a suspension of the TRP's status for three years.

During its 46th session, on 18 October 2000, the Economic and Social Council finally rejected this recommendation by a vote of 23 against, 20 in favour of and 9 abstentions. Some member states considered that the complaint of the Russian Federation was without merit, that the allegations against the TRP had no supporting evidence and/or that the procedure followed by the Committee had been unsatisfactory and precipitate. Others considered that the violation of Resolution 1996/31 by the TRP was averred and that the procedure followed had been correct. Yet others, including some of the same member states, considered that the NGO status was unsuitable for a political party.

The United Nations press release of 19 October 2000 retraced the discussions that had taken place the previous day within the ECOSOC regarding this subject.

According to this press release, the representative of the Republic of Turkey, after having explained that his country was not a member of the ECOSOC but was a member of the Committee on NGOs at the time of the adoption of this recommendation, made a general statement described as follows.

"He wanted to set the record straight on a couple of matters.

"The statement that the Committee had violated procedure was incorrect, he said. He also wanted to clarify that the relevant resolution stated that if the status of the NGO was withdrawn, it would be given an opportunity to respond. For that reason, the committee had taken the decision on the suspension or withdrawal **first**, and requested a response from the NGO in question **afterwards**. One delegation had clearly stated that the Transnational Radical Party had not been given an opportunity to respond. He opposed that statement. The Party had been given **one full afternoon and one morning to respond** [emphasis added]."

Defending the Committee, other delegations spoke along the same lines. They emphasized in particular that the Committee had given the TRP three occasions to present its point of view. The first had been in June when the Committee had invited the representatives of the TRP and had held a long dialogue with them. The second opportunity had been in July: a special meeting had been arranged during which the responses given during the first meeting were discussed. The third opportunity had been in September when a session of the Committee had been again convened to discuss yet further the TRP's responses.

Thus, one can see what Turkey, among other member states, in the TRP case, considered proper procedure in implementing Resolution 1996/31.

The CETIM case has been very far indeed from what was then presented by various parties as minimum but correct standards and by others as an insufficient and precipitous procedure.

It is worth recalling:

- The complaint against the CETIM was officially filed by Turkey with the Committee on 14 May 2010. It cited only the CETIM whereas all the declarations mentioned by Turkey in support of the complaint had been joint declarations of the CETIM and other NGOs of varying status, from the general category to the special category.
- We were informed of this complaint only on 26 May (27 May in the morning, Geneva time), by Mr Andrei Abramov, Chief, NGO Branch, who explained that “The Committee has taken up this [attached letter of] Complaint today during its current resumed session from 27 May to 4 June 2010 and has requested you to provide a response to the letter from the Government of Turkey by no later than Monday, 31 May, for consideration by the Committee on Tuesday, 1 June 2010.” Mr Abramov did not mention the sanction that would be recommended by the Committee, for the Committee had not yet discussed any, and Turkey had stated in its complaint merely that in its opinion Article 57(a) of Resolution 1997/31 “which stipulates suspension of consultative status up to three years or its withdrawal is fully applicable to CETIM”.
- As Tuesday, 1 June, was preceded by a long holiday week-end in the United States, we were left with practically 33 hours, in other words, until 6 p.m. Geneva time, on Friday, 28 May, to try to draft for the Committee a letter that might possibly be distributed to the Committee’s members before 1 June. Obviously, with so little time available, this “response” could be only a declaration of our innocence and surprise – not a complete defense file detailed and carefully argued.
- We barely had time, on 2 June, to send a new letter acknowledging the unfortunate use of the term “Turkish Kurdistan” – which for us served only as a geographic designation of the region of Turkey where Turks of Kurdish origin are in the majority and as a historical reminder situating the “Kurdish question” in Turkey as a result of the collapse of the Ottoman Empire at the beginning of the twentieth century. We expressed our regret for having used the term, which might have led to confusion regarding our intentions and which we had anyway already withdrawn from all our declarations since the end of 2009, and we apologized for this to the entire community of United Nations member states. At the same time, we repeated that we had never supported separatism in any form and had in any case never violated Resolution 1996/31 nor the spirit of the United Nations Charter which, on the contrary, we ardently defended.
- On 4 June, we learned through United Nations press releases that a recommendation had been adopted by the Committee on NGOs by a consensus that we know to have been negotiated, requesting the ECOSOC to suspend our status for two years. As of 7 July 2010, the official text of this recommendation had still not been communicated to us, in spite of our repeated requests, and it remains unavailable on the United Nations website. Further, we have never been heard by the Committee, also in spite of our requests.

To summarize, the complaint filed by Turkey on 14 May, 12 days before the Committee’s 26 May opening of a session that Turkey would preside over, was examined and retained by the Committee in the course of only two (brief?) periods during meetings forty-eight hours apart (2 and 4 June), and as of 7 July the recommendation of the Committee had (apparently) not yet been officially communicated to the Economic and Social Council for its session that began 28 June. This recommendation comes under agenda item 12 scheduled for consideration on 19 July.

In any event, the Committee's report is not yet available on the website page of the session's preparation.

With a professional team that comprises three permanent full-time employees and that respects the standards of a democratic working order such as is the norm in an association, we were materially able to prepare our defense file only in the month of June and begin to circulate it only during the first days of July. The Committee on NGOs closed its second annual meeting on 4 June 2010, thus we still have not been heard by the Committee nor have we been able to formally respond to a recommendation whose precise contents remain unknown to us...

In 2000, in the TRP case and during the controversial discussion on the minimum standards to be observed during the procedure leading to a suspension or withdrawal of status for an NGO, the commitments made by leaders during the Millennium Summit that had just taken place – to promote the closest relations between the United Nations and the NGO representatives – were recalled. Are the Millennium commitments already obsolete on this point, as is feared by many countries to have become the case on many other points?

**COMPLETE FILE ON CETIM DEFENCE IN RESPONSE TO THE
RECOMMENDATION MADE BY THE COMMITTEE ON NGOs TO SUSPEND ITS
CONSULTATIVE STATUS ON :**

http://www.cetim.ch/en/cetim_ecosoc.php
