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Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND EIGHTIETH MEETING

Held at Headquarters, New York,
on Thursday, 20 February 1964, at 3.35 p.m.

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Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.683, L.684/Rev.1, L.685, L.686; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

PRESENT:

<u>Chairman:</u>	Mr. PONCE y CARBO	(Ecuador)
<u>Rapporteur:</u>	Mr. IGNACIO-PINTO	Dahomey
<u>Members:</u>	Mr. MATSCH	Austria
	Miss AITKEN	Canada
	Mr. MARTINEZ SOTOMAYOR	Chile
	Mr. REDONDO)	Costa Rica
	Mr. VOLIO)	
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA-GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY	India
	Mr. SPERDUTI	Italy
	Mr. HAKIM)	Lebanon
	Miss TABBARA)	
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	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>Also present:</u>	Mrs. LEFAUCHEUX	Commission on the Status of Women

Observers from Member States:

Mr. BARROMI	Israel
Mr. KOSOSONKOLE	Uganda
Mr. MELOVSKI	Yugoslavia

PRESENT (continued)

Representatives of specialized agencies:

Mr. FARMAN-FARMAIAN	International Labour Organisation
Miss BARRETT) Mr. SALSAMENDI)	United Nations Educational, Scientific and Cultural Organization
Mrs. MEACHER	World Health Organization
<u>Secretariat:</u> Mr. HUMPHREY	Director, Division of Human Rights
Mr. LANDAU	Secretary of the Commission

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.683, L.684/Rev.1, L.685, L.686; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

Mr. HAKIM (Lebanon) introduced the joint Lebanese-Philippine amendment (E/CN.4/L.686), which replaced the corresponding amendments in the Lebanese (E/CN.4/L.682) and Philippine (E/CN.4/L.683) proposals.

The Italian amendment had the merit of removing from the preambular paragraph beginning "Concerned" a passage which did not logically belong in it, and also of adding the worthy concept of "building ... a universal society free from all forms of segregation and racial discrimination" (E/CN.4/L.685, provisional translation). He would suggest, however, deleting the words "as quickly as possible" in the second part of the amendment, as that would make the resultant paragraph clearer and stronger. Also, the Italian amendment would render superfluous the last part of the final preambular paragraph, beginning with "and to secure"; that passage should be deleted and the next line altered to read "The Contracting States have agreed as follows:".

Mr. MOROZOV (Union of Soviet Socialist Republics) believed that the sponsors of joint amendment E/CN.4/L.686 had been wrong not to retain the notion that the Charter imposed on Members the obligation of ensuring universal respect for human rights. The word "universal" in that context meant the entire population of a given country, and surely all States must ensure universal enjoyment of human rights in that sense. He hoped that the sponsors would still find it possible to alter their text.

Reverting to a matter he had raised at the preceding meeting, he observed that the United States amendment to the preambular paragraph referring to the Declaration on the granting of independence to colonial countries and peoples (E/CN.4/L.684) was virtually identical with the paragraph which the United States had proposed the preceding year to the draft Declaration on the Elimination of All Forms of Racial Discrimination (E/CN.4/L.635 and Corr.1 and 2). That text had been accepted by the Commission on Human Rights but had subsequently been defeated in the Third Committee and replaced by a stronger wording (A/C.3/L.1068/Rev.2 and Add.1).

(Mr. Morozov, USSR)

The United States delegation was now trying to revive a formula which had only a few months earlier been rejected by the General Assembly. The USSR delegation could, on the other hand, accept the Philippine amendment to paragraph 3 (E/CN.4/L.683), since it preserved the idea supported by the General Assembly - that the practices of segregation and discrimination connected with colonialism should be brought to a speedy and unconditional end. The United States and United Kingdom delegations seemed anxious not to mention that idea in the draft convention, but he doubted that the Commission would agree to retreat from the statement approved by the General Assembly.

The Italian amendment (E/CN.4/L.685, provisional translation) employed the equivalent of the word "society" in Russian, whereas the proper word was "community"; the former referred to a homogeneous group, while the latter referred to groups of the kind represented by the United Nations - different countries living in association with each other. He could support the Italian amendment if the Russian version was suitably modified.

Mr. BRILLANTES (Philippines) said that for the sponsors of joint amendment E/CN.4/L.686 to modify their text as requested by the USSR representative would be a reversal of their position, which was to adhere as closely as possible to the terms of the Charter. The USSR representative should note, however, that the idea of an obligation on Member States was implicit in the words "all States Members have pledged themselves".

Mr. CHAKRAVARTY (India) recalled that, in the light of the Commission's discussion, the Lebanese representative had submitted an amendment to preambular paragraph 1 (E/CN.4/L.682) based on Article 1, paragraph 3, and Article 56 of the Charter. The Philippines had introduced an amendment to the same paragraph (E/CN.4/L.683) which was based on Articles 55 and 56 and had the additional merit of brevity. But the joint amendment now proposed by the Lebanese and Philippine delegations (E/CN.4/L.686) merely added a redundant phrase, lengthening the Philippine text without improving it. He therefore asked the two sponsors to consider restoring the original Philippine amendment to preambular paragraph 1 (E/CN.4/L.683), with the addition of the words "to ensure".

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(Mr. Chakravarty, India)

With respect to the new paragraph proposed by Italy he agreed with the USSR representative that the expression "community" was better than "society".

Miss TABBARA (Lebanon) said that her delegation would consult with the Philippine delegation and draw up a revised text to meet the objections of the Indian delegation.

Mr. BRILLANTES (Philippines) thought that the Commission, in describing United Nations activities, should be careful not to depart from established terminology. It would therefore be preferable, in the new paragraph proposed by Italy (E/CN.4/L.685), to replace "universal society" by "world society", an expression which had been used in the final preambular paragraph of the Declaration on the Elimination of All Forms of Racial Discrimination.

Mr. MOROZOV (Union of Soviet Socialist Republics) remarked that in the case of the Declaration, the words "world society" in the English text had been translated into Russian as "vsemirnoe soobshchestvo", which meant "world community".

Like the Indian representative, he had some doubts concerning the joint amendment (E/CN.4/L.686). That text did not adequately express the idea contained in the Sub-Commission's draft of preambular paragraph 1 (E/CN.4/873) that the struggle against all forms of racial segregation and racial discrimination was an obligation which Member States had assumed by signing the United Nations Charter.

Mr. SPERDUTI (Italy) accepted the Lebanese proposal for the deletion of the phrase "as quickly as possible" in his amendment (E/CN.4/L.685, para.2), and agreed with the Lebanese representative that the second clause in the final preambular paragraph of the Sub-Commission's draft (E/CN.4/873) should be deleted to avoid repetition. He explained that he had used the expression "société universelle", because it appeared in the French text of the final preambular paragraph of the Declaration on the Elimination of All Forms of Racial Discrimination. Personally he preferred the word "community", because it would stress the development of a society of individualistic groups into a community bound by social ties.

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Mr. BRILLANTES (Philippines) thought that the problem raised by that expression concerned translation, not substance. The wording of the Declaration should be followed in all official languages.

Sir Samuel HOARE (United Kingdom) said that the joint amendment (E/CN.4/L.686) in its intention and in most of its terms was satisfactory to his delegation. Under Article 56 of the Charter the Members pledged themselves to take joint and separate action for the achievement of the purposes set forth in Article 55. Those purposes were purposes of the United Nations, which the United Nations should promote. The wording of the joint amendment was consequently more accurate than that of the Philippine amendment (E/CN.4/L.683); however, it was ambiguous in that the uninformed reader might assume that the pledge was limited to only one of the purposes of the United Nations. Furthermore, the pledge under Article 56 of the Charter was to achieve, not all the purposes of the United Nations, but the three specific purposes set out in Article 55. Accordingly, he suggested that the words "for the achievement of one of the purposes of the United Nations which is to promote" in the joint amendment should be changed to read: "for the achievement of the purposes set out in Article 55 of the Charter, which include the promotion of".

Turning to preambular paragraph 3, he explained, for the benefit of the USSR representative, that he had no responsibility for the United States amendment (E/CN.4/L.684/Rev.1). He had merely examined the Declaration on the granting of independence to colonial countries and peoples, and had noted that the Sub-Commission's text (E/CN.4/873) and the Philippine amendment (E/CN.4/L.683) did not accurately cite the two relevant preambular paragraphs of the Declaration, whereas the United States amendment (E/CN.4/L.684) cited one paragraph accurately but omitted the other. The United States representative had then agreed to complete the text. It would be desirable to turn preambular paragraph 3 into a precise statement of what the two preambular paragraphs of the Declaration on the granting of independence to colonial countries and peoples actually said. If the Commission could not agree on that, it might as an alternative adopt as preambular paragraph 3 the language of the fourth preambular paragraph of the Declaration on the Elimination of All Forms of Racial Discrimination. He did

(Sir Samuel Hoare, United Kingdom)

not wish in any way to modify the substance of the Sub-Commission's draft on that point; his concern was merely just to ensure that documents were accurately cited.

His delegation could accept the new paragraph proposed by Italy (E/CN.4/L.685), as orally amended.

Mrs. TREE (United States of America) pointed out that the USSR representative had confused her amendment (E/CN.4/L.684) with the text of the same preambular paragraph adopted by the Commission at its nineteenth session and transmitted to the General Assembly. However, her delegation agreed with the substance of the Philippine text (E/CN.4/L.683) and would be prepared to support it. She would therefore not press her amendment to a vote.

Mr. BENITES (Ecuador) said that the Commission should distinguish clearly between the concept of a universal or world society to which the Italian amendment (E/CN.4/L.685) referred and that of a world community. A "society" was generally founded on mutual interests, inspired by material values and dependent on the maintenance of a balance of power among the various components. A "community", on the other hand, was founded on a consensus of opinions or convictions, inspired by spiritual values and dependent for its cohesiveness on genuine co-operation among its members. The present era was one of transition from a "society" to a "community", with aspirations towards the ideal of a "world community". He suggested that the term "international community" would be a more realistic one to use in the new paragraph proposed by the Italian delegation.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) supported that term, as it reflected the fact that the world was made up of diverse societies in relationship with one another. He hoped that the Italian delegation could find some way to indicate clearly that it was not only for the future community of nations that racial discrimination must be eradicated, but also for the existing world community. Care must be taken to ensure that the meaning of the text was the same in all the official languages.

Mr. SPERDUTI (Italy) assured the Ukrainian representative that it was clear from the first part of his proposed new paragraph that all existing racial discrimination was to be eradicated. He was prepared to accept the Ecuadorian suggestion to replace the words "universal society" in his text by the expression "international community".

Mr. BRILLANTES (Philippines) felt that while it had been fitting, in the Declaration on the Elimination of All Forms of Racial Discrimination, to introduce the new concept of building a future world community free from all forms of racial segregation and discrimination, the injection of that idea into the convention, a legally binding instrument, might lead to controversy.

Mr. SPERDUTI (Italy) pointed out that the idea of such a world community had already been expressed in article 28 of the Universal Declaration of Human Rights in more comprehensive terms. It should be understood in the context of the whole paragraph and of the whole preamble in relation to the problem of eradicating racial discrimination.

Mr. BENITES (Ecuador) observed that history bore out the fact that the world had progressed towards acceptance of the concept of an international community based on co-operation among nations. The mere fact that the League of Nations had been succeeded by the United Nations, an Organization whose Charter enjoined upon its Members to alter the past relationships between States and strive towards international co-operation, substantiated that view.

The meeting rose at 6.10 p.m.