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COMMISSION ON HUMAN RIGHTS  
Nineteenth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND THIRTY-NINTH MEETING

held at the Palais des Nations, Geneva,  
on Tuesday, 12 March 1963, at 10.50 a.m.

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PRESENT:

Chairman:

Rapporteur:

Members:

Canada

China

Denmark

France

India

Lebanon

Liberia

Netherlands

Panama

Philippines

Poland

Turkey

Ukrainian Soviet Socialist Republic

Union of Soviet Socialist Republics

United Kingdom of Great Britain  
and Northern Ireland

United States of America

Mr. PAZHWAQ (Afghanistan)

Mr. SPERDUTI (Italy)

Miss AITKEN

Mr. CHENG Paonan

Mr. MADSEN

Mr. CASSIN

Mr. CHAKRAVARTY

Mr. HAKIM

Mr. DOE

Mr. BEAUFORT

Mr. JIMENEZ

Mr. BRILLANTES

Mr. RESICH

Mr. WIECZOREK

Mr. LÜTEM

Mr. NEDBAILO

Mr. NASSINOVSKY

Sir Samuel HOARE

Mrs. TREE

Observers for Member States

Cuba

Iraq

Israel

Yugoslavia

Mr. CAMEJO-ARGUDIN

Mr. KITTANI

Mr. ROSENNE

Mr. SOC

Representative of specialized agencies

International Labour Organisation

World Health Organization

Mr. METALL

Mr. FEDELE

Secretariat:

Mr. HUMPHREY

Mr. TARDU

Director,  
Division of Human Rights  
Secretary of the Commission

## ORDER OF CONSIDERATION OF ITEMS (E/CN.4/833 and Add.1; E/CN.4/L.633)

The CHAIRMAN recalled that at its previous meeting the Commission had decided to consider item 12 of the agenda first and had asked its officers to make suggestions concerning the order of consideration of the other items. Their suggestions had been circulated (E/CN.4/L.633). They were merely suggestions, which the Commission could alter, if it so wished.

Mr. CASSIN (France) said he appreciated the efforts made by the Commission's officers to reconcile the views expressed. While the plan suggested seemed satisfactory, in the sense that it took into account the General Assembly's wishes by giving priority to the items which the Assembly had asked the Commission to consider as a matter of urgency, there was a moral aspect which had been overlooked. As regards procedure, the General Assembly had not separated the subjects of items 12 and 13. To insert two important items between them without giving any convincing reason for doing so could only lead to misinterpretation. As regards substance, racial discrimination had certainly led, particularly during the Second World War, to acts whose horror was still present in the minds of all. It must not be forgotten, however, that many similar crimes had been committed throughout the centuries as a result of religious intolerance. While there had been some improvement of late, the legacy of history was so heavy that the separation of the two forms of discrimination was unacceptable both intellectually and morally.

Furthermore, the Commission was not an administrative or political body, but a humanitarian one. It should remember that for the past year or more the leaders of religious movements with hundreds of millions of members had been protesting against religious intolerance. World-wide interest had been shown in the Vatican Council. If the Commission gave third or fourth place in the order of priority to a problem which was a matter of present and universal concern, it would be lagging behind world public opinion and would be laying itself open to the criticism that, while it had faithfully carried out the General Assembly's instructions, it had, by treating that problem as mere routine, missed the opportunity to shoulder the considerable responsibility placed upon it by the Charter. He had wished to make those remarks before any proposal was submitted and before a vote was taken. They should be given serious consideration, for what would apparently be a procedural vote was really a vote on substance.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) thought that since views differed on the order in which items should be discussed, it would be better to take a decision on the matter first, so that the Commission's work could be properly organized. The officers had spent a great deal of time considering the question, and in making their suggestions, which had emerged from a compromise, they had taken into account all the views expressed at the previous meeting. Although he did not agree entirely with the order suggested, he was prepared to accept it.

The argument put forward by the French representative that items 12 and 13 should be discussed consecutively could equally well be applied to other items. For example, political discrimination was as closely related to racial discrimination as was religious intolerance, and it could therefore be argued that item 6(b) should be considered along with items 12 and 13. It should be specially emphasized that the Sub-Commission had recommended the Commission to give priority to the consideration of item 6(b) in view of its exceptional importance.

Sir Samuel HOARE (United Kingdom) said he fully appreciated the difficulties with which the officers had been faced and what he was about to say was in no way intended as a criticism. He regretted the officers' suggestion that item 13 be considered so long after item 12. Like the French representative, he was concerned by the impression that would create. Both items were on the Commission's agenda at the General Assembly's request and, that being the case, placing one of them lower on the agenda than the other might lead to the assumption that the Commission attached less importance to the one than to the other. The Commission had received no similar request from the General Assembly with regard to item 6(b), to which the USSR representative had referred. He agreed with all the French representative's remarks.

Mr. HAKIM (Lebanon) did not agree that to place item 13 lower on the agenda than item 12 meant that less importance was being attached to it. While it was true that the General Assembly's instructions on both items had been received at the same time, the Sub-Commission on Prevention of Discrimination and Protection of Minorities had dealt with them differently. The Commission had before it a draft declaration relating to item 12, but had been referred back to a previous study in connexion with item 13. Item 12 could probably be dealt with

more quickly than item 13, since the Sub-Commission had studied it very thoroughly; it would be reasonable, therefore, for the Commission to discuss it first. He was sure that the officers had made the efficiency of the Commission's work a consideration in submitting its suggestions. The order in which items had been listed for consideration should not be taken as indicating the degree of importance to be attached to them.

Mr. CHENG Paonan (China) proposed that the Commission should consider items 13, 6(b), and 6(a) after item 12, since those items were all related. The order suggested by the officers could then be followed.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) said that the officers' suggestions probably represented the best compromise that could be reached. The basic issue had been the timing of the consideration of items 12 and 13. The Commission would recall how the items had acquired their separate status during discussions in various organs of the General Assembly. They had been sent to the Commission as separate items, separate decisions would be taken on them, and separate reports on them would be submitted to the General Assembly, so there was no reason why they should be discussed together. The suggestion that two items should be considered in between in no way meant that item 13 was considered less important than item 12. He had suggested that item 6(b) should be considered first, but was prepared to follow the officers' suggestions. He appealed to the French representative not to press his proposal to discuss item 13 immediately after item 12. He might rest assured that the Ukrainian delegation would give its full attention to both items.

Mr. BRILLANTES (Philippines) maintained that the chief criterion for determining the order in which the various items were to be considered should be their relative urgency. That was why he had originally supported the Lebanese proposal that item 10 should be taken first. The absence of the relevant documentation had prevented that, and the Commission had decided to consider item 12 first. While the first four items appearing in the officers' suggestions were all on the Commission's agenda by virtue of specific instructions from the General Assembly, he concurred in the view that item 12 was the most urgent.

Racial discrimination covered discrimination in many spheres, including politics, and education, employment and occupation. In none of those spheres, except education, had the United Nations taken any action so far. While the Commission had before it a draft declaration on the elimination of all forms of racial discrimination, the Sub-Commission had not prepared a draft declaration on the elimination of all forms of religious intolerance (item 13). That had still to be drawn up by the Commission. The Commission should therefore consider item 12 before item 13. While there were grounds for taking item 13 directly after item 12, the more immediate urgency of item 10 made it highly desirable that it should be considered as soon as the documentation was available. Item 14 should probably not be considered before item 13, since the United Nations had already taken action to protect the rights of the child. He proposed therefore that the order of priority should be items 12, 10, 13, 14, the remaining items to be dealt with in the order suggested by the officers (E/CN.4/L.633).

Mr. CASSIN (France) said that, so far as the practical organization of the Commission's work was concerned, his viewpoint was very close to that of the Lebanese representative; he merely wished to avoid the possibility that the Commission might some day be embarrassed on account of the moral aspect of the matter. He therefore proposed that item 12 be considered first, as the officers had suggested, and that a general discussion of item 13 should ensue. The Commission would probably instruct a group of its members to prepare a draft declaration on that subject. Meantime, it might proceed to consider items 10 and 14. When the declaration had been drafted, the Commission could complete its consideration of item 13. Two questions as closely related as those in items 12 and 13 could not be arbitrarily separated, and to meet the General Assembly's wishes, the Commission should be able to present draft declarations on those two problems simultaneously.

The CHAIRMAN observed that the Commission now had before it three formal proposals submitted by the representatives of China, the Philippines and France. He asked whether the authors of those proposals still wished to maintain their positions in the light of the discussion.

Mr. CHENG Paonan (China) said that, in view of the urgency of item 10, he withdrew his proposal that items 6(b) and (a) should be discussed before it and would support the French proposal; it was a reasonable compromise. He assumed that when the Commission dealt with items 12 and 13, it would be concerned only with the draft declarations, and not with the draft conventions.

The CHAIRMAN said that that was for the Commission to decide.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) pointed out that in addition to the various proposals which the Chairman had stated were before the Commission, there was also the officers' proposal.

The CHAIRMAN observed that the officers' suggestions were open to amendment. The only formal proposals before the Commission were the French and Philippine proposals for such amendments.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) explained that he had understood that there was a formal proposal before the Commission that the order of priority should be that set out in the officers' suggestions. If that was not so, he was prepared to move them as a formal proposal.

Mr. WIECZOREK (Poland) observed that nothing new had been said. The order of priority established by the Commission's officers was a compromise which took the views already stated into account, and so he proposed that the items be dealt with in that order.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) supported that proposal.

Mr. BRILLANTES (Philippines) withdrew his proposal, on the understanding that, if item 13 was considered before item 10, there would still be time for the Commission to take the necessary action on item 10.

Mr. NASSINOVSKY (Union of Soviet Socialist Republics) said that the French proposal would prolong the discussion of item 13 unnecessarily. He would vote against it.

Mr. SPERDUTI (Italy), speaking as the Rapporteur, recalled the difficulties which had led to a change in the logical order in which the items of the provisional agenda had been arranged. The first five items listed in the document (E/CN.4/L.633) should in any case be considered first. As the representative of the Philippines had very rightly observed, item 10 was urgent,

since the Economic and Social Council was to study that question in the near future. Similarly, item 14 was to be placed before the Third Committee of the General Assembly at its next session. A decision must be taken on those items so as not to hold up their work. The officers had therefore proposed an order which took account of that and of the fact that some documents had been ready before others.

Speaking as the representative of Italy, he observed that the French representative's proposal should enable some difficulties which had been raised to be overcome while the order suggested by the officers might be retained. The Italian delegation would vote for the French proposal.

Miss AITKEN (Canada) said that she felt that item 3 should be considered earlier. It was non-controversial and what the Commission decided would have financial implications. She proposed that item 3 should be considered immediately after item 10.

Sir Samuel HOARE (United Kingdom) said that he fully appreciated the importance of dealing with item 3 during the session, but so should, for instance, items 6(c) and 9, and perhaps item 7. He therefore doubted whether it was really necessary to put item 3 first. The Canadian proposal, moreover, had no bearing on the particular point which the Commission was discussing, and its introduction at that stage was likely to confuse the issue.

The CHAIRMAN put to the vote the French and Canadian proposals, as amendments to the officers' proposals. (E/CN.4/L.633)

The French proposal was adopted by 10 votes to 4, with 4 abstentions.

The Canadian proposal was rejected by 5 votes to 1, with 12 abstentions.

The officers's proposals (E/CN.4/L.633), as amended, were adopted by 17 votes to none, with 1 abstention.

The meeting rose at 12.40 p.m.