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Chairman: Mr. Humberto DIAZ CASANUEVA (Chile).

AGENDA ITEMS 12 AND 43

Report of the Economic and Social Council (A/5503, chapter IX, except section III; chapter X; and chapter XIII, section VII), A/C.3/L.1136/Rev.1, A/C.3/L.1144) (continued)

Draft Declaration on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1137 and Add.1 and 2, A/C.3/L.1145, A/C.3/L.1150, A/C.3/L.1155) (continued)

DRAFT RESOLUTION CONCERNING THE COMMISSION ON HUMAN RIGHTS (continued)

1. Mr. GILCHRIST (Australia) said that the revised draft resolution on the Commission on Human Rights (A/C.3/L.1136/Rev.1) raised a question of principle. The Secretary-General had established a calendar of conferences which the Economic and Social Council had adopted,[1] considering that it offered the best solution for a very real organizational problem. To revise that decision in the case of one of the organs concerned meant reopening the whole question and abandoning the already-adopted plan. The Secretary-General attached such importance to that plan that he had explained it personally to the Council at its thirty-sixth session. Moreover, the Australian delegation was surprised that the members of the Third Committee were not more clearly aware of the concern being expressed at that very moment in the Fifth Committee.

2. It was also surprised that the suggestion made by the representative of the United Arab Republic (1248th meeting) had not received the support it deserved: it had the advantage of not entailing an outright rejection of the Secretary-General's recommendation. Since in the ordinary course the Sub-Commission on Prevention of Discrimination and Protection of Minorities would meet in January 1964, it could draft a convention on the elimination of all forms of racial discrimination which would be considered by the Council at its thirty-eighth session and submitted to the General Assembly at its nineteenth session. It was worth recalling that the Sub-Commission had drawn up the first draft of the declaration which the Third Committee had just adopted. The solution proposed by the representative of the United Arab Republic was perhaps not perfect, but it would enable the Committee to avoid reopening a question in the face of the Secretary-General's recommendation and the Council's decision.

3. Mr. GOODHART (United Kingdom) understood why some delegations considered it extremely important that the Commission on Human Rights should meet in 1964, but stressed that it would be impossible to recruit the necessary technical staff, especially since the United Nations Conference on Trade and Development was meeting. The revised draft did not solve the problem of the financial implications. The amount involved was admittedly not very large, but the United Nations was in an extremely difficult financial position and it would be unwise to increase expenditures just when the Secretary-General and the Fifth Committee were making strenuous efforts to set the Organization's finances in order. It was worth recalling, moreover, that the present crisis arose because various countries—including some that prided themselves on their economic progress—did not pay their contributions. The position of those countries which, in one committee, refused to meet their financial obligations and, in another, said that they were prepared to increase expenditures, was bound to create certain difficulties.

4. His delegation was in favour of the Secretary-General's plan approved by the Council. It was, of course, grateful to the delegations that had attempted to draw up a compromise text, but in the absence of formal instructions from its Government and in view of the importance of the question, it felt that it should adhere to its earlier position.

5. Mr. MEANS (United States of America) pointed out that the wording of operative paragraph 2 might be understood to mean that the Economic and Social Council had decided that the Commission on Human Rights should meet annually, whereas it had only decided that the Commission should not meet in 1964. The United States delegation, while it supported the principle of annual sessions of the Commission on Human Rights, had approved the Secretary-General's recommendations concerning the calendar of conferences for 1964, in view of the exceptional circumstances forecast. In those circumstances his delegation would have to abstain from the vote on the draft resolution.

6. Mr. DAYRELL DE LIMA (Brazil) said that his country was eager to take an active part in the fight

[1] Official Records of the Economic and Social Council, Thirty-sixth Session, 1297th, 1301st and 1302nd meetings.

against all forms of discrimination, and his delegation had therefore participated in the preparation of draft resolution A/C.3/L.1137 and Add.1 and 2, which requested the Economic and Social Council to ask the Commission on Human Rights to prepare a draft international convention on the elimination of all forms of racial discrimination, to be submitted to the General Assembly at its nineteenth session. But while it sincerely wished to see the Commission on Human Rights meet as soon as possible, his delegation recognized the force of the arguments presented by the Secretary-General and taken up by some delegations. It also felt that to increase the already very heavy administrative burdens on the United Nations would be unwise, and thought furthermore that the Third Committee was not the proper place for a correct appreciation of the difficulties which confronted the Secretariat in the matter. Consequently his delegation would be compelled to abstain from the vote.

7. His delegation attached the greatest importance to the preparation of a draft declaration on the elimination of all forms of religious intolerance, and held that the topic should have priority in the agenda of the Commission on Human Rights.

8. Mr. COMBAL (France) deeply appreciated the efforts which several delegations had made to prepare the revised version of the draft resolution. The new text made considerable allowance for the legal objections to which the original text had given rise. He would simply have preferred the beginning of operative paragraph 1 to be a little more polite to the Economic and Social Council. Paragraph 2 also was not entirely satisfactory, as the United States representative had correctly pointed out.

9. In his delegation's view, the revised draft resolution should be construed simply as an appeal to the Economic and Social Council, which was one of the principal organs of the United Nations and therefore free to respond to that appeal as it thought best. Relying upon that interpretation, which it wished to have mentioned in the Committee's report, his delegation would vote for the draft resolution.

10. The CHAIRMAN put to the vote the revised text of the draft resolution (A/C.3/L.1136/Rev.1).

At the request of the Lebanese representative, a vote was taken by roll-call

Luxembourg, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Pakistan, Panama, Philippines, Poland, Romania, Senegal, Spain, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Ecuador, El Salvador, Ethiopia, France, Gabon, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Jamaica, Kuwait, Lebanon, Liberia, Libya.

Against: Netherlands, New Zealand, South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Canada.

Abstaining: Nepal, Norway, Sweden, United States of America, Argentina, Austria, Belgium, Brazil, Colombia, Denmark, Finland, Greece, Iceland, Ireland, Japan, Jordan.

The draft resolution (A/C.3/L.1136/Rev.1) was adopted by 68 votes to 6, with 16 abstentions.

11. Mr. BEAUFORT (Netherlands), in explanation of his vote, wished first to thank the delegations for the spirit of conciliation which they had shown, and particularly the Mexican delegation, which had drawn up the revised draft resolution. He had voted against the draft resolution on the instructions of the Netherlands Government because it did not approve of the wording of operative paragraph 2, which exerted pressure on the Economic and Social Council, but more especially because it considered that, to oppose the recommendations of the Secretary-General and the decisions of the Economic and Social Council was detrimental to the good administration of the United Nations. In that respect he entirely shared the opinion of the Australian representative.

12. Mr. DELGADO (Senegal) had voted for the revised draft resolution because the debatable elements in the original text had been removed. The draft adopted had all the desirable flexibility, and left the Economic and Social Council the freedom of action which one of the chief organs of the United Nations ought to have. His delegation had voted in a spirit of conciliation, but its attitude did not in any way prejudice the position that it would take up in the Economic and Social Council.

13. Mr. BAROODY (Saudi Arabia), who was not present during the vote, was pleased that the revised draft, of which he was a co-author, had been adopted by the Committee. The draft in its present wording should allay all the fears which had been expressed during the discussions.

14. Mr. TREMBLAY (Canada) had voted against the revised draft resolution so as to emphasize the Canadian delegation's support for the recommendations made by the Secretary-General in his report on integrated programme and budget policy (A/3741) and approved by the Economic and Social Council. He called the Committee's attention to paragraph 6 of document A/C.3/L.1144, in which the Secretary-General had reiterated that his views on the calendar of conferences for 1964 remained valid.

15. His delegation did not in any way underestimate the importance of the work of the Commission on Human Rights, and in principle the Canadian Government favoured annual meetings of the Commission. Its vote did not mean that its views had changed, but was dictated solely by the administrative and budgetary considerations set out in the Secretary-General's note (A/C.3/L.1144) on the financial implications of the draft resolution regarding the Commission on Human Rights.

16. The Canadian delegation had voted in favour of General Assembly resolutions 1780 (XVII) and 1781 (XVII), for it considered those two fundamental aspects of human rights—the fight against racial discrimination and against religious intolerance—equally important. According to the agenda of the Commission on Human Rights, it should proceed to draft a declaration on the elimination of all forms of religious intolerance after drafting the Declaration on the Elimination of All Forms of Racial Discrimination. It should

continue its work in accordance with the programme which it had itself drawn up.

17. Mr. TEKLE (Ethiopia) said that his delegation interpreted the draft resolution as an appeal to the Economic and Social Council, and had therefore voted for it.

18. Miss MALLA (Nepal) declared that her delegation, far from being opposed to annual meetings of the Commission on Human Rights, on the contrary warmly welcomed the principle. It had, however, abstained from the vote because it approved the Secretary-General's position, which was confirmed by the statement of financial implications and which had already been approved by the Economic and Social Council. In view of the financial difficulties facing the United Nations, it had supported that position in the Fifth Committee and could therefore not vote differently in the Third Committee. It was, however, anxious that a convention on the elimination of racial discrimination should be drafted as soon as possible, and hoped that the Sub-Commission on Prevention of Discrimination and Protection of Minorities would be able to undertake that task.

19. Miss PEARCE (New Zealand) said she had voted against the draft resolution for the same reasons as the representatives of the Netherlands and Canada had explained. She considered that, for the efficient working of the various United Nations organs, it was necessary to maintain the Secretary-General's recommendations and the Council's decision for the 1964 calendar of conferences.

20. Mrs. CATTAROSSI (Uruguay), Mr. OUEDRAOGO (Upper Volta) and Mr. Antonio BELAUNDE (Peru) said that, if their delegations had been present during the vote, they would have voted in favour of the draft resolution.

21. Mr. SHARAF (Jordan) said that, although he understood why the sponsors had submitted the draft resolution, he had abstained from voting on it, in order not to depart from the line his delegation had taken at the Council's thirty-sixth session. He nevertheless unreservedly endorsed the principle that the Commission on Human Rights should continue to meet annually.

22. Mr. VEGA GOMEZ (El Salvador) explained that there was no paradox in his country's vote for the draft resolution although it was a member of the Economic and Social Council. The resolution did not categorically oppose the Council's decision or the Secretary-General's recommendations; it was merely an insistent but respectful request made to the Council. The Secretary-General had indicated in the statement of financial implications (A/C.3/L.1155) in connexion with the revised draft resolution that, if the Council reversed its decision, he could request an additional credit under the budget estimates for 1964. He himself saw no need to point out again the necessity, already stressed by other representatives, for a meeting of the Commission on Human Rights in 1964.

DRAFT RESOLUTION CONCERNING THE PREPARATION OF A DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

23. The CHAIRMAN invited the Committee to vote on the draft resolution (A/C.3/L.1137 and Add.1 and 2), and on the United States amendments thereto (A/C.3/L.1150).

24. Mr. LAMANI (Albania) felt that the drafting of a convention on the elimination of all forms of racial discrimination was an extremely important task to which all States should contribute by making proposals and that those should be duly considered. Point 1 of the United States amendments sought to discriminate against States not Members of the United Nations by preventing them from participating in that truly historic task. He would accordingly vote against that amendment, and also against point 2, which was a new attempt to delay the drafting of the convention.

25. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) observed that the Committee had just, by a large majority, adopted the draft resolution on the meetings of the Commission on Human Rights, which was closely linked to the draft now being discussed However, he feared that the former resolution provided no absolute guarantee that the Commission on Human Rights would meet in 1964; and he also feared that, even if it did meet, it would not have time to finish the study of a draft convention. He accordingly proposed that a second operative paragraph be added to the draft resolution, requesting the Economic and Social Council in that case to submit to the General Assembly at its nineteenth session the draft convention which would then have been prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He hoped that the sponsors of the draft resolution would accept his amendment, which met the Committee's almost unanimous desire that the adoption of the draft Declaration should be followed at once by additional measures.

26. The CHAIRMAN pointed out to the Ukrainian representative that the operative part of the draft resolution, as at present worded, merely requested the Commission on Human Rights to bear in mind the views of the Sub-Commission, and did not specifically instruct the latter to draft a text. Moreover, a request to the Council to submit to the Assembly a draft prepared by the Sub-Commission would disregard all the other factors that should be considered in preparing the draft convention, namely: the debates in the General Assembly, proposals submitted by Governments, and the relevant international instruments already adopted, including the draft Declaration.

27. Miss TABBARA (Lebanon) felt that the suggestion of the Ukrainian representative had certain advantages, and suggested that the sponsors of the draft resolution should consult with him in order to draft a joint text.

28. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) thanked the Chairman for his comments, and said that he was ready to reconsider his proposal with the sponsors of the draft resolution, as the Lebanese representative had suggested.

29. Mr. CUEVAS CANCINO (Mexico) urged the sponsors of the draft resolution, who did not include his delegation, to take care not to make any amendments to the text which would reduce the scope of the resolution that the Committee had just adopted.

30. Mrs. ARIBOT (Guinea), on behalf of the sponsors of the draft resolution, invited the Mexican representative to take part in the consultation.

31. The CHAIRMAN suggested that the meeting should be suspended in order to enable the sponsors of the draft resolution to consult with the Ukrainian and Mexican representatives.

It was so decided.

The meeting was suspended at 11.55 a.m. and resumed at 12.30 p.m.

32. Mr. MELOVSKY (Yugoslavia) said that he was happy to be able to announce that the co-sponsors of draft resolution A/C.3/L.1137 and Add.1 and 2 had reached agreement with the Ukrainian and Mexican representatives on a revised text.2/

33. Mr. CUEVAS CANCINO (Mexico) stated that the Ukrainian Soviet Socialist Republic, Sierra Leone and Mexico had been added to the list of co-sponsors of the revised draft resolution.

34. Mr. MEANS (United States of America) stated that his delegation withdrew point 2 of the amendments contained in document A/C.3/L.1150.

35. The CHAIRMAN invited the Committee to vote on point 1 of the United States amendments.

36. Mr. SOLODOVNIKOV (Union of Soviet Socialist Republics) said that he would vote against that amendment, for he considered that any State that wished to participate in the work of the United Nations on so important a question as racial discrimination should be able to do so. It was highly regrettable that the United States delegation should thus seek to restrict the scope of the draft resolution on narrow political grounds.

37. The CHAIRMAN put point 1 of the United States amendments (A/C.3/L.1150) to the vote.

At the request of Albania, a vote was taken by roll-call.

The Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Brazil, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, El Salvador, Finland, France, Greece, Iceland, India, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Lebanon, Liberia, Madagascar, Malaysia, Mexico, the Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Senegal, Spain.

Against: Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Congo (Brazzaville), Cuba, Czechoslovakia, Ethiopia, Ghana, Hungary, Indonesia, Iraq, Mali, Mongolia, Poland, Romania.

Abstaining: Togo, Trinidad and Tobago, Algeria, Austria, Cambodia, Cameroon, Central African Republic, Chad, Congo (Leopoldville), Gabon, Guinea, Kuwait, Libya, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Saudi Arabia, Sierra Leone.

Point 1 of the United States amendments (A/C.3/L.1150) was adopted by 46 votes to 25, with 21 abstentions.

Paragraph 1 of the revised text of the draft resolution, as amended, was adopted by 69 votes to 2, with 17 abstentions.

38. The CHAIRMAN suggested that the Committee should proceed to vote directly on the draft resolution as a whole.

It was so decided.

The revised text of the draft resolution as a whole, as amended, was adopted by 74 votes to none, with 19 abstentions.

The meeting rose at 1.15 p.m.

2/ Subsequently circulated as document A/C.3/L.1137/Rev.1.

Litho in U.N. 77301—March 1964—2,225