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Agenda item 12

Non-governmental organizations**Letter dated 19 July 2004 from the Permanent Representative of the Kingdom of the Netherlands to the United Nations (on behalf of the European Union) addressed to the President of the Economic and Social Council**

With reference to the letter dated 29 June 2004 from the Permanent Representative of Viet Nam addressed to the President of the Economic and Social Council and, in particular, to its annexes, which were circulated to all members of the Council (E/2004/91), the European Union believes that in order to allow a fully informed decision by the Council, it is necessary to point out the following issues:

(a) Under agenda item 12, the Council will consider the report of the Committee on Non-Governmental Organizations and decide on the draft decisions contained therein, including draft decision III on the suspension of the consultative status of the non-governmental organization called the Transnational Radical Party (TRP). According to the provisions contained in paragraph 56 of Council resolution 1996/31,

“In cases where the Committee on Non-Governmental Organizations has decided to recommend that the general or special consultative status of a non-governmental organization or its listing on the Roster be suspended or withdrawn, the non-governmental organization concerned shall be given written reasons for that decision and shall have an opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible.”

Confirming one more time its full commitment to the strict observance of the Council's provisions, TRP submitted its final response to the Secretariat on 18 June 2004 (see attachment). In its final response, TRP, while rejecting “all the accusations concerning the alleged abuse of its relationship with the United Nations as well as all the additional allegations against Mr. Ksor, President of the MFI [Montagnard Foundation[, Inc.]] and a member of the TRP's General Council”, addresses in detail all the allegations made against TRP, in particular those concerning the issues of terrorism, including the question of the affiliation of

Mr. Ksor with the now defunct organization called Front unifié pour la lutte des races opprimées (FULRO), and lastly the one on separatism.

The European Union believes that, in view of the respect of the right of reply, which informs the basis for all our decisions, it is necessary to bring to the attention of all the members of the Council the elements contained in the final response of TRP, included as an attachment to the present letter, which, in our view, has not so far received the “appropriate consideration” laid down in paragraph 56 of resolution 1996/31.

In relation to this issue, the European Union wishes to bring to the attention of the Council that during the debate held last May in the Committee on Non-Governmental Organizations and pursuant to paragraph 50 of resolution 96/31, a member of the European Union submitted a request to suspend the debate to allocate more time for a more in-depth consideration of the matter we have before us today. The request was rejected by a vote. It is unfortunate that at this later stage, Viet Nam has decided to circulate additional information on TRP.

(b) With regard to considerations contained in the letter from the Permanent Representative of Viet Nam, the European Union wishes to call the attention of all the members of the Council to the fact that no organization should have its consultative status with the Council suspended merely because it draws the attention of the United Nations High Commissioner for Human Rights to alleged human rights violations, in particular to indigenous issues and religious freedom. In fact, paragraph 57 of resolution 96/31 establishes the criteria by which the consultative status may be suspended. None of these criteria has been met in the case of the Transnational Radical Party; in fact, draft decision III does not include any reference to the relevant provisions contained in paragraph 57.

The European Union also wishes to emphasize that since 2002, when the issue was brought to the attention of the Committee on Non-Governmental Organizations, TRP as always complied with the requests to submit its special responses in due time, fully participating in the process of the Committee, and was on all occasions very cooperative and open to dialogue. Moreover, fully aware of the responsibilities stemming from its affiliation with the United Nations system, TRP has always complied with the provisions of resolution 1996/31 and the principles and purposes of the Charter of the United Nations.

Having studied with great care the statements issued by TRP over the last years at the Commission and Subcommittee on Human Rights, the European Union believes that on no occasion did TRP or Kok Ksor argue, directly or indirectly, to undermine the sovereignty or territorial integrity of Viet Nam. Deeply rooted in the principles and actions of TRP is the rejection of all forms of violence, including of course terrorism, against individuals or States.

(c) The European Union firmly believes that it is fully within the mandate of the Council to review the work of its functional commissions and subsidiary bodies and that on no occasion shall the exercise of this mandate be presented as “illegitimate”. It is a basic rule of the “democracy” governing this honourable institution that decisions taken at the level of a subsidiary body shall be considered by its parent organ and, if it is so decided, modified.

Members of the Council, on the basis of detailed reports from the Committee on Non-Governmental Organizations, shall therefore be able to express in full

legitimacy their evaluation of recommendations contained in them, particularly when they concern the delicate issue of the suspension of the consultative status of a non-governmental organization. Under no circumstances shall their right to reconsider, and eventually reverse, a decision taken at the subordinate body level be presented as an “illegitimate attempt”.

(d) The European Union has studied with great care the documents circulated in the annexes to the letter from the Permanent Representative of Viet Nam. For this reason, the European Union would like to point out that some of the new elements presented by Viet Nam have wrongfully been attributed to the Internet page of the Montagnard Foundation. In fact, they belong to the web site of another organization that deals with Viet Nam-related indigenous issues, called “Save the Montagnard People”.

As a general observation, the European Union expresses its great concern for the decision to circulate, as Council documents, information whose authenticity has not been verified, in particular in connection with events that have not been thoroughly and independently investigated either by official independent observers or the United Nations.

The situation described by Mr. Ksor on behalf of TRP remains indeed a matter of national and international concern and has recently been at the centre of several statements issued by the Office of the United Nations High Commissioner for Human Rights and the Office of the United Nations High Commissioner for Refugees as well as by the Special Representative of the Secretary-General in Cambodia. Several respected international non-governmental organizations have also emphasized how the situation in this region continues to raise several concerns about the situation of the “Montagnards” vis-à-vis their indigenous prerogatives and freedom of religion or belief.

(e) For all these reasons, I would like to request that you circulate the present letter and its annexes to all members of the Council, together with a copy of the final response prepared by the Transnational Radical Party in accordance with the provisions contained in paragraph 56 of resolution 1996/31, which was forwarded to the Secretariat on 18 June 2004 (see enclosure and attachment).

On behalf of the European Union

(Signed) Dirk Jan **van den Berg**
Ambassador Extraordinary and Plenipotentiary
Permanent Representative