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Chairman: Mr. Humberto DIAZ CASANUEVA
(Chile).

AGENDA ITEMS 12 AND 43

Report of the Economic and Social Council (A/5503, chapter IX, except section III; chapter X; and chapter XIII, section VII; A/C.3/L.1136 and Add.1 and 2, A/C.3/L.1144, A/C.3/L.1149) (continued)

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

DRAFT RESOLUTION CONCERNING THE COMMISSION ON HUMAN RIGHTS (continued)

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

1. Mr. GHORBAL (United Arab Republic) announced that, since the 1247th meeting, a number of representatives had consulted together in an effort to resolve the Committee's difficulties relating to the twentieth session of the Commission on Human Rights, the preparation by that Commission of a draft convention on racial discrimination and the arrangements for the forthcoming United Nations Conference on Trade and Development. With the Committee's consent, he would suggest three proposals on which informal agreement among some members had been reached. Briefly, they were (a) that the Commission on Human Rights should meet annually; (b) that the Commission should hold a session early in 1964 provided that such a session did not interfere with the arrangements for the United Nations Conference on Trade and Development, especially Secretariat services and facilities; and (c) that the Commission could not meet early in 1964 without interfering with those arrangements, the Commission on Prevention of Discrimination and Protection of Minorities should be authorized to prepare a draft convention on racial discrimination

and to submit it directly to the Economic and Social Council at its 1964 summer session, for subsequent transmission to the General Assembly at its nineteenth session.

2. He hoped that those three proposals would be acceptable to the co-sponsors of different draft resolutions and amendments and would enable the Committee to reach a unanimous agreement.

3. Mr. CUEVAS CANCINO (Mexico) said that the sponsors of the draft resolution regarding the Commission on Human Rights (A/C.3/L.1136 and Add.1 and 2), unaware of the consultations just referred to, had themselves been attempting to resolve the Committee's difficulties.

4. Some reasonable arguments had been put forward against the proposal that the Commission on Human Rights should meet in 1964: the Council's powers under the Charter of the United Nations, the Secretary-General's expressed hope that the Council's decision would be maintained, and the special problems presented in 1964 by the United Nations Conference on Trade and Development. The sponsors of the draft resolution nevertheless believed that the difficulties could be overcome, and to that end suggested that the Third Committee should state in its report that:

(a) The Third Committee, in requesting the Economic and Social Council to reconsider its decision concerning the 1964 session of the Commission on Human Rights,¹ had been mindful of Articles 7 and 64 of the Charter, but considered that the preparation and early approval of a declaration on the elimination of all forms of religious intolerance and of a convention on the elimination of all forms of racial discrimination were matters of the greatest urgency, making it essential for the Commission to meet in 1964:

(b) The Committee fully appreciated the Secretary-General's efforts to make the best possible use of available resources and to establish a clear order of priorities for that purpose but, in view of the importance of the Commission under Article 68 of the Charter, requested the Secretary-General to make an exception and alter, with the Council's agreement, the 1964 meetings schedule;

(c) The Committee was most anxious that the Commission should continue to meet annually; it appealed to the Commission to assist the Assembly by reviewing its past work and carefully planning its future programme;

(d) The Committee, having carefully examined the Secretary-General's statement of financial implications (A/C.3/L.1144), requested that the Commission's session should be held at Headquarters before 15 March 1964, unless a Member State should offer, by 30 November 1963, to act as host for the 1964 session at no additional cost to the United Nations;

¹ See *Official Records of the Economic and Social Council, Thirty-sixth Session, 1247th meeting.*

(e) The Committee requested the Commission to give the highest priority in 1964 to the drafting of a convention or the elimination of all forms of racial discrimination and of a declaration on the elimination of all forms of religious intolerance, in that order.

5. He suggested that an informal meeting might be held between the sponsors of the draft resolution regarding the Commission on Human Rights and the members who had worked out the proposals submitted by the representative of the United Arab Republic.

6. Miss KRACHT (Chile), speaking as a sponsor of the draft resolution regarding the Commission on Human Rights, supported the suggestion for an informal meeting.

7. Mrs. CATTAROSSO (Uruguay) recalled that, before the draft United Nations Declaration on the Elimination of All Forms of Racial Discrimination had been completed, her delegation had taken the position that, while the Declaration should be as firm as possible, a convention on the subject should also be speedily prepared. She accordingly welcomed the suggestions put forward by the representatives of the United Arab Republic and Mexico, which seemed favourable to that step; since they were not yet available in writing, however, she would confine her remarks to the documents before the Committee.

8. The draft resolution regarding the preparation of a draft convention on racial discrimination (A/C.3/L.1137 and Add.1 and 2), of which her delegation was a sponsor, requested that a draft convention should be submitted to the Assembly at its nineteenth session. She could not accept point 2 of the United States amendments (A/C.3/L.1150) under which the draft convention would be submitted to the Assembly "following the next session of the Commission on Human Rights". If the Commission's next session was held in 1964, the amendment would have the same effect as the original draft resolution; if the next session came in 1965, the situation was covered by General Assembly resolution 1780 (XVII); if the session was not held until 1966, the submission of the draft convention would be delayed beyond the time-limit laid down in resolution 1780 (XVII). The best course was to state precisely what the Committee wanted, as in draft resolution A/C.3/L.1137 and Add.1 and 2.

9. When the meetings schedule had been discussed in the Council, her delegation, having in mind the importance and urgency of the matters dealt with by the functional commissions, had expressed reservations about cancelling their meetings. The heavy agenda of the Commission on Human Rights, and the urgency of drafting the convention on racial discrimination, amply justified those reservations. She supported draft resolution A/C.3/L.1136 and Add.1 and 2 in the conviction that arrangements could be made for a session of the Commission in 1964.

10. She wholeheartedly endorsed the draft resolution regarding the principle of equitable geographical distribution in the Commission on Human Rights (A/C.3/L.1152); there was no doubt that more equitable representation on the Commission would further enhance the value of its fine work.

11. Mr. ROSSIDES (Cyprus) said that the drafting of the convention on the elimination of racial discrimination would provide an excellent opportunity to improve on the draft Declaration; that was why his delegation had decided to join in sponsoring draft

resolution A/C.3/L.1137 and Add.1 and 2. It would be wrong to assume, however, that the draft Declaration itself was not binding on Member States; its moral force was such that it could not be ignored by any Government. Moreover racial discrimination was wholly at variance with the principles of the United Nations Charter; again, articles 4 and 10 of the draft Declaration imposed specific obligations which no Government could neglect without affronting world public opinion.

12. One of the evils of discrimination was that it sowed dissension within nations; in the past it had been used by colonialists to secure their power on the principle of "divide and rule". Constitutional laws which divided a people, although ostensibly designed to protect a minority, injured the nation as a whole by creating unrest, and that unrest might become a threat to peace. Fortunately article 2, paragraph 3, of the draft Declaration (A/C.3/L.1148) explicitly provided that measures to secure the development or protection of individuals belonging to certain racial groups should "in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups". The draft Declaration would do much to discourage racial discrimination, just as the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)) had actively promoted the elimination of colonialism. It was essential that the convention on racial discrimination should be drafted as rapidly as possible, but it would be a long time yet before it passed into law, and the same applied to the draft International Covenants on Human Rights; in the meantime, the Charter and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination should provide full protection against racial discrimination.

13. Mr. HAKIM (Lebanon) said that his delegation was sponsoring draft resolution A/C.3/L.1137 and Add.1 and 2, because it considered a convention on racial discrimination vitally important. It would take a considerable time to draft that instrument and secure its approval by the competent United Nations organs, and years to secure enough ratifications to bring it into force. Work should therefore start at once.

14. For consistency, his delegation was also sponsoring draft resolution A/C.3/L.1136 and Add.1 and 2. If the convention on racial discrimination was to be drafted as a matter of urgency, the Commission on Human Rights must begin work on it in 1964. The Commission's agenda was very heavy, and five items had had to be deferred from the nineteenth to the twentieth session, including the draft declaration on the elimination of all forms of religious intolerance, to which his own and other delegations attached great importance. In order to complete a programme of work drawn up to give effect to General Assembly resolution 1776 (XVII), the Commission had found it necessary to recommend that the Council should approve a five-week session in 1964. The Council's decision that the Commission should not meet at all in 1964 was therefore difficult to understand. The preparations for the United Nations Conference on Trade and Development should not lead to the neglect of human rights; it was essential to maintain a proper balance between the spiritual, social and economic aspects of development.

15. His delegation recognized the Council's right to decide how often its functional commissions should meet, but it was an organ elected by the Assembly, which had the power to take decisions binding on it. He was not proposing that the Assembly should use that power, but merely that the Council should be asked to reconsider its decision. The estimated saving of \$26,000 did not seem a valid reason not to convene the Commission early in 1964. Furthermore the Council had decided to convene the Sub-Commission on Prevention of Discrimination and Protection of Minorities, whose sessions were more costly than those of the Commission. He hoped that both bodies would meet in 1964.

16. Mr. MORENO SALCEDO (Philippines) said that, although his delegation was a sponsor of both the draft resolutions under discussion, it would support any proposal to convene a session of the Commission on Human Rights in 1964. He asked whether the document to be circulated by the United Arab Republic representative would be a new draft resolution or an amendment to draft resolution A/C.3/L.1136 and Add.1 and 2.

17. Mr. GHORBAL (United Arab Republic) replied that it would be an informal working paper.

18. Mr. BEAUFORT (Netherlands) said that he had no objection to the first proposal made by the United Arab Republic representative. The second proposal was an improvement on the draft resolutions and his delegation had requested instructions from its Government. The third proposal appeared to overlook the fact that the Commission on Human Rights, while recognizing the importance of a draft convention on racial discrimination, had decided in its resolution 10 (XIX) to give priority at its twentieth session to preparing a draft declaration on the elimination of all forms of religious intolerance (see E/3743, para. 156).

19. Mr. HERRERA (Costa Rica) said that the adoption of point 1 of the United States amendments (A/C.3/L.1149) to draft resolution A/C.3/L.1136 and Add.1 and 2 would make it impossible for the Commission to meet in 1964. The services and facilities required were of so technical a nature that only the United Nations could provide them; moreover it would be humiliating for the Organization to allow a Member State or an outside agency to assume responsibility for functions which it ought to perform. The sole purpose of his Government's offer had been to enable the Commission to meet in 1964, and it would be equally happy if the session was held elsewhere than in Costa Rica. The proposals made by the representatives of the United Arab Republic and Mexico deserved consideration and consultations should be held between the sponsors of the draft resolutions and the group mentioned by the United Arab Republic representative.

20. Mrs. DELLA GHERARDESCA (Italy) expressed great interest in the United Arab Republic representative's proposals and hoped that all delegations would co-operate in finding a solution. The Committee was

entitled to ask the Council to reconsider its decision but, in so doing, should bear budgetary and administrative considerations in mind.

21. Mr. FARHANG (Afghanistan) said that his delegation, as a sponsor of draft resolution A/C.3/L.1136 and Add.1 and 2, was perfectly willing to negotiate on the basis of that text.

22. Mr. CAMPBELL (Ireland) said that his delegation attached great weight to the Secretary-General's comments (A/C.3/L.1144) concerning the financial and technical difficulties that would arise if the Commission met in 1964. For that reason alone, his delegation could not support either draft resolution A/C.3/L.1136 and Add.1 and 2 or draft resolution A/C.3/L.1137 and Add.1 and 2. If, despite the difficulties, the members of the Third Committee demanded a session of the Commission, it appeared reasonable that they should also provide the financial and technical means to make the session meaningful. In the light of General Assembly resolution 1781 (XVII), he hoped that a draft declaration on religious intolerance would be prepared at the Commission's twentieth session, whenever it was held.

23. Mr. COMBAL (France) felt that some of the United Arab Republic representative's proposals might help to resolve the Committee's difficulties. It would be advantageous for the Sub-Commission to report directly to the Council in 1964, as had already been agreed at the latter's thirty-sixth session. Certain speakers had appeared to ignore the fact that the Economic and Social Council, as a principal organ of the United Nations and under Article 7 of the Charter, must be treated with due respect; the method of electing its members did not affect its status as a principal organ.

24. Mr. MELOVSKI (Yugoslavia) said that although Yugoslavia, as a member of the Council, had concurred in its decision to allow no meetings of the functional commissions in 1964 except those mentioned in the Council's report (see A/5503, para. 633), his delegation would support draft resolution A/C.3/L.1136 and Add.1 and 2 because of the great importance conferred on the question of racial discrimination by the adoption of the draft Declaration. If the Commission could meet for even three or four weeks before 15 March 1964, it would be able to deal with at least some of the items on its agenda and, in particular, to submit the text of a draft convention on racial discrimination to the General Assembly at its nineteenth session. While his delegation favoured that solution, it would be happy to support any compromise acceptable to the Committee as a whole.

25. Mr. HERRERA (Costa Rica) proposed that the Committee should adjourn in order to facilitate consultations between the sponsors of the draft resolutions and the group for which the United Arab Republic representative had spoken.

It was so decided.

The meeting rose at 5 p.m.