

UNITED NATIONS
ECONOMIC
AND
SOCIAL COUNCIL



Distr.
GENERAL

E/CN.4/SR.774
7 April 1964

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND SEVENTY-FOURTH MEETING

Held at Headquarters, New York,
on Monday, 17 February 1964, at 3.15 p.m.

CONTENTS

Organization of work (E/CN.4/853)

(10 p.)

64-07454

/...

PRESENT:

<u>Chairman:</u>	Mr. BORJA	(Philippines)
<u>Rapporteur:</u>	Mr. IGNACIO-PINTO	Dahomey
<u>Members:</u>	Mr. MATSCH	Austria
	Miss ALLEN	Canada
	Mr. MARTINEZ SOTOMAYOR)	Chile
	Miss KRACET)	
	Mr. VOLIO	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BEMMES	Ecuador
	Mr. VEGA GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY	India
	Mr. PISA	Italy
	Mr. HAKIM)	Lebanon
	Miss TABBARA)	
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBALLO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
<u>Observers from Member States:</u>		
	Mr. BARROMI)	Israel
	Mr. ROSENNE)	
	Mr. MELOVSKI	Yugoslavia

PRESENT (continued):

Representatives of specialized agencies:

Mr. FARMAN-FARMAJIAN

International Labour Organisation

Miss BARRETT

United Nations Educational,
Scientific and Cultural
Organization

Mrs. MEAGHER

World Health Organization

Secretariat:

Mr. HUMPHREY

Director, Division of Human
Rights

Mr. LANDAU

Secretary of the Commission

ORGANIZATION OF WORK (E/CN.4/858)

Mr. MATSCH (Austria) observed that at the previous meeting there had appeared to be general agreement that items 3 and 4 of the agenda (E/CN.4/858) should be given priority, in accordance with General Assembly resolution 1906 (XVIII) and resolution 10 (XIX) of the Commission.

Mrs. TREE (United States of America) agreed that agenda items 3 and 4 should now be taken up. She supported the Philippine suggestion that a working group on agenda item 4 should be established, and added that it should start its work soon. Among the other agenda items, her delegation was particularly interested in items 5, 6 and 12. She suggested that the procedural aspect of agenda item 5, periodic reports on human rights, should be discussed. Agenda item 6, advisory services in the field of human rights, was especially important as it had budgetary implications. She hoped that the Commission would indicate its continuing interest in that programme. Item 12 - designation of 1968 as international year for human rights - should be considered after item 6 and before items 8 and 10, for which the Philippine representative had urged priority, so that the Commission would have sufficient time to deal with that new idea.

Mr. NEDBALLO (Ukrainian Soviet Socialist Republic) recalled that General Assembly resolution 1961 (XVIII) stressed the preparation of suggestions for a list of goals to be achieved by the United Nations by the end of 1968. Thus, item 12 was not concerned merely with the celebration of the twentieth anniversary of the Universal Declaration of Human Rights; its main objective was the achievement of practical advances. The item should therefore be discussed jointly with item 14.

Mr. BEAUFORT (Netherlands), while accepting the decision of the General Assembly to give absolute priority to the preparation of a draft convention on the elimination of all forms of racial discrimination, hoped that the Commission would not overlook the priority given to the preparation of a draft declaration on the elimination of all forms of religious intolerance by its resolution 10 (XIX). He supported the proposal that a working group should be set up for the latter item as soon as possible. The Commission was not in a position, at the present

/...

(Mr. Beaufort, Netherlands)

meeting, to decide on the composition, terms of reference, and methods of the working group, but it could take a decision in principle on the appointment of such a group.

Mr. MOROZOV (Union of Soviet Socialist Republics) felt that a decision on the appointment of a working group would be premature. The Commission could not know what the scope of the group's activities might be until it had had an exchange of views on the substance of agenda item 4.

Mr. BCUQUIN (France) feared that, if the Commission did not take an early decision concerning its method of work on agenda item 4, it would again fail to complete that task. No working group was needed for agenda item 3, because the Commission had before it a well-considered text. The text submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities for agenda item 4, on the other hand, was merely a preliminary draft. The appointment of a working group to put that text into better shape would expedite the Commission's discussions. The working group might meet one or two hours before the start of the Commission's morning meeting. Its terms of reference would be to transform the preliminary draft into a draft declaration suitable for adoption by the Commission. Membership in the working group should be open to all members of the Commission.

Sir Samuel HOARE (United Kingdom) said that it was useless for the Commission to decide on the relative priority of the other agenda items until it knew how much time would be left after consideration of items 3 and 4. The Commission must now make arrangements to deal with those two items in the least possible space of time. The only suggestion for saving time which had been made was the proposal to set up a working group on agenda item 4, which he fully supported. While the Commission might defer decision on the details of the working group, he thought that the French representative's suggestions concerning its composition and terms of reference were very good.

Mr. MOROZOV (Union of Soviet Socialist Republics) pointed out that General Assembly resolution 1906 (XVIII) directed the Commission to give absolute priority to agenda item 3. The Commission, therefore, was not competent to

/..

(Mr. Morozov, USSR)

consider item 4 until after it had disposed of item 3. If it adopted the proposal for the establishment of a working group on item 4, the Commission would be giving priority to agenda items 3 and 4 simultaneously, in violation of the terms of the General Assembly resolution. Moreover, the time spent by the working group, which would be composed of members of the Commission, would be taken from the time available to the Commission for the consideration of item 3. Moreover, by adopting the agenda (E/CN.4/858), the Commission had already taken a decision to deal with the items as listed, i.e., separately. The usual procedure in the United Nations was for a working group to be set up after an exchange of views on the substance of a subject in the plenary body. Lastly, he recalled that the General Assembly had decided to convene the Commission in 1964 specifically so that it might prepare a draft convention on the elimination of all forms of racial discrimination.

Mr. MARTINEZ SOTOMAYOR (Chile) strongly supported those remarks. Agenda item 3 must be given absolute priority. Item 4 should have the second place in the order of priorities, but it was unnecessary at present to set up a working group on that item. The Commission could have a general discussion of the text submitted by the Sub-Commission. If many amendments to that text were introduced, the Commission might then decide whether or not to appoint a working group. A similar procedure had been employed successfully at the recent session of the Sub-Commission.

Mr. BOUQUIN (France) said that his proposal would not detract from the absolute priority assigned to agenda item 3. He was merely proposing that the working group should do some preparatory work on item 4 while item 3 was under discussion. The proposal was not novel: the same procedure had been successfully used in the past by the Commission itself and by the Sub-Commission. If the Commission really wished to prepare a draft declaration on the elimination of all forms of religious intolerance at the present session, it would have to adopt that procedure.

Mr. MOROZOV (Union of Soviet Socialist Republics) invited the French representative to cite precedents for establishing a working group on an agenda item before discussion of the item had been initiated. The Commission should follow

/...

(Mr. Morozov, USSR)

the normal procedure: it should begin the debate, see what divergent opinions developed and how many substantive amendments were submitted, and then decide whether a working group could effectively reconcile the various points of view. Moreover, it was highly doubtful that a working group, meeting for an hour before the plenary meetings of the Commission, could accomplish useful work.

For those reasons, and as a compromise, he moved that the Commission should begin debate on the draft convention on the elimination of all forms of racial discrimination at its next meeting and defer a decision on the establishment of a working group on item 4. If it should become necessary at any point to interrupt debate on the draft convention, the Commission might take advantage of such a pause to begin preparatory work on the draft declaration on religious intolerance.

Mr. NEDBALLO (Ukrainian Soviet Socialist Republic) strongly supported that proposal. It was unreasonable to set up a working group before a preliminary debate had revealed the differences of opinion which it would have to reconcile. The Commission should adopt the procedure it had followed at the previous session in connexion with the elaboration of the draft declaration on racial discrimination.

Mr. MARTINEZ SOTOMAYOR (Chile) said that the USSR motion to defer a decision on the establishment of a working group was a preliminary question and should be decided forthwith.

Mr. CHAKRAVARTY (India) and Mr. BENITES (Ecuador) supported the USSR proposal.

Miss AITKEN (Canada) saw no reason why the Commission could not begin its debate on item 3 and at the same time agree in principle to establish a working group on item 4.

Mr. BRILLANTES (Philippines) believed that the Commission should decide in principle to appoint a working group, leaving aside, for the time being, any decision regarding the group's composition or terms of reference.

Sir Samuel HOARE (United Kingdom) observed that the Commission was clearly in full agreement on the question of according absolute priority to the item on racial discrimination and of completing work on the draft convention in compliance with the General Assembly's directive. It was divided only with respect

/...

(Sir Samuel Hoare, United Kingdom)

to the most effective procedure for accelerating its work on the item on religious intolerance. In opposing immediate agreement in principle on the establishment of a working group on that item, the USSR representative had suggested two alternatives. The first was that no decision should be taken with regard to a working group until there had been a preliminary debate on the draft declaration on religious intolerance and amendments reflecting differences of view had been introduced; in the event that the number and nature of those amendments should demonstrate the need for a working group, such a group should then be set up. That was a legitimate proposal which could be defended but it would not hasten the work. However, he had further suggested as a compromise that the Commission consider the question at a later stage in its work. That would involve interrupting the urgent debate on racial discrimination in order to begin a general discussion on the draft declaration on religious intolerance; presumably, in the course of that discussion, amendments would be submitted and it was in the light of those amendments that the Commission would determine the necessity for a working group. Surely, such a procedure would be unacceptable to the Commission.

Neither of the USSR alternatives would expedite the Commission's work on item 4, whereas a working group composed of interested members meeting before the regular meetings of the Commission would achieve that goal without prejudice to the absolute priority given to the drafting of a convention on racial discrimination.

Mr. MOROZOV (union of Soviet Socialist Republics) conceded that his compromise proposal to defer a decision on the establishment of a working group did not resolve the problem before the Commission; it merely postpone a solution. On the other hand, he objected to the haste with which the Commission sought to settle the matter even before the arrival of its Chairman.

Mrs. TREE (United States of America) said that her delegation regarded the convention on racial discrimination and the declaration on religious intolerance as equally important. It supported the French proposal for an early decision to establish a working group on the draft declaration because it had learned from the experience at the previous session that there was a real danger that the Commission might not complete its work on the declaration in the four-week period allotted to it.

Mr. BOUQUIN (France) formally moved that a working group on item 4 should be constituted in principle.

Mr. MOROZOV (Union of Soviet Socialist Republics) moved, as an amendment to the French motion, that the Commission should consider the question of establishing a working group only when it had before it proposals concerning the group's methods of work, composition and terms of reference. He urged members to avoid creating a difficult situation by submitting formal motions in disregard of the doubts that had been expressed and the temporary absence of the Chairman, and trusted that the French representative would not press for a vote on his proposal.

Mr. CHAKRAVARTY (India) failed to understand what advantage could be gained from a decision in principle being taken now, when everyone seemed willing to consider the matter towards the end of the week.

Mr. BOUQUIN (France), in reply to the USSR representative, said that it had been decided at the preceding meeting to reach some decision on the organization of work at the present meeting. It was because of its failure to organize its work properly that the Commission had been unable to submit a draft declaration on the elimination of all forms of religious intolerance to the General Assembly at the eighteenth session, as it had been instructed to do. He therefore maintained his proposal.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that by pressing his proposal to the vote the French representative would cause a split in the Commission. His own compromise proposal, on the other hand, sought to achieve unanimity. As he wanted discussion on the matter to be deferred until the following day, when the Chairman would be present, he moved the adjournment of the meeting.

The USSR motion for adjournment was rejected by 12 votes to 3, with 6 abstentions.

The CHAIRMAN said that he would next put to the vote the USSR amendment to the French motion on the constitution of a working group.

Mr. MOROZOV (Union of Soviet Socialist Republics) requested, under rule 51, that the French proposal should be submitted in writing.

Mr. BOUQUIN (France) replied that rule 51 was not applicable to a procedural motion, such as his own.

After an exchange of views in which Mr. MOROZOV (Union of Soviet Socialist Republics), Mr. BOUQUIN (France), Sir Samuel HOARE (United Kingdom), Mr. BRILLANTES (Philippines) and Mr. BENITES (Ecuador) took part, the CHAIRMAN ruled that the French motion, being procedural, did not fall within the purview of rule 51 of the rules of procedure. He called for a vote on the USSR amendment.

The USSR amendment was rejected by 13 votes to 3, with 5 abstentions.

The French motion that the Commission should establish in principle a working group to examine the question of a draft declaration on the elimination of all forms of religious intolerance was adopted by 14 votes to 3, with 4 abstentions.

The meeting rose at 6.5 p.m.