



ECONOMIC AND SOCIAL COUNCIL
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CONTENTS

	Page
<i>Agenda item 12:</i>	
<i>Report of the Commission on the Status of Women</i>	
<i>Report of the Social Committee</i>	53
<i>Agenda item 15:</i>	
<i>Measures taken in implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (continued)</i>	
<i>Report of the Social Committee.</i>	54

President: Mr. Milan KLUSÁK
 (Czechoslovakia).

Present:

Representatives of the following States, members of the Council: Belgium, Cameroon, Canada, Czechoslovakia, Dahomey, France, Gabon, Guatemala, India, Iran, Kuwait, Libya, Mexico, Morocco, Pakistan, Panama, Peru, Philippines, Romania, Sweden, Turkey, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela.

Observers for the following Member States: Dominican Republic, Italy, Jamaica, Netherlands, Ukrainian Soviet Socialist Republic, Yugoslavia.

The representative of the following specialized agency: International Labour Organisation.

AGENDA ITEM 12

Report of the Commission on the Status of Women
 (E/4316)

REPORT OF THE SOCIAL COMMITTEE (E/4365)

A. DRAFT DECLARATION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

1. Mr. MEYER PICON (Mexico) wished to make it clear that, as the Social Committee had decided not to take any substantive decision on the draft declaration on the elimination of discrimination against women continued in the annex to draft resolution A (E/4365, para. 17), his delegation's agreement to draft resolution A in the Social Committee should not be taken as an indication of its attitude with regard to the substance of the draft declaration.

2. Mr. ATTIGA (Libya) said that that was also the position of his delegation. The Social Committee's decision not to consider the substance of the draft declaration had been taken purely because there had been no time for a detailed discussion. Delegations

would have an opportunity to express their views during the forthcoming session of the General Assembly.

3. Mr. NASINOVSKY (Union of Soviet Socialist Republics) pointed out that there had been unanimous recognition in the Social Committee that the draft declaration submitted for consideration by the General Assembly provided an excellent basis for discussion. Any delegation could, of course, make reservations, or submit amendments at the appropriate time, but no doubts should be cast on a text which had been adopted unanimously by the Commission on the Status of Women which had been submitted to the Council by the Social Committee, without objections, to be forwarded to the General Assembly.

4. Mr. MIRZA (Pakistan) felt that it would be an exaggeration to say that the Social Committee as a whole had been in favour of the text of the draft declaration as submitted, since delegations were waiting to state their views on it during the discussion in the General Assembly. It should be clearly recognized that there had been no discussion of the substance of the draft declaration.

5. The PRESIDENT invited the Council to vote on draft resolution A contained in the Social Committee's report (E/4365, para. 17), taking account of the reservations expressed.

Draft resolution A was adopted unanimously.

B. PARENTAL RIGHTS AND DUTIES, INCLUDING GUARDIANSHIP

6. Sir Samuel HOARE (United Kingdom) said that his delegation had voted in the Social Committee in favour of draft resolution B contained in the Social Committee's report and would do so in the Council on the understanding that the principles stated in operative paragraph 2 related to married parents and their children. If they related to illegitimate children, his delegation would have found difficulty in accepting the draft resolution.

7. Mr. MIRZA (Pakistan) stated that his delegation, too, would vote for draft resolution B, but reserved its position with regard to operative paragraph 2 (a), which was open to various interpretations. If it were to be interpreted literally, his delegation could not accept it.

8. Mr. ATTIGA (Libya) said that his delegation had similar reservations on two points: questions relating to the guardianship of illegitimate children, and equality of rights between parents in respect of the guardianship of minor children. Those principles were not in conformity with well established customs in many parts of the world.

9. Mr. BILGE (Turkey) remarked that although his delegation had abstained in the vote on operative paragraph 2 (a) of draft resolution B in the Social

Committee, it would be prepared to vote in favour of paragraph 2 in the Council since it included the phrase "taking account of the special characteristics of legislation in different countries".

10. The PRESIDENT invited the Council to vote on draft resolution B contained in the Social Committee's report (E/4365, para. 17).

Draft resolution B was adopted unanimously.

**C. ACCESS OF WOMEN TO HIGHER EDUCATION,
JOBS AND PROFESSIONS**

11. Sir Samuel HOARE (United Kingdom) said that various alternatives for sub-paragraph (d) of the operative part of draft resolution C had been suggested in the working group set up by the Social Committee to prepare the texts of the draft resolutions. He himself had suggested that the sub-paragraph should begin with the words "To promote the access of women", and others had preferred the words "To ensure the access of women". Since the latter wording had, however, been considered somewhat too strong, the present text, had been accepted. It now seemed to him that the words "To ensure that to the greatest possible extent" were ambiguous and did not correspond to the intentions of those who had proposed them. They appeared to imply that Member States should take all possible government action, which might create difficulties for Governments, or alternatively they could be regarded as diminishing the scope of the provision. He had consulted the majority of members of the Council and he proposed that those words should be replaced by the words "To promote the access of women", and that the words "have access" should be deleted.

12. Mr. BERGQUIST (Sweden) thought that the proposed amendment would weaken the text; however, he would not object if the Council wished to adopt it.

13. Mr. ATTIGA (Libya) considered the wording proposed by the United Kingdom representative more realistic than the original text. Asking a State to "ensure" that something was done might mean that the State would have to carry out police measures and prosecute those guilty of violations. The word "promote" was more in line with the Council's intentions and was more constructive; States would be asked to take steps to encourage the access of women to appropriate jobs, a process which had already begun. In many developing countries, in fact, there was still a shortage of people with higher education and women were sometimes given jobs for which they were not fully qualified.

14. Mr. VARELA (Panama) said that the present wording of sub-paragraph (d) was more in keeping with the legislation in force in his country and that he would therefore prefer to retain it. He agreed with the representative of Sweden that the United Kingdom amendment would weaken the text since the latter would no longer ask Member States to ensure the right of women to occupy positions for which they were qualified on an equal basis with men and would recognize that in many States women did not at present, and might not for a long time, have equal rights with men in respect of jobs and professions to which their education entitled them. His delegation would, how-

ever, accept the majority view in order not to prolong the discussion.

15. Mr. MIRZA (Pakistan) thought that the text proposed by the United Kingdom was more realistic than the original text. Since it appeared to have received a wide measure of support during informal consultations, he urged its adoption.

16. The PRESIDENT invited the Council to vote on the oral amendment to sub-paragraph (d) proposed by the representative of the United Kingdom and on draft resolution C as a whole.

The amendment was adopted by 17 votes to none, with 6 abstentions.

Draft resolution C, as amended, was adopted unanimously.

17. The PRESIDENT put to the vote draft resolutions D and E contained in paragraph 17 of the Social Committee's report (E/4365).

D. UNITED NATIONS ASSISTANCE FOR THE ADVANCEMENT OF WOMEN

Draft resolution D was adopted unanimously.

E. REPORT OF THE COMMISSION ON THE STATUS OF WOMEN

Draft resolution E was adopted unanimously.

AGENDA ITEM 15

Measures taken in implementation of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (continued)* (E/4306 and Add.1-3)

REPORT OF THE SOCIAL COMMITTEE (E/4373)

A. MEASURES TO BE TAKEN AGAINST NAZISM AND RACIAL INTOLERANCE

18. The PRESIDENT put to the vote draft resolution A contained in paragraph 9 of the Social Committee's report (E/4373).

Draft resolution A was adopted unanimously.

B. MEASURES FOR THE SPEEDY IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS AGAINST RACIAL DISCRIMINATION

19. Mr. BLAU (United States of America) proposed that the words "through the Economic and Social Council" should be inserted between the words "report" and "to the General Assembly" in operative paragraph 5 of draft resolution B. That was purely a technical amendment, since the Commission on Human Rights, as a subsidiary body of the Council, always reported to the General Assembly through the Council.

20. Sir Samuel HOARE (United Kingdom) said that his delegation had some doubts about the desirability of the General Assembly, as suggested in operative paragraph 6 of draft resolution B, calling upon the illegal régime of Southern Rhodesia to desist from its practices of racial discrimination and intolerance. The word "illegal" had presumably been included in order to avoid any suggestion that the paragraph might indicate recognition of the régime by the United Na-

*Resumed from the 1466th meeting.

tions, but his delegation felt that there would still be a risk that the régime might pride itself on being the subject of a direct appeal by the United Nations. He therefore proposed that the references to Southern Rhodesia in operative paragraph 6 should be deleted and the following additional paragraph should be inserted after it:

"Condemns the illegal régime in Southern Rhodesia for its practices of racial discrimination and intolerance against the African and non-white peoples in the rebellious colony of Southern Rhodesia."

21. Although his delegation had abstained in the vote on various paragraphs of the draft resolution in the Social Committee, it would now vote for that text if the amendment he had proposed was accepted. His delegation had, of course, reservations concerning the description of the Territory of South West Africa as coming under the direct responsibility of the United Nations, since it had not been able to support General Assembly resolution 2145 (XXI).

22. Mr. ZOLLNER (Dahomey) pointed out that, in the French text, the words "de la colonie rebelle" at the beginning of operative paragraph 6 should read "du régime illégal". Furthermore, in both French and English the word "Governments" should be in the singular so that the reference would be to the "Government of the Republic of South Africa" and to the "illegal régime of Southern Rhodesia". Regarding the United Kingdom representative's amendment, he suggested that the condemnation should be addressed also to the South African Government, which had been practising racial discrimination far longer and more extensively.

23. Mr. RAHNEMA (Iran) said that his delegation had not been satisfied with the existing text, which placed the illegal régime of Southern Rhodesia on the same footing as the Government of a Member State and addressed an appeal to it on behalf of the United Nations. It might be best to condemn both without addressing them directly, but he could accept the United Kingdom formulation.

24. Mr. MIRZA (Pakistan) supported the United States representative's amendment, which correctly expressed the intention of the Pakistan delegation in proposing the present operative paragraph 5. He saw the logic of the United Kingdom representative's amendment, although he did not believe that under international law an injunction to the illegal régime of Southern Rhodesia to desist from certain practices was tantamount to according it recognition. The purpose of a new paragraph, as he saw it, would be to call for action, and not simply to condemn. Since it was the United Kingdom Government that was legally responsible for the affairs of Southern Rhodesia, the new paragraph might read:

"Calls upon the Government of the United Kingdom to take all necessary measures to end as quickly as possible the open and nefarious practices of racial discrimination and intolerance against the African and non-white peoples in the rebellious colony of Southern Rhodesia".

25. Mr. ATTIGA (Libya) supported those remarks and suggested that operative paragraph 6 might simply

be amended to read "Calls upon the Government of the Republic of South Africa and the Government of the United Kingdom to desist from ...".

26. Mr. WALDRON-RAMSEY (United Republic of Tanzania) agreed with the Pakistan representative that the call to the Southern Rhodesian régime did not signify recognition of that régime and pointed out in that connexion that the Security Council had been known to call on a non-member State to desist from activities disturbing the peace. It appeared from the discussion that a choice must be made between a paragraph calling on the South African and United Kingdom Governments to see to it that there was no continuance of the practices of racial discrimination in South Africa and Southern Rhodesia, and a paragraph as suggested by the Dahomean representative, which might read:

"Condemns the Government of the Republic of South Africa and the illegal régime in Southern Rhodesia for their open and nefarious practices of racial discrimination and intolerance against the African and other non-white peoples in the Republic of South Africa, the Territory of South West Africa under the direct responsibility of the United Nations, and the rebellious colony of Southern Rhodesia."

27. Sir Samuel HOARE (United Kingdom) said that it appeared to be the general feeling that the United Nations should not address itself to the illegal régime of Southern Rhodesia even if to do so would not legally signify recognition. He could accept the Tanzanian representative's paragraph and wondered whether, in the event of its acceptance, any part of operative paragraph 6 need be retained. As to calling on the United Kingdom Government, the very fact that there was an illegal régime in Southern Rhodesia made it impossible for the United Kingdom to respond effectively to such a call; with respect to the Libyan representative's suggestion, he certainly could not accept a call on his Government to desist from "its" practices of racial discrimination in Southern Rhodesia.

28. Mr. MIRZA (Pakistan) said that, while he could accept the formulation of the representative of the United Republic of Tanzania, he wished to make it clear that the Pakistan Government took the view that the United Kingdom Government was able to end the rebellion in Southern Rhodesia but was not willing to do so.

29. Mr. NASINOVSKY (Union of Soviet Socialist Republics) remarked that although legally a call on the illegal régime in Southern Rhodesia would not signify recognition, a direct or indirect appeal to that régime might give the impression that the United Nations was willing to negotiate with it, which it was not. But there was a legal authority in Southern Rhodesia—the United Kingdom Government, and that Government had the economic and military means of compelling the illegal régime to comply with the resolutions of the United Nations, including the present one. His delegation could accordingly accept both the Tanzanian representative's formulation and a call on the South African and United Kingdom Governments to ensure the implementation of pertinent United Nations resolutions.

30. The PRESIDENT observed that there had been no opposition to the United States amendment to operative paragraph 5.

The amendment was adopted unanimously.

31. The PRESIDENT observed that there had been no opposition to the text proposed by the representative of the United Republic of Tanzania. He noted that that representative was not pressing for the inclusion of a paragraph calling on the United Kingdom Government to ensure the elimination of racial discrimination in Southern Rhodesia.

32. Mr. FORSHELL (Sweden) welcomed the position taken by the representative of the United Republic of Tanzania. An appeal to the United Kingdom Government should not appear in the present resolution primarily because the question of Southern Rhodesia was being dealt with by the Security Council.

33. Mr. ZOLLNER (Dahomey) said that his delegation was not opposed to an appeal to the United Kingdom Government, which was legally responsible for the affairs of Southern Rhodesia, but in view of the de facto situation it recognized that that Government and the South African Government should not be placed on the same footing. He therefore proposed that the following new paragraph should be added:

"Also calls upon the Government of the United Kingdom to take the necessary measures to end such practices in Southern Rhodesia."

34. Mr. BAL (Belgium) agreed with the previous speaker that the South African and United Kingdom Governments should not be placed on the same footing, but held that his formulation, like other appeals to the United Kingdom, in the matter, went beyond the competence of the Economic and Social Council.

35. Mr. MIRZA (Pakistan) said that, while he could support the Dahomean amendment, which was similar to a suggestion he had made earlier, that amendment would preclude any possibility of reaching unanimity on the draft resolution. In his view, unanimity could still be achieved on the original wording of operative paragraph 6. He assured the United Kingdom representative that the words "illegal régime in Southern Rhodesia" could not constitute a recognition of that régime because even rebels had a position in international law in that they were internationally responsible for some of their acts. He appealed to the sponsors not to press their amendments to the vote.

36. Mr. TREMBLAY (Canada) supported the United Kingdom amendment because the same words should not be used to address Governments in very different positions. He could not, however, accept either the Tanzanian or the Dahomean amendment. First, those amendments raised the problem of what attitude the Council should take to a de facto situation which was outside its competence and must be settled by the Security Council and the other political organs of the United Nations. Secondly, if it was considered that racial discrimination constituted a particular problem in Southern Rhodesia because the de facto régime in control of the country was preventing the United Kingdom from applying a non-discriminatory policy, the Council could hardly, in all logic, ask the United Kingdom to put an end to that policy.

37. Sir Samuel HOARE (United Kingdom) said that, while the Pakistan representative might be correct with regard to international law, he himself was less concerned with international law than with the effect on the illegal régime of Southern Rhodesia, which was recognized by no one, of receiving a direct appeal from the United Nations. The United Nations should avoid even the appearance of making a request to that régime. It was for that reason that he had proposed his amendment.

38. The other amendments turned on the question of what steps the United Kingdom should take to put an end to the illegal régime in Southern Rhodesia. While the termination of that régime and the establishment of a legal régime based on racial equality was his country's first and only aim in Southern Rhodesia, difficulties arose over how that régime was to be terminated. To ask the United Kingdom to take certain steps to put an end to racial discrimination in a country which was dominated by an illegal régime was to ask it to do something it could not do except through the overthrow of that régime. That was a political question which must be considered in the General Assembly.

39. Although he regarded the formulation in the original text as unsatisfactory, if the Council decided to vote on it, he would merely abstain.

40. Mr. BLAU (United States of America) said that, although his delegation had abstained in the Social Committee on the draft resolution under consideration, it was now prepared to vote for that text. However, in order to avoid a possible, and in his view entirely unreasonable, interpretation that operative paragraph 6 constituted a recognition of an illegal régime or an attempt by the United Nations to open direct relations with that régime, the Council had been led into a discussion of legal, political and even military considerations far beyond its competence and, although almost all representatives agreed on the substance of the draft resolution and on the need to adopt it with near unanimity, unanimity seemed to be further away than it had been at the outset. Since the United Kingdom representative had indicated that he was prepared to abstain on that paragraph, the only way now of reaching the desired unanimity would be to return to the original drafting. He therefore appealed to the sponsors of amendments to withdraw them.

41. Mr. FERNANDINI (Peru) also stressed the need for unanimity on the draft resolution, which would be out of the question if the amendments were pressed. However, he agreed with the point raised by the United Kingdom representative that the United Nations should not make an appeal to the illegal régime of Southern Rhodesia. In order to avoid any suggestion of extending legal recognition to that régime, he suggested that the paragraph might read as follows:

"Calls upon the Government of the Republic of South Africa to desist from its open and nefarious practices of racial discrimination and intolerance against the African and other non-white peoples in the Republic of South Africa, the Territory of South West Africa under the direct responsibility of the United Nations, and condemns the illegal régime of Southern Rhodesia for these same practices."

42. Mr. ZOLLNER (Dahomey) said he could not accept the Peruvian suggestion because the practices of the illegal régime of Southern Rhodesia had already been condemned; the purpose of operative paragraph 6 was to ask the Southern Rhodesian authorities and the United Kingdom to take measures to put an end to those practices. He shared the United Kingdom representative's misgivings about a direct appeal to the Southern Rhodesian authorities, but, to press that representative's logic one step further, in the absence of legal authorities in Southern Rhodesia, surely the Council must appeal to the legal Government of that country, which was the United Kingdom. While his delegation would not withdraw its amendment and wished it to be included in the Council's report to the General Assembly, it would not press it to a vote. It would support the Tanzanian amendment instead.

43. Mr. VARELA (Panama) remarked that, the Council should realize that an appeal to the United Kingdom to end the practices of racial discrimination in Southern Rhodesia was a far broader issue than any with which it was concerned. Since members seemed to be in agreement on the principle of condemning the illegal régime of Southern Rhodesia and its practices of racial discrimination and the same practices in South Africa and of calling on it to desist from those practices, operative paragraph 6 might be recast into two paragraphs, reading as follows:

"Condemns the illegal régime of Southern Rhodesia and its open and nefarious practices of racial discrimination;

"Condemns the open and nefarious practices of racial discrimination of the Government of the Republic of South Africa and the intolerance shown against the African and other non-white peoples, and calls upon that Government to desist from such practices which violate human rights."

44. The words "the Territory of South West Africa under the direct responsibility of the United Nations" in that paragraph should be deleted since, although true, they merely emphasized the impotence of the United Nations to alleviate the plight of the population of South West Africa. The words "non-white peoples" in his proposed second paragraph would include the non-white population of South West Africa.

45. Mr. ATTIGA (Libya) said that, as the title of the agenda item indicated, the draft resolution was concerned, not with condemnation, but with the implementation of international instruments against racial discrimination where they were not being heeded. Since the purpose of the draft resolution was to draw attention to that situation and to urge the implementation of those instruments, each of its operative paragraphs called for action. The Council could either adopt operative paragraph 6 as it stood or, if it divided that paragraph into two in order to skirt the legal implications of including a direct appeal to a rebel colony, it must, according to the draft resolution's internal logic, not merely condemn that régime but also call for action, if not by the illegal, then by the legal authorities.

46. In order to avoid the cynical misinterpretation that the words "the Territory of South West Africa under the direct responsibility of the United Nations" absolved the Government of the Republic of South Africa of the obligation of eliminating racial discrimination and in order to recognize the divergence between the de jure and the de facto situation in that Territory, those words should be replaced by "the illegally held Territory of South West Africa".

47. Mr. JHA (India) proposed the insertion of the following new paragraph between operative paragraphs 6 and 7:

"Furthermore calls upon those countries which are still in a position to do so to ensure the cessation of such practices on the part of the illegal régime of the rebellious colony of Southern Rhodesia."

48. The PRESIDENT suggested that the discussion of the item should be suspended until the Council had before it the written text of the various amendments. He would arrange with the Chairman of the Social Committee to reschedule the item for discussion at a time when the members of that Committee could conveniently attend.

It was so agreed.

The meeting rose at 1.15 p.m.

