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

Geneva, 30th June 2010

**SURPRISED BY THE RECOMMENDATION OF THE COMMITTEE ON NGOS TO
SUSPEND ITS STATUTE FOR TWO YEARS, THE CETIM REQUESTS AN
IMMEDIATE REVIEW OF ITS CASE**

The Permanent mission of Turkey to the UN (hereinafter designated by “Turkey”) filed a complaint with the Committee on Non-Governmental Organizations against our organization making extremely serious accusations. According to Turkey, the CETIM (Europe – Third World Center) has “a hidden agenda” aiming to attack “its territorial and political integrity”. As the Committee on NGOs has acted on these accusations and, by a “negotiated consensus”, has recommended that ECOSOC suspend our (general category) consultative status for two years, we are obliged to defend ourselves with to the best of our ability. In fact:

1. These accusations are of course serious but they are unfounded. We can certify this.
2. Confronted with an expeditious procedure, with no investigation to speak of, we have, until now, had no real way to defend ourselves, with any chance of proving our good faith, against these accusations.
3. Finally, and especially, the accusation claiming that the CETIM has a “hidden agenda” that is contrary to the United Nations Charter projects an image that is the opposite of what has always constituted its practice and motivation; it cruelly injures all the persons who have worked with us year after year; it unduly attacks all the work carried out by our organization for decades. Moreover, by the enormity of the sanction requested, it risks becoming indirectly prejudicial to all the peoples and social movements that, placing their hope and trust in the United Nations, have sought the help and support of NGOs such as the CETIM to this purpose.

The CETIM and the United Nations

The CETIM does not recognize itself in these accusations. Indeed:

- Confronted with a profoundly bad developed world and with international relations that it considers permeated with deep inequalities and unfortunately regulated by force, the CETIM has consistently presented the United Nations as the only international organization capable of realizing a democratic and egalitarian representation (imperfect but perfectible) in concert with all peoples and nations. The CETIM has always been convinced the most adequate way to a harmonious world and peaceful and democratic coexistence of peoples and States is through multilateralism.
- Further, in so far as its has had the ability and means (in particular through the publication of books, both recent and earlier), the CETIM has always worked to defend the United Nations against various campaigns aiming to discredit it. In our opinion, these attacks – which come most often from great powers and from economic, financial and dominant media forces for whom the United Nations seems to be “too” democratic a place – often have as their only purpose reducing and relegating to a subordinate role the only legitimate international institution where oppressed peoples have the right to speak; where the countries that are in solidarity with them and have a right to vote can form majorities; where countries called “peripheral” – to use the term of the well-known economist Mr Samir Amin, who, as a friend of CETIM, has gratified us with several contributions in the course of our publications – can find a space to assert their number and have their interests respected face to face with neo-colonialism or various external interferences be they military, economic, political, indeed, in certain cases, humanitarian.

Defense of national sovereignty, of the sovereign equality of States and the promotion of human rights

The CETIM has always considered essential the principles of peace, of sovereign equality of States (including the principle of territorial integrity; v. articles 2.1 and 2.4 of the United Nations Charter) for, generally, the peoples of the “periphery” are, in the end, the first victims of the violation of these principles. It if turns out that the construction of the States-Nations has occasionally been carried out to the detriment of some of its constituent populations, we promote in the peaceful and democratic settlement of disputes, contradictions and conflicts that might result from history, within the framework of the States concerned.

However, supporting national sovereignty does not mean giving a blank check to States where, in a no small number of cases, certain fundamental rights are not assured. The protection of all human rights, including cultural rights and the minorities rights, is one of the goals of the United Nations, enshrined in the UN Charter. Consultation with NGOs is part of this process. Thus, to cite only one instrument, the “United Nations Declaration on the Right and the Responsibility of Individual, Groups and Bodies of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms” requires everybody, individually or in association with others, to promote the protection and realization of human rights and fundamental freedoms at the national and internal levels.

Aware of the tensions within countries, the CETIM, in particular through its Human Rights Program and owing to its general category consultative status, has firmly committed itself to the defense and the promotion of economic, social and cultural rights and to the right to development. For the CETIM, the right of human beings to development implies the right of all the inhabitants and peoples of the planet to control their future and their development, their orientation as a human society and their relationship with nature. This requires not only the satisfaction of the economic, social and cultural rights of everybody, the right of individuals to the fulfillment of all their potential as human beings, but also an effective exercise of democracy in all the domains of social development and the possibility for every people, every citizen, both individually and collectively, to assert his/her/its sovereign autonomy and citizenship.

Thus, through innumerable texts, files and brochures, the CETIM has devoted its energies to:

- asserting the irreplaceable role of the United Nations in the elaboration of human rights norms whose content and wording can be recognized as truly universal;
- supporting the establishment of a better balance between, on the one hand, economic, social and cultural rights and the right to development and, on the other, civil and political rights; in other words, making sure that the indivisibility, the inseparability, and the interdependence of rights is not just a slogan but also a real guide in the enforcement of these rights.

The CETIM has also always urged the social movements of the entire world to work within the United Nations, not avoid turning away from it by adopting the simplistic slogans so often heard such as “the U.N. is good for nothing”,etc., to take an interest in its activities, to include the rights it has elaborated in their daily struggles, for they are the most directly concerned by these rights.

With this in mind, the CETIM:

- trains leaders of social movements in Geneva and elsewhere, through seminars and other gatherings and through its various publications aimed at the general reader;

- serves as an interface between certain United Nations bodies and organizations, individuals, even national civil servants; the latest example being the CETIM's close and longstanding work with the international social movement of small holder farmers, La Vía Campesina, with a view to the drafting by the United Nations of an international convention on the rights of small holder farmers (See Annexes the letter of La Vía Campesina);
- through multiple publications and conferences, consistently contributes to a better knowledge of the various contents and means of enforcement of human rights, drawing attention to subjects as diverse as food sovereignty, cancellation of the Third World Debt, a solidarity-based economy, the Declaration on the Right to Development,¹ aid to development, the right to food, the right to health, the right to adequate housing,...;
- substantially contributes to the work of the United Nations human rights bodies in the drafting of norms such as the justiciability of economic, social and cultural rights (the process of adopting of the Option Protocol to the International Covenant on Economic, Social and Cultural Rights), the creation of a legal framework at the international level for the activities of transnational corporations, the implementation of the right to development etc. The same can be said of its efforts regarding the workings of the Human Rights Council's mechanisms;
- conducts a public debate by organizing conferences/seminars about the United Nations, about its functioning, criticisms that might be leveled at it and how to improve it,² on the usefulness and the necessity of promoting international law and the United Nations Charter.³

Three questions and an answer that is patently obvious

1. How, with all the activities described above, and a team that currently comprises only three members (specifically, 2 full-time jobs and 1 part-time job), would the CETIM pursue this "hidden agenda"?
2. If, however, such is the case, how could we be able to commit the errors and missteps we are accused of, in such an outrageous way, knowing full well the sanctions that threaten us? Would it not have been reasonable for us to act less obviously?
3. Finally, if the CETIM supported the idea of the creation of "great Kurdistan", as Turkey seems to think, why would we have fought, from the beginning of the embargo against Iraq (1991) and more so since the invasion of Iraq by the United States (2003), against any idea of partition of this country of which the Kurds constitute nonetheless an important part of the population?

To ask these questions is to answer them.

¹ See inter alia, the book by Tamara Kunanayakam, currently ambassador of Sri Lanka to Cuba, published by CETIM (CRID and CNCDD) in 2007, *Quel développement? Quelle coopération internationale?*

² The most recent conference on this subject, under the auspices of the City of Geneva and presided over by the mayor of Geneva, Rémy Pagani, included Ambassadeur Stéphane Hessel and the journalist and member of Scientific Counsel of ATTAC France, Nils Anderson.

³ See *Sortir le droit international du placard*, published in 2009 by the CETIM and written by attorneys Roland et Monique Weyl, from the International Association of Democratic Lawyers.

Point by Point Examination of Turkey's allegations

- One should not need to recall that the CETIM's point of view on the human rights situation in Turkey is shared by numerous NGOs of renown enjoying consultative status with the United Nations. Moreover, since 2006 (the year of the creation of the Human Rights Council), the declarations of the CETIM on the human rights situation in Turkey have all been presented jointly with other NGOs such as the Mouvement contre le Racisme et pour l'Amitié entre les Peuples (MRAP), the Women's International League for Peace and Freedom (WILPF), the World Federation of Trade Union (WFTU), the International Association of Democratic Lawyers (AIDL) and the France Libertés - Fondation Danielle Mitterrand. We note in this regard that if some of these joint statements mention the Kurdish provinces of Turkey and the PKK, in terms that are now a reproach to us (see below), only the CETIM, inexplicably, is targeted by Turkey's complaint.
- Between 1998 and 2010 (a period that saw three reports to the Committee on NGOs regarding our status), the CETIM submitted (individually or jointly) 24 statements concerning the human rights situation in Turkey – which represents a tiny part of its activities and interventions (231 in all, without counting the statements presented to various working groups of the Commission on Human Rights and the Human Rights Council). A detailed analysis of these statements (all available in: http://www.cetim.ch/en/cetim_ecosoc.php) shows that they deal essentially with the denunciation of serious human rights violations of all Turkish citizens (political assassinations, forced disappearances, use of torture, inhuman conditions of detention, the non-respect of freedom of opinion and expression, trade union rights, forced population displacements of kurdisch small farmers, the non-respect of the civil, political and cultural rights of the kurdisch people, etc.).
- These denunciations are based on reports of organizations of human rights defenders in Turkey, internationally acknowledged for the quality of their work, such as the Human Rights Association (IHD), affiliated with the International Federation of Human Rights (FIDH), and the Human Rights Foundation of Turkey (TIHV), affiliated with the International Rehabilitation Council for Torture Victims, and also on the reports of the special rapporteurs of the Human Rights Council (and the former Commission on Human Rights), the Treaty bodies, the rulings of the European Human Rights Court etc.
- Turkey reproaches us for using the term “Turkish Kurdistan” and for thus attacking its territorial integrity. We do not deny having used this term, and if it offended Turkey, we regret this. However, we have used this term only to designate a geographic area where the kurdisch speaking people live or as a historical allusion, but never to refer to legal or administrative entity.⁴ As proof, we submit our use of other, alternating and innocuous terms such as “Kurdish provinces” or “Kurdish region”, which are also used by the Turkish media.
- Moreover, if the use of the term “Turkish Kurdistan” had implicitly represented for us any sort of support for separatism, how can it be that we have never made known or even suggested such a point of view in the recommendations that are common places in such statements? Why is there no reference to this? Why would we, on the contrary, recommend that solutions be found within the institutional framework of Turkey?

⁴ It is also for this reason that we have used the term “capital” (Diyarbakir) in order to designate the main administrative city of the region.

- We would emphasize that, since being informed (end of 2009) of Turkey's unhappiness with this term, following an approach made by a member of the Turkish delegation in Geneva towards the MRAP representative (a co-signatory of our statements), we decided, immediately, to refrain from using it. Thus, the two most recent statements submitted by our organizations to the 13th session of the Human Rights Council (March 2010) use the term "predominantly Kurdish South-East Anatolia"⁵ (See Annexes). We have thus respected Turkey's wishes, which attests to our good faith, to our concern to maintain good relationships with this country and to the absence of any "hidden agenda".

Additionally, in the complaint (filed with the Committee on NGOs 14 May 2010 and of which we were informed only on 27 May, see below) Turkey accuses us of being "a propaganda vehicle of terror organization PKK", an organization with which Turkey is at war.

The following are our defense and our arguments with regard to this. **At the outset, we would like to emphasize that we have no relations with the PKK or any of its members.**

- In all the CETIM statements, we have used the term PKK in a neutral way to designate one of the parties to the conflict; using alternatively the terms "armed struggle", "guerilla" and "combatants" as is customary usage with other human rights NGOs.
- Moreover, as we have specified in the second letter sent to the Committee on NGOs in order to "defend" ourselves (see annexes); we are of the opinion that it is not incumbent upon NGOs to characterize any group as being "terrorist". Further, the international human rights organizations and Special Representative of the Secretary-General on the situation of human rights defenders use neutral terminology regarding the PKK.⁶ While noting that there is still no internationally recognized definition of "terrorism"; we leave this usage to governments. We should have spoken of "non-State armed groups", as do certain conventions.
- It should also be noted that the militants in Turkey (politicians, journalists/writers, human rights defenders...) are very often accused of supporting the PKK and are brought before the Turkish courts, whence the use of the term PKK in our declarations relating this sort of case. In addition, the United Nations Working Group on Arbitrary Detention has stated, in a Mission report to Turkey: "The definition of terrorism is overly broad and does not require that a terrorist offender must have committed a serious violent crime. As a consequence, terrorism charges can be used to restrict the non-violent exercise of the rights to freedom of expression, association and assembly."⁷
- The statement of the CETIM submitted to the fifty-fourth session of the Sub-Commission for the Promotion and Protection of Human Rights deals with respect of the right of asylum in Europe within the context of the fight against terrorism after 11

⁵ Although the joint declaration made to the Human Rights Council within the framework of the Universal Periodic Review is dated May 2010 (the time of Turkey's review by the Council), the statement was submitted to the Council secretariat at the beginning of November 2009, as required.

⁶ See in this regard the mission report from Turkey of the special representative (E/CN.4/2005/101/add. 3), pp. 4 et 26: "The policies and methods adopted by the State to confront the armed movement of the Kurdish Workers' Party (PKK) have been a prolonged and serious concern for the civil society in Turkey... In its comments on the draft report; the Government of Turkey asked the Special Representative to characterize the PKK with additional language. However; for the purpose of this report on the situation of human rights defenders, and given the context in which the reference to PKK is made, the Special Representative does not find it either necessary or relevant to make any characterizations in the report:"

⁷ Report of the Working Group on Arbitrary Detention, Mission to Turkey, A/HRC/4/40/Add.5, 7 February 2007, p.2.

September 2001. In this regard, the CETIM, drew the attention of this body to the criminalization of refugees and asylum seekers, among others, Kurds who are Turkish citizens in the United Kingdom, following the inclusion of the PKK in the list of terrorist organizations by the European Union.

- Turkey has reproached us for having considered two Kurdish political leaders arrested in Brussels as being “human rights defenders”. This is erroneous, for we said that they were “defenders of the rights of the Kurdish people” in the joint oral declaration that we submitted to the thirteenth session of the Human Rights Council (See Annexes). The Turkish delegation seems also to have confused the names for we spoke of Mr Remzi Kartal and Mr Zübeyir Aydar; former Members of Parliament (colleagues of Ms Leyla Zana; recipient of the Sakharov Prize), refugees in Europe for 16 years. On the other hand; the intervention to which the delegation alludes in its complaint was presented by the MRAP and supported by the CETIM. The two persons (Mr Remzi Kartal and Mr Eyyup “Faruk” Doru, residing respectively in Belgium and France with the status of refugees) against whom the Turkish authorities filed an international arrest warrant; are, in essence, accused of the crime of opinion.
- Finally, the propositions presented in our statements, always written in a constructive spirit, deal with respect of freedoms and rights of all citizens of Turkey, democratization of this country and the search for a “peaceful/democratic solution to the Kurdish question” or “the recognition of Kurdish identity”, and all this, we repeat, with the purpose of constructing a peaceful Turkish society.

In the end, Turkey’s accusations turn on questions of vocabulary. One wonders where freedom of opinion and expression fits in, in respect for the spirit of the United Nations Charter?

Given the above, we deem that the CETIM has not violated ECOSOC resolution 1996/31 and has never attacked the territorial integrity of Turkey. The activities of the CETIM are based on the defense and the promotion of the United Nations Charter and international human rights norms as well as on the exercise of its right of freedom of expression, within the limits set by these international instruments (See Annexes the legal advice of Mr Pierre-Marie Dupuy, Professor of international public law).

We repeat: the CETIM has no “hidden agenda”; on the contrary; it has an open agenda visible to everybody, that of promoting and defending economic, social and cultural rights, and all human rights, in the fight against the inequality caused by the neo-liberal economic system and of supporting the United Nations, the world’s only legitimate democratic instance, in its mission of bringing peace to international relations and fighting against injustice (See Annexes the support letters to the CETIM from UN experts and from international personalities).

The CETIM and the Committee on NGOs

The procedure followed by the Committee on NGOs to recommend the suspension of our status, has been, according to us, expeditious. Whereas the United Nations promotes democracy, respect of opinions, freedom of expression, transparency, the right to a fair defense and a fair trial, among other things, we can only deplore the way our case has been handled out.

We received a communication from the secretariat of the Committee on NGOs on Thursday morning, 27 May 2010. It dealt with informing us of the complaint filed by Turkey regarding our organization and set 31 May 2010 as the deadline for responding (our case being scheduled to be heard on 1 June). Taking into account the long weekend in New York (Monday, 31, was a holiday in the United States), we had a mere 33 hours to react. We sent our first response on Friday, 28 May, at 6 p.m. Geneva time in the hope that it would be translated and distributed to the members of the Committee on NGOs before the long weekend (see Annexes).

Owing to this extremely tight deadline, we were unable to present a solid and detailed defense. Moreover, the deadline, fixed in this particular case, was incompatible with the democratic functioning of any NGO.

We contend moreover that the Committee has not at all taken into account our right to be auditioned, a fundamental right enshrined in the international instruments that the United Nations defends.

According to the terms of resolution 60/251, the United Nations General Assembly ruled that non-governmental organizations may participate in the work of the Council and be consulted by it in accordance with the prescribed procedures (in particular according to ECOSOC resolution 1996/31 of 25 July 1996) and the practices observed by the Commission on Human Rights. It is thus normal that the activities of the non-governmental organizations continue to be subject to the Committee on NGO's evaluation. What is less normal is that the activities carried on within the Human Rights Council should lead to a decision prohibiting an NGO from conducting its activities within Economic and Social Council and its subsidiary bodies. If a sanction must be imposed against a non-governmental organization because of its actions within the Human Rights Council, should it pertain only to participation within this body, and after a ruling by this body?

The expeditious procedure resorted to in the case against the CETIM leads us to ask the following questions.

- Should not the right to freedom of opinion and expression of NGOs within the United Nations be protected from political-diplomatic agendas such as are current between governments?
- Have we been judged on effective acts, and if yes, which ones, or on the mere production of ideas or on some vocabulary use?
- While accepting the existing hierarchy within the United Nations between Member States and NGOs, is it normal that countries form alliances against NGOs whereas the NGOs, not being party to any decision making, cannot form such alliances?
- Have all the Member States of the Committee on NGOs had the time to examine the accusations, serious but unjust, brought by Turkey?
- Could the expeditious procedure, mentioned above and carried out against us, tarnish the UN image?
- Does this procedure reinforce the credibility of the United Nations or, on the contrary, does it reinforce the conviction of its detractors according to whom the United Nations serves no good purpose?

In conclusion

As we have demonstrated, the complaint brought by Turkey is, according to us, without foundation. On 19 July 2010, the CETIM will do everything within its power, its means and

the time allotted to it, to defend its rights and in order to the ECOSOC to pronounce for a reconsideration of this decision, that it considers unjust and totally disproportionate to any possible misstep committed, however one may be inclined to judge it.

The CETIM is of the opinion that:

1. the recommendation of the Committee on NGOs regarding the CETIM was adopted within the framework of a procedure, in this particular case, that did not observe the principles of fair treatment. This “case” could undermine the UN credibility;
2. the right to freedom of opinion and of expression, one of the pillars of human rights, must be respected and promoted within the United Nations that has decreed it; the NGOs must be able to fully play their role consistent with, inter alia, bringing to the attention of the Human Rights Council human rights violations, in conformity with Articles 2 and 3 of General Assembly resolution 60/251, Articles 1.3 and 71 of the United Nations Charter and ECOSOC resolution 1996/31.

Thus, we request the ECOSOC to send the CETIM case back for reconsideration by the Committee on NGOs and ask the Committee for a hearing.

**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
