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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.1237, L.1239, L.1241, L.1249, L.1262, L.1272, L.1292, L.1305, L.1307/Rev.2, L.1313, L.1314, L.1317)

ARTICLES ON MEASURES OF IMPLEMENTATION (continued)

ARTICLE XIII (bis) (continued)

1. Mr. WALDRON-RAMSEY (United Republic of Tanzania), as one of the sponsors of the second revised text of article XIII (bis) (A/C.3/L.1307/Rev.2), said that the text reflected the views of all the African countries. He hoped that the Latin American countries, which had given a favourable reception to the first revised text (A/C.3/L.1307/Rev.1), would also lend their support to the new version. In view of recent developments in southern Africa, the African countries could go no further towards a compromise, when dealing with a document on the elimination of all forms of racial discrimination. They would have difficulty, therefore, in accepting any substantive amendments to the text; only amendments aimed at improving the form or strengthening the text could be favourably received.

2. Paragraph 1 of the second revised text of article XIII (bis) referred to General Assembly resolution 1514 (XV) concerning the Declaration on the Granting of Independence to Colonial Countries and Peoples and gave the inhabitants of Non-Self-Governing Territories an opportunity to use the right of petition. Within its own sphere of action, therefore, the committee would operate according to the principles applied in certain United Nations organs responsible for safeguarding human rights, and it would thus be entitled to consider the situation in Trust Territories.

3. By requesting the Secretary-General to provide the committee with all information he might have concerning the elimination of racial discrimination in Non-Self-Governing Territories, the draft gave the inhabitants of those territories additional guarantees against arbitrary treatment.

4. The African countries attached great importance to safeguarding of the rights of peoples still under the colonialist yoke. They could not hope that the draft would be approved unanimously, but they asked the Committee to study it with all the attention it merited.

5. Mr. RODRIGUEZ FABREGAT (Uruguay) recalled that at the previous meeting his delegation had supported article XIII (bis) as proposed in document A/C.3/L.1307/Rev.1. At first sight, however, the new version appeared quite different from the former one. If the aim of the discussions which had led to the new text had been to prepare a draft which might be acceptable to the largest possible number of delegations, they had achieved the opposite result. The incorporation of such a clause in the Convention would weaken it substantially, so much so that some Governments would be reluctant to ratify it. The Uruguyan Government had always shown its concern for the interests of the peoples of colonial territories. There were still some Non-Self-Governing Territories in the American continent, and whenever attempts had been made to establish inter-American systems his Government had always reaffirmed the need to abolish the colonial régime and to guarantee the rights of non-independent peoples. His delegation would therefore have like to find in the second revised text (A/C.3/L.1307/Rev.2) the same points as had appeared in the earlier proposal. It would consider, if necessary, reintroducing the former text, which had contained a number of principles to which the Uruguyan people were very devoted.

6. A convention, which was a multilateral treaty, must obviously be the result of a compromise, but vital principles must not be sacrificed in order to reach an agreement.

7. He would speak again, if necessary, after studying the new draft with due care in his own language, since he believed that haste should be avoided in such matters.

8. Mr. ZULOAGA (Venezuela), speaking in exercise of his right of reply, said that he wished to explain the position he had adopted with respect to article XIII. The representative of Ghana had criticized those delegations which had abstained from voting on some paragraphs of the article, and had said that those who had displayed such reticence had no moral basis for supporting draft article XIII (bis).

9 He understood the feelings of the representative of Ghana and agreed that the fight to eliminate prejudice, and in particular to combat racial discrimination, must be waged with fervour.

10. Nevertheless, he wished to point out that, while he had abstained in the voting on certain paragraphs, he had voted in favour of article XIII as a whole, the sponsors of the final text having agreed, at his suggestion, to specify that a State Party's withdrawal of its declaration would not prevent the committee from considering matters pending before it.

11. The Venezuelan delegation had sometimes abstained, but the delegations of the great Powers had not, and the same Powers which had not voted in favour of resolution 1514 (XV), condemning colonialism and its corollary, racial discrimination, had not hesitated to give their support to draft article XIII (bis).

12. As the representative of France had remarked, to give and then to withdraw was worthless, and the representative of Belgium had expressed a similar idea. It was quite understandable, therefore, that most delegations had had little difficulty in supporting so limited a draft, since before the proposed procedure came into force the Convention would have to be signed and ratified and a declaration, which could always be withdrawn later, deposited by States Parties.

13. Various objections had been raised to draft article XIII (bis): some of them had been based on the contradictions and inconsistencies in the draft, and others on the need to secure the largest possible number of ratifications—it had been said, for instance, that some of the great Powers, in particular the United Kingdom, would not ratify a convention containing such a clause—while others, again, had been based on the difficulties an excessive influx of petitions from colonial territories would create for the work of the committee.

14. Article XIII (bis) was certainly no more incoherent than article XIII or other articles. It was true that its wording was more peremptory than that of the other articles, but, in the first version at least, the committee had been given only limited powers, since it was to examine petitions from Non-Self-Governing Territories "in consultation with the Administering Authority concerned"; it was unfortunate that the new text had eliminated that safeguarding clause.

15. It had also been said that the text favoured certain States. That was a fallacious argument. There was no question whatsoever of favouring any States. The intention was simply to help the inhabitants of colonial territories, as a category in need of special protection. The colonial peoples had been betrayed at San Francisco. The original draft of the Charter had contemplated placing all the colonial peoples under the authority of the Trusteeship Council, but that draft had been torpedoed, and the colonies had been hypocritically dubbed "Non-Self-Governing Territories". The famous Chapter XI of the United Nations Charter was entitled "Declaration regarding Non-Self-Governing Territories", and the word "declaration" itself was of no great value. Chapter XI did not once mention the words "freedom" or "inde-

pendence". The word "independence" appeared for the first time in chapter XII, dealing with the "international trusteeship system" and in particular with territories which might be "detached from enemy States as a result of the Second World War"—in other words, territories administered by the Hitler or Mussolini régime. As a result of action taken by some Latin American countries and Australia, however, Chapter XI had not been made too saccharine; those delegations had succeeded in having included in the Chapter a sentence stating that the administering Powers "accept as a sacred trust the obligation to promote to the utmost . . . the well-being of the inhabitants of these territories". The right of petition had been restricted, however, and petitions could be addressed only to the Trusteeship Council. That right had gradually been extended to the Fourth Committee, and later to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The United Kingdom representative had said that article XIII (bis) was breaking down an open door. That door was still solidly maintained by the colonial Powers. The United Kingdom representative had in fact expressed reservations concerning the right of petition, even in connexion with the European Commission of Human Rights.

16. It was possible that the United Kingdom would refuse to sign a convention granting the right of petition to the peoples of Non-Self-Governing Territories. Yet no major innovation was involved, since the right of petition was granted by other United Nations organs.

17. It had also been said that there would be so many petitioners that the committee would be unable to work effectively. He found that attitude curious, to say the least; for one did not refrain from punishing a crime on the pretext that there were so many offenders that all of them could not be punished. The United Kingdom representative had given an almost apocalyptic description of the committee's work. It was true that the wealthier States would be placed at an advantage in relation to the poorer States, which would be unable to bear the cost of such a procedure. It was also true that the wealthier countries could pay the travel expenses of petitioners who would be favourable to them.

FINAL CLAUSES (continued)*

18. The CHAIRMAN invited the Committee to resume consideration of the suggestions for final clauses submitted by the officers of the Committee (A/C.3/L.1237) and the amendments thereto submitted by Poland (A/C.3/L.1272) and by Ghana, Mauritania and the Philippines (A/C.3/L.1313).

19. Mr. SABEV (Bulgaria) said that the Polish amendments had greatly facilitated the Committee's work. His delegation had already indicated its intention to support them. No political factor should be introduced which might have the effect of limiting the number of States which would sign or accede to the Convention. There could be no legal or moral justification for such a limitation, especially in the case of

*Resumed from the 1358th meeting.

a Convention on the Elimination of All Forms of Racial Discrimination. The number of States participating in a humanitarian undertaking of such importance should not be limited. If the United Nations accepted the principle of limitation, it would be acting in violation of the Charter and its basic principles.

20. Mr. MOVCHAN (Union of Soviet Socialist Republics) recalled that, throughout its work, the Committee had been prompted by a desire to make the Convention universal so that, with all States assuming the obligations it imposed, the scourge of racial discrimination would be speedily eliminated.

21. In his opinion, the Polish amendments met that general desire. Moreover, they were in harmony with the very nature of the Convention. Considering its objectives and the rules of international law, that instrument was a general multilateral treaty. In the light of the practice of the international community and the recent progress made in the field of international law, particularly the efforts which the Commission on Human Rights and its distinguished jurists representing different legal systems had made to codify the principles governing general multilateral treaties, it seemed that such treaties should be open for signature by all States, as had been the case with the Geneva Conventions for the protection of war victims of 12 August 1949 and the Treaty banning nuclear weapon tests in the atmosphere, outer space and under water, signed at Moscow on 5 August 1963. Oddly enough, those instruments had been signed by the very States which were still refusing today to recognize the universality of multilateral treaties.

22. Clauses limiting the participation of States in the Convention would be discriminatory in nature since they would exclude certain countries on account of their social systems. It would be the height of absurdity if a Convention designed to eliminate one form of discrimination should include discriminatory clauses, just as it would be regrettable if an instrument designed to mould the future should bear the mark of the past.

23. For those reasons, he invited all members of the Committee to support the Polish amendments, which met the requirements of contemporary life and law by seeking to strengthen the bonds of friendship between all States.

24. Miss Willis (United States of America) stressed that the final clauses suggested by the officers of the Committee, which were standard accession and ratification clauses previously used in other United Nations conventions and treaties, would facilitate the adoption of the International Convention on the Elimination of All Forms of Racial Discrimination which would be an important United Nations treaty.

25. Her delegation regretted that the Polish representative had seen fit to inject political controversy into the Committee's discussions by suggesting that the Convention should be open for signature and ratification by all States. It was true that nearly every year proposals were made in the United Nations that all States should be invited to accede to United Nations treaties, but all such proposals had been rejected because that formula was in practice unworkable. Her delegation, for its part, was strongly opposed to

that formula. If such a proposal was adopted, the Secretary-General would have to decide what entities not States Members of the United Nations or of the specialized agencies, were States. That was a burden that the Secretary-General himself was unwilling to assume, as he had indicated at the eighteenth session of the General Assembly in connexion with a draft resolution under which the General Assembly would have requested him to invite all States to accede to certain League of Nations treaties by depositing an instrument of accession with him. In reply, the Secretary-General had indicated, *inter alia*, that when he was the depositary of an instrument of ratification, he had to ascertain that that instrument, emanated from an authority entitled to become a party to the treaty in question. However, there were certain areas in the world the status of which was not clear and concerning which he did not consider himself competent to decide whether or not they were entitled to become parties to a treaty in the absence of explicit directives from the Assembly.^{1/}

26. In her view, it was quite understandable that the Secretary-General should not wish to decide on his own initiative whether any particular entity whose status was unclear was or was not a State. That was why clause I of the text suggested by the officers of the Committee (A/C./L.1237) left it to the General Assembly to decide whether entities other than States Members of the United Nations or of organizations belonging to the United Nations system should be invited to accede to the Convention.

27. Many Members of the United Nations would be unwilling to sign and ratify the Convention if by doing so they would have to enter into treaty relations with entities they did not recognize as States. The adoption of the "all States" formula would therefore be likely to frustrate the desire expressed by many delegations that the Convention should be supported by as many States as possible.

28. In support of the "all States" formula, the Polish representative, at the 1358th meeting, had cited the draft treaty to prevent the spread of nuclear weapons, submitted by the United States to the Eighteen-Nation Committee on Disarmament. The formula used in that draft treaty was the same as the one used in the partial test-ban Treaty. However the latter Treaty was totally different from the Convention on the Elimination of All Forms of Racial Discrimination, which was intended to be a United Nations treaty and, as such, to be deposited with the Secretary-General and administered by him in matters of signature and accession. The test-ban Treaty was not a United Nations treaty. Moreover, it provided for three depositary States; that made it possible for States to deposit their signature or their instrument of accession with one of those three States, without implying their acceptance of any treaty relations with any of the other parties.

29. The text suggested by the officers of the Committee, which provided that the Convention should be open for signature and ratification by all States Members of the United Nations or of the specialized

^{1/} Official Records of the General Assembly, Eighteenth Session, Plenary Meetings, 1258th meeting, paras. 99-101.

agencies, and any other States invited by the General Assembly, could hardly be considered restrictive. Moreover, that formula had been used in all the four Conventions drawn up by the 1958 United Nations Conference on the Law of the Sea and in other United Nations treaties. The formula suggested in clauses I and II (A/C.3/L.1237) was both practical and legally sound, and she hoped that the Committee would accept it.

30. Mrs. MANTZOULINOS (Greece) observed that the first and second Polish amendments contained nothing new since similar amendments had been put forward in the Third Committee three years before during the debate on the final clauses of the Convention on Consent to Marriage, Minimum Age for Marriage, and Registration of Marriages.

31. Since the Convention now before the Committee was a humanitarian one and not a political one, its clauses concerning signature, ratification and accession should be considered in the light of the other humanitarian conventions of the United Nations. Such other conventions as the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Political Rights of Women, the Convention on the Recovery Abroad of Maintenance and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, contained the same clauses in regard to signature, ratification and accession.

32. She could not see why the Committee should abandon its former practice, particularly in the case of a Convention whose implementation clauses provided for the establishment of a committee to be composed of Member States Parties to the Convention. It would indeed be peculiar if States not members of the United Nations or its specialized agencies were entitled to become parties to the Convention and, as such, to be elected members of the committee, to share its responsibilities and to work in close co-operation with the General Assembly.

33. Moreover, the Third Committee could not disregard the position taken by other United Nations bodies on similar questions. A few weeks before, the Sixth Committee had had before it an item concerning conventions concluded under the auspices of the League of Nations and ratified by a number of countries, which were to be placed under the auspices of the United Nations and opened to accession by States. In deciding which States were to be entitled to subscribe to those conventions, the Sixth Committee had considered that the conventions should be open to accession by Member States.

34. In her opinion, the Third Committee should take account of that decision and adopt the text suggested by the officers of the Committee.

35. Mr. KOCHMAN (Mauritania) said that his delegation, guided by General Assembly resolution 2030 (XX) of 29 November 1965, which stated *inter alia* that all countries should contribute towards the accomplishment of disarmament, would vote for the first Polish amendment (A/C.3/L.1272).

36. Mr. KIRWAN (Ireland) said that although his delegation sympathized with the desire to give uni-

versal application to a legal instrument in the field of human rights, it realized that the implementation of the principle of universality in regard to a United Nations convention would place the Secretary-General in a difficult position by forcing him to decide what entities were entitled to sign or accede to the Convention. In his delegation's view, the text suggested by the officers of the Committee represented a satisfactory compromise.

37. Mr. BOŽOVIĆ (Yugoslavia) expressed the view that the Convention under consideration, being essentially humanitarian in nature, should apply to all people, whether or not they lived in Member States. Moreover, the body which was to be set up to ensure the Convention's implementation was not a United Nations organ. The fact that States not belonging to the United Nations would enter into contact with the Secretary-General or the General Assembly in the course of their activities as States Parties to the Convention should not cause uneasiness; in his opinion, those concerned could only benefit from such contacts.

38. He was aware of the difficulties which the Secretary-General might encounter in accepting the signature or ratification of States if the Convention was open to all. However, many members of the Sixth Committee had expressed the view that those difficulties were not so formidable as to preclude efforts to find a satisfactory formula.

39. There was no reason to continue to employ a formula simply because it had been employed so far. Nor was the mere fact that a treaty had been drafted by the United Nations a reason for limiting accession to Member States, particularly since the act of accession would not cause States Parties to be Members of the United Nations.

40. Mrs. SEKANINOVA (Czechoslovakia) said that there was no question that the Convention which was essentially a humanitarian instrument, should be open to signature and ratification by all States without exception. That was so for the further reason, already mentioned, that it was a general multilateral treaty.

41. Clauses I and II of the text submitted by the officers of the Committee were hardly in keeping with the principle of universality. Accordingly, her delegation could not accept them and would support the Polish amendments particularly since, as a number of delegations had pointed out, participation in a general multilateral treaty did not compel States Parties to change their mutual relations in any way whatsoever.

42. Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that the problem raised by the clauses under consideration had existed for a long time in the United Nations. He had been very surprised to hear the delegations of the United States, Greece and Ireland say in that connexion that the Convention on the Elimination of All Forms of Racial Discrimination was a United Nations convention, even though at a previous meeting the Committee had rejected by a nearly unanimous decision an amendment to that very effect submitted by his delegation; it would appear that to the countries in question the Convention was a United Nations instrument as far as signature was concerned but not for any other purpose. The principle

of the universality of the United Nations was implicit in the entire Charter and was stated in Article 32, under which "Any Member of the United Nations which is not a member of the Security Council or any State which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute". It was clear from that provision, however, that for the purposes of the United Nations only States could be parties to a dispute. But what was the legal status of Zimbabwe, otherwise known as Southern Rhodesia, where Ian Smith had proclaimed independence and decreed that Southern Rhodesia was a State even though the United Kingdom continued to regard itself as the administering Power without, however, doing anything to impose its authority? It hardly mattered that the Security Council had declared Ian Smith's action to be illegal, for in the matter of human rights the 4 million Africans of Southern Rhodesia would still be unable to address petitions directly to the United Nations.

43. His delegation would to its great regret have to abstain in the vote on the Polish amendments. It could have accepted them without reservation if the United Kingdom and other Powers had not placed it in a difficult position in connexion with Southern Rhodesia.

44. Mr. OSPINA (Colombia) said that there was good reason to regret the fact that the Polish delegation had introduced a political issue into the discussion. The Committee should concentrate on the humanitarian aspect of the problem and avoid all political considerations. The fact was, in any case, that difficulties might be encountered if the Convention was open to signature by non-member States.

45. His delegation considered that the present Convention, which had been drawn up by the United Nations, was a United Nations convention. The reason why a somewhat "hybrid" situation had developed, as the Venezuelan representative had observed, was that the problem of financing had raised special difficulties.

46. His delegation supported and would vote for the formula suggested by the officers of the Committee.

47. Mr. SY (Senegal) said that despite the indignation aroused by the events in Rhodesia, it would be best if the Committee kept within the humanitarian and social context of the Convention and decided to make it open for signature by all States.

48. It was true, as the Tanzanian representative had said, that Southern Rhodesia presented a problem. He for one would very much like to see that country accede to the Convention, since that would eliminate any danger that another South Africa would be created.

49. He did not see anything political in the Polish amendments and could not accept the arguments in favour of retaining the formula suggested by the officers of the Committee. If that formula was based on the procedure adopted by the Sixth Committee, the latter should be asked to reconsider the matter and observe the principle of universality more strictly.

50. His delegation would vote for the Polish amendments.

CLAUSES I AND II

51. The CHAIRMAN invited the Committee to vote on the text of clauses I and II suggested by the officers of the Committee (A/C.3/L.1237), and on the amendments thereto.

Clause I

At the request of the Colombian representative, the vote on the first Polish amendment (A/C.3/L.1272) was taken by roll-call.

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

In favour: Hungary, India, Iraq, Kenya, Kuwait, Mali, Mauritania, Mongolia, Morocco, Nigeria, Pakistan, Poland, Romania, Senegal, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia, Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Chad, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea.

Against: Honduras, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala.

Abstaining: Iran, Lebanon, Libya, Malawi, Malaysia, Rwanda, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Upper Volta, Burma, Cameroon, Central African Republic, Dahomey, Gabon, Haiti.

The first Polish amendment was rejected by 41 votes to 32, with 10 abstentions.

Clause I was adopted by 75 votes to 10, with 3 abstentions.

Clause II

52. Mr. SAKSENA (India) asked whether in view of the results of the vote on clause I, the Polish amendment to clause II was being maintained.

53. The CHAIRMAN said that the second Polish amendment should be put to the vote, since it differed from the amendment just rejected.

54. Mr. DABROWA (Poland) said that the rejection of the first amendment submitted by his delegation did not necessarily imply rejection of the second.

55. Mr. KOCHMAN (Mauritania) said that he supported that view.

56. Mr. OSPINA (Colombia) said that he did not see how a State could accede to a convention without having signed it.

57. Mr. DABROWA (Poland) said that the Convention could be ratified only by States which had signed it but should be open for accession by all States, signatories and non-signatories alike.

58. The CHAIRMAN put the second Polish amendment (A/C.3/L.1272) to the vote.

At the request of the Mauritanian representative, the vote on the second Polish amendment (A/C.3/L.1272) was taken by roll-call.

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

In favour: Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, Iraq, Kuwait, Mali, Mauritania, Mongolia, Morocco, Nigeria, Pakistan, Poland, Romania, Senegal, Sudan, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yemen, Yugoslavia.

Against: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Malaysia, Mexico, Netherlands, New Zealand, Norway, Panama, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Burma, Cameroon, Central African Republic, Chad, Dahomey, Gabon, India, Iran, Kenya, Lebanon, Libya, Malawi, Rwanda, Togo, Trinidad and Tobago, Tunisia, Uganda, United Republic of Tanzania, Upper Volta.

The second Polish amendment was rejected by 43 votes to 29, with 19 abstentions.

At the request of the Mauritanian representative, the vote on clause II (A/C.3/L.1237) was taken by roll-call.

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

In favour: Denmark, Ecuador, El Salvador, Ethiopia, Finland, France, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Portugal, Rwanda, Senegal, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Venezuela, Yemen, Yugoslavia, Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Democratic Republic of), Costa Rica,

Against: Hungary, Mali, Mauritania, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia.

Abstaining: United Republic of Tanzania, Congo (Brazzaville), Dahomey.

Clause II was adopted by 76 votes to 12, with 3 abstentions.

CLAUSE III

59. Mr. LAMPTEY (Ghana) explained that the reason why the sponsors of document A/C.3/L.1313 wanted the Convention to enter into force after the deposit of the twenty-seventh rather than the twentieth instrument of ratification or instrument of accession was that they considered it necessary to leave the States Parties more freedom of choice in appointing the eighteen experts who would be members of the committee provided for in article VIII. His delegation would have preferred a smaller committee, but since the Third Committee had decided on a membership of eighteen, it appeared desirable to amend clause III in the manner suggested.

60. The CHAIRMAN pointed out that the final clauses in document A/C.3/L.1237 were merely suggestions submitted by the officers of the Committee in order to facilitate the latter's work. Perhaps, therefore, the Committee might decide to accept the first amendment submitted by Ghana, Mauritania and the Philippines (A/C.3/L.1313).

61. Mr. SY (Senegal) said he understood that the Commission on Human Rights, when adopting the draft Covenants, had chosen the figure of twenty ratifications because, at the time, that figure had represented one-third of the membership of the United Nations. It might perhaps be specified, in the present instance, that the Convention would enter into force when one-third of all Member States had ratified it.

62. Mr. KOCHMAN (Mauritania) said he wished to point out that the Convention would not be a United Nations convention but an international one.

63. The CHAIRMAN observed that the representative of Senegal had simply made a suggestion; the Committee might therefore wish to accept the first amendment submitted by Ghana, Mauritania and the Philippines.

It was so decided.

Clause III, as amended, was adopted unanimously.

64. The CHAIRMAN stated that the officers of the Committee would undertake, in collaboration with the translation services, to reconcile the different versions of the draft Convention. The changes made would be submitted to the members of the Committee for their approval.

The meeting rose at 6.15 p.m.