



UNITED NATIONS
GENERAL
ASSEMBLY



Distr.
GENERAL

A/CONF.32/PC/SR.30
26 July 1967
ENGLISH
ORIGINAL: FRENCH

PREPARATORY COMMITTEE FOR THE INTERNATIONAL
CONFERENCE ON HUMAN RIGHTS

Third Session

SUMMARY RECORD OF THE THIRTIETH MEETING

Held at Headquarters, New York,
on Wednesday, 12 April 1967, at 3.50 p.m.

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PRESENT:

<u>Chairman:</u>	Mr. SLIM	(Tunisia)
<u>Rapporteur:</u>	Mr. BEEBY	New Zealand
<u>Members:</u>	Miss FLETCHER	Canada
	Mr. OLARTE	Colombia
	Mr. PAOLINI	France
	Mr. JHA	India
	Mr. HOVEYDA	Iran
	Mr. SCOLAMIERO	Italy
	Miss MARTINEZ	Jamaica
	Mr. FAKIH	Kenya
	Mr. CHAMMAS	Lebanon
	Mr. CHEIKH ABDALLAHI	Mauritania
	Mr. MOHAMMED	Nigeria
	Mr. MIRZA	Pakistan
	Mr. RIOS	Panama
	Mr. YANGO	Philippines
	Mr. CZAJKOWSKI	Poland
	Mr. WARSAMA	Somalia
	Mr. BEN AISSA	Tunisia
	Mr. NASINOVSKY	Union of Soviet Socialist Republics
	Miss RICHARDS	United Kingdom of Great Britain and Northern Ireland
	Mr. CATES	United States of America
	Mr. BERRO	Uruguay
	Mr. LAZAREVIC	Yugoslavia

Representatives of specialized agencies:

	Mr. ABDEL-RAHMAN	International Labour Organization
	Mr. SALSAMENDI	United Nations Educational, Scientific and Cultural Organization
	Dr. THOMEN	World Health Organization
<u>Secretariat:</u>	Mr. SCHREIBER	Director, Division of Human Rights
	Mr. ROMANOV	Secretary of the Committee

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PROVISIONAL AGENDA OF THE CONFERENCE (A/CONF.32/PC/R.1 and 2; A/CONF.32/PC/5 and Corr.1 and Add.1; Conference Room Paper No. 7)

The CHAIRMAN, drawing attention to document A/CONF.32/PC/5/Add.1 and, in particular, to paragraphs 3 and 4 thereof, invited the Committee to consider the recommendation of the Commission on Human Rights that it should place on the agenda of the Conference the item "Study of special problems relating to human rights in developing countries".

Mr. MIRZA (Pakistan) had no objection to that question being placed on the agenda of the Conference, but to provide for a study of problems and not also of measures to solve them would be going halfway, and he did not think that problems relating to human rights in developing countries were by definition different from those encountered in developed countries. He therefore asked for what reasons the Commission on Human Rights had made that recommendation.

Miss MARTINEZ (Jamaica) had the same question.

Mr. MOHAMMED (Nigeria), who had participated in the discussions in the Commission on Human Rights, thought that the other members of the Committee could not really understand why the Commission on Human Rights had made that recommendation or engage in a fruitful discussion until they had before them such documents as the statement of Princess Ashraf Pahlavi, the representative of Iran, the Commission's resolution, and the report of the Seminar on Human Rights in Developing Countries held at Dakar the previous year; the Committee would therefore be better advised to take up another item at present.

Mr. SCOLAMIERO (Italy) would like the Secretariat to indicate the facts on which its note (A/CONF.32/PC/5/Add.1) had been based.

Mr. SCHREIBER (Secretariat) said that the question of special problems relating to human rights in the developing countries had been placed on the agenda of the Commission on Human Rights after the Seminar held on that subject at Kabul in 1964. Some of those problems had also been mentioned at the 1966 Dakar Seminar.

The Commission on Human Rights had not had the time to study that question thoroughly, but the matter had been commented on by Princess Ashraf Pahlavi, the

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representative of Iran, who had said that the developing countries experienced special problems in enforcing the norms proclaimed by the United Nations in the matter of human rights. The Commission had adopted a resolution in which it had referred to the Kabul and Dakar Seminars, expressed regret that for lack of time it had not examined the item at its twenty-third session, and decided to consider it at its twenty-fourth session as a matter of priority; it had invited the Preparatory Committee to consider placing the question on the agenda of the Conference, and it had also requested the Secretary-General to organize additional seminars on the subject of the special problems relating to human rights in developing countries.

He said, in conclusion, that the reports of the Seminars and the text of Princess Ashraf Pahlavi's statement were available to members of the Committee.

The CHAIRMAN, referring to Economic and Social Council resolution 1126 (XLI) mentioned in paragraph 3 of document A/CONF.32/PC/5, reminded members that if they decided to place that question on the agenda, it would also be necessary to decide what place the new item should occupy in the provisional agenda approved earlier.

Mr. NASINOVSKY (Union of Soviet Socialist Republics), noting that the Commission on Human Rights had considered the question of slavery, asked Mr. Schreiber from what angle it had approached that question and what decisions, if any, had been taken.

Mr. SCHREIBER (Secretariat) replied that the Commission on Human Rights had considered the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, at its last session, had adopted a resolution (resolution 13 (XXIII)) and had recommended a draft resolution for adoption by the Economic and Social Council.

In its resolution, the Commission had requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake regular consideration of the question of slavery in all its forms, including the

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slavery-like practices of apartheid and colonialism, taking into account the study and recommendations prepared by the Council's Special Rapporteur and any other pertinent material, to consider information submitted by the States Parties to the 1966 Supplementary Convention on the Abolition of Slavery, and to report to the Commission its recommendations on measures designed to help the United Nations and Member States which so desired in dealing with problems of slavery and the slave trade, in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism. The Commission had then requested the Secretary-General to prepare an analysis of the resources which might be useful in eliminating all vestiges of slavery, and the slavery-like practices of apartheid and colonialism, including relevant experience in enforcing prohibitions on clandestine trade in narcotics. Lastly, the Commission had decided to retain the item on its agenda.

In that same resolution, the Commission on Human Rights had then recommended that the Economic and Social Council should adopt a resolution requesting the Commission on the Status of Women to study the report of the Special Rapporteur on Slavery and to formulate specific proposals for immediate and effective measures which the United Nations could adopt to eradicate all forms and practices of slavery and the slave trade affecting the status of women; the Economic and Social Council was also invited to suggest that the Commission for Social Development should take into account the report of the Council's Special Rapporteur on Slavery in developing its work programme; lastly, the Council was asked to request the Secretary-General to organize seminars on measures and techniques which had proved effective in the eradication of slavery, and to invite the specialized agencies, especially the ILO, UNESCO and WHO, to give attention to those problems.

Mr. BEN AISSA (Tunisia), noting that the Committee was undecided as to the two recommendations before it, remarked that both questions had already been discussed at length.

To cover problems relating to human rights in developing countries, the item "Review of progress achieved and identification of major obstacles encountered at the international, regional and national levels" had been included as item 9 of the draft provisional agenda (Conference Room Paper No. 7); that had been the result of a compromise.

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(Mr. Ben Aissa, Tunisia)

To deal with questions relating to slavery, it had been agreed to include under item 11 (d) all human rights and freedoms of individuals.

He wondered whether the problem was one of interpretation and the items on the agenda covered the proposed new items, or whether provision should be made for additional separate items.

Mr. MOHAMMED (Nigeria) said that slavery was one of the most heinous violations of human rights and the item must certainly be included in the agenda of the Conference. He proposed, on behalf of his delegation and that of Pakistan, that the item should be entered in the agenda under its full title, in the wording used by the Economic and Social Council: "The question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism". A number of measures had already been taken with regard to slavery, including conventions, resolutions, declarations, appeals to States to implement the conventions and reports by the Special Rapporteur on Slavery appointed by the Economic and Social Council. The question was highly complex. Some Asian and African States complained that certain traditional practices were denounced as slavery. The International Conference on Human Rights must make a careful study of the means of ensuring observance of the provisions adopted.

Although the same place had not been accorded it in the Convention on the Abolition of Slavery, apartheid represented another of the greatest evils of the time and was steadily worsening. It was significant that the Commission on Human Rights should have decided to appoint a Special Rapporteur with a very broad mandate. It was to be hoped that the Conference would have at its disposal all the necessary documentation concerning the measures taken by the United Nations in the field of apartheid and would be able to arrive at positive results.

Colonialism remained an obstacle to the economic progress - and even the very existence - of peoples of the various races in different regions of the world. That question, which had been so much discussed in the United Nations, merited consideration by the Conference, which should, moreover, have at its disposal the documents of the Committee of Twenty-Four.

Mr. NASINOVSKY (Union of Soviet Socialist Republics) unreservedly supported the proposal submitted jointly by Nigeria and Pakistan.

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Mr. CATES (United States of America) said that the agenda, which had been drawn up after lengthy discussions, was such that all the questions which it might be desirable to consider could be dealt with under it.

If the Committee undertook to spell out the various subjects more than had already been done, there was a risk that those questions relating to human rights not expressly mentioned might be excluded by inference.

The Conference already had the question of apartheid (item 11 (a)) and that of colonialism (item 11 (b)) on its agenda. His delegation did not feel that it would be wise to place on the agenda items which duplicated each other. He suggested that questions concerning slavery might be discussed under sub-item (f). The rights of women in the modern world could be discussed under sub-item (c), which could, if necessary, be reworded.

Mr. BEEBY (New Zealand) drew attention to paragraph 31 of the first progress report (A/6354), in which it was stated that "it might be useful at a later date in accordance with the usual practice to prepare an annotated version of the final agenda of the Conference". It was perhaps in the annotated agenda that a detailed statement should be given of those questions which were not expressly mentioned in the agenda but were implicitly included in it. Such a compromise would solve the problem confronting the Committee of whether particular questions which had been proposed should be regarded as separate items of the agenda or as coming under the items already listed.

Miss MARTINEZ (Jamaica), too, considered it unnecessary to include a separate item on the questions of apartheid and colonialism - as proposed by the Nigerian representative - since sub-items 11 (a) and (b) covered these questions. Moreover, the addition as a separate item of the question of slavery in the terms proposed by the Nigerian representative would upset the balance of the agenda, which comprised not a list of problems to be studied, but a plan for the consideration, in three stages, of all problems relating to human rights. Under that agenda, the Conference would first review what had so far been done in the field of human rights (item 9); secondly, make an evaluation of the effectiveness of the methods used (item 10); and thirdly, formulate recommendations for future action (item 11).

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(Miss Martinez, Jamaica)

For her part, she felt that the number of items on the agenda should be kept to a minimum - a viewpoint which should be shared by those delegations which considered that the Conference should have few committees. The proposal of the New Zealand representative was very sound and offered a compromise solution of which her delegation fully approved.

Mr. MIRZA (Pakistan) remarked that there was nothing new or revolutionary in the wording proposed by the Nigerian representative; it was the self-same wording which the Economic and Social Council and the Commission on Human Rights had arrived at after lengthy discussions and it should be retained without any alteration. It was true that apartheid and colonialism were mentioned in the agenda, but not as slavery-like practices. That aspect had been ignored. The participants in the Brasilia Seminar on Apartheid, including the United States and New Zealand delegations, had nevertheless recognized that apartheid was a form of slavery, and that view was clearly reflected in the conclusions of the Seminar. Since the Committee agreed to mention slavery as such, and was willing to link apartheid with colonialism and recognize that that practice constituted an obstacle to the right of peoples to self-determination and a violation of human rights, he did not see why it should be reluctant to link apartheid with slavery. The agenda must either mention all aspects of apartheid or omit any mention of them. There was no intermediary solution.

The argument of the United States, New Zealand and Jamaican delegations was thus rather weak. The number of agenda items must, indeed, be kept within limits, but not at the cost of sacrificing consideration of so important a problem as the slavery-like practice of apartheid.

Miss FLETCHER (Canada) said there was no doubt that the question of slavery and the human rights problems of developing countries must be considered; the only difficulty was how to bring them before the Conference without compromising the balance of the present agenda, so painstakingly arrived at. The solution was perhaps to follow the suggestion of the New Zealand representative. The inclusion of slavery and slavery-like practices in the annotated agenda would ensure that the question did not escape the attention of the Conference, without any change being made in the agenda itself. The sole object of the request addressed to

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(Miss Fletcher, Canada)

the Preparatory Committee by the Economic and Social Council in resolution 1126 (XLI) was to ensure that the Conference gave attention to the question; the Committee should not interpret it, as the Pakistan representative seemed to be doing, as a request to list the question as a separate agenda item.

Mr. BERRO (Uruguay) feared that too full and detailed an agenda could restrict the Conference's freedom of action and complicate its work instead of facilitating it. It went without saying that all questions relating to human rights should be considered by the Conference and that none should be overlooked - slavery least of all - whether it was listed in the agenda as a separate item or whether provision was made for it to be considered under an existing item. The questions of apartheid and colonialism, which the Nigerian and Pakistan representatives wished to have included in the agenda, could be dealt with under sub-items 11 (a) and (b). Since the Brasilia Seminar had recognized that apartheid was a form of slavery, any mention of apartheid included the slavery aspect. The question of slavery as such might be regarded as coming under sub-item 11 (d), since that sub-item was concerned with the defence of human rights and freedoms of individuals and, consequently, with the struggle against all manifestations and practices which constituted a violation of those rights and freedoms, notably slavery, which was the absolute denial of human freedom. Sub-item (d) might be reworded so as to incorporate the wording used by the Economic and Social Council in resolution 1126 (XLI), operative paragraph 3, and also the present text of that sub-item, which would then read as follows:

"(d) The question of slavery and the slave trade in all their practices and manifestations: measures to strengthen the defence of human rights and freedoms of individuals."

He hoped that his proposal would meet with general approval. While taking into consideration the proposal of the representatives of Nigeria and Pakistan, it should also satisfy those who were concerned to avoid hair-splitting distinctions and over-detailed enumerations, which might give the impression that anything not specifically mentioned was excluded.

Mr. LAZAREVIC (Yugoslavia) thought that the item proposed for inclusion in the agenda of the Nigerian delegation was clearly one that the Conference should consider, as all the delegations seemed to agree; in his opinion, it should be expressly mentioned in the agenda, where it could most appropriately be inserted between sub-paragraphs (b) and (c) of the existing item 11.

Mr. CATES (United States of America) explained to the Pakistan representative that the United States delegation believed that too precise a wording would be restrictive in character. There were many aspects of slavery, including, for example, the important problem of the slavery of women. He believed that the agenda in the form in which it appeared in Conference Room Paper No. 7 would leave the Conference entirely free to take up whatever questions it wished. The various aspects of the basic questions outlined in the agenda appearing in Conference Room Paper No. 7 could be set out in detail in an annotated agenda, as the New Zealand representative had suggested.

Miss MARTINEZ (Jamaica) said that she would like to make it clear, for the Pakistan representative's benefit, that she had never said that the Conference should not discuss slavery, the slave trade, and institutions and practices similar to slavery. The purpose of her intervention had not been to say that such matters should not appear on the agenda but simply to point out that both apartheid and colonialism were already included in the provisional agenda of the Conference, so that it seemed pointless to insert any further reference to them.

Mr. SCOLAMIERO (Italy) said that it would be helpful if the authors of the various proposals would indicate the exact point in the agenda at which they would like the formula they had in mind to be inserted, as the Uruguayan representative had done. References to slavery need not necessarily be inserted under item 11 of the provisional agenda; item 10 also dealt with the protection of human rights and individual liberties, inasmuch as sub-paragraph (a) referred to international instruments designed for that purpose. In that connexion, the existence of the various conventions relating to slavery, which must also be evaluated by the Conference, should not be overlooked.

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Mr. FAKIH (Kenya) said that his delegation was keenly disappointed to note that the question of slavery was not on the provisional agenda of the Conference. Slavery was a scourge under which the African continent had been suffering for far too long, and there could be no excuse for ignoring it.

Apartheid was the modern form of the slavery to which the peoples of Africa had been subjected for centuries; it was in recognition of that fact that the Economic and Social Council had equated the two by coupling them together in the phrase which the Nigerian and Pakistan representatives wished to include in the agenda. His delegation felt that the Economic and Social Council and the Commission on Human Rights were entirely correct in their view of the matter and that the wording which those two bodies had adopted should be retained. He himself would like to see it reproduced in its entirety as sub-paragraph (d) of agenda item 11, with the existing sub-paragraph (d) following it. His suggestion went further than that of the Uruguayan representative, which did not mention the slavery-like practice of apartheid. Its adoption would, of course, entail some redrafting of sub-paragraph (a).

The CHAIRMAN reminded the Committee that it had to decide whether the Economic and Social Council's request should be complied with and, if so, whether the item in question should be expressly included in the agenda or allowed to remain implicit, detailed reference being made to it in the annotated agenda. While some delegations regarded the matter as one which could be dealt with under item 9, 10 or 11 - all of which concerned human rights - others were of the opinion that it must appear as a separate item. With regard to the point at which it should be inserted, the delegations of Pakistan and Nigeria had no marked preference; the Uruguayan representative had suggested redrafting sub-paragraph (d) of item 11 to include the words in question, and the Yugoslav delegation thought that it should have a sub-paragraph to itself, in which case item 11 would acquire an additional sub-paragraph.

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Mr. WARSAMA (Somalia) supported the Nigerian and Pakistan representatives' proposal, observing that, while it was true that apartheid was mentioned in item 11 (a), there was no reference to its slavery-like aspect.

Mr. MOHAMMED (Nigeria) reminded the Committee that his proposal had been designed to ensure that an item which the Economic and Social Council had asked the Committee to include in the agenda of the Conference would appear in full. It had been objected to on the ground of duplication, but he could not accept the argument that apartheid was already mentioned in sub-paragraph (a) of item 11 and that sub-paragraph (b) covered colonialism. It was obvious that, if slavery was mentioned, apartheid must be mentioned, too. The delegations which were proposing that there should be no reference to apartheid might just as well propose the omission of any mention of slavery. As for the New Zealand representative's suggestion that the question should be mentioned in the annotated agenda, he felt that in that case the four other proposals before the Committee would have to be dealt with in the same way. If, however, one of them was to appear in the agenda proper, apartheid and slavery must also be included.

The CHAIRMAN observed that operative paragraph 3 of Economic and Social Council resolution 1126 (XLI), which was referred to in document A/CONF.32/PC/5, invited the Preparatory Committee for the International Conference on Human Rights to place the question of slavery and the slave trade in all their practices and manifestations on the agenda of the Conference. Operative paragraph 5 of the same resolution stated that the Economic and Social Council had decided to refer the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, to the Commission on Human Rights. He had drawn the Committee's attention to those two paragraphs to avoid any confusion as to the wording used, which varied according to whether the Council was addressing the Preparatory Committee or the Commission on Human Rights.

Mr. BERRO (Uruguay) said that Uruguay would always be in favour of including in the agenda any items with a bearing on human freedom, and that it opposed apartheid. The wording he had proposed was that of Economic and Social Council resolution 1126 (XLI). For the reasons given by the Pakistan

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(Mr. Berro, Uruguay)

representative, he thought that the question of slavery - or rather of apartheid as a modern form of slavery - was covered by the evaluation of the various conventions provided for in item 10 (a) of the draft agenda (Conference Room paper No. 7). It was also covered by item 11 (d), as amended by Uruguay to reproduce the wording of the Economic and Social Council resolution.

Mr. NASINOVSKY (Union of Soviet Socialist Republics) said that he had expected the five items that had been proposed to be accepted without difficulty, but it was clear from the discussion that no agreement was in sight. The Uruguayan representative had tried to show that his proposal was the same as that put forward by Nigeria and Pakistan; however, the two were based on very different premises. In a document which was unfortunately not yet available to the Committee, the Commission on Human Rights had asked for an examination of apartheid and colonialism as forms of slavery; that was the point at issue. He agreed with the Nigerian representative that without a reference to apartheid the item had no point. It had been argued that there was no need for the agenda to go into detail, or that it would be enough to mention the matter in the annotated agenda; in that case, however, no agenda was of any use and an adequate wording would be "Consideration of matters relating to the defence and protection of human rights" - a solution which might meet the wishes of the New Zealand representative. He reminded the Committee that the recommendations it was considering had been drawn up by other organs of the United Nations and must be treated with all due respect. In his opinion, the joint proposal submitted by the representatives of Pakistan and Nigeria was the only acceptable one and should be put to the vote.

Mr. FAKIH (Kenya) said that he had a suggestion to make but would first like to consult some of his colleagues.

Miss RICHARDS (United Kingdom) proposed that a decision on the matter should be deferred while the Committee studied the four other proposals so that it could see how all the proposals would affect the agenda as a whole.

Mr. ABDALLAHI (Mauritania) said that his delegation supported the proposal made by Nigeria and Pakistan.

Mr. NASINOVSKY (Union of Soviet Socialist Republics) disagreed with the United Kingdom representative. In his opinion, instead of putting the matter off until a much later date, the Committee should revert to it at the next meeting.

Mr. SCOLAMIERO (Italy) pointed out that the Kenyan representative had asked for a brief delay in which to prepare a proposal.

Mr. JHA (India) supported the Nigerian representative's proposal.

Mr. PAOLINI (France) said that he would like to make some procedural observations, on the lines of the United Kingdom representative's proposal, at the next meeting.

Mr. MIRZA (Pakistan) recalled that the Uruguayan representative had submitted a proposal, which had been slightly amended by the representative of Nigeria. He thought both proposals valuable but regretted the deletion of the last words of item 11 (a) of the draft agenda.

The meeting rose at 6.35 p.m.