

United Nations
**GENERAL
ASSEMBLY**

TWENTIETH SESSION

Official Records

**THIRD COMMITTEE, 1347th
MEETING**

Thursday, 18 November 1965,
at 3.20 p.m.



NEW YORK

CONTENTS

	Page
<i>Agenda Item 58:</i>	
<i>Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued)</i>	
<i>Articles on measures of implementation (continued)</i>	335

Chairman: Mr. Francisco CUEVAS CANCINO
(Mexico).

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1221, L.1237, L.1239, L.1241, L.1249, L.1251, L.1262, L.1266, L.1268, L.1270 to L.1273, L.1274/Rev.1, L.1278, L.1289, L.1290)

ARTICLES ON MEASURES OF IMPLEMENTATION
(continued)

1. Mr. KOCHMAN (Mauritania), speaking as sponsor of the sub-amendments (A/C.3/L.1289) to the revised amendments submitted by Ghana (A/C.3/L.1274/Rev.1) to the Philippine proposals (A/C.3/L.1221) relating to measures of implementation of the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1239, L.1241, L.1249, L.1262), said that he had decided to submit his text after having heard the statements made in the Committee and the discussion in the working group. His delegation wanted to go beyond theoretical statements and expression of ideals and urged the adoption of practical and effective measures of implementation. His Government's position on racial discrimination was well known and, during the recent events in Southern Rhodesia, Mauritania and the three States bordering the Senegal River had adopted at Nouakchott a resolution condemning racial discrimination.

2. In view of the technical complexity and the seriousness of the undertakings envisaged in the proposals under consideration, his delegation suggested that the Committee should adopt a text in first reading and then submit it to Governments for their observations, as had been done in the case of the draft Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. If such a procedure could be followed for a declaration, it could fortiori be applied in the case of a convention. It was only right

that Governments should be able to make their views known. In that connexion, he drew the Committee's attention to Economic and Social Council resolution 1075 (XXXIX), which sought to review the experience with existing arrangements and procedures and requested that reports on "existing organizational and procedural arrangements for the implementation of conventions and recommendations in the field of human rights" should be prepared and submitted to the Council.

3. The CHAIRMAN observed that the Committee could not take a decision, even on first reading, on the substance of the measures of implementation of the Convention without prejudging its position.

4. Mr. KOCHMAN (Mauritania) announced that he would submit a draft resolution requesting that the Committee consider his amendments before proceeding to vote on the measures of implementation.

5. The CHAIRMAN suggested that the Committee should conclude the general debate on measures of implementation before considering the Mauritanian proposal.

6. Mr. AL-RAWI (Iraq) said that the delicate and important question which the Committee was discussing must be given careful study. In his view, the draft articles were too theoretical and difficult to apply. They encroached upon the sovereignty of States, a fundamental principle of international law, to which all States, particularly the small States and those which had recently attained independence, attached great importance. His delegation was in favour of measures of implementation, for a convention without such measures would be of little use. However, such measures must serve the aims of the Convention and must be based on the principle of non-intervention in the domestic affairs of States.

7. The draft articles contained some principles new to international law, which should be approached with the utmost circumspection. Those articles were not clear and they proclaimed ideals instead of providing practical means of implementation. Their adoption might disturb international peace and impair friendly relations between States. It might serve to extend the cold war by permitting any State, person or non-governmental organization to submit a petition against a State and to interfere in its domestic affairs. The articles were contrary to the principles of the Charter of the United Nations, particularly Article 2, paragraph 7.

8. In his opinion, to adopt such principles would be to embark upon a very dangerous adventure.

9. Mr. JERNSTROM (Finland) observed that the main problem that had always faced legislators in

the field of international law had been the difficulty of finding a way to ensure the practical implementation by States of the rules and principles they had agreed upon. That was a problem confronting all who were concerned with international relations governed by the rule of law.

10. Accordingly, while the Charter of the United Nations was one of the basic sources of modern international law and the Member States that had ratified it had pledged themselves to adhere to its rules, yet their implementation constantly presented problems. The Sixth Committee, for instance, was seeking practical means of implementing the provisions of Article 2 of the Charter, which urged Member States to settle their disputes by peaceful means. That was a universally recognized principle but the manner in which it was to be implemented had yet to be worked out.

11. Until the problems of implementation were solved, the principles that had been agreed upon, however lofty and important they might be, would remain a dead letter, whatever the instrument in which they were embodied. Since the Convention under consideration concerned one of the most fundamental of human rights and would become an instrument of far-reaching importance and since the General Assembly (resolution 1906 (XVIII)) had decided at its eighteenth session to give absolute priority to the Convention at its nineteenth session, the Committee should take seriously to heart the need to complete its work.

12. Since the Convention on the Elimination of All Forms of Racial Discrimination was intended to become a part of international law, his delegation considered it most important that the Committee should draw up an effective international instrument and not merely a declaration. With that aim in view, his delegation was prepared to give careful consideration to all proposals, amendments and compromise texts that might emerge from the consultations in progress and might wish to speak again at a later stage in the debate.

13. Miss TABBARA (Lebanon) said she believed that, in view of the sense of responsibility and conciliatory spirit always shown by the members of the Committee and their desire to strengthen international law and order, the Third Committee would successfully complete its task, despite the difficulties involved.

14. As had been said, the Convention's effectiveness would clearly depend, in the long run, on the legislative, administrative and jurisdictional arrangements which the States Parties adopted in order to eliminate racial discrimination and the instrument would obviously apply only to those countries which had shown their good faith by ratifying it.

15. However, the adoption of measures of implementation would be of unquestionable value. First of all, it would undoubtedly impel States to take at an earlier date the measures required to eliminate discrimination. Furthermore, the desire to avoid international opprobrium would probably induce countries to adopt legislation more in conformity with the principles of the Convention. Lastly, the very fact that a State had not acceded to the Convention

would be enough to cast doubt on its good faith and the equity of its legislation.

16. The main difficulty the Committee would have to face would be in reconciling the principle of international control with State sovereignty. In that connexion, any further recognition of the principle of international control could only serve to strengthen the international institutions themselves. The Committee had one advantage in that the Convention with which it was dealing concerned a virtually universally accepted principle. The States which still opposed that principle were publicly and almost daily assailed in the United Nations. The concern of those States which feared for their national sovereignty was shared by the majority of delegations and the United Nations was in a particularly good position to understand them. The Committee should therefore consider the principles one by one and see what measure of agreement could be reached.

17. In that connexion, she wished to pay a tribute to the efforts of the delegations of the Philippines and Ghana, as a result of which the Committee had before it documents which could serve as a useful basis for its work.

18. Her delegation believed that it was in the interest of all countries to carry out that task. There was no need to take any hasty decisions; on the contrary, the Committee should devote all the time necessary to the task and, provided all showed goodwill, its efforts should yield positive results.

19. Mr. INCE (Trinidad and Tobago) said that he wished to reiterate his delegation's stand against racial discrimination. The draft Convention would be but a paper tiger unless it included measures of implementation. Some delegations had stated that racial discrimination was unknown in their countries; those which had admitted the existence of certain forms of discrimination had stressed the efforts that were being made to eliminate it. The time had come to put those professions of good faith to the test by drawing up measures of implementation.

20. His delegation realized the difficulties which the drafting of such measures would involve, but it was aware also that the countries which claimed to have no racial discrimination would take refuge in their national sovereignty and maintain that any complaint that might be made was a matter within their domestic jurisdiction. In that connexion, he recalled the opinion of distinguished international authorities, such as Professor Lauterpacht of the United Kingdom and Professor Cassin of France, who maintained categorically that, as a result of the adoption of the Charter, human rights had become part of international law and no longer fell essentially within the domestic jurisdiction of States. If, then, measures of implementation were adopted, States Parties to the Convention would be at least morally bound by the terms of the Convention. The obligation would be chiefly a moral one, for he wondered how a State would react if a judgement were pronounced against it. However, it was probable that many States would sign the Convention in order not to incur general opprobrium. Ratification of the Convention would therefore be regarded as evidence of good faith on the part of States and that was why some

delegations were seeking to water down the implementation provisions.

21. His delegation welcomed the observation that the European Convention for the Protection of Human Rights and Fundamental Freedoms contained articles which were stronger than those at present under consideration, and yet did not infringe the sovereignty of States. He was also fully aware of the difficulties that would persist even after the adoption of a convention, and to which the Indian representative had referred in connexion with the European Convention.

22. He was prepared to support any satisfactory method which the Committee might decide upon for setting about its work on the individual articles. He reserved the right to intervene again at a later stage in the debate.

23. Mr. BENGTON (Sweden) said that it was reassuring to see that, in spite of certain differences of view, all the statements so far made had stressed the extreme importance of the subject dealt with in the draft Convention and the support which all countries planned to give to the achievement of its aims.

24. The Swedish people, which thanks to its relative homogeneity had perhaps been less exposed to the dangers of racial discrimination, was fully aware of the persistence of racism in the world and of the necessity to fight it wherever it appeared, in order to prevent it from spreading. It was the duty of all countries to combat racism.

25. The United Nations was confronted with a difficult task, but present events should spur Member States to even greater efforts to eliminate the dangers of racial hatred and to be faithful to the pledge they had taken under the Charter. His delegation did not favour postponing the item once again; on the contrary, in view of its urgency and importance, the Committee should devote sufficient time to it at the present session and avoid, by further delays, providing ammunition for those who refused to believe the United Nations could play a decisive role in promoting universal respect for human rights. His delegation therefore associated itself with those which requested that effective implementation clauses should be incorporated in the Convention without delay.

26. The two main texts before the Committee—the Philippine proposals (A/C.3/L.1221) and the amendments thereto submitted by Ghana (A/C.3/L.1274/Rev.1)—had much in common and it should not be impossible to find a compromise formula. The first of the means of implementation envisaged in the two drafts, namely the reporting system, could be effective only if the reports of States Parties were subjected to critical and objective study within the reporting country and by an international body, whose members should be fully devoted to the cause of human rights. In that connexion, the machinery proposed in the two texts under consideration was not entirely satisfactory. However, his delegation, knowing that some States, such as Mauritania, considered the compulsory reporting system proposed by Ghana and the Philippines too rigid, was inclined to accept in a spirit of compromise the measures proposed in the two drafts before the Committee.

27. With regard to the procedure for conciliation between States Parties to the Convention, through the good offices of an international body, he noted that the implementation measures proposed in that respect would allow a State Party to lodge a complaint against another contracting State regarding infringement of the provisions of the Convention, even if the victims were nationals of the State accused. That involved an interesting principle of international law, which was still at an early stage of development and which, unless abused for political reasons, might be of great value in protecting human rights and individual freedoms by placing on the international community the responsibility for ensuring that those rights and freedoms were respected. In the particular case of the present Convention, there was reason to believe that complaints of that kind would be the exception; they might arise, for instance, where ethnic bonds made the initiative taken by the complaining State justifiable. In every case an amicable solution to the problems raised should be sought, with the assistance of an international body set up in conformity with the provisions of the Convention.

28. However, like the Netherlands delegation, the Swedish delegation believed that the most effective means of implementation would be acceptance of the right of petition for individuals or groups of individuals, as the two texts under consideration envisaged, although in somewhat different forms. His delegation supported the Philippine proposals making the right of appeal dependent upon recognition by the State Party involved of the competence of the body entrusted with receiving petitions. It did not seem advisable, as the Ghanaian amendments proposed, to introduce by way of the Convention, i.e., for the purpose of screening the petitions, a domestic remedy to be added to the national machinery of justice already in existence. His delegation preferred the solution proposed by the Netherlands delegation (A/C.3/L.1270), which gave the Committee receiving petitions the right to reject, after a preliminary examination, all petitions which appeared to it to be useless.

29. Mr. SHARAF (Jordan) said that the adoption of a Convention on the Elimination of All Forms of Racial Discrimination was an act of great import which would be a landmark in the history of the United Nations. However, the value of that instrument would depend on the implementation clauses which it contained. The Afro-Asian countries, of which Jordan was one, were among the main victims of racial discrimination. It was their responsibility to see that the Convention was a potent and effective instrument of human justice.

30. His delegation recognized the validity of the reservations expressed by certain States which were anxious to preserve their sovereignty. However, it did not see any incompatibility between establishment of implementation machinery and respect for the sovereignty of States. For its part, Jordan had never felt any qualms about its sovereignty when it had joined the United Nations. The meaning of sovereignty had changed. It had lost its absolute character. By joining the United Nations, States lost their competence to give an a priori interpretation of sovereignty. Jordan did not consider that its

sovereignty would be in any way diminished if it acceded to a convention on racial discrimination which had implementation clauses of reasonable magnitude, designed to safeguard human dignity.

31. It was reasonable to assume that State Parties to the Convention would endeavour to guarantee the right of their citizens to be free from discrimination based on race or colour. Nevertheless, citizens should be ensured the possibility of seeking redress first of all in their own country, as provided in article XII of the Ghanaian amendments and then, if their appeal went unheeded, before a higher body. However, the precise form of international or world body which would examine complaints still remained to be defined.

32. Some Governments would no doubt find it impossible to resist the temptation of using the international machinery for political ends, but that should not prevent the United Nations from seeking to build an international community capable of guaranteeing the principles of human justice and basic rights. The ideal which inspired the Organization should not be impaired by pessimistic views, and it was precisely in order to put an end to a disheartening daily reality that effective implementation machinery must be set up.

33. His delegation believed that the establishment of a system of reporting on the implementation of the Convention was the minimum measure that could be taken.

34. That was a common practice in the United Nations, even in respect of recommendations of secondary importance. The right of individuals to submit petitions should be thoroughly studied, together with conciliation procedures.

35. Mr. BECK (Hungary) said that his delegation had given whole-hearted support to the preamble and the substantive articles of the Convention. It believed that implementation clauses should be worked out with equal enthusiasm at the present session. The Hungarian delegation was prepared to co-operate towards the successful discharge of that task.

36. He believed that the draft submitted by Ghana, the Philippines and Mauritania, and most of the amendments, contained a number of common elements which should command a wide measure of support. Thus there had been no objection to the principle of preparation of reports. As it proceeded with its work, however, the Committee should bear in mind a number of principles, particularly respect for national sovereignty and the effectiveness of the proposed measures and the likelihood of their being accepted by the majority of delegations.

37. Mr. MUMBU (Democratic Republic of the Congo) said that pending the submission of the joint text which was to emerge from the present negotiations, his delegation would confine itself to general comments on the substance of the documents submitted to the Committee by the delegations of the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1); it reserved the right to speak again during the detailed consideration of the various texts proposed.

38. Realizing the cardinal importance of the question of eliminating racial discrimination, his delegation,

which had voted for the draft Convention, believed it essential that the instrument should have implementation clauses. Nevertheless, although it unreservedly endorsed the principle of measures of implementation, it could not say that it was fully satisfied with the manner in which the measures were set forth in the drafts submitted by the Philippine and Ghanaian delegations. It appealed to those delegations to bring forward a single document for the Committee's consideration as soon as possible. His delegation also asked the sponsors of amendments and sub-amendments to withdraw those of their proposals which did not relate to matters of substance. When the Committee had the new text before it his delegation proposed to make its own contribution to the consideration of the question.

39. He considered the Mauritanian amendments (A/C.3/L.1289) inopportune at the present stage of the Committee's work, but his delegation would support the majority view if it favoured those amendments.

40. Miss Groza (Romania) said that her Government, which supported the abolition of all forms of racial discrimination, could not but subscribe to the idea of establishing supplementary implementation procedures for the Convention.

41. With regard to the actual principle of measures of implementation, her delegation associated itself with those which had contended that only States, and hence their Governments, could ensure the implementation of the provisions of an international instrument by which they were bound, as they alone could adopt the economic, social, political, administrative and other measures required. Secondly, the implementation measures should be entirely consistent with scrupulous respect for the principle of national sovereignty and non-interference in the internal affairs of States. Lastly, on the question whether the implementation measures should appear in the body of the Convention itself, or in a separate document attached to it, her delegation favoured the second alternative.

42. She welcomed the setting up of a working group, which had the difficult task of presenting the Committee with draft implementation measures reflecting the views expressed by all delegations in the course of the discussion.

43. Miss KING (Jamaica) considered that the proposals submitted by the delegations of the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1) merited the Committee's close attention; their moderation and legal value made them an excellent starting point for the discussion.

44. Her delegation took the view that a convention which did not incorporate implementation measures have no legal value and would meet neither the practical concerns nor the needs of peoples. Moreover, such measures were urgently needed and should be adopted at the present session. The question dealt with in the Convention was too important for the consideration of implementation measures to be postponed or referred to another body. She appealed to those supporting such a procedure to withdraw their proposals to that effect.

45. As far as the texts before the Committee were concerned, her delegation supported in principle the proposals of Ghana and the Philippines for a periodic reporting system, which could be accepted without difficulty. Her delegation attached great importance, however, to the examination and evaluation of such reports. The two other methods proposed—a procedure for settling disputes between States and petitions from individuals—also seemed to her essential for the balanced implementation of an international instrument.
46. Since in the case of large ethnic and racial groups it was the individual who was primarily affected by racial discrimination, individuals must have access to national and international machinery through which they could seek redress for damage they might suffer.
47. At the national level, the establishment of a national committee as contemplated in the Study Arabian amendment (A/C.3/L.1290) to article XII of the Ghanaian text, was an excellent suggestion which should be adopted in the final text; despite its imperfections and the difficulties it might present, the proposed arrangement had the great merit of permitting all States, including those whose legal system did not provide for implementation machinery, to assume responsibilities for the Convention's application. The arrangement was not fully adequate, however, since the conditions in which it would be applied were not ideal, and it would be naive to think that individuals would succeed, in all cases and all countries, to secure full redress by such means. It was accordingly necessary to provide also for an international body to consider disputes between States Parties, which latter should try to overcome the fears they entertained with regard to the sanctity of their national sovereignty and should be prepared, not to sacrifice that sovereignty, but to adjust it to a fuller awareness of the importance of the question of racial discrimination.
48. Her delegation reserved its right to speak again in greater detail on the amendments before the Committee. For the time being it would simply state that it firmly supported the adoption of implementation measures, hoping that it would be followed in that course by all members of the Committee.
49. Mr. OUEDRAOGO (Upper Volta) said that, while he recognized the urgency of adopting the International Convention on the Elimination of All Forms of Racial Discrimination, he thought it would be advisable to proceed with caution and patience so that the final text might gain general acceptance, the sine qua non of an effective international instrument.
50. Although the various delegations that had spoken before him had not stressed the political problems raised by the question of measures of implementation, he himself was convinced that those very problems were slowing down the Committee's work. He subscribed to the views that had been expressed regarding the legal difficulties, and considered it desirable that a specialized United Nations body should study the matter and give the Committee its opinion.
51. His delegation would not comment on the texts before the Committee inasmuch as negotiations were under way for the preparation of a single text, but it might wish to speak again later.
52. Mr. LAZAVERIC (Yugoslavia) said that his delegation had already stressed that the situation prevailing in the matter of racial discrimination necessitated the prompt adoption of an effective convention on the elimination of such discrimination, formulated in such a way that it could be incorporated in the various legal systems of the signatory countries. That applied not only to the substantive articles, which the Committee had already succeeded in adopting thanks to the spirit of co-operation shown by its members, but also to the measures of implementation, which must also be acceptable to the great majority of countries. Fully aware of the difficulties involved, his delegation would continue to lend full support to all suggestions and proposals made with the end in view.
53. In his opinion, the implementation of the Convention would depend first and foremost on the States Parties to it. Once the Convention had been signed and ratified, its provisions were, according to established practice, automatically incorporated in the domestic legislation of the signatory State and constituted obligatory legal norms for national organs and law courts. Every signatory State was consequently obliged to adopt, if necessary, appropriate provisions for the application of the Convention—i.e., in the case in point, provisions for eliminating all forms of racial discrimination. Apart from national measures of implementation, however, it was imperative to set up an international system that would enable signatory States to settle differences in regard to the interpretation or application of the provisions of the Convention.
54. His delegation had studied with close attention the implementation measures proposed by the Philippine and Ghanaian delegations, as well as the amendments submitted by other countries. In view of the complexity and importance of the question, the short time at the Committee's disposal and the differences of views that had become apparent in the discussions, his delegation wondered whether the Committee would not be well advised to adopt only the essential measures of implementation at the current session and leave the others until later.
55. His delegation was in favour of instituting a system of reporting, as proposed by Ghana. It also favoured the establishment of a committee, provided that clear answers were found to all the questions involved in the creation, terms of reference and role of that body.
56. Mr. KOCHMAN (Mauritania) said that, in a spirit of co-operation and in order not to delay the work of the Committee, his delegation would not submit its draft resolution.
57. Mr. ALONSO OLEA (Spain) expressed the hope that the sponsors of the various proposals and amendments, especially the Philippine and Ghanaian delegations, would be able to agree upon a single text.

58. His delegation too was convinced of the necessity of complementing the Convention on the Elimination of All Forms of Racial Discrimination with measures for ensuring its application. Whoever accepted moral obligations must comply with them in practice: in other words, he must be willing to turn them into legal obligations. That was especially true in the case of racial discrimination, which not only posed a problem of conscience but was an everyday reality.

59. The reluctance of some States to adopt measures of execution seemed to be prompted by the desire to keep their national sovereignty intact. Some concessions, however, were inevitable and necessary, although they must be kept within reasonable limits. The machinery advocated in the various texts before the Committee should arouse no apprehension in that respect, since it took the form of a committee whose members would be chosen from among the States Parties, and elected by them, and a temporary, or permanent conciliation committee would be persons of high moral standing and acknowledged impartiality, trusted by the parties to the dispute.

60. Miss HART (New Zealand) said that the Committee's task was not an easy one, for its decisions on the implementation machinery of the Convention would have a significant bearing on other instruments concerning human rights. However, there were precedents to guide the Committee, in particular the work done on the implementation of the draft covenants and, above all, the tried and tested measures that had been adopted to implement conventions on human rights drawn up by specialized agencies, such as the ILO and UNESCO, and by regional organizations. In none of those instruments had it been considered adequate to leave it to States Parties to take the necessary measures of implementation. Instead the view had been taken that, to ensure scrupulous observance of the obligations undertaken and the amicable settlement of disputes regarding the application of such conventions, some form of international supervision was required. Admittedly, such international supervision was still an exceptional feature of contractual relations between States. However, it was precisely because the treaties themselves were exceptional, involving, among other things, relations between a State and its own nationals, and because they were of a relatively new type, that reliance on the principle *pacta sunt servanda* was not enough; new methods of implementation had to be provided. The common elements in those instruments were a system of reports combined with a procedure for the examination of complaints of violations by an independent, impartial and permanent conciliation body. The particular merit seen in that procedure was that it helped to avoid the protracted and possibly bitter arguments that might otherwise arise. In her delegation's view, a system of reporting and conciliation should form the basis for the implementation provisions of the Convention on the elimination of racial discrimination if it was to be an effective instrument.

61. There had been comment about the need to avoid implementation provisions which would invade State sovereignty. For the past twenty years, however—beginning with the Charter—it had been recognized

that the protection of human rights was a matter of international concern. In any case, the kind of implementation measures envisaged could not reasonably be regarded as an invasion of State sovereignty. On becoming parties to the Convention, States would accept the obligation to take certain measures to eliminate racial discrimination in their territories; they would cease to be accountable solely to their own peoples for their policy in regard to human rights, and would assume a legal responsibility to the international community. If any surrender of sovereignty was involved, it would surely arise from the acceptance of that responsibility, which was not enlarged by the acceptance at the same time of machinery designed to secure the scrupulous observance of the Convention and the amicable settlement of disputes concerning its interpretation and application.

62. Her delegation found the Mauritanian representative's amendments (A/C.3/L.1289) insufficient, since they left reporting entirely to the discretion of States and avoided any decision on substantial measures of implementation.

63. The amendments of the Latin American countries (A/C.3/L.1268) seemed to imply that no other procedures apart from an amended article 1 were envisaged; those measures were also insufficient.

64. The proposals submitted by the delegations of the Philippines and Ghana provided an appropriate basis for discussion. There were a number of similarities between the two texts; hence there was every hope that the Committee would succeed in preparing an appropriate text which would win general approval. She wished to refer to certain differences in the two documents.

65. The Ghanaian proposals concerning the financial aspects of implementation were useful and merited further attention.

66. With regard to reporting procedures, both texts envisaged that reports would be submitted to a committee of a political nature, which would also be entrusted with the general supervision of the implementation of the Convention. Under the Philippine proposals, that body would be the Economic and Social Council; under the Ghanaian proposal, it would be a committee elected by States Parties to the Convention. The representative of France, among others, had rightly pointed out that States which were not parties to the Convention should not in principle be in a position to comment on the manner in which States Parties were fulfilling their obligations. With the committee advocated by the Ghanaian delegation, on the other hand, it would seem difficult to uphold the principle of due regard for the representation of geographical regions, different legal systems and different civilizations. A committee elected by the States Parties to the Convention would obviously tend to reflect, at least initially, the participation in the Convention. Since her delegation considered that the body receiving reports should be broadly representative in character, it favoured the Philippine text on that point.

67. Her delegation also considered that any body set up to deal with conciliation should, as far as

possible, be impartial, and the same concern appeared to have prompted the Philippine text. The representative of Ghana had also recognized that a political committee was not an appropriate instrument for bringing about conciliation and for settling disputes. Her delegation shared that view, and wondered whether the Ghanaian proposal in particular, was acceptable in that respect since, under that proposal, a political committee would be responsible for deciding whether the conciliation procedure was to be invoked in a particular case. Moreover it was specified that recourse to that procedure required the unanimous consent of the parties to the dispute; she feared that, in such circumstances, the pressures to which the Ghanaian representative had referred might well be brought to bear. Since there was no certainty that the conciliation commission would be set up if other methods of settlement failed, an interminable and insoluble dispute might ensue and the whole purpose of the machinery would be frustrated.

68. Mr. RESICH (Poland) said that his delegation recognized that the Convention on the Elimination of All Forms of Racial Discrimination should be equipped with measures of implementation, provided, firstly, that such measures did not result in interference in the domestic affairs or encroachment upon the sovereignty of States Parties to the Convention and, secondly, that they were calculated to gain the approval of the greatest possible number of States. The best way to meet those conditions would be to draw up an additional protocol containing measures of implementation. However, if that suggestion appeared unacceptable, the most controversial measures of implementation might be embodied in optional clauses whose application would be subject to the agreement of the contracting States.

69. In his view, such clauses should cover at least two points: the jurisdiction of the International Court of Justice and the receivability of petitions from individuals. The compulsory jurisdiction of the Court was even more controversial in the case of individual petitions, since under international law the International Court of Justice was not competent to deal with disputes between individuals and States.

70. The same was true for the national committee, and they too should therefore come under an optional clause. Moreover the establishment of such committees was not essential, for the substantive articles, and articles II and VI in particular, obliged States Parties to take legislative action to provide individuals with judicial, administrative and other forms of protection against racial discrimination. Again, it was obvious that a committee of that kind could function only after all remedies under municipal law had been exhausted; that was not made sufficiently clear in the Ghanaian draft.

71. The Committee also had to decide whether the examination of reports and the functions of conciliation would be entrusted to different bodies or to a single body. His delegation considered that the Committee should avoid setting up too many bodies and should endeavour to work out the simplest and cheapest possible system.

72. The Philippine and Ghanaian delegations deserved thanks for having submitted detailed proposals on

implementation which would probably enable the Committee to complete its work by adopting the Convention in its entirety at the General Assembly's current session, in accordance with the resolutions adopted at the seventeenth (1780 (XVII)) and eighteenth (1906 (XVIII)) sessions.

73. Mr. RIOS (Panama) said that he had already stated his intention to give his unreserved support to an instrument designed to wipe out the monstrous aberration of racial discrimination. However, he considered a convention to be of no value unless it included measures to facilitate its rapid application. Articles 2 and 3 of the Philippine text provided for the establishment of the bodies required to interpret and apply the Convention. The other articles were aimed at safeguarding and strengthening the right of every man to live in peace with his fellows. History showed that man suffered less from the absence of good laws than from the ill will and prejudice of those responsible for applying them. For example, it might be said that the Kings of Spain and their advisers had not been indifferent to the condition of the American Indians; the latter had been governed by legislation which in many respects had been very humane, notwithstanding all the injustices that had been committed. Whatever mistakes had been made in the past, he did not propose to criticize a country which had left Panama a civilization and principles which were still alive today. Instead of persisting in bitterness it was necessary to build a new world, free from injustice and discrimination; and that would require more understanding and good will than ever before, for the population explosion was daily increasing the seriousness of human conflicts. That meant drawing up well-thought-out instruments, including measures to ensure their effective application. In the case of the Convention, the Committee could achieve that result by amalgamating the Philippine and Ghanaian texts and the various amendments submitted.

74. Mr. SABEV (Bulgaria) said that, in common with the majority of delegations, he attached great importance to the adoption of a convention on the elimination of all forms of racial discrimination, a convention equipped with effective measures of implementation which, by laying specific obligations upon States, would in some degree supplement the Universal Declaration of Human Rights. His delegation was therefore glad that the Committee, after long and difficult labours, had managed to adopt the preamble and the substantive articles of the draft Convention; that result demonstrated the spirit of co-operation shown by delegations.

75. In his delegation's view, the effectiveness of the Convention would depend essentially on the extent to which the States Parties to it strictly complied with their obligations and adopted, both in the field of civic and political rights and in the economic, social and cultural fields, measures designed to eliminate racial discrimination. In addition, however, an international control system should be established which would show sufficient respect for State sovereignty to win the support of the great majority but which would be effective enough to ensure the application of the Convention. In that connexion, his delega-

tion considered that the reporting system and the establishment of an international committee, composed of representatives of States Parties to the Convention should prove useful in the application of the Convention. At all events it would be regrettable if the adoption of the Convention was delayed under the pretext of difficulty or impossibility of reaching common agreement on all implementation clauses. His delegation, for its part, was ready to co-operate with all members of the Committee in order to hasten the adoption of a convention which included effective measures of implementation. His delegation was grateful to those delegations which had submitted texts and amendments on the subject, and it expressed the hope that a joint text could be prepared in the near future.

76. Miss ADDISON (Ghana) said that she did not wish to prejudge the outcome of the consultations now in progress and would therefore refrain from commenting on the amendments before the Committee. She hoped that the text prepared as a result of those consultations would retain the best features of the Philippine and Ghanaian proposals—which, although differing on some important points, nevertheless had many similarities—and of the amendments submitted. She also hoped that the measures of implementation would be effective enough to guarantee the application of the Convention.

77. Her delegation would have had to vote against the Mauritanian amendments if they had been pressed, for they represented a step backwards from what had already been accomplished.

78. Mr. KOCHMAN (Mauritania) pointed out that the amendments (A/C.3/L.1289), submitted by his delegation, were still before the Committee.

79. Mr. BARODY (Saudi Arabia) observed that many delegations feared, firstly, that the international committee provided for in article I of the Ghanaian text might jeopardize the sovereignty of States Parties, and secondly that States divided by ideological or political differences might be tempted to overwhelm it with mutual denunciations and accusations. However, every State was jealous of its prestige and would certainly take care to make as much use as possible of its national committee before the matter was taken before an international body.

80. Nevertheless the fears expressed were legitimate, and the Committee must take them into account even if that meant contenting itself with a compromise solution which might be weaker than the formula originally proposed. He therefore proposed in his amendment (A/C.3/L.1290) that article XII, paragraph 4, of the Ghanaian text should provide for appeal, not to the committee of eighteen members, but to a national tribunal specially constituted for examining any violations to the rights set forth in the Convention. That body might well be an existing judicial body whose members would be under a duty to make an especially thorough study of the Convention. He keenly hoped that the representatives of Ghana and the Philippines would be able to accept that amendment, so that the Convention might be adopted during the current session.

The meeting rose at 6.10 p.m.