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Chairman: Mr. Humberto DIAZ CASANUEVA
(Chile).

AGENDA ITEM 43

Draft Declaration on the Elimination of All Forms of Racial Discrimination (A/5459, A/5503, chap. X, sect. II; A/C.3/L.1126/Rev.1, A/C.3/L.1133, A/C.3/L.1137 and Add.1 and 2, A/C.3/L.1138, A/C.3/L.1145) (continued)

DRAFT RESOLUTION CONCERNING PUBLICITY TO BE GIVEN TO THE UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

1. The CHAIRMAN said that, pending the completion of consultations between the sponsors of the ten-Power draft resolution (A/C.3/L.1126/Rev.1) and the sponsors of the Argentine-Mexican amendments (A/C.3/L.1138), the Committee might examine the twenty-two-Power draft resolution on the preparation of a draft convention on the elimination of all forms of racial discrimination (A/C.3/L.1137 and Add.1 and 2). He recalled that, in resolution 1780 (XVII), the General Assembly had requested the preparation of a draft declaration on the elimination of all forms of racial discrimination—the drafting of which the Third Committee had just completed—and a draft convention on the same subject to be submitted to it, if possible, at its nineteenth, or at the very latest, its twentieth, session. That resolution was the basis of the twenty-two-Power draft, which, however, was more peremptory, since it sought to have the draft convention considered by the General Assembly at its

nineteenth session. He pointed out, moreover, that the Third Committee could not take up the draft convention just referred to, unless the Commission on Human Rights held a session in 1964, contrary to the decision taken by the Economic and Social Council at its thirty-sixth, session.^{1/} Consequently, there was a close link between the twenty-two-Power draft resolution and the draft resolution regarding the Commission on Human Rights (A/C.3/L.1136 and Add.1), and the Committee could examine them at the same time. Both drafts had financial implications which, in the case of the former, were set out in document A/C.3/L.1145 and, in the case of the latter, in document A/C.3/L.1144.

2. Miss TABBARA (Lebanon) stated that the sponsors of the ten-Power draft resolution and of the amendments to it could not simultaneously pursue the consultations which they had undertaken and participate in the debate on the very important twenty-two-Power draft resolution. She therefore proposed that the latter text should not be examined immediately, and that the meeting should be suspended to enable the delegations concerned to conclude their consultations for, despite all their efforts, they had not yet been able to do so.

3. Mr. CAINE (Liberia) supported the proposal of the Lebanese representative.

The proposal was adopted by 54 votes to none, with 2 abstentions.

The meeting was suspended at 11 a.m. and resumed at 11.30 a.m.

4. Mr. CAINE (Liberia) stated that the sponsors of the ten-Power draft resolution and of the amendments thereto had managed to work out a text which they were submitting jointly.^{2/} The Liberian delegation wished to thank them for their spirit of compromise. The first point of the amendments had been withdrawn by its sponsors, but it had been agreed to delete from the first preambular paragraph the words "in consultative status"—which were also to be deleted from operative paragraph 2—as well as the words "each within the sphere appropriate to its activities". The second point had been accepted and, in operative paragraph 1, the words "faithfully, strictly" had been replaced by the words "fully, faithfully", which were taken from article 11 of the draft Declaration. The fourth point had been withdrawn but the fifth had been accepted. As for the sixth and seventh points, they had been withdrawn, but it had been agreed to combine operative paragraphs 4 and 5 into a single paragraph.

5. The CHAIRMAN congratulated the sponsors of the ten-Power draft resolution and the sponsors of the

^{1/} Official records of the Economic and Social Council, Thirty-sixth Session, 1247th meeting.

^{2/} Subsequently circulated as document A/C.3/L.1126/Rev.1.

amendments for having devised a compromise text. He suggested that, while waiting for that text to be circulated, the Committee might pass on to the draft resolutions regarding the Commission on Human Rights and the draft convention on racial discrimination.

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 and Add.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) (continued)

DRAFT RESOLUTION CONCERNING THE COMMISSION ON HUMAN RIGHTS

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

6. Mr. CUEVAS CANCINO (Mexico) introduced the draft resolution on the Commission on Human Rights (A/C.3/L.1136 and Add.1) on behalf of the sponsors, and pointed out that its object was to have the Commission on Human Rights meet in 1964 and subsequently every year.

7. In that regard his delegation found itself in a delicate position, for the Mexican Government, as well as various other Governments, had always favoured a reduction in the budget of the Organization. By requesting that the Commission on Human Rights should meet in 1964, and every year, despite the decision taken by the Economic and Social Council, the Mexican delegation was therefore acting contrary to its policy, but it considered that such a position was amply justified in the present case.

8. He first recalled the reasons why the biennial principle for meetings of subsidiary bodies of the Council had been recommended in several United Nations documents, for example, in the revisions to the budget estimates for 1964 (see A/C.5/978, para. 9). He pointed out that, in its eighth report to the General Assembly, the Advisory Committee on Administrative and Budgetary Questions had expressed the opinion that the multiplication of meetings of deliberative bodies was not necessarily conducive to effectiveness in the formulation or implementation of work programmes, and consequently it would perhaps be better for those bodies not to meet every year (see A/5529, para. 7). However—and that was a very important point which he wished to stress—the Committee had recognized that there might be exceptions. Furthermore, in the Fifth Committee (1019th meeting), the Secretary General had stressed that the precarious financial situation of the Organization necessitated a rational scheduling of meetings for all of the subsidiary bodies of the Council, and the establishment of guidelines for the application of priorities for its work programmes. However, and that was an important point, the Secretary-General had stated that the Member States and the Secretariat must play an equal part in making the final decision on that point.

9. As far as the Mexican delegation and the other sponsors of the draft resolution were concerned,

there was no doubt that the Commission on Human Rights should qualify as an exception, as envisaged by the Advisory Committee on Administrative and Budgetary Questions. As the Israel representative had very aptly pointed out (1241st meeting), the Commission on Human Rights was one of the most important United Nations bodies, and had on that account been specifically alluded to in Article 68 of the Charter of the United Nations. The alterations which were to be carried out at Headquarters in 1964 should therefore not be used as a pretext to impose the biennial rule for meetings in that particular case. Furthermore, it was essential that the Third Committee should be able to benefit from the assistance of a functional body. In addition there was an alarming tendency to neglect social factors in favour of economic factors; yet, as many delegations had stated during the debate on the Economic and Social Council's report, those two fields were inseparable. Consequently, it was essential that the Commission on Human Rights should meet with the same frequency as the bodies concerned with economic questions. Finally, the task incumbent on the Commission on Human Rights was of capital importance, since that Commission had to prepare a draft convention on the elimination of all forms of racial discrimination and pursue the work on a draft declaration and a draft convention on all forms of religious intolerance. As the Commission on Human Rights had itself stressed, a work programme of that scope could not be carried out if the Commission met only every two years.

10. As for the financial implications of the draft resolution, he pointed out that, to judge from the Secretary-General's report (A/C.3/L.1144), they were not exaggerated. The question of the place for the next session of the Commission on Human Rights had been solved by the generous offer of the Government of Costa Rica, which had proposed to act as host to the Commission at San José.

11. If, as the sponsors of the draft resolution hoped, the Commission on Human Rights met in 1964, it would perhaps be well for it to assess its past activities and to plan its future work. In answer to the objection that the Commission would have an extremely heavy agenda, consideration might certainly be given to the possibility of a meeting of the former chairmen of the Commission, under the chairmanship of Mr. Pazhwak, the present chairman, to carry out that task, which would be of great utility to the Third Committee at its nineteenth session.

12. Miss WACHUKU (Nigeria) said that history showed how racial discrimination had for centuries poisoned relations between men, based as it was on the selfish ambitions and greed of certain groups. It had now been proved that the theory of the superiority of one race over another was absurd and that the very concept of race was unrealistic. Yet there still remained societies, considering themselves civilized, which upheld the principle of racial discrimination and even wrote it into their legislation, despite the express condemnation of public opinion and the United Nations. The survival of that odious phenomenon was a menace to all mankind. It was therefore indispensable that the United Nations, having drafted a declaration on the elimination of all forms of racial discrimination which the Third Committee had approved by an overwhelming majority, should promptly undertake the preparation of a draft convention on the subject, a task which could be performed only if the Commission on Human Rights were to meet in 1964.

13. On behalf of the sponsors of the draft resolutions regarding the Commission on Human Rights and the draft convention on racial discrimination (A/C.3/L.1137 and Add.1 and 2) she appealed to all members of the Committee to vote in favour of those texts. She was convinced that, if those two draft resolutions were adopted, the governing bodies of the United Nations and the Secretary-General would reconsider their position and provide the necessary funds to allow the Commission on Human Rights to hold its twentieth session in 1964. The Third Committee would thus have discharged its duties towards mankind.

14. Mr. BEAUFORT (Netherlands) recalled that, by its resolution 1780 (XVII), the General Assembly had requested not only the preparation for the eighteenth session of a draft declaration on the elimination of all forms of racial discrimination—which, thanks to the preparatory work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, had indeed been submitted to the Third Committee at the current session—but also the preparation for the nineteenth session, or at the latest for the twentieth session, of a draft convention on the same subject. In the circumstances, his delegation considered it somewhat redundant to adopt in 1964 a resolution containing a request already made in 1963. Moreover, the twenty-two-Power draft resolution raised a technical difficulty: since it was uncertain whether the Commission on Human Rights would meet in 1964, it was, to say the least, somewhat premature to request that Commission to prepare a draft convention at its 1964 session.

15. He drew the Committee's attention also to resolution 1781 (XVII), in which the General Assembly had requested the submission, at its eighteenth session, of a draft declaration on the elimination of all forms of religious intolerance, and at its nineteenth, or at the latest its twentieth session, of a draft convention on the same subject. The competent bodies had been unable, owing to lack of time, to comply with that request, but the Commission on Human Rights, in its resolution 10 (XIX) (see E/3743, para. 156), had decided to give priority to the preparation of that draft declaration. The great majority of the members of the Commission on Human Rights had expressed the opinion that the Declaration on the Elimination of All Forms of Racial Discrimination should be immediately followed by a declaration on the elimination of all forms of religious intolerance. The two items were closely related, and the same phenomenon, namely, the wave of anti-semitism during the years 1959-1960, had brought them to the forefront of the problems with which the United Nations was concerned. Later events had given added stress to the need for a declaration against religious intolerance. At the nineteenth session of the Commission on Human Rights, several delegations had made suggestions regarding the contents of a draft declaration on the elimination of religious intolerance, and the Secretary-General had invited the States Members of the United Nations to present their observations on the matter before the end of the year.

16. His delegation accordingly felt obliged to emphasize most clearly that, in the light of resolution 1781 (XVII), which had been endorsed by the Economic and Social Council and by the Commission on Human Rights, and because of the close relationship between racial discrimination and religious intoler-

ance, first priority in the activities of the United Nations in the field of human rights should be given to the preparation of a declaration on the elimination of all forms of religious intolerance. His delegation would thus be unable to vote in favour of the draft resolution regarding the convention on racial discrimination.

17. Mr. MEANS (United States of America) agreed with the Netherlands representative that the Commission on Human Rights, whenever it met, should give priority to the preparation of the draft declaration on the elimination of religious intolerance, which the General Assembly had requested it to draw up at the same time as the draft declaration on the elimination of racial discrimination, but which it had been unable to do for lack of time.

18. As to the holding of annual sessions, that was a principle which his delegation had always upheld, not only for the Commission on Human Rights but also for other bodies. However, at the thirty-sixth session of the Economic and Social Council, it had, albeit regretfully, supported the proposals made by the Secretary-General concerning the conference programme, because of the exceptional circumstances arising out of the work scheduled at Headquarters and the holding at Geneva of the United Nations Conference on Trade and Development. In doing so, his delegation had stressed that it was supporting the Secretary-General's proposal without prejudice to its position regarding annual meetings of commissions of the Council, and had stated that the United States Government would consider on its merits any request made by a Government to any of those commissions.

19. It was, however, advisable to avoid an unduly large number of meetings in 1964, and the financial implications of a session of the Commission on Human Rights should not be overlooked. Although it contributed generously to the expenses of the Organization, his Government was anxious that they should be kept to a minimum.

20. Hence, while his delegation would not oppose the two draft resolutions before the Committee, it was submitting amendments ^{3/} aimed at bringing them into line with the Secretary-General's position and the decision of the Economic and Social Council.

21. Mrs. KUME (Japan) shared the views expressed by the Netherlands and United States representatives, and said that in her opinion it would be difficult to vote for the draft resolution on the preparation of an international convention on the elimination of racial discrimination, without any reasonable assurance that the Commission on Human Rights would be able to meet in 1964. In view of the financial implications of holding such a session, of the difficulties which had already been mentioned, and of the decision of the Economic and Social Council, her delegation was unable to support the two draft resolutions before the Committee in their existing form.

22. Mr. PONCE CARBO (Ecuador) said that his country, which was a member of the Commission on Human Rights, enthusiastically supported the draft resolution regarding the Commission. The Commission, whose work programme had always been as important as it was heavy, had hitherto met annually. However acting on the Secretary-General's proposal, the Economic

^{3/} Subsequently circulated as documents A/C.3/L.1149 and A/C.3/L.1150, respectively.

and Social Council had decided at its thirty-sixth session that none of its functional commissions should meet in 1964, because of the special circumstances resulting from the reconstruction work to be carried out in New York and the meeting at Geneva of the United Nations Conference on Trade and Development.

23. In voting on the important draft resolution under discussion, the Third Committee must obviously take those difficulties into account, but they were diminished by the generous invitation of Costa Rica, which had proposed that the Commission on Human Rights should meet at San José in 1964. That invitation, moreover, corresponded to a wish already expressed in the Commission on Human Rights, that it should from time to time hold its sessions outside New York or Geneva, so as to make its work better known in the different parts of the world and thus, by its very presence, to encourage respect for human rights.

24. On the question of principle, no one could deny the importance and urgency of the Commission's work, which was, moreover, enshrined in the Charter and other international instruments. Among other tasks of no less importance was the preparation of a draft declaration on religious intolerance and a draft convention on racial discrimination, which should not be further delayed. Despite the exceptional circumstances which would prevail in 1964, the International Law Commission would nevertheless meet at Geneva and had even asked for a longer session. Although the questions which it was studying were undeniably of great importance, they were none the less of a strictly juridical character, and one might wonder whether the problems receiving the attention of the Commission on Human Rights were not more urgent. To eliminate the session of the Commission on Human Rights was therefore not justified as a matter of principle, if the International Law Commission's session was to be held.

25. Further, it seemed paradoxical that, while regretting that the Commission on Human Rights had not been able to complete its study of the question of further promotion and encouragement of respect for human rights, and while continuing to assign new tasks to it, the Council had nevertheless decided to omit the Commission's session in 1964.

26. He therefore thought that, in order to maintain for its own work and that of the Commission on Human Rights their due place in the activities of the Organization, and in view of the invitation of the Costa Rican Government, the Third Committee should urge the Economic and Social Council and the Secretary-General to reverse their stand.

27. Mr. COMBAL (France) recalled that the Secretary-General's proposals to the Economic and Social Council had allowed for one of the functional commissions to meet in 1964. The French delegation had at that stage proposed that preference should be given to the Commission on Human Rights in view of its seniority and the wide scope of its work. That view

had unfortunately not been accepted, and the Council had decided that it should be the Commission on Narcotic Drugs which would meet. His delegation therefore shared the views of the sponsors of the draft resolution, and more specifically their concern that the Commission on Human Rights should meet annually. Furthermore that question of principle had not been raised in the Council.

28. However, in addition to the question of financial implications, the Third Committee was faced with a legal question. The Economic and Social Council was one of the principal organs of the United Nations and, in his delegation's view, there was nothing in the Charter to empower the General Assembly to reverse the Council's decisions. The French delegation must therefore express reservations with regard to operative paragraph 1 of the draft, and especially with regard to the beginning of paragraph 2, which requested the Secretary-General to make provisions which were not in conformity with the Council's decision. He would consequently be obliged to abstain when the draft resolution was put to the vote.

29. He would also abstain on the twenty-two Power draft resolution, for the reasons which he had just given, and also because the preparation of a draft declaration on the elimination of religious intolerance seemed to him an extremely important task which the Commission on Human Rights should complete before undertaking any other work.

30. Mr. FARHANG (Afghanistan) thanked the Mexican representative for his clear exposition of the motives by which the sponsors of the draft resolution regarding the Commission on Human Rights, among which was his own delegation, had been guided.

31. No one could deny the importance of what the United Nations was doing in the field of human rights, for the essential aim of the Organization was, after all, to ensure absolute respect for human rights throughout the world, so as to safeguard international peace and security.

32. In spite of the remarkable results it had so far achieved, the Commission on Human Rights still had many tasks to accomplish, and it was surprising that the Economic and Social Council had decided, for reasons of a material nature, to delay such important work. The Afghan delegation had taken note of Costa Rica's generous invitation with great satisfaction and hoped that the draft resolution would be adopted.

33. The United States amendments did not seem at first sight to take into account the essential aim of the draft resolution, which was to ensure that the Commission on Human Rights met annually, and the Afghan delegation therefore did not feel able to accept them.

The meeting rose at 1 p.m.