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VOLUME II*

SUMMARY RECORDS OF THE SIX HUNDRED AND NINETY-FIRST TO
SEVEN HUNDRED AND SECOND MEETINGS

Held at Headquarters, New York,
from 23 to 31 May 1972

102

Chairman:

Miss LIM

Malaysia

* The summary records of the 681st to 690th meetings, held from 15 to 22 May 1972, appear in volume I.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-FIRST MEETING

Held on Tuesday, 23 May 1972, at 11 a.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS:

(a) REPORT OF THE COMMISSION ON THE STATUS OF WOMEN (E/5109 and Add.1)

The CHAIRMAN drew attention to the report of the Commission on the Status of Women on its twenty-fourth session contained in document E/5109, and to the financial implications of two resolutions adopted by the Commission contained in document E/5109/Add.1.

Draft resolutions I to XIII recommended by the Commission for action by the Council were contained in chapter IX of the report. In addition, the Commission had taken a decision whereby it agreed that the Working Group that was to begin work on the preparation of a new draft instrument or instruments of international law to eliminate discrimination against women, established under the Commission's resolution 5 (XXIV), should be appointed by the Council in 1973. That decision was also contained in chapter IX of the report, in paragraph 244, and would require subsequent action by the Council.

She invited the Director of the Division of Human Rights to make an introductory statement.

Mr. SCHREIBER (Director, Division of Human Rights), introducing the report of the Commission on the Status of Women on its twenty-fourth session (E/5109 and Add.1), said that that session was the first to have been held since the Council had decided that the Commission would meet every two years. The Commission's long agenda had therefore led to the adoption of a considerable number of resolutions, 13 of which were submitted for adoption by the Council.

The Commission's sessions enabled its members - women of great distinction and practical competence in the fields concerning the status of women - to review the situation and to propose practical measures for the progressive but speedy realization of the objectives of equality and non-discrimination, as defined in various United Nations instruments. The provisions of the Declaration on the Elimination of Discrimination against Women, unanimously adopted by the General Assembly, formed the natural framework of the Commission's work.

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(Mr. Schreiber)

Members of the Commission had once again stressed the gap still existing between the objectives of the Declaration and the situation as it existed in law and in fact. The report indicated the Commission's desire to find the basic reasons for that gap, to obtain the necessary information and perhaps to give a definitive legal form to the provisions of the Declaration - as in the case of racial discrimination. The Commission had thus adopted a new approach in order to obtain more extensive and more systematic information on the implementation of the Declaration at the national level.

In draft resolution II, which dealt with the programme of work, it established a schedule for the consideration of measures concerning the implementation of the Declaration over a four-year cycle so that, at one session of the Commission, the information submitted and analysed would concern civil and political rights and, at the following session, economic, social and cultural rights; information concerning publicity given to the Declaration would continue to be submitted at each session.

The implementation of certain Conventions concerning women was bound up with the reporting system on the implementation of the Declaration, and communications concerning the implementation of the Convention on the Political Rights of Women would also conform to the four-year cycle, so that they would coincide with the preparation and submission of reports on the civil and political rights embodied in the Declaration.

In its internal resolution 5 (XXIV), the Commission resolved to place on the agenda of its twenty-fifth session an item entitled "Consideration of proposals concerning a new instrument or instruments of international law to eliminate discrimination against women". To facilitate that work, it decided that a working group composed of 13 to 15 members of the Commission would be established to begin work on the preparation of a new draft instrument or instruments of international law a few days before the beginning of the session.

The International Labour Organisation (ILO), inter alia, was requested to assist the Working Group. The Council would be called upon in 1973 to appoint the members of that Working Group.

The Commission was very conscious of the importance of educating public opinion and of eliminating all practices based on the inferiority of women.

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(Mr. Schreiber)

In its resolution 1 (XXIV), the Commission resolved to include in the agenda of its twenty-fifth session an item entitled "Influence of mass communication media on the formation of a new attitude towards the role of women in present-day society".

In the field of women's political rights, in which some progress had been noted, particularly in the exercise of the right to vote, the Commission had concerned itself with the effective access by women to public posts, where progress had not been so speedy as had been hoped. Draft resolution I dealt with that problem at the international level. It concerned the employment of women in senior and other professional positions by the secretariats of organizations in the United Nations system. In draft resolution X, the hope was expressed that Governments would recognize the importance of an increased presence of women on their national delegations and that the Secretary-General would invite the executive heads of the specialized agencies to continue to recommend to member States increased participation of women in activities within the competence of their agencies and to ensure that women were present in all sectors of their secretariats. With respect to the role of women in the family, the Commission's main concern was with the status of the unmarried mother. He recalled that, at its twenty-third session, the Commission had adopted a draft resolution concerning the elimination of all legal and social discrimination against the unmarried mother. The Council had then decided to request the views of Governments on the draft resolution and had invited the Commission to reconsider the draft in the light of their replies (contained in document E/CN.6/562). Draft resolution IV, adopted by the Commission at its twenty-fourth session, again recommended the adoption of a series of principles for achieving the same end, but was formulated slightly differently.

The Commission had noted the progress achieved in studies of family planning - for which the Special Rapporteur was Madame Sipila - and of the legal capacity of married women.

In the sphere of education, the Commission had noted with keen interest the efforts of UNESCO for the attainment by women of full equality of access to the various levels of education.

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(Mr. Schreiber)

Draft resolution XI concerning the activities of UNESCO of special interest to women recommended that UNESCO should continue its studies on questions of interest to the younger generation and requested the Secretary-General and the Director-General of UNESCO to give particular attention to measures for the advancement of education programmes.

The Commission had for many years been concerned with the effective role that women could play in development, and had been particularly concerned with the problem during its recent session. Draft resolution III urged Governments in their planning and implementation of the country programming for development, to enable the participation of national women's organizations and other non-governmental organizations working for the advancement of women, particularly in rural areas.

Internal resolution 4 (XXIV) concerning equal pay for work of equal value requested the International Labour Office, in co-operation with the Secretary-General, to up-date the publication Equal Pay for Equal Work.

Draft resolution VIII concerned the interregional meeting of experts on the role of women in development, which was to take place in June 1972 as a joint project of the Commission for Social Development and the Commission on the Status of Women. It expressed the hope that the experts would take account of the objectives set forth in the annex to General Assembly resolution 2716 (XXV) concerning the programme of international action for the advancement of women.

Draft resolution IX, entitled "Integration of women at all levels of development", requested Governments, the specialized agencies, the United Nations Development Programme and other appropriate organizations to take account of the varying needs of women, whatever their status, in the planning and implementation of their programmes of action to promote the advancement of women in order that their contribution to the development of their countries could be fully realized.

Draft resolution XII concerned the protection of women and children in emergency and armed conflict. It requested the Secretary-General and the Commission on the Status of Women to continue their efforts aiming at the implementation of Council resolution 1515 (XLVIII), which provided for the possibility of drafting an international declaration on that subject; it also requested the Secretary-General to transmit the Commission's views to the

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(Mr. Schreiber)

Conference of Government Experts convened by the International Committee of the Red Cross. It envisaged mobilizing world public opinion in support of women and children, as mentioned in the Secretary-General's report, and requested the bodies concerned to render all possible humanitarian assistance. It further requested the Secretary-General to prepare and to submit to the Commission reports on that question every two years. The Secretary-General had decided to call the attention of the Conference of Government Experts, convened by the International Committee of the Red Cross (ICRC), without waiting for final action by the Council, to the relevant chapter of the report on the Commission and the draft resolution concerned, so that the views of the Commission were known to the Conference.

In short, the Commission sought a systematic programme of national and international action for the advancement of women and for the enhancement of their contribution to the development of their countries and of the whole world.

Among the resolutions to which he had not yet referred, was draft resolution VI which recommended that the General Assembly proclaim 1975 as International Women's Year and request the Secretary-General to prepare, within the limits of existing resources, a draft programme to be submitted to the Commission at its twenty-fifth session.

Draft resolution VII concerned increased activities relating to the status of women at the regional level. In that connexion, he recalled that at its twenty-third session the Commission had adopted a draft resolution on that question which had been submitted to the Council at its forty-eighth session; the Council had then decided to request the views of Governments on the draft resolution and to refer it to the Commission so that the latter could examine it in the light of the views received. Draft resolution VII, invited interested intergovernmental organizations outside the United Nations system to consider the establishment of regional commissions on the status of women and also invited the United Nations regional economic commissions to incorporate in their activities, programmes designed to increase the participation of women.

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(Mr. Schreiber)

In conclusion he said that, for the purposes of clarity, he had not spoken in the order of the resolutions nor in the order of the report. He had tried to present the proposals made under various substantive headings corresponding to the provisions of the Declaration on the Elimination of Discrimination against Women. He said that the Council would not be unaware of the pressing demands which were manifesting themselves in many parts of the world for the advancement of women in all spheres of human activities. The United Nations had undoubtedly a role to play in satisfying these demands and it possibly helped in determining the pace of progress and in defining priorities. He expressed the belief that the Committee would examine the proposals made to it by the Commission on the Status of Women in that spirit.

The CHAIRMAN thanked the Director of the Division of Human Rights for his statement and invited the Committee to discuss the report. In that connexion she called attention to Council resolution 1623 (LI) regarding the organization of work. In part II of that resolution, paragraph 5, the Council decided that, as a general rule and in order to avoid repetitious debates, consideration of the reports of all its functional commissions and subsidiary bodies should be confined, as far as possible, to matters which required decisions or guidance from the Council.

Miss von ROEMER (International Confederation of Free Trade Unions) said that since its inception, her organization had been firmly committed to the fight against discrimination in any form, and had always actively participated in and supported the work of the Commission. However, with regard to resolution 5 (XXIV) adopted by the Commission, her organization felt that, although the existing instruments aimed at eliminating discrimination against women might not be sufficient, particularly as regards concrete measures for implementation, there were grounds for the greatest doubts as to the advisability of adding new instruments to those already in existence unless they were complementary or more effective. Her organization could not therefore support the idea of an over-all international convention that would replace the Declaration on the Elimination of Discrimination against Women. That Declaration, because of its very flexibility, had been extremely useful. On the other hand, a convention, because of its

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(Miss von Roemer)

mandatory character, and because it could not go into all the nuances as did, for instance, the ILO instruments, might create conflicting obligations for Member States and erode the strength of the ILO instruments. That would be a great pity, for workers had participated in the elaboration of those instruments and they covered areas affecting workers most.

Miss CAO-PINNA (Italy) expressed her delegation's appreciation to the Secretary-General for his decision to appoint a woman as Assistant Secretary-General for social and humanitarian matters. Subsequently, Mrs. Sipila, Chairman of the Third Committee of the General Assembly at its twenty-sixth session, had been appointed to that post. Those in charge of the screening and the final appointment of candidates to vacant posts at the professional and director levels should take the Secretary-General's decision as an example to be followed.

Turning to the Commission's report (E/5109), she said she would confine herself to general comments.

It was well known that the Commission had not been pleased with the Council's decision concerning the new cycle of meetings of its functional bodies and that the Third Committee of the General Assembly had tried without success to reverse it. That decision did not, however, appear to have affected the Commission's liveliness and combativeness, and the new arrangement had the advantage of giving the Secretariat more time to prepare the documentation. She noted that the Commission had expressed no further regret on the new cycle of biennial meetings and must therefore be presumed to have accepted the Council's decision. That did not mean, however, that there was no room for further improvement. While it might be embarrassing to express doubts on the work of a body which had to fight against deep-rooted prejudices, her delegation believed that it was within the Council's competence to call the attention of the Commission and of the Secretariat to some aspects of their work which might be counter-productive. For example, the proliferation of reports prepared by the Secretariat and of resolutions approved by the Commission, while not a new feature, were a preoccupying sign of the Secretariat's heavy workload and of excessive trust in the value of resolutions as a means of influencing the status of women. The Commission had had 18 reports before it and had produced in rather a short time

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(Miss Cao-Pinna, Italy)

a large number of resolutions, and 13 draft resolutions, which were now before the Council. However, promising signs of a future reduction in the volume of documentation could be found in the Commission's draft resolution on its work programme (II) regarding the periodic reports by Member States on the implementation of various instruments concerning the status of women. Her delegation welcomed that beginning. In that connexion, she suggested that the biennial reports on the publicity given to the Declaration on the Elimination of Discrimination against Women be incorporated in the periodic reports concerning the implementation of the Declaration in regard to civil and political rights on the one hand, and to economic, social and cultural rights on the other.

As to the proliferation of resolutions, the Commission seemed to trust so much in their impact on the persisting discrimination against women that, in its resolutions, it had not left out any right or any group of women. Her delegation felt doubtful about that attitude, and she wondered whether the Commission had been made sufficiently aware of the Council's desire for brevity and economy; if not, the Council might perhaps emphasize it at the Commission's next session. In the meantime the Council might consider merging some of the draft resolutions proposed by the Commission without altering their content.

She was thinking, in particular, of draft resolutions I and X, both of which dealt with the employment of women in high-level posts in the secretariats of organizations in the United Nations system or as members of national delegations to sessions of international bodies. Similarly, draft resolutions III, V, VIII and IX, which all dealt in some way with the programme of concerned international action for the advancement of women, might also be amalgamated in a single text.

While she would indicate the position of her delegation on the various draft resolutions when they were voted on - and then mostly through the vote itself - she wished to state her delegation's views on three of the Commission's decisions. They were resolution 5 (XXIV) on international instruments, and draft resolutions VI, concerning an International Women's Year, and XII, on the protection of women and children in emergency and armed conflict.

With regard to resolution 5 (XXIV), divergent views had been expressed in the Commission as to the usefulness of elaborating a convention on the status of women. Those divergent views had been reconciled in a compromise formula,

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(Miss Cao-Pinna, Italy)

according to which the eventual elaboration of new instruments concerning women's rights not covered by the existing conventions was envisaged as an alternative to a single convention covering all the problems of discrimination against women. That compromise formula seemed to be a wise one. The Commission's first step might be to consider the Secretary-General's report (E/CN.6/552), which, as the sixth preambular paragraph of that resolution pointed out, could provide valuable information on the extent of the coverage provided by the existing instruments.

Draft resolution VI (XXIV), which proposed the proclamation of 1975 as an "International Women's Year", had been unanimously approved by the Commission; however, there had been no time to consider what the programme of the Year might be or whether, assuming the General Assembly approved the programme at the end of 1974, there would then be sufficient time to arrange for appropriate implementation in 1975. In that connexion, her delegation would suggest that a provisional draft programme should be prepared by the Secretariat and submitted to Member States instead of the procedure envisaged in paragraph 4 of the draft resolution.

Draft resolution XIII (XXIV), concerning the protection of women and children in emergency and armed conflict, should be regarded as part of the wider problem of developing humanitarian international law applicable in armed conflict, a question that was being studied by the Conference of Government Experts convened by the International Committee of the Red Cross. In her delegation's view, therefore, it would be best for the Council to limit its action on that resolution to recommending that the ICRC Conference should give special attention to the protection of those two groups within the civilian population as a whole. Should the draft resolution be put to the vote as it stood, her delegation would have to abstain.

Mr. VIDAL NAQUET (Food and Agriculture Organization of the United Nations) drew attention to paragraph 153 of the Commission's report (E/5109), which stated that several delegations had noted the absence of representatives from FAO and WHO when the Commission was discussing the role of United Nations agencies in the development of a programme of concerted international action to promote the advancement of women. On behalf of the World Health Organization and his own organization, he expressed regret that it had not been possible to provide

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(Mr. Vidal Naquet, FAO)

representation on the occasion in question and assured the Committee that both FAO and WHO attached great importance to the role of women and were seeking to expand the role that women played in activities of their respective organizations, particularly in the fields of nutrition, better family planning and training.

Mrs. GROOP (Finland) said that the Commission on the Status of Women was an extremely active and productive subsidiary body of the Council, as was shown in the numerous resolutions it had adopted at its last session. All those resolutions were more or less directly aimed at implementing the principles embodied in the Declaration on the Elimination of Discrimination against Women. The Commission had now reached the stage of asking itself whether it would be useful to draw up an instrument of international law, i.e., an international convention, on the basis of the principles contained in that Declaration. In resolution 5 (XXIV), the Commission had drawn attention to that question. In that connexion, her delegation took the position that human rights applied equally to men and women; it was therefore natural that national authorities and, in particular, the various organs of the United Nations should continue to work towards the elimination of obstacles causing inequality between the sexes. Those obstacles were often created by national traditions as well as by social and cultural structures. On the other hand, women should not be regarded as a homogeneous category. They belonged to different social groups, and their possibilities of participating in the activities of society depended to a large extent on the general evolution of the society in question.

As to the various draft resolutions submitted by the Commission, her delegation would be able to vote for most of them if they were put to a vote. It would vote in favour of draft resolution V on the understanding that the seminars to be arranged would not be attended exclusively by women. It was important that the participants in the seminars should be persons of both sexes involved in work on human rights and social development in general.

Her delegation had some doubts concerning the proposal to proclaim an "International Women's Year" contained in draft resolution VI. Not only was the usefulness of proclaiming such international years open to question, but also, and more importantly, the very concept of the proposed year would, in her delegation's view, only confirm segregation between the sexes.

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(Mrs. Groop, Finland)

Her delegation likewise had some doubts concerning draft resolution VII. While it was not opposed to increased activities at the regional level, her delegation was not completely clear as to the forms those activities would take. Perhaps the Secretariat could provide enlightenment on that point.

The text of draft resolution XII gave the impression that the Commission had not had time to study the question in sufficient detail. Her delegation therefore proposed that draft resolution XII should be referred back to the Commission for further examination. That would also give the Commission an opportunity to take into account the results of the ICRC Conference in Geneva.

Draft resolution IV, which related to the status of the unmarried mother, was of outstanding importance. The pressure of society on and the lack of concern for unmarried mothers and their children caused untold social and human misery. Despite the special protection and aid given by society to the legitimate family, more and more children were being born out of wedlock in many parts of the world. Any kind of pressure on or discrimination against illegitimate children, even indirectly through their parents, constituted a violation of the Universal Declaration of Human Rights and the Declaration of the Rights of the Child. It was necessary to provide special protection for children who could not receive protection from their parents. Her delegation supported draft resolution IV and hoped that it would be adopted by the Council at its present session. At a later stage, after consulting other delegations, she intended to propose certain amendments to the text of that resolution.

Mr. van BOVEN (Netherlands) agreed with the previous speakers who had said that the Commission on the Status of Women was very productive. Indeed, one might even say that it had been over-productive, and that its work, although of unquestionable value, might be performed in a more systematic and rational manner. In particular, the large number of resolutions that the Commission had produced at its twenty-fourth session might usefully be reduced without any loss of substance. Because of the volume of resolutions, it was difficult to get an over-all picture of the Commission's work. In his view, the subjects dealt with in several resolutions were so closely interconnected that it would have been feasible to combine many of them in a single text. Thus, for example, resolution 1 (XXIV) might have been merged with resolution 13 (XXIV). Similarly, draft resolution III,

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(Mr. van Boven, Netherlands)

which dealt with the participation of women in rural development programmes, appeared to be a special case of the subject dealt with in draft resolution IX, namely integration of women at all levels of development. Finally, resolution 11 (XXIV) could have been subsumed under resolution 15 (XXIV).

The Commission's agenda was concise and well-organized; it gave a clear idea of the kind of work the Commission was doing. In that connexion, he welcomed the Commission's decision to establish a Working Group to study its programme and of work and expressed the hope that the Working Group would help the Commission to avoid overlapping resolutions in the future.

He welcomed the fact that the Commission had decided to restructure its reporting system as described in draft resolution II. The integrated system whereby Member States reported to the Commission on the implementation of the Declaration according to a four-year cycle was a great improvement over the previous procedure of separate reports on the implementation of particular conventions. The Secretariat was to be congratulated for suggesting the new system. Recognizing the importance of greater communication between the international organization soliciting reports and the submitting State or agency, he welcomed the Commission's request in paragraph 99 (h) of its report (E/5109), that guidelines should be prepared for the drafting of those reports.

He questioned the wisdom of the procedure envisaged in paragraph 99 (f) of that report whereby information concerning the status of women would be included in the Yearbook on Human Rights in a special section. That would create the erroneous impression that there was a clear-cut demarcation between the overall question of human rights and the particular question of women's rights. Moreover, he doubted the usefulness of two separate systems of reporting, one for human rights in general and onespecifically for women's rights.

Resolution 5 (XXIV) adopted by the Commission recommended the elaboration of a new international instrument to eliminate discrimination against women. However, it was not clear what precisely was meant by the reference to an "international instrument". If, as had been indicated elsewhere, what was intended was the adoption of an international convention, his delegation would be opposed to such a step, as it considered that the Declaration on the Elimination of Discrimination Against Women was itself an instrument of international law. It would be premature to adopt a new instrument before the success of the

(Mr. van Boven, Netherlands)

existing Declaration had been fully assessed. Furthermore, his delegation saw some inconsistency between the sixth preambular paragraph of resolution 5 (XXIV), which stated that the Commission had not had enough time to study the Secretary-General's report on provisions in existing conventions that relate to the status of women (E/CN.6/552), and the seventh preambular paragraph, which made the pronouncement that "existing international instruments relating to the status of women are not adequate in all respects". If, however, it was decided that a new international convention should be elaborated, his delegation would favour the inclusion of stronger provisions relating to implementation than were presently available. There would be no justification for such a convention unless its provisions went significantly beyond the currently available means of preventing discrimination against women.

Turning to draft resolution XII, he said that protection should be given to women and children in all types of armed conflict. Both in the title and in the text, it was inadvisable to single out some types of armed conflict, since the rules governing armed conflicts should be of a general nature. While his delegation agreed that, to a certain extent, the protection of women and children fell within the scope of the fourth Geneva Convention, relating to the Protection of Civilian Persons, it agreed that there was a case for special protective measures for women and children. As, however, the subject was now being studied by the Conference of Governmental Experts convened by the International Committee of the Red Cross, it would be inadvisable to draft a declaration before the results of that Conference were known.

There were two aspects to the protection to be accorded to children: special protection should be provided for them so as to guarantee that they did not become the victims of attacks and, at the same time, rules should be drafted to prohibit their involvement in military operations. They should not be enlisted or trained in the military profession. The position of women in that regard was more controversial.

Draft resolution V invited the Secretary-General to ensure that two seminars on subjects relating to the status of women were held each year. As to the participants in the seminars, he agreed with the representative of Finland that Governments should be invited to send men as well as women.

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(Mr. van Boven, Netherlands)

With regard to draft resolution VI, his delegation had reservations concerning the proclamation of international years, particularly now that they had become so frequent. It was questionable, in any event, whether international years were the most effective means of drawing attention to certain ideals and subjects. The Council itself had even adopted a resolution urging restraint in that regard. It might be possible to devise other means to highlight action to promote equality between men and women, as proposed in paragraph 2 of draft resolution VI. As the text stood, his delegation would have difficulty in supporting it.

His delegation supported resolution 6 (XXIV) on the status of women and family planning and draft resolution IV, which set out general principles and the rights and duties of the unmarried mother. While he awaited with interest the amendments to be proposed by the Finnish delegation, he could support draft resolution IV in its present form.

In conclusion, he wished to express his appreciation to the Secretariat, and in particular to the Director of the Division of Human Rights and the Assistant-Director of the Division on the Status of Women for their efforts in promoting the advancement of women.

Mr. BOURGOIN (France) thanked the Director of the Division of Human Rights for his introduction to the report of the Commission on the Status of Women. It was clear from the report that the Commission had been extremely active: it had adopted 16 resolutions, and had recommended 13 others for adoption by the Economic and Social Council.

The reasons for the adoption of so many texts had to be considered the context of the Commission's field of actions, which was specific and limited. Basically, the Commission's mandate fell within the scope of the struggle against all forms of discrimination. It could be subdivided into the struggle against racial discrimination among women, where it shared the concerns of the Commission on Human Rights, and the struggle against discrimination between the status of men and that of women. The latter was the Commission's special task, and one with which it alone was called upon to deal. Accordingly his delegation could support resolution 4 (XXIV), concerning equal pay for work of equal value, and draft resolutions III, VII and IX, on the participation of women in rural development programmes, increased

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(Mr. Bourgoin, France)

activities at the regional level and the integration of women at all levels of development. It might, however, have been possible for the Commission to organize the questions it had studied more efficiently and regroup its conclusions in fewer resolutions. Method was important. In particular, if draft resolutions VII, VIII and IX, dealing with the integration of women in development, had regrouped, the difficulties facing the delegations of Italy and the Netherlands would have been avoided. Nevertheless, all those resolutions came within the mandate of the Commission and it was quite in order for it to continue to consider such problems, as long as it did so prudently. Draft resolutions I and V dealt with the access of women to senior positions in the secretariats of international organizations, and advisory services in the field of human rights respectively. It was only fair that men and women should be considered equal for purposes of recruitment to the Secretariat of the United Nations, but neither sex should be given a privileged position. Equally, although the mandate of the Commission on Human Rights was more universal than that of the Commission on the Status of Women, seminars should be held on subjects of concern to both. Nevertheless, while the Commission on the Status of Women should defend the rights of women, it should not endeavour to introduce a new criterion in the choice of senior officials of the United Nations or in the administration of advisory services, both of which should also be governed by other established criteria. In that connexion, his delegation welcomed the fact that the Secretary-General had followed up his announced intention of appointing a woman to a senior post in the Secretariat.

The mandate of the Commission on the Status of Women was well delimited. Like the Commission on Human Rights, it had to deal with humanitarian questions, but it should guard against a noticeable tendency to encroach upon the competence of other international agencies. It was questionable whether draft resolution XII in its present form was really within the scope of the Commission on the Status of Women. The Commission on Human Rights, the Economic and Social Council and the General Assembly were considering the more general problem of respect for human rights in armed conflicts. In addition, the International Committee of the Red Cross was continuing its work on humanitarian law in that sphere. Should the Commission mistakenly consider that the relevant bodies were not giving adequate attention to that one particular point, it could draw their attention to the

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(Mr. Bourgoïn, France)

urgency of the problem without going into substance and discussing the question as one of its regular items. Nothing was to be gained by treating particular cases out of context.

Almost all the resolutions adopted by the Commission requested Governments, non-governmental organizations, the Secretariat or specialized agencies for reports, studies, comments and so forth. Some of the demands were justified, but they were not consistent with the spirit of Economic and Social Council resolution 1379 (XLV) which dealt with the reduction of the volume of documentation of the Council's subsidiary organs. For example, draft resolution II called for reports to be submitted every four years on the implementation of the Declaration. Since States submitted periodic reports on human rights, the relevant information could be included in the report on civil and political rights, which was automatically transmitted to the Commission on the Status of Women.

His delegation too was hesitant to agree to the proclamation of international years and thought that in view of their frequency, their significance should be reviewed. During the twenty-sixth session of the General Assembly there had been a proposal to celebrate the twenty-fifth anniversary of the proclamation of the Universal Declaration of Human Rights in 1973 by an international year. His delegation had considered that more impact would be made by an international day. In the present circumstances, it again questioned the desirability of another international year.

Resolution 5 (XXIV) envisaged the formulation of a new international instrument or instruments designed to eliminate discrimination against women. Such an instrument could only be a convention since there already was a Declaration on the subject. While it was true that the Declaration was not mandatory, it had the moral force of a solemn act and was therefore morally binding. Furthermore, conventions had mandatory force only for States Parties. Those States which had difficulties in fully implementing the recommendations of the Declaration would not commit themselves by a convention. Within the Commission on the Status of Women, his delegation had abstained on that resolution.

His delegation attached great importance to the activities of the Commission on the Status of Women. His criticism was merely further proof of that interest in the Commission's basic field of action, where important work still awaited it.

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Mr. MOUSSA (Egypt) shared the viewpoint of previous speakers concerning the methods of work adopted by the Commission on the Status of Women and agreed that many of its resolutions could have been combined. It was, however, to be praised for its productivity and its success in attaining some of its goals, such as the appointment of a woman to a high position in the Secretariat.

He found it only natural that members of the Commission should pay attention to the protection of women and children in emergency and armed conflict, and particularly to the protection of those involved in the struggle for peace, self-determination, national liberation and independence. He saw no contradiction in the fact that draft resolution XII was before the Committee at a time when the protection of women and children was being discussed by the Conference of Government Experts convened by the International Committee of the Red Cross, particularly since the General Assembly had adopted such a clear position on the struggle for peace, self-determination, national liberation and independence. Supportive action by the Commission should be welcomed. The Commission's activities in the field of protection were based on various resolutions of the Economic and Social Council, and therefore fell within its terms of reference. From the reports of the Commission on Human Rights and investigatory groups and from the information media, the members of the Commission - mainly mothers themselves - were fully aware of the plight of the women and children among the civilian population who, in times of armed conflicts, were the victims of destruction and lived under conditions that threatened their lives and were inconsistent with human dignity.

With regard to the report requested of the Secretary-General under that draft resolution, he considered that the Commission itself was in the best condition to judge what information was required for the proper consideration of the item. The report could not in any way complicate the system of periodic reports. The existence of that system did not prevent any United Nations body, if it saw fit, from requesting further information of Governments or of the Secretary-General. Such requests could not be considered out of order.

Most contemporary wars and armed conflicts involved the question of self-determination, national liberation or independence. The fact that other types of conflict might exist or that certain elements of protection were already covered

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(Mr. Moussa, Egypt)

by the Geneva Conventions did not mean that particular aspects of the general problem could not be considered separately. That was why the problem of the protection of women and children was currently being considered in the wider context of the Red Cross Conference.

The report of the Commission on the Status of Women was a subdivision of the item entitled "Human rights questions". Thus it was not beyond the competence of the Commission to deal with humanitarian and human rights questions. His delegation considered draft resolution XII extremely important. He therefore hoped that, in view of the fact that the Committee's records would be available to the Commission on the Status of Women at its next session, those delegations which wished to defer consideration of the question would reconsider their positions.

The meeting rose at 1.05 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-SECOND MEETING

Held on Tuesday, 23 May 1972, at 3.35 p.m.

Chairman:

Miss LIM

Malaysia

HUMAN RIGHTS QUESTIONS (continued):

(a) REPORT OF THE COMMISSION ON THE STATUS OF WOMEN (E/5109 and Add.1)

Miss PRODJOLALITO (Indonesia) thanked Mrs. Bruce for her contribution to the work of the Commission on the Status of Women. She was glad that such a commission existed, to bear witness to the importance which the United Nations attached to the question of women, and agreed with previous speakers about the value of the Commission's work. With regard to the very interesting draft resolutions submitted by the Commission to the Economic and Social Council, she accepted in principle the suggestion by the Italian and Netherlands delegations that some of the drafts should be combined; she hoped, however, that draft resolution III on participation of women in rural development programmes, of which Indonesia was a sponsor, would remain in its existing form, since that most important question had never before been the subject of a resolution.

Her delegation believed that the proclamation of an "International Women's Year", as suggested in draft resolution VI, would stimulate action to improve the status of women.

With reference to draft resolution XII on protection of women and children in emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, she sympathized with the view of those speakers who considered that there was no need to draw a distinction between women and children, and other civilians; since, however, a large proportion of the innocent victims were women and children, she would support the draft resolution.

The Social Committee should continue to devote attention to questions concerning the status of women and family planning. The latter question had often been neglected, although it was as deserving of attention as were other population questions; none of the aspects of population control should be neglected, if women were to be able to live the life they chose in a dignified manner.

Mrs. EVANS (United States of America) congratulated Mrs. Bruce and her colleagues on the excellent report before the Social Committee. It was regrettable that there was some overlapping in the draft resolutions, but that was perhaps

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(Mrs. Evans, United States)

due to the fact that the twenty-fourth session had been the first of the Commission's biennial sessions. Her delegation attached great importance to the work of the Commission on the Status of Women, whose efforts were still just as necessary as they had been at the time of its establishment. She then briefly recalled the origins of the Commission, and expressed the hope that the members of the Economic and Social Council would continue to support its work, bearing in mind the guidelines in some of the draft resolutions submitted to the Council.

She emphasized the importance of draft resolution I on employment of women in senior and other professional positions by the secretariats of organizations in the United Nations system; women were still discriminated against in the United Nations, even if an attempt had been made to prove the contrary by appointing a woman as Assistant Secretary-General. She referred any members of the Committee who were dubious about the usefulness of the draft resolution to table 21 in the report of the Secretary-General on the composition of the Secretariat (A/8483). Her delegation was convinced of the need to adopt draft resolution VII, advocating increased activities relating to the status of women at the regional level, since there were many countries in which women still had inferior status in such matters as education, training and working conditions. The United Nations regional economic commissions had not been effective in that sphere and the establishment of regional commissions on the status of women could have only good effects.

Mr. MANI (India) gave a brief historical survey of the status of women in India, stressing that women had always been treated as the equals of men. Women had always been respected and, even if their advancement had been impeded by adherence to traditions and certain superstitions, they had never been barred from the affairs of State. When India had still been a British colony under European influence, women had mounted guard in front of the shops selling liquor, in order to prevent the men from becoming addicted to drink. At the time of independence, women had fought side by side with men and had gone to prison with them. Since that time, they had obtained important political posts and had become increasingly involved in economic and social problems. Women currently held posts in all categories and at all levels; that fact was a tribute to their skill rather than a demonstration of their equality with men.

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(Mr. Mani, India)

The status of women in India had also improved now that divorce was allowed and women had the right to inherit.

It was to be hoped that more women would be chosen to serve as President of the General Assembly. It was encouraging that Mrs. Sipila had been appointed Assistant Secretary-General. Unfortunately, women working in the United Nations usually had little chance of promotion and mostly held general service posts; in that connexion, it was unfair that most general service staff were not entitled to home leave.

Although he could not support all of them, he admitted that the draft resolutions submitted by the Commission on the Status of Women to the Economic and Social Council reflected current thinking, and he considered that there was no need to combine any of them. He supported the draft resolution on an international women's year, which could have only good effects.

With reference to the draft resolution on the status of the unmarried mother, he read out paragraphs 110 to 112 of the Commission's report (E/5109). The matter was one which was exclusively within the competence of States, which should adopt appropriate legislation, and the Commission on the Status of Women should simply give guidance in that regard.

Lastly, in connexion with draft resolution XII, he said that children should be shielded from all violence in the event also of national conflicts.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) stressed the importance of the Commission on the Status of Women and said that the problems which it had considered at its twenty-fourth session - in particular, the protection of women and children in emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence, and the integration of women at all levels of development - represented important problems and, in the case of the first question, a burning issue, in view of the situation in the Middle East and in Ireland. In that connexion, he recalled that the Economic and Social Council had already expressed its concern in resolution 1515 (XLVIII). His delegation did not agree with those who thought that the question was outside the competence of the Commission on the Status of Women. The interest which the Commission had taken in that subject at its twenty-fourth session was legitimate. In the past few years, over 30 armed

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(Mr. Yevdokeev, USSR)

conflicts had broken out and had taken a heavy toll. He had understood the Netherlands representative to say, at the preceding meeting, that children should not be present in areas where armed conflicts were taking place. But it was difficult to see how children could escape the dangers of such conflicts when bombs fell on houses, hospitals and schools. The only solution to that problem was to put an end to armed conflicts. In fact, the Commission on the Status of Women should consider the question in a broader context; it should, in particular, study the situation of the population in the African colonies of Mozambique, Guinea (Bissau) and Angola, where women and children were the victims of the violence of the colonial Powers. His delegation would therefore vote for draft resolution XIII submitted by the Commission on the Status of Women. The Commission should also make a contribution to the formulation of an international declaration on that question. With regard to draft resolution I, he pointed out that the question of the employment of women in senior posts did not arise only in organizations in the United Nations system; it should therefore be considered in a wider context. In many countries, the relevant laws and conventions were not strictly enforced and women were still being discriminated against. In that connexion, efforts should be made to supplement the existing conventions in order to bring about the speedy elimination of such discrimination. The Council should adopt draft resolution VI concerning the proclamation of an International Women's Year. Like the Indian and Indonesian delegations, the USSR delegation believed that the Year would help to accelerate the advancement of women. Since its establishment, the Commission had made an important contribution to the elimination of discrimination against women, but in many countries women were still a long way from full participation in social, economic and cultural activities. An International Women's Year would be an opportunity to intensify activities in that area and in particular to emphasize the contribution which women could make to the struggle for peace and to the various activities of their countries. Consequently, his delegation would vote for draft resolution VI. The programme of work proposed in draft resolution II was also fully acceptable to his delegation, which would support it.

Referring to the criticisms voiced by some previous speakers, he said that it was unfair and untactful to criticize the Commission on the Status of Women.

(Mr. Yevdokeev, USSR)

The resolutions it had adopted could perhaps be combined, but it was for the Council itself to combine them, if it so wished. For its part, the USSR delegation would have no difficulty in supporting the resolutions.

Miss REID (United Kingdom) agreed that the Commission on the Status of Women played an important role in the activities to improve the status of women. Nevertheless, some of the criticisms levelled at it were justified. The Commission should not forget that quality was more important than quantity. Her delegation could support most of the Commission's draft resolutions but felt that some of them might be combined. It was against the idea of an International Women's Year for the many Years which had already been proclaimed had not achieved very positive results. In addition, the proclamation of an International Women's Year might give the impression that women belonged to a special category. Why should there not be an international year for men also? The French representative's idea of celebrating an International Women's Day instead was a good one. Draft resolution IV on the status of the unmarried mother was extremely important and her delegation would support it. However, her delegation had difficulty with regard to some of the paragraphs and would have to submit amendments to bring those paragraphs into line with British legislation. Her delegation had reservations with regard to draft resolution XII, and thought there was some inconsistency in the fact that whereas most activities designed to improve the status of women attempted to make women equal with men, the draft resolution recommended measures granting women special protection. Moreover, the question of the protection of women in times of armed conflict fell within the broader framework of the protection of civilian persons in time of war and was therefore properly the responsibility of other bodies.

Mr. BUHL (Denmark) said that the report of the Commission on the Status of Women on its twenty-fourth session testified to the devotion and energy with which the Commission was trying to eliminate discrimination against women. His Government took a keen interest in the Commission's activities and was in a position to support its draft resolutions.

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(Mr. Buhl, Denmark)

Draft resolution IV contained important elements and his delegation would support it; however, it looked forward with interest to the amendments that would be submitted by Finland and the United Kingdom. On the other hand, now was perhaps not the time to submit draft resolution XII to the Economic and Social Council. At the present stage it would be preferable to leave that question to the Conference of Government Experts which was being held in Geneva in order to amend the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War.

Mr. VAN BOVEN (Netherlands) said that the representative of the Soviet Union seemed to have misinterpreted what he said at the previous meeting concerning the protection of children in times of armed conflict. He had said that precautionary measures should be taken first by sending children away from the theatre of military operations and, in addition, that children should not be enlisted in the armed forces. There did not seem to be anything to object to in that proposal, whose two elements had already been mentioned elsewhere, since the need for such measures was quite obvious. Of course an end should be put to armed conflicts, but in the meantime, the first thing to think about was protecting the civilian population as a whole.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) said that consideration could, of course, be given to taking the measures proposed by the representative of the Netherlands; however military techniques had advanced so far that attacks came too suddenly for it to be possible to set children to safety in time. As to the second measure proposed by the representative of the Netherlands, in the Soviet Union children were never enlisted in the army.

Miss GENDRON (Canada) associated her delegation with those which had expressed their thanks to Mrs. Bruce. She also congratulated the Commission on the Status of Women for the work it had done at its twenty-fourth session.

The representatives of Italy, the Netherlands, France and the United Kingdom had quite rightly raised the question of the proliferation of the Commission's resolutions. Her delegation agreed that some of its resolutions might be combined, draft resolutions III, IX and XI, for instance. With regard to draft resolution V, she said that two seminars a year on the question of the status of

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(Miss Gendron, Canada)

women seemed too much. With regard to draft resolution VI, she said her delegation had listened with interest to the French representative's proposal that an international day should be organized. In view of the tendency to proclaim international years for all kinds of questions, that seemed a very sensible proposal.

Her delegation agreed with the delegations of the Netherlands, France and the United Kingdom that the protection of women and children in times of armed conflict and in other exceptional situations should be studied in the broader framework of international humanitarian law and, notably, by the Geneva Conference of Government Experts, which was also going to discuss the question of the protection of civilian populations. Her delegation had become a co-sponsor of draft resolution IV concerning the status of the unmarried mother because it felt that the difficulties of the unmarried mother were due in part to old-fashioned moral judgements and were the result of a traditional attitude which laid the burden of illegitimacy solely on the shoulders of the woman. Her delegation was therefore in favour of resolution IV but would consider with interest the amendments that the delegations of Finland and the United Kingdom were to submit.

Mrs. BRUCE (Assistant Director, Section on the Status of Women) said she would take up first the two questions put by the representative of Italy, namely, whether the Commission on the Status of Women had been informed of the Council's views on its programme of work and the organization of the work of the functional commissions and whether lack of time had been the reason for the overlapping of certain resolutions. The Commission's attention had been drawn to the decisions of the General Assembly and the Economic and Social Council with regard to the establishment of priorities and the control and limitation of documentation, and the Secretariat had made various suggestions on the programme of work which the Commission had taken into account. Although it might not be very obvious, in studying its programme of work the Commission had taken decisions designed to limit its documentation; thus, many reports which were supposed to be submitted to it every two years would from now on be submitted only every four years.

Naturally, the Commission had wanted to complete its consideration of all the items on its agenda in three weeks and it had succeeded in doing so; if it had had more time it might have been able to combine certain resolutions but it had felt that priority should be given to the detailed study of its programme of work.

(Mrs. Bruce, Section on the
Status of Women)

The representative of Finland's question about the aim of draft resolution VII, had already been answered in part by the representative of the United States. Ever since its establishment in 1946, the Commission on the Status of Women had maintained close relations with the Inter-American Commission of Women, which submitted a report to it, and it also maintained close links with the recently established League of Arab Women. Paragraph 1 of draft resolution VII was therefore based on the Commission's experience of co-operation with non-governmental organizations. The resolution was designed, on the one hand, to invite intergovernmental organizations outside the United Nations system to establish regional commissions on the status of women and, on the other hand, to invite the regional economic commissions to broaden their regional activities to include programmes designed to accelerate the women's integration in the development of their country. In that connexion she pointed out that the Regional Commission for Africa already had a programme of that type. Finally, the draft resolution reflected the Commission's desire to strengthen activities at the regional level and to co-ordinate them with its own activities at the international level.

The first preambular paragraph of draft resolution V referred to resolution 17 (XXIII) of the Commission on Human Rights, which requested the Secretary-General to organize two seminars on human rights, including one on an international level, and one or two on the status of women. Thus, the idea itself was not new; the new element appeared in subparagraph 1 (b), according to which at least one of those two seminars was to be an international seminar on a matter directly related to the work programme of the Commission on the Status of Women. That should make it possible to organize seminars in the years when the Commission did not meet, which would deal with some matter on the Commission's agenda and make recommendations which could be useful to it at a later stage. As the representative of the Netherlands had asked what type of international instrument or instruments was envisaged in resolution 5 (XXIV) of the Commission, she explained that the original idea had been to draft an international convention, but differences of opinion had arisen, with some delegations favouring a general convention and others a special convention relating to specific rights, and the resolution that had eventually been adopted was a compromise. The Netherlands representative had also raised the

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(Mrs. Bruce, Section on the Status
of Women)

question of periodic reports on human rights. Since the Commission had realized that it could not deal effectively with the mass of documents relating to human rights, it had requested the Secretariat to prepare a special document dealing only with those aspects involving the status of women.

Addressing herself to the representative of India, she explained that internationally recruited General Service staff were entitled to home leave, but staff recruited in New York were not. Thus, that was not a case of discrimination against women.

Mr. BRITENSTEIN (Finland) introduced his delegation's amendments to draft resolution IV recommended by the Commission (E/AC.7/L.613). The first amendment was motivated by a desire to avoid giving the impression that unmarried mothers constituted a separate category in society, the next two followed from the idea that the unmarried mother and her child formed a family with the same rights as the traditional family, and the last amendment was intended to modify provisions which, in their current form, might be detrimental to the child if the father lived in a different country.

Mr. SABIK (Poland) said his country had always attached great importance to the work of the Commission on the Status of Women, which had produced a number of useful and timely recommendations. In regard to the question of the method of work of the Commission on the Status of Women, he said that it was the responsibility of the subsidiary bodies of the Economic and Social Council to organize their work and that the success of the work of the Commission on the Status of Women proved that its methods were sound. His delegation supported the spirit and the letter of resolution XII, on the protection of women and children in emergency and armed conflict, and considered that the Commission had done its moral duty and fulfilled its mandate by drafting that resolution, for at that very time more and more women and children, in Indo-China or southern Africa, for example, were becoming victims of wars of aggression. That question clearly formed part of the general problem of the protection of civilian persons, but there were grounds for satisfaction in the fact that, at that particular point in time, so specialized a body had drawn up such a document, which would undoubtedly be of use

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(Mr. Sabik, Poland)

to the Conference of Government Experts meeting in Geneva and might help it to lay down international norms in that sphere.

Mrs. WU (China) stated that it was urgent, in the general interest, to eliminate discrimination against women, safeguard their rights, and ensure their equality with men. Chinese women, like the Chinese people as a whole, which in common with those of many other countries of the world, had suffered from imperialist aggression and oppression, had fought heroically for independence and national liberation and for their emancipation. Her delegation therefore supported the women of all countries who were struggling against wars of aggression and working for social progress and to secure their legitimate rights, for their struggle paralleled the revolution and the task of national construction in China.

After eliminating the reactionary clique of Chiang Kai-shek, the Chinese people had taken control of their destiny, and the women of China had succeeded in putting an end to the age-old oppression and slavery of the past. The Chinese Communist party and the Chinese Government attached great importance to the participation of women in the national endeavour, and, in accordance with the Chinese Constitution, women enjoyed the same rights as men in all fields; they could vote and be elected to office, and, in many sectors of community life, they had won the confidence of those who had elected them to important posts at the local level and in the central Government. They took part in all fields of activity and thus helped to enrich their country materially and spiritually. Moreover, the principle of equal pay for equal work was observed, and the State and the local communities had set up various social services which made it possible to free women from the heavy burden of household tasks. Their participation in the socialist revolution and the building of socialism had brought about a change in attitude of Chinese women; they now took an interest in public and community affairs, they had dedicated themselves to the cause of world peace and they supported the struggle of the oppressed countries. Indeed, they had come to understand that only national independence and liberation could make the emancipation of women possible; that was why they, together with the Chinese people as a whole, had committed themselves to the struggle against imperialism. They had proved that the great mass of women who truly desired to free themselves

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(Mrs. Wu, China)

from the traditions of the old order constituted an irresistible force and played a decisive role in national liberation.

The report on the twenty-fourth session of the Commission on the Status of Women dealt, inter alia, with the status of women in colonial Territories and the protection of women and children in armed conflict; she pointed out that, in many countries of the world, women and children were still being oppressed and massacred, the root cause of which was imperialism, colonialism and the super Powers' expansionism and power politics. She maintained that all wars of aggression must be stopped and that the imperialists, colonialists and neo-colonialists must withdraw from all the places they had invaded and forcibly occupied. Today, countries want independence, nations want liberation and the people want revolution; that had become the irresistible trend of history. She said that the Chinese women were prepared to unite with women of various countries and strive together with them to oppose the imperialist policies of war and aggression and the power politics of the super Powers, to safeguard national independence and sovereignty and to win women's emancipation.

Miss REID (United Kingdom) introduced her delegation's amendments to draft resolution IV (E/AC.7/L.614). Under her country's legislation, British nationality was automatically granted to legitimate and illegitimate children born within the United Kingdom and colonies, but not to children born outside, even if they were legitimate. For that reason, her delegation considered that operative subparagraph 2 (b) (ii) went too far.

ORGANIZATION OF WORK

The CHAIRMAN summarized the programme of work for the remainder of the session and stated that the Commission should complete its work by 31 May at the latest.

The meeting rose at 5.40 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-THIRD MEETING

Held on Wednesday, 24 May 1972, at 11 a.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

- (a) REPORT OF THE COMMISSION ON THE STATUS OF WOMEN (E/5109 and Add.1; E/AC.7/L.613, L.614, L.615)

The CHAIRMAN drew attention to documents E/AC.7/L.613 and E/AC.7/L.614, which contained amendments proposed by Finland and the United Kingdom respectively to draft resolution IV recommended by the Commission on the Status of Women for adoption by the Economic and Social Council (E/5109, chap. IX, sect. A).

Mrs. GEORGE (Trinidad and Tobago) said that the list of resolutions adopted by the Commission on the Status of Women at its twenty-fourth session was indeed impressive. It might be possible to reduce their number by consolidating several of them; however, she would like to know if such action would have procedural implications.

While her delegation could support most of the resolutions recommended by the Commission, it would like to comment on two resolutions in particular which had been the subject of active debate in the Committee. The first was resolution VI, which proposed the proclamation of 1975 as International Women's Year. Her delegation believed that such international recognition of women would serve a useful purpose in focusing attention on the problems facing women in achieving equal status with men and it therefore supported that proposal. It was to be hoped that, should the resolution be adopted, non-governmental organizations would be given an opportunity to participate in drawing up the programme for the Year.

With respect to draft resolution XII, which had also given rise to some controversy in the Committee, she felt that it would be more in keeping with women's aspirations towards full equality if the Commission were to seek protection for civilians and children, since it was well known that women were engaged as soldiers in both regular and guerilla actions and special claims for their protection would be out of place. Inasmuch as the protection of the civilian population as a whole in armed conflict was being discussed in the framework of the International Committee of the Red Cross, her delegation recommended that draft resolution XII should be referred to a later session of the Council for consideration in conjunction with the report of the ICRC Conference now in progress.

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(Mrs. George, Trinidad and Tobago)

Finally, with regard to the possibility of consolidating certain of the resolutions adopted by the Commission, she pointed out that the Commission might have been able to accomplish that task if it had had more time at its disposal. Perhaps future sessions of the Commission could be lengthened. In her statement at the preceding meeting, the Assistant Director, Section on the Status of Women, had said that the Commission would have been prepared to consider the possibility of consolidating a number of the resolutions adopted but that it had not been possible to set up another working group for that purpose because of economic constraints. In that connexion, her delegation would like to know what additional expenditure would have been required.

Mr. ROPOTEAN (Romania) said that it might be useful to review a few statistics concerning the productivity of the Commission on the Status of Women. First of all, the fact that the Commission had adopted 28 resolutions in as many meetings was ample proof of the industry of its members. Secondly, it was significant that one half of the resolutions contained in the Commission's report had been adopted unanimously and the remainder with only a limited number of abstentions. That indicated a high level of co-operation and harmony of views among the members of the Commission. Further evidence of the co-operative spirit prevailing in the Commission was the fact that its resolutions had in every case been sponsored by a large number of countries. That the Commission enjoyed the support of Governments was proved by the outstanding qualifications and world renown of the representatives assigned to participate in its work. He had nothing but the highest praise for the effectiveness of the work done by the Commission in the 25 years since its establishment.

His delegation fully supported the ideas embodied in the resolutions submitted by the Commission. In particular, it endorsed resolution XI, which recommended that UNESCO should continue its studies and give particular attention to measures for the advancement of activities of special interest to women. His delegation also supported the proclamation of 1975 as International Women's Year, as proposed in resolution VI; implementation of that resolution would give Governments a further opportunity to strengthen the constitutional provisions relating to women's rights in their countries.

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Mr. BUDAI (Hungary) observed that it was highly appropriate that a women should be presiding over the Committee in connexion with its consideration of the report of the Commission on the Status of Women. That happy coincidence underlined the important role women could and did play in society today.

His delegation, which had participated actively in the work of the Commission at its twenty-fourth session, associated itself with those which had commended the Commission on its useful work and the important resolutions it had produced. The Commission's report and the resolutions it contained fully reflected the diversified roles, interests and responsibilities that women had in present-day society.

His delegation considered draft resolution XII, concerning the protection of women and children in emergency and armed conflict, to be one of the most important achievements of the Commission at its twenty-fourth session. It had been surprised to hear that some delegations, almost exclusively from the Western group of countries, felt that action on the resolution should be postponed pending the outcome of the Conference of Government Experts of the International Committee of the Red Cross. It was indeed curious that the same delegations which were willing to defer consideration of the question of special protection for women and children had been diligently engaged in working out an international convention on the much narrower question of the protection of journalists. If there was any group of the civilian population whose protection in situations of emergency or armed conflict was essential, it was certainly women and children. The United Nations could not defer action on that question at a time when thousands of women and children were being killed in bombing raids in Indo-China, confined in concentration camps in South Africa and persecuted in their homes in the Middle East. For all the above reasons, his delegation strongly urged the immediate and unanimous adoption by the Committee of draft resolution XII.

Some delegations had also voiced objections to the proclamation of 1975 as International Women's Year. While his delegation did not advocate the proliferation of "international years" or believe that it would be possible to eliminate all forms of discrimination against women within one year, it considered

(Mr. Budai, Hungary)

that previous "years" had been successful in focusing world opinion and had often resulted in important legislative or other measures. It was not unreasonable to expect that an International Women's Year could achieve such positive results. His delegation therefore fully supported draft resolution VI.

Generally speaking, his delegation had no objections to the other draft resolutions submitted by the Commission. Its position on certain details would, however, be reflected in the voting.

His delegation had certain difficulties with regard to the amendments to draft resolution IV contained in documents E/AC.7/L.613 and E/AC.7/L.614. While it could accept the first three Finnish amendments, it felt that amendment No. 4 submitted by Finland and the United Kingdom amendment did not take sufficiently into account the differences among the several legal systems in the world, and it could not support those amendments. It should be possible, however, to find a more widely acceptable wording for operative paragraph 2 (b) (ii) of draft resolution IV. to which both those amendments related. His delegation would prefer an alternative formulation, rather than deletion of the subparagraph.

Me. MAHMOOD (Pakistan) said that the status of women, who had been forced to play a subsidiary role in the past, was now happily improving. In his country, for example, most of the objectives of the Declaration on the Elimination of Discrimination against Women had been fully achieved; in particular, the legislation on women's rights was now comprehensive and entirely adequate, and there was no need for further legislative provisions in that field. Legally and constitutionally, women enjoyed full equality of rights with men in Pakistan. While the legal problems had been solved, there were nevertheless social obstacles which prevented women from taking full advantage of the opportunities now open to them. Chief among those obstacles was the low level of education in Pakistan, which had the effect of perpetuating outmoded prejudices and customs among the masses of the people. That problem, of course, affected women and men equally. To combat it, his Government was making intensive efforts to eradicate illiteracy and introduce universal education. With the spread of education, it was hoped

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(Mr. Mahmood, Pakistan)

that the scope for participation by women in the various areas of social and economic life would be broadened. It should be recognized, however, that traditional beliefs were highly persistent and that women themselves could not be forced to adopt a particular way of life against their will.

With regard to the resolutions recommended by the Commission, his delegation could unreservedly support draft resolutions I, III, V, VI, VII, VIII, IX, X, XI and XIII. It was still formulating its position on resolutions II and XII. With regard to draft resolution IV, which dealt with the status of the unmarried mother, his delegation had serious reservations. Under the Islamic moral code, to which his country was proud to adhere, sexual relations out of wedlock were not condoned. Children born out of wedlock were therefore not recognized, and there could be no legitimization of their status even with the consent of the putative father. Such children inherited the mother's nationality, and the putative father was legally obliged to support them. While they were not treated on an equal footing with legitimate children, it was recognized that illegitimate children were not themselves to blame for their status and should not be made to suffer for it. Under the social assistance and social security legislation of his country, there was no discrimination against unmarried mothers. In view of the social attitudes towards unmarried mothers in his country and the legal provisions concerning them, he regretted that he could not support draft resolution IV. Indeed, he felt that it would have been more appropriate for the Commission on the Status of Women to address itself to the problem of checking the spread of illicit sexual relations which resulted in births out of wedlock.

Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) commended the Commission on the Status of Women for the amount of work accomplished at its twenty-fourth session, as reflected in its report and the numerous resolutions it had adopted. His delegation, unlike certain others, was not alarmed at the industry of the Commission. In view of the competence of the Commission's members, there was no need to subject every paragraph of its resolutions to

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(Mr. Golovko, Ukrainian SSR)

close scrutiny. If, as some had suggested, the Social Committee were to begin tearing apart and reconstructing those texts, some important provisions might well be lost in the process and the impact of the resolutions as a whole would be weakened rather than strengthened. Moreover, at the present stage it would be very difficult technically for the Committee to take on the task of redrafting and rearranging the resolutions recommended to the Council by the Commission.

With regard to draft resolution VI, it had been said that the United Nations had already proclaimed a number of "international years" and that the idea could easily be overworked. His delegation believed, however, that the significance of a particular "year" would be determined by the way in which it was celebrated. His country already honoured women with an annual national holiday and would be determined by the way in which it was celebrated. His country already honoured women with an annual national holiday and would be pleased if the Council decided to ask the General Assembly to proclaim 1975 as International Women's Year, which would be celebrated in the Soviet Union as a tribute to the achievements of Soviet women over the half-century since the establishment of the Union. The International Year might encourage countries where inequalities between men and women still existed to take the necessary steps to eliminate them.

While the best solution to the problem of protecting women and children in armed conflict was to eliminate armed conflict altogether, the second-best alternative was certainly to minimize the adverse effects of such conflict on women and children. His delegation therefore fully supported draft resolution XII and hoped that it would be adopted unanimously by the Committee.

His delegation could support the Finish amendments to draft resolution IV (E/AC.7/L.613) but not the United Kingdom amendment (E/AC.7/L.614), concerning which it shared the views expressed by the representative of Hungary.

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Mrs. RAKOTOFIRINGA (Madagascar) said that she would confine her remarks to the draft resolutions before the Committee, as her delegation would have the opportunity of reporting on the status of women in Madagascar and their participation in the development of the country at the next session of the Commission, when Madagascar would have become a member.

The role of the Commission on the Status of Women should be to work for the elimination of legal inequalities between the sexes, of which women were the usual victims. The Commission should seek to promote a spirit of co-operation between the sexes. In that connexion, she endorsed the idea that Governments should send male as well as female representatives to the sessions of the Commission and that both men and women should participate in the programme of advisory services envisaged in draft resolution V.

While she did not feel that the Commission should be criticized for the large number of resolutions it had produced, it might have been possible for the Social Committee to consider each of them more carefully if they had been fewer in number.

With regard to draft resolution IV, she shared the view that it was important not to exclude any legal system and hoped that an appropriate reformulation could be made which would prove acceptable to all.

As to the suggestion that the proposed International Women's Year should be replaced by an International Women's Day, she felt that a year would be little enough time to accomplish the broad programme of action that was needed. In that connexion, she mentioned that every year in Madagascar the National Council of Women celebrated March as "Women's Month".

Finally, her delegation had no objection whatever to draft resolution XII and urged its immediate adoption.

Miss DAES (Greece) said that the report of the Commission on the Status of Women (E/5091) demonstrated beyond question the will of women to contribute substantially to the economic and social development of their own countries and of the international community as a whole. Her delegation attached great importance to the question of education of women without any discrimination, and it therefore supported in particular draft resolutions X and XI.

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(Miss Daes, Greece)

In the case of draft resolution XI, however, her delegation wished to propose the insertion of a new operative paragraph 1. She accordingly introduced an amendment (E/AC.7/L.615), which was based on the discussion of the question of education which had taken place in the Commission on the Status of Women, on the information, supplied to the Commission by the representative of UNESCO, that only 59 States had thus far ratified or acceded to the Convention against Discrimination in Education, and on the conviction of her delegation that support should be given, as a matter of priority, to education for women, including literacy programmes, technical and vocational education and life-long education. The amendment was in accordance with the provisions of article 26 of the Universal Declaration of Human Rights, the provisions of the Declaration on the Elimination of Discrimination against Women and the provisions of article 10 (e) of the Declaration on Social Progress and Development.

Mr. ACEVEDO MORGA (Mexico) proposed the deletion, in draft resolution IV, of the second sentence of paragraph 2 (b) (iii), which was incompatible with the spirit of the last sentence of paragraph 2 (b) (iv). It was the duty of society to protect the interests of future generations, and one way of doing that was through the supervision of public funds for the support of unmarried mothers and their children.

Miss ZALDIVAR (Philippines) said that the Commission's report (E/5109) was a very impressive record of achievement in favour of women.

With regard to some of the new projects which the Commission had initiated, her delegation was pleased to note that the Commission was tackling the important field of family planning; her country, with an annual population growth rate of over 3 per cent, took family planning seriously. But perhaps more important than the demographic aspects of family planning was the emphasis on the importance of family planning to the individual woman - hitherto not dealt with by other United Nations organs. Her delegation welcomed the study initiated by the Latin American representatives - to which resolution 1 (XXIV) related - on the influence of mass media on the formation of a new attitude towards the role of women in present-day society.

The Commission's initiation of a study as referred to in resolution 14 (XXIV), of the status of rural women, was also greatly welcomed by her delegation, which

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(Miss Zaldivar, Philippines)

represented a country with an agrarian economy. The new project reflected a growing interest on the part of the Commission in women in rural areas, who constituted a vast sector of the female population in many developing countries.

Her delegation supported draft resolution II, in which the Commission had elaborated a system of reporting on the implementation of the Declaration on the Elimination of Discrimination against Women. It was hoped that that system would result in more serious consideration being given to the Declaration by Governments and non-governmental organizations.

The interregional meeting of experts on the role of women in economic and social development referred to in draft resolution VIII, would be the first occasion on which men and women concerned with the status of women and men and women concerned with development had come together. Her delegation supported such a unified approach.

With regard to draft resolution VI, concerning International Women's Year, her delegation did not agree that one day would be sufficient for the Commission to take stock of its achievements and for the official celebration of the cause of women's rights. Over a one-year period, many Member States might be encouraged to take legal and social measures in favour of women's rights. Her delegation would therefore support the resolution.

She commended the sponsors of draft resolution IV, concerning the status of the unmarried mother, for a most progressive achievement. While some of the principles enunciated in the resolution were ahead of current practice in the Philippines, her delegation nevertheless believed that, as stated in paragraph 114 of the report, those principles represented a goal to which all countries should aspire. On the basis of that conviction, her delegation would have no difficulty voting for the resolution, with the amendments proposed by Finland (E/AC.7/L.613).

Mr. SAMBIRA (Burundi) noted the interest which all countries showed in improving the status of women. The equality of men and women was no longer taboo.

His delegation wished to thank the Commission and others concerned with the production of such an excellent report. In connexion with draft resolution I, his delegation also welcomed the reforms undertaken by the Secretary-General for

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(Mr. Sambira, Burundi)

greater participation by women in the activities of the United Nations Secretariat and the specialized agencies. The appointment of a woman Assistant Director in the Division of Human Rights was evidence of a policy which should be encouraged.

His delegation would support the merger of any draft resolutions with a view to making them more effective, but would also concur if the Committee considered that the resolutions should be voted on as they stood. His delegation would support any amendments which, in its view, improved the resolutions.

His country practised no discrimination against women, and a number of laws and regulations had already been drawn up enabling women, irrespective of their marital status, to hold positions in the public service without any discrimination. Furthermore, the women of Burundi enjoyed equal political rights. The Union of Burundi Women (UFB) participated actively in national construction through the promotion of education, rural animation and other activities. UFB also contributed to the emancipation of the people and to the objectives of the Party by playing a preponderant role in literacy programmes for women who had been deprived, through no fault of their own, of their right to an education. At the regional and international levels, UFB enjoyed relations with pan-African movements for women and other international organizations.

His delegation hoped that the Committee would take action on the recommendations before it, in order to demonstrate to the women of the world its complete support for their cause. His delegation would therefore support any proposals for the attainment of the objectives of the United Nations in that field.

Mr. SEKHAMAH (Ghana) said that his delegation had no objection to the number of resolutions transmitted by the Commission, since they were all relevant. Even the occurrence of overlapping in different resolutions might have the advantage of emphasizing certain aspects and was in such cases to be welcomed. In any event, it was technically impossible at the present stage to merge resolutions.

He agreed with the representative of Madagascar that the membership of the Commission on the Status of Women should include men. He hoped that Governments would bear that in mind when appointing representatives to the Commission.

Turning to draft resolution I, he said that his delegation welcomed the appointment of Mrs. Helvi Sipila as Assistant Secretary-General dealing with social and humanitarian matters, and hoped that the Secretariat and Governments would encourage the appointment of women to senior posts. His delegation would support the draft resolution.

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(Mr. Sekhamah, Ghana)

It would also support draft resolution II; the new reporting procedure proposed was particularly welcome, since it harmonized the submission of information on civil and political rights on the one hand and economic, social and cultural rights on the other. With regard to reporting on the implementation of the various Conventions referred to in paragraph 4, his delegation hoped that Governments would tackle the subtle form of slavery practised in certain parts of Africa, where children and young girls were sent to work as domestic servants, often without their consent, for monetary consideration. Girls and women left their homes in rural areas to go to the towns, where they were forced to take jobs at paltry wages. He hoped that those aspects would be brought out in the reports submitted by Member States.

Both in Africa and elsewhere, the situation with regard to illegal immigrants was a cause for concern. Women immigrants who had entered countries illegally were often forced to take jobs that were very poorly paid, since their employers were aware of the situation. Such a practice was very prevalent in a number of European countries.

His delegation fully supported draft resolution XII concerning the protection of women and children in emergency and armed conflict, which the representative of Egypt had eloquently advocated. Furthermore, in a number of African Territories, particularly South Africa, Angola, Mozambique and Guinea (Bissau), because of the nature of the system, husbands left their homes sometimes for many months on end in order to earn their livelihood, with very adverse consequences for their wives and children. That situation merited serious consideration by the Commission. His delegation supported paragraph 3 of draft resolution XII, but certain parts of it and of paragraph 4 would obviously need to be updated before the resolution could be adopted. He hoped that the representative of Egypt would be able to propose the necessary amendments.

Mr. KONISHI (Japan) said that his delegation could support all the draft resolutions recommended to the Council except one.

Draft resolution XII was certainly controversial, and there were two important points which required careful study. First, while it was true that mothers and children were more prone to suffer in armed conflict than other civilians, the question was whether or not an attempt to single out a particular

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(Mr. Konishi, Japan)

group from among civilian persons would contribute to the improvement of the protection system as a whole. His delegation took the view that the attempt to establish a distinction in the degree of protection would weaken the protection system. With regard to the forum in which the question of the international law of war was dealt with, Japan had consistently maintained that the only appropriate forum was the International Committee of the Red Cross, with its long experience in that field. Particular care should be taken that neither the Commission on the Status of Women nor any other organ of the United Nations was involved in the legislative work on the international law of war. That was his delegation's basic position.

However, his delegation regarded draft resolution XII as an expression of good intention and concern on the part of the Commission vis-à-vis mothers and children in armed conflict. The Commission urged the organizations concerned to undertake effective work, and was not itself proposing to engage in legislative work. On that understanding, his delegation could support the draft resolution when a vote was taken.

In the case of draft resolution VII, concerning activities relating to the status of women at the regional level, his delegation had doubts about the need for and effectiveness of that approach until it saw concrete programmes of activities. However, as it had no objection to the basic idea, it could support that resolution also.

Finally, his delegation had difficulty with regard to draft resolution IV, concerning the status of the unmarried mother. It had been stressed in the Commission that the resolution was merely seeking to establish the principles and that there should not be too much concern with the actual legislation of each country. However, paragraph 2 (b) (v) concerning the offspring of unmarried mothers in matters of inheritance conflicted with the provisions of Japanese civil law, which did not recognize the equal right of the child of an unmarried woman in respect of inheritance. For that reason, his delegation could not accept the subparagraph in question, even though it only stated a principle for future action, and would have to abstain from voting on the resolution as a whole.

Mr. LOFGREN (Sweden) agreed that draft resolution IV, concerning unmarried mothers, was of particular importance. His delegation would vote for the resolution as a whole. However, it had reservations on subparagraphs 2 (b) (ii) and (iii), both of which dealt with complex legal problems that would require

(Mr. Lofgren, Sweden)

further study by the Swedish authorities. While his delegation was not requesting a separate vote, it wished its reservations to be placed on record.

In his delegation's view, the wording was unsatisfactory and took no account of different legal systems, including that of his own country. If a separate vote was requested on the two subparagraphs, and on the amendments to them, his delegation would abstain.

Mr. AL-SHARAFI (Yemen) said that women were held in high esteem in his country, which had twice been ruled by a woman. Islam, which was the principal religion of Yemen, stressed the importance of treating women with equality and fairness. Women in rural areas in his country participated on an equal footing with men in working and in all other aspects of life. Although women in the cities were veiled, that did not prevent them from participating in many activities. They were veiled not as a result of discrimination, but for their own protection. His country was in the process of expanding its school system for girls with a view to further improving their status.

His delegation supported most of the resolutions that were before the Committee and commended the Commission on the Status of Women for its excellent work.

Mr. DIAZ CASANUEVA (Chile) said that the Government of Chile attached particular importance to all problems relating to the status of women. Its current efforts to transform the socio-economic structures of the country from capitalism to socialism required the full integration of women in all tasks relating to development. Enhancement of the status of women and protection of women and children were among the fundamental aspects of the renewal that was being undertaken by his Government, which had recently submitted to the Congress a bill for the creation of a special ministry to deal with matters concerning women and children.

(Mr. Diaz Casanueva, Chile)

His delegation welcomed the idea, expressed by several delegations that the membership of the Commission on the Status of Women should include men. The Commission had rightly gained the respect of the international community and had accomplished much throughout its long existence. However, he did not believe that it would be possible for women to achieve complete equality and eliminate discrimination unless men also participated fully in that endeavour. The exploitation of women was due in great part to the capitalist system, but aside from all political considerations, there had been throughout the world centuries of prejudice against women which had led to a masculinization of society. Men therefore had a fundamental obligation to do all they could to help women to raise their status. Many men had already made great contributions to the women's liberation movement. Since there was no legal obstacle to the participation of men in the work of the Commission, his delegation hoped that the Commission would welcome their participation.

Women were in particularly vulnerable position in two specific situations: in the developing countries and in times of armed conflict. His delegation therefore attached great importance to draft resolution III, on participation of women in rural development programmes, and draft resolution XII, on protection of women and children in emergency and armed conflict in the struggle for peace, self-determination, national liberation and independence. With regard to the former, he pointed out that women played a very special role in the agrarian reform programme launched by the Government of Chile. With regard to draft resolution XII, he stressed his delegation's view that it was one of the most urgent matters before the Committee. He had been amazed to hear certain delegations express reservations regarding the protection of women and children in times of armed conflict. Their argument that existing provisions regarding the protection of civilians already covered women and children was untenable. The Secretary-General had already taken up the suggestion in paragraph 4 of the draft resolution and had transmitted the views of the Commission to the Conference of Government Experts convened by the International Committee of the Red Cross in Geneva. That Conference had also chosen to deal separately with the idea of special protection for women and children. Furthermore, draft resolution XII was particularly urgent in view of the serious developments in areas of armed conflict, particularly

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(Mr. Diaz Casanueva, Chile)

Indo-China, where the perpetrators of genocide in Viet-Nam had raped women and massacred children with the utmost cruelty. The Economic and Social Council must not remain bureaucratically indifferent to a problem as serious as that of the protection of women and children in times of armed conflict.

He did not think that the number of resolutions before the Committee should present any difficulty; what was important was not the number but the substance of the resolutions. It was both unnecessary and technically impossible, at the present stage, to consider combining resolutions.

With regard to draft resolution VI, proposing the proclamation of 1975 as International Women's Year, his delegation agreed that the results achieved by such a measure would depend on the way in which the activities were organized. He felt that such a Year would provide an excellent opportunity to focus world attention on the problems of women and to mobilize efforts, both governmental and other, on behalf of women. The Commission had taken its work very seriously, had a long record of experience, and had undoubtedly thought out its resolutions carefully. Draft resolution VI deserved the support of the Committee.

He also commended draft resolution II, which entrusted specific tasks to Member States and non-governmental organizations in connexion with the implementation of the Declaration on the Elimination of Discrimination against Women. Draft resolution IV, on the status of the unmarried mother, was also important and would help to eliminate injustices and enhance the protection of mothers and children.

In conclusion, he reiterated his delegation's support for all the resolutions submitted by the Commission on the Status of Women and expressed the hope that amendments would be kept to a minimum. His delegation would support any amendments which served to strengthen the resolutions.

Mr. VALTASAARI (Finland), introducing the amendments to draft resolution IV contained in document E/AC.7/L.613, said that all the amendments, and particular the fourth one, were based on the considered view of his delegation that the legal status of children in custody of the unmarried mother should be clearly stated at the international level. After having heard the discussion on the matter, his delegation felt that the wording of its fourth amendment would

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(Mr. Valtasaari, Finland)

benefit from further clarification. It should therefore be revised to read as follows: "... replace the the words 'law governing the nationality of the unmarried mother, provided that the child is in her custody'."

It followed from the above that his delegation did not consider the United Kingdom amendment (E/AC.7/L.614) to be adequate.

Mr. MOUSSA (Egypt) said that, in view of the Ghanaian representative's comment that draft resolution XII was outdated, his delegation wished to submit the following amendments: in paragraph 3, the words "will give consideration" should be replaced by the words "is giving consideration", and the last part of the paragraph, beginning with the words "and expresses the wish", should be deleted; paragraph 4 should be amended to read: "Notes that the Secretary-General, in accordance with the wishes expressed by the Commission on the Status of Women, has transmitted the views of the Commission...".

Miss REID (United Kingdom) noted that the fourth Finnish amendment related only to the second sentence of operative paragraph 2 (b) (ii). In the light of the comments of various delegations, the United Kingdom amendment to draft resolution IV, contained in document E/AC.7/L.614, was revised to read as follows: "At the end of the first sentence of paragraph 2 (b) (ii), add the following words: 'or, in countries where jus sanguinis is applied, suitable provision should be made to permit the mother to transmit her nationality to the child'." She hoped that the amendment would thus provide the necessary flexibility in the wording of the draft resolution.

Mr. COUTO (Brazil) pointed out that paragraph 2 (b) (ii) of draft resolution IV was unacceptable to his delegation because it did not take into account the situation in countries like Brazil, where jus soli applied. He hoped that a formulation could be devised which would take such legal systems into account.

Miss DAES (Greece) suggested that the problem presented in paragraph 2 of draft resolution IV might best be dealt with by simply deleting all references to nationality in the draft resolution. The question was a complex one and had been taken up already by several competent organs; if the Committee

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(Miss Daes, Greece)

was to engage in a discussion on that point, it would never finish. She also suggested that an appeal should be made to the delegations of Finland and the United Kingdom to withdraw their amendments.

Miss CAO-PINNA (Italy) proposed that, in paragraph 7 of draft resolution XII, the word "years" in the second line should be replaced by the word "sessions".

Mrs. GEORGE (Trinidad and Tobago) proposed that no decision should be taken on draft resolution XII at the current session. The draft resolution should be referred to the resumed fifty-third session of the Economic and Social Council, in order that it might be discussed in conjunction with the report of the Conference of Government Experts convened by the International Committee of the Red Cross.

Mr. MOUSSA (Egypt) appealed to the representative of Trinidad and Tobago not to press her motion. The draft resolution in question was particularly important and the Secretariat was already in the process of implementing it.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) supported the Egyptian representative's appeal to the representative of Trinidad and Tobago. He would remind delegations which had argued that a resolution on the protection of women and children would be too narrow that a number of countries were currently engaged in the preparation of a convention on the protection of journalists. Such a convention would certainly be much narrower in scope than draft resolution XII.

Mr. MANI (India) also appealed to the representative of Trinidad and Tobago to withdraw her motion. He pointed out that the Conference in Geneva was a diplomatic one and its decisions would be reflected in the Geneva Conventions. Any decision taken by that Conference could be considered by the General Assembly. Consideration of the matter by the Council should be kept separate from the discussions at the Conference of the International Committee of the Red Cross.

Mrs. GAVRILOVA (Bulgaria) appealed to the representative of Trinidad and Tobago and the delegations that might have inspired her motion to withdraw it. Draft resolution XII was one of the most important before the Committee, in that

(Mrs. Gavrilova, Bulgaria)

it did not deal only with matters of principle but would have a bearing on current events which required urgent attention. The consideration of the matter by the International Committee of the Red Cross was of a completely different nature.

Mr. MAHMASSANI (Lebanon) said that the motion put forward by the representative of Trinidad and Tobago could not be implemented because the summer session of the Economic and Social Council would be dealing only with economic matters.

The meeting rose at 1.15 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-FOURTH MEETING

Held on Wednesday, 24 May 1972 at 3.30 p.m.

Chairman:

Mr. MOUSSA

Egypt

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HUMAN RIGHTS QUESTIONS (continued):

- (a) REPORT OF THE COMMISSION ON THE STATUS OF WOMEN (E/5109 and Add.1; E/AC.7/L.613, L.614, L.615, L.617)

Mr. COUTO (Brazil) said that operative paragraph 2 (b) (ii) of draft resolution IV of the Commission on the Status of Women provided protection for the interest of illegitimate children only in countries where jus sanguinis was applied. In order that the paragraph might be adopted unanimously, he therefore proposed two subamendments to the United Kingdom amendment; firstly, the words "in the countries where jus sanguinis is applied" should be inserted at the beginning of the first sentence in that paragraph instead of at the end, as suggested by the United Kingdom delegation and secondly, the same formula would also have to be inserted at the beginning of the second sentence.

Mr. van BOVEN (Netherlands), referring to draft resolution VI, said that it would be preferable to proclaim an International Week for the Status of Women rather than an International Year, for it was sometimes difficult to organize activities over so long a period. In addition, the Economic and Social Council had advised against proclaiming too many international years in order that their effectiveness might be preserved. The International Week for the Status of Women should be held at the same time as and should culminate with Human Rights Day. His delegation's amendments to draft resolution VI were contained in document E/AC.7/L.617.

As the representative of Greece had pointed out quite rightly at the previous meeting, draft resolution XI should also urge States which were not parties to the Convention Against Discrimination in Education adopted by UNESCO in 1960, nor to the 1962 Protocol to that Convention, to accede to or ratify them. He therefore proposed that the words "and the 1962 Protocol to that Convention instituting a Conciliation and Good Offices Commission" should be added after the words "this Convention" in the last line of the amendment submitted by Greece (E/AC.7/L.615).

Although his delegation approved the spirit of draft resolution XII, the text raised some difficulties. Before a decision was taken on whether to draft the declaration envisaged in operative paragraph 2, the outcome of the work done by the

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(Mr. van Boven, Netherlands)

International Committee of the Red Cross should be examined. He therefore proposed that the words "and, if necessary, to draft a declaration on the subject" should be deleted and replaced by "and to consider, in the light of the results of the work done in this respect in the framework of the International Committee of the Red Cross, the desirability of drafting a declaration on the subject".

Mrs. GEORGE (Trinidad and Tobago) said that, in view of the importance of draft resolution XII - since women and children were hit the hardest by armed conflicts - she had decided, in accordance with the wishes expressed by numerous delegations, to withdraw her proposal that consideration of draft resolution XII should be deferred.

Mr. MANI (India) thanked the representative of Trinidad and Tobago for her understanding and spirit of co-operation.

Mr. KANIARU (Kenya) assured the Committee that his delegation would continue to participate with interest in the work on the Commission on the Status of Women. The proposal that men should be assigned to the Commission deserved attention. He deplored the fact that the Commission tended to devote too much attention to relatively minor problems and to assign a universal character to problems which arose only in certain countries.

His delegation was in favour of draft resolutions I, II, III, V, VI, VII, VIII and IX. It could accept draft resolution X and would also support draft resolution XI, as amended by Greece and the Netherlands. In that connexion, he pointed out that the laws of Kenya prohibited any discrimination in education. His delegation could also support draft resolution XII, with or without the amendment submitted by the Netherlands. With regard to draft resolution IV, the question had not been sufficiently studied and, in particular, sufficient attention had not been given to the various social contexts. The measures provided for in the draft resolution were necessary only in certain countries. His delegation would, therefore, abstain from voting on draft resolution IV.

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Miss REID (United Kingdom) recalled that her delegation had not supported draft resolution II in the Commission on the Status of Women. It was not right to place apartheid, colonialism and slavery on the same footing. Apartheid was obnoxious but it differed from slavery in certain important respects and did not have certain of the characteristics of slavery. The slave trade was not part of apartheid nor did the latter entirely deprive people of all liberties. Her delegation therefore proposed that the words "which are the worst forms of slavery" should be deleted from paragraph 4.

Mr. VALTASAARI (Finland) expressed regret at not being able to comply with the Greek delegation's request that he withdraw his amendment to operative paragraph 2 (b) (ii) of draft resolution IV (E/AC.7/L.613). His delegation was aware of the legal complexities of the matter but considered it a question of principle and would maintain the amendment.

Mr. BODAI (Hungary) thanked the representative of Trinidad and Tobago for having withdrawn her proposal that consideration of draft resolution XII should be deferred. The representative of the Netherlands had perfectly grasped the true significance of the draft resolution and his delegation was grateful to him for having proposed a formula to make it more acceptable. It was not seemly to haggle over the duration of the manifestation envisaged in draft resolution VI. A year was necessary in order to highlight the role of women in society.

Miss CAO-PINNA (Italy), referring to operative paragraph 2 (a) of draft resolution IV, pointed out that, under Italian legislation, it was the responsibility of the father or the natural or adoptive mother to recognize the child. Filiation was never automatically recognized. She requested a separate vote on the paragraph so that her delegation might abstain from voting on it. On the other hand, her delegation supported the Netherlands amendment to draft resolution XII.

Miss DAES (Greece) accepted the subamendment to resolution XI proposed by the representative of the Netherlands, for the purpose of the 1960 Convention and the 1962 Protocol was the same, namely, to promote education without any discrimination.

Mr. MANI (India) felt that the Commission on the Status of Women had somewhat neglected the problems of the General Service staff. He proposed that

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(Mr. Mani, India)

draft resolution I should be amended by the addition of a paragraph which would read: "Recommends that the Secretary-General may be requested to explore the possibility of reserving a percentage of vacancies at the Professional level for promoting women employees in the General Service category on the basis of their qualifications, seniority and merit". He would not insist that a vote be taken on the proposal but wished it to be reflected in the report.

Mrs. GAVRILOVA (Bulgaria) said that her delegation could support draft resolution XI, as amended by the Greek delegation, provided that the discriminatory formula "States Members" was deleted from the amendment. Otherwise, her delegation would have to abstain from voting on the resolution.

Mr. SEKYIAMAHI (Ghana) said he understood the slight difficulty in logic raised by paragraph 4 of draft resolution II; it was difficult to equate colonialism and slavery even if, in certain cases, such as in the Portuguese colonial system, colonialism was worse than slavery. However, unlike the representative of the United Kingdom, he felt that apartheid was certainly the most inhuman system possible. Naturally apartheid did not imply trade or traffic in persons, but under that system a tiny minority had power over the souls of coloured people. It was not the body which was enslaved but, worse, the mind. His delegation could not accept the amendment proposed by the United Kingdom because it weakened the paragraph.

Miss DAES (Greece) thanked the representative of Bulgaria and suggested that she should refer back to operative paragraph 1 of draft resolution X and to paragraph 5 of draft resolution XII, which also concerned only Member States. It was in an endeavour to broaden the scope of that paragraph that at the previous meeting she had proposed the addition of the words "and of the specialized agencies" (E/AC.7/L.615).

Mr. VALTASAARI (Finland), at the request of Mr. TARASSOV (Union of Soviet Socialist Republics), recalled that his reason for proposing the deletion of the last preambular paragraph of draft resolution IV was that the draft text, and particularly the words "including unmarried mothers" implied that unmarried mothers were a separate section of society.

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Mr. TARASSOV (Union of Soviet Socialist Republics) thanked the representative of India for not pressing for a vote on his oral proposal. The promotion of General Service staff to the Professional category raised technical difficulties; admission to that category often required specialized knowledge and was possible only under certain conditions.

He agreed with the representative of Ghana that the United Kingdom amendment to operative paragraph 4 of draft resolution II was unacceptable. The reasons stated by the delegation of Finland were not sufficient to warrant deletion of the final preambular paragraph of draft resolution IV. The resolution had a humanitarian objective and that paragraph highlighted the situation of unmarried mothers, stressing that they had equal rights before the law; the paragraph did not exclude them from society but on the contrary aimed at integrating them into society.

Furthermore, he wondered whether the amendment to operative paragraph 1, proposed by the representative of Finland, was not somewhat restrictive; a family, in the absence of the father, could be made up of the unmarried mother and her child, but it could also include other members of the mother's family. One advantage of the existing draft of paragraph 1 was that it emphasized the case of the unmarried mother and her child. He hoped those comments would induce the delegation of Finland to withdraw its amendment; otherwise, the Soviet delegation would have to abstain from voting on it. His delegation approved the provisions of paragraph 2 of that resolution, which was drafted in general terms and could be interpreted by each State in accordance with its legal system. However, it was difficult to accept the proposed amendment to paragraph 2 (b) (ii) because if a family was broken up the child could live either with the mother or the father, but it did not seem right to determine the child's nationality solely on the basis of the child's material maintenance by one of the parents. For that reason the existing text was more satisfactory.

The representative of the Netherlands had proposed that the International Women's Year should be replaced by an International Week for the Status of Women (draft resolution VI) and had rightly noted that there was a tendency towards the proliferation of international years; however the draft resolution dealt with a special case. There was already a women's day, which had different titles

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(Mr. Tarassov, USSR)

throughout the world - Mother's Day, Women's Liberation Day - and in some countries it even had a political meaning. However, those days were more like feast days and did not go far enough; they did not help to draw the attention of society as a whole to the remaining inequalities between men and women. A day or even a week would not be sufficient to ensure the full realization of the rights of women and their advancement, as stated in paragraph 3; considerably more time was required to organize a political campaign and to enable the relevant official bodies to reconsider the laws through which those objectives could be reached. The resolution should therefore be adopted as it stood. Like the representative of Bulgaria, he felt that the text of the Greek amendment to resolution XI was discriminatory. The representative of Greece had referred to resolution X; it was true that in seeking the participation of women in activities within the competence of international organizations and the employment of women in their secretariat, an appeal should be made to Member States to support the cause of women within any organizations to which they belonged. However, the Greek amendment to resolution XI concerned accession to an international Convention; in that case any limitation might be a form of discrimination. His delegation was therefore unable to approve that amendment.

He thanked the representative of Trinidad and Tobago for having withdrawn her proposal that consideration of resolution XII should be postponed. With regard to the two amendments proposed by the Netherlands, the work of the International Committee of the Red Cross and of the Conference of Government Experts on practical, legal and technical questions was obviously important and the Commission on the Status of Women and the Secretary-General would bear that work in mind. However, the conclusions which would be reached by that Conference should certainly not influence the attitude of the Economic and Social Council as to the timeliness of a declaration on the matter. His delegation felt that a declaration was necessary, since the question was a humanitarian one which could not be ignored by the Economic and Social Council, in view of the interest shown by a great many States. The resolution should therefore be adopted in its existing draft.

Mr. LOFGREN (Sweden) said he understood the arguments put forward by the representative of Finland but shared the concern voiced by the representative of

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(Mr. Lofgren, Sweden)

the Soviet Union. The dilemma could be solved if the words "including unmarried mothers", in the last preambular paragraph of draft resolution IV, were replaced by "irrespective of marital status".

Mrs. WU (China) said that on the whole she was in favour of the draft resolutions submitted by the Commission on the Status of Women to the Economic and Social Council. However, she would have to abstain from voting on draft resolution II since the Convention on the Political Rights of Women, referred to in operative paragraph 3, had not been signed by China but only by the Chiang Kai-shek clique; China had not yet had time to become thoroughly acquainted with the provisions of that Convention and could therefore take no decision on any recommendations concerning it. Neither would she support draft resolution VII because it was not for the interested intergovernmental organizations to consider the establishment of regional commissions on the status of women, but for the women themselves, in the regions concerned.

Mr. VALTASAARI (Finland) withdrew his amendment to the seventh preambular paragraph of draft resolution IV, which was merely aimed at not singling out unmarried mothers. However, he maintained his second amendment to operative paragraph 1 of the same draft resolution; it was aimed merely at bringing paragraph 1 into line with paragraph 2 (b) (iii).

Miss DAES (Greece) thanked the representative of the USSR for his comments on the Greek amendment to draft resolution XI. She would not press for the adoption of her amendment to paragraph 5 of draft resolution XI. She recalled that at the previous meeting (E/AC.7/SR.693) she had proposed that any reference to nationality should be deleted from operative paragraph 2 of draft resolution IV.

Mr. van BOVEN (Netherlands) said that his amendment to operative paragraph 2 of draft resolution XII was aimed only at linking the work of the Commission on the Status of Women to the work of the International Committee of the Red Cross and should not raise any serious difficulties. In reply to the representative of the USSR, he noted that he had spoken of an International Week, and not a Day, for the Status of Women.

The CHAIRMAN suggested that the Committee might vote on the draft resolutions submitted to the Economic and Social Council by the Commission on the Status of Women.

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Draft resolution I

At the request of the representative of the Ukrainian Soviet Socialist Republic, operative paragraph 3 was put to the vote separately.

Paragraph 3 was adopted by 34 votes to 4, with 2 abstentions.

Draft resolution I as a whole was unanimously adopted.

Draft resolution II

United Kingdom oral amendment to operative paragraph 4

The amendment was rejected by 23 votes to 5, with 11 abstentions.

Draft resolution II as a whole

Draft resolution II as a whole was adopted by 39 votes to none, with one abstention.

Draft resolution III

Draft resolution III was adopted unanimously.

Draft resolution IV

At the request of the representative of Italy, a separate vote was taken on paragraph 2 (a).

Paragraph 2 (a) was adopted by 23 votes to 1, with 14 abstentions.

Swedish amendment to the seventh preambular paragraph as orally revised

The Swedish amendment was adopted by 20 votes to none, with 18 abstentions.

Finnish amendment to paragraph 1 (E/AC.7/L.613, No. 2)

The Finnish amendment was adopted by 25 votes to 1, with 12 abstentions.

Brazilian subamendment to the United Kingdom amendment to paragraph 2 (b) (ii)

The Brazilian subamendment was rejected by 9 votes to 7, with 21 abstentions.

United Kingdom amendment (E/AC.7/L.614) as orally revised

The United Kingdom amendment was rejected by 5 votes to 4, with 29 abstentions.

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Finnish amendment to paragraph 2 (b) (ii) (E/AC.7/L.613, No. 4)

The Finnish amendment was rejected by 8 votes to 6, with 25 abstentions.

At the request of the representative of Brazil, a separate vote was taken on paragraph 2 (b) (ii) as a whole.

Paragraph 2 (b) (ii) was adopted by 20 votes to none, with 17 abstentions.

Mexican amendment to paragraph 2 (b) (iii)

There were 8 votes in favour, 8 against and 23 abstentions. The Mexican amendment was not adopted.

Mr. MANI (India) requested a recorded vote on draft resolution IV as a whole.

The CHAIRMAN explained that there was no provision for a recorded vote in the rules of procedure of the Economic and Social Council. However, since the rules had been drawn up before installation of the electronic equipment, he saw no difficulty in taking a recorded vote.

Draft resolution IV as a whole

In favour: Argentina, Austria, Bolivia, Brazil, Bulgaria, Burundi, Canada, Chile, China, Denmark, Egypt, Finland, France, Ghana, Greece, Haiti, Hungary, Italy, Lebanon, Madagascar, Netherlands, New Zealand, Peru, Philippines, Poland, Romania, Spain, Sweden, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, United States of America, Venezuela, Zaire.

Against: None.

Abstaining: Barbados, India, Indonesia, Japan, Mexico, Pakistan.

Draft resolution IV as a whole was adopted by 36 votes to none, with 6 abstentions.

Draft resolution V

Draft resolution V was adopted unanimously.

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Draft resolution VI

Netherlands amendment to the last preambular paragraph (E/AC.7/L.617, No. 1)

The Netherlands amendment was rejected by 14 votes to 10, with 13 abstentions.

Netherlands amendment to paragraph 1 (E/AC.7/L.617, No. 2)

The Netherlands amendment was rejected by 16 votes to 11, with 11 abstentions.

The representative of the Netherlands withdrew the remainder of the amendments submitted by his delegation.

Draft resolution VI as a whole

Draft resolution VI as a whole was adopted by 39 votes to none, with 4 abstentions.

Draft resolution VII

At the request of the representative of India, a separate vote was taken on the last preambular paragraph and on paragraph 1.

The last preambular paragraph was adopted by 33 votes to none, with 8 abstentions.

Paragraph 1 was adopted by 33 votes to none, with 8 abstentions.

Draft resolution VII as a whole

Draft resolution VII as a whole was adopted by 36 votes to none, with 6 abstentions.

Draft resolution VIII

Draft resolution VIII was adopted unanimously.

Draft resolution IX

Draft resolution IX was adopted unanimously.

Draft resolution X

Draft resolution X was adopted unanimously.

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Draft resolution XI

At the request of the representative of Hungary, a separate vote was taken on the words "Member States of the United Nations and members of the specialized agencies" in the text of the Greek amendment.

The phrase was adopted by 26 votes to 10, with 4 abstentions.

Greek amendment in document E/AC.7/L.615, as revised

The Greek amendment was adopted by 33 votes to none, with 8 abstentions.

Draft resolution XI as a whole

Draft resolution XI was adopted unanimously.

Draft resolution XII

Netherlands amendment to paragraph 2

The Netherlands amendment was adopted by 29 votes to 6, with 1 abstention.

First Egyptian oral amendment to paragraph 3

The Egyptian amendment was adopted unanimously.

Second Egyptian oral amendment to paragraph 3

The Egyptian amendment was adopted unanimously.

Egyptian oral amendment to paragraph 4

The Egyptian amendment was adopted unanimously.

Italian amendment to paragraph 7

The Italian amendment was adopted by 38 votes to none, with 2 abstentions.

Draft resolution XII as a whole

Draft resolution XII as a whole, as amended, was adopted by 40 votes to none, with 3 abstentions.

Mr. BUHL (Denmark) explained that he had voted in favour of draft resolution XII as a whole because his delegation approved of and supported the humanitarian principles underlying that text. He considered that draft resolution XII represented the general view of the Committee concerning the humanitarian rules which should be applied in case of armed conflict.

Draft resolution XIII

Draft resolution XIII was adopted by consensus.

Mrs. RAKOTOFIRINGA (Madagascar) corrected her vote on draft resolution VII. Her delegation was in favour of the last preambular paragraph and of paragraph 1.

The meeting rose at 6.20 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-FIFTH MEETING

Held on Thursday, 25 May 1972, at 11 a.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):(a) REPORT OF THE COMMISSION ON THE STATUS OF WOMEN (E/5109 and Add.1)
(concluded)

The CHAIRMAN invited the Assistant Director of the Status of Women Section to give a clarification regarding the question raised on the previous day by the representative of Italy regarding the decision contained in chapter IX, paragraph 244, of the report of the Commission (E/5109).

Mrs. BRUCE (Assistant Director, Status of Women Section) said that the reason why the Commission had not appointed the Working Group established in resolution 5 (XXIV) of the Commission was that it did not know what the membership of the Commission would be at its twenty-fifth session in 1974. The decision therefore invited the Council to appoint members of the Working Group in 1973, when the membership for the twenty-fifth session would be known.

Miss STOKES (New Zealand), speaking in explanation of vote on draft resolution XII, said that in the Commission, the text had proved controversial, being adopted by 18 votes in favour, with 11 abstentions. Furthermore, doubt had recently been expressed in the Committee concerning the usefulness of adopting that text at the present time. Her delegation had supported the Egyptian amendments, and the Netherlands amendment to paragraph 2. Nevertheless, her delegation's doubts concerning the usefulness of certain parts of the text, and its belief that the best prospect of progress in that important field lay in the continuing work of the International Committee of the Red Cross on the development of humanitarian law, had led it to abstain in the vote on the resolution as a whole.

Mr. BEMBOY (Zaire) said that his country had made great efforts to promote the participation of women in society. Progress had been very encouraging: women held many professional posts, and the Government included women Ministers. His delegation had supported all the resolutions submitted for action by the Council.

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Mr. COUTO (Brazil) said in explanation of his vote on draft resolution XII that his Government's ratification of the four Geneva Conventions, and its active participation in the Conference of Government Experts convened by the International Committee of the Red Cross (ICRC) currently meeting at Geneva, showed the great concern it felt for all persons involved in armed conflict. Furthermore, it fully supported any humanitarian effort directed toward the protection of women and children. That was why his delegation had voted in favour of draft resolution XII. That position should not, however, be construed as an endorsement of the use of any means that might run counter to the letter and spirit of the Charter.

Mr. BOURGOIN (France), speaking in explanation of vote, said in connexion with draft resolution IV, concerning unmarried mothers, that his delegation had abstained in the vote on paragraph 2 (a) because that provision did not conform to French law, under which parental authority was invested in the parent who voluntarily recognized the child, in cases where only one parent did so.

His delegation had also had reservations concerning paragraph 2 (b) (v) relating to inheritance. The Act of 31 December 1970 had repealed article 337 of the French Civil Code which had established a disparity between a legitimate child and an illegitimate one with respect to the law of inheritance. Furthermore, a government bill now before the French Parliament should in principle sanction equal treatment for both in that respect.

His delegation had had reservations concerning draft resolution IV, however, because it dealt with the law of inheritance relating to the offspring of unmarried mothers: a study on children born out of wedlock had been made by the Special Rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. That study was soon to be considered by the Commission on Human Rights, and it was inappropriate to anticipate any of its conclusions.

With regard to draft resolution XII, relating to the protection of women and children in emergency and armed conflict, his delegation had voted in favour of the resolution for humanitarian reasons. Having listened to the comments made

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(Mr. Bourgoin, France)

at the previous meeting, his delegation felt that its position had been misunderstood. What his delegation had meant was that it had had certain doubts as to whether a study of that matter should be a permanent item on the Commission's agenda. His delegation wished to confirm its reservations on the operative part of the resolution, which tended to institutionalize the question. On the other hand, his delegation had said that it was right for the Commission to study certain cases that were particularly worthy of attention, provided it did no more than give its views to the competent international bodies. The adoption of the Netherlands amendment had made it possible for his delegation to vote in favour of the resolution as a whole, despite the reservations he had expressed.

Mr. KONISHI (Japan) said in explanation of vote that his delegation, as it had already stated, had difficulties with draft resolution IV. In view of paragraph 2 (b) (v) concerning the rights of the offspring of unmarried mothers in matters of inheritance, his delegation had abstained in the vote on the resolution as a whole. Since it had not wished to pass judgement on any other paragraph or any other amendment, his delegation had abstained in the voting on the amendments and in the separate votes.

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616; E/C.2/747 and E/CN.4/1096)
- (c) ALLEGATIONS REGARDING INFRINGEMENTS OF TRADE UNION RIGHTS (E/5110; E/L.1496)

The CHAIRMAN drew attention to the report of the Commission on Human Rights on its twenty-eight session contained in document E/5113. The working documents before the Commission at that session were reproduced in document E/CN.4/1096. In addition, she wished to draw the Committee's attention to a letter dated 23 May 1972 addressed to the Secretary-General by the Permanent Representative of Brazil concerning racial integration and racial harmony in Brazil (E/AC.7/L.616), and to a statement by a group of non-governmental organizations in category II consultative status and one organization on the Roster (E/C.2/747).

The four draft resolutions recommended for action by the Council were contained in part A of chapter XIV of the report. Other matters of concern to the Council were contained in part B of that chapter. The financial implications of

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(The Chairman)

resolutions 2 (XXVIII) and 5 (XXVIII) and of a decision adopted by the Commission concerning the question of the reports and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities were to be found in annex II of the report.

Mr. SCHREIBER (Director, Division of Human Rights) introduced the report of the Commission on Human Rights on its twenty-eight session (E/5113). The report was succinct, in line with the Council's request, and clearly reproduced the views expressed by members of the Commission on those items which they had been able to consider. The Commission had taken the necessary time to draft the report with the utmost care. He welcomed the fact that the Chairman, Vice-Chairman and Rapporteur of the Commission were participating in the work of the Economic and Social Council at its fifty-second session.

The first of the four draft resolutions recommended for action by the Council dealt with the question of the realization of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights. The Commission attached considerable importance to the question and was eagerly awaiting the report of its Special Rapporteur. The resolution was designed to involve the regional economic commissions, the ILO and UNESCO in the question and to secure the co-operation of the Committee on Review and Appraisal of the Objectives of Policies of the International Development Strategy so as to ensure that the human factor would not be neglected during the Second Development Decade.

Draft resolution II related to the protection of journalists engaged in dangerous professional missions in areas of armed conflict. It had given rise to considerable discussions and consultations among members of the Commission. The General Assembly, which was considering the question within the framework of respect for human rights in armed conflicts, had requested the Commission through the Council, to consider, as a matter of priority, the preparation of a draft international convention. During its twenty-eighth session, the Commission had adopted a set of draft articles which would serve as the basis for future work. In draft resolution II submitted by the Commission, the Council would decide to transmit to the General Assembly the draft articles as approved by the Commission, along with the proposed amendments and other documents submitted during the session representing views different from those contained in the draft articles. The summary records of the Commission's meetings would also be

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(Mr. Schreiber)

transmitted to the General Assembly so that it would be fully aware of the views expressed in the Commission. In addition, the draft articles had been transmitted to the Conference of Government Experts convened by the International Committee of the Red Cross. The experts had expressed their views on those articles and the relevant part of the report of the Conference would be transmitted to the General Assembly.

Draft resolution III concerned the long-standing problem of the punishment of war criminals and of persons who had committed crimes against humanity. It was designed to ensure the continuation of work on the item and to secure further information from Governments.

By draft resolution IV, the Economic and Social Council would take note of the report of the Commission on Human Rights in the normal way.

Turning to the decisions on matters of concern to the Council, he said that the first decision was designed to keep the General Assembly informed of the Commission's action on the request contained in section I of General Assembly resolution 2784 (XXVI), concerning continued international action to combat racism and racial discrimination. The second decision, which corresponded to internal resolution 2 (XXVIII), reflected the Commission's desire that a study should be prepared by a special rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the question of policies and practices of discrimination on the basis of colour faced by people of African origin in all countries. The report of the Ad Hoc Working Group of Experts concerning the question of apartheid from the point of view of international penal law (E/CN.4/1075) which it had received and studied during its session, should be transmitted to Member States, the Special Committee on Apartheid and the International Law Commission. The third decision requested the Council to invite the General Assembly at its twenty-seventh session to give priority to the question of the adoption of an international instrument for the suppression and punishment of the crime of apartheid. The last decision related to the Commission's wish to hold its next session at Geneva in accordance with its practice of meeting alternately in New York and Geneva.

As well as the resolutions which required action by the Council, the Commission had adopted a number of internal resolutions of no less importance.

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(Mr. Schreiber)

Resolution 1 (XXVIII), which related to continued international action to combat racism and racial discrimination, was based on resolution 2874 (XXVI) adopted by the General Assembly during the International Year for Action to Combat Racism and Racial Discrimination. In that resolution, the Commission requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to assist it in the task conferred on it by the General Assembly and to make suggestions concerning a draft programme for the proposed Decade for Action to Combat Racism and Racial Discrimination. The Sub-Commission was expected to consider the matter at its forthcoming session in August 1972. Paragraph 4 requested the Secretary-General, in consultation with the specialized agencies concerned, to prepare an outline for a long-term programme of international action to combat racism, apartheid and racial discrimination.

The importance of resolution 3 (XXVIII) was clear. It dealt with the violation of human rights in the territories occupied as a result of hostilities in the Middle East.

The Commission had adopted resolution 4 (XXVIII) concerning the draft Convention on the suppression and punishment of the crime of apartheid in response to the General Assembly's request in resolution 2786 (XXVI) that the Commission should study the draft submitted by the delegations of Guinea and the Soviet Union and transmit the text of a draft to the General Assembly at its twenty-seventh session. During the Commission's session a second text had been submitted by several delegations in the form of a draft protocol to the International Convention on the Elimination of All Forms of Racial Discrimination. The Commission had not concluded its consideration of the drafts and had requested the Secretary-General to circulate the two texts to Governments for their comments so that they could be considered by the General Assembly at its twenty-seventh session. The work was to be conducted in consultation with the Special Committee on Apartheid. Some contact had been made during the session, but no joint or parallel work had been undertaken. The Commission therefore invited the Special Committee on Aprtheid to consider the draft Convention on the suppression and punishment of the crime of apartheid and the draft protocol to the International Convention on the Elimination of All Forms of Racial Discrimination and submit its recommendations directly to the General Assembly at its twenty-seventh session.

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(Mr. Schreiber)

The draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Professional Missions in Areas of Armed Conflict were annexed to resolution 6 (XXVIII). The amendments to those articles and the working documents submitted to the Commission, which would also be transmitted to the General Assembly, were contained in document E/CN.4/1096.

Internal resolution 8 (XXVIII) requested Member States to communicate to the Secretary-General their comments concerning the draft principles relating to equality in the administration of justice adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

As was apparent from its report, the Commission had discussed several difficult questions which the General Assembly had recommended to it as a matter of priority. Those items included the question of the elimination of racial discrimination from various areas, the violation of human rights in the territories occupied as a result of hostilities in the Middle East, the protection of journalists engaged in dangerous missions in areas of armed conflict, the punishment of war criminals and persons who had committed crimes against humanity and the draft principles relating to equality in the administration of justice.

It had also devoted some time to agenda item 10, "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". It had not been able to consider all the reports of the Sub-Commission on Prevention of Discrimination and Protection of Minorities included in item 9, which had already been pending for some time. It was however important to realize that work was continuing even on those items which had not been discussed. In the case of the model rules of procedure for United Nations bodies dealing with violations of human rights, a Working Group had met under the chairmanship of Chile and had submitted a report to the Commission. The Commission was therefore in a position to take up the item at the appropriate time. With regard to item 14, the Ad Hoc Committee on Periodic Reports had considered reports on freedom of information and, despite certain minor reservations, had unanimously adopted a draft resolution for action by the Commission. At its twenty-eighth session, the Commission had not considered the question of human rights and scientific and technological developments, which it had studied in depth at its twenty-seventh

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(Mr. Schreiber)

session. He did however wish to assure the Committee that the Secretary-General was continuing to study the problem, as requested by the General Assembly in resolution 2721 (XXV) and in the light of the earlier comments by the Commission. With regard to advisory services in the field of human rights, activities were continuing. In 1971 three seminars had been held in connexion with the International Year for Action to Combat Racism: a seminar on measures to be taken on the national level for the implementation of United Nations instruments aimed at combating and eliminating racial discrimination and for the promotion of harmonious race relations had been held at Yaoundé (Federal Republic of Cameroun). It had adopted a report containing unanimous conclusions and had fully lived up to expectations. A seminar had been held at Nice (France) on the dangers of a recrudescence of intolerance in all its forms and the search for ways of preventing and combating it and its report revealed the interest of participants in the subject. A seminar on the participation of women in economic life (with reference to the implementation of article 10 of the Declaration on the Elimination of Discrimination against Women and of General Assembly resolution 2617 (XXV)) had been held at Libreville (Republic of Gabon). The seminar, which had been considered most satisfactory by all participants had adopted a substantive report. Appreciation should be expressed to countries hosting seminars, which were a most useful form of activity in the field of human rights. There were to be two seminars and a regional training course in 1973. A seminar on human rights and scientific and technological developments was to be held at Vienna during the second half of June. It would be the first seminar to be held on that subject and it was expected that the participants would be specially competent in the subject-matter. A seminar on the status of women and family planning was to be held at Istanbul in July. Japan was to host a regional training course on human rights and criminal justice, for which a number of candidates were expected from African and Asian countries.

The Council had also asked for the Commission's views on certain matters which had been drawn to the former's attention by the General Assembly, and in particular

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(Mr. Schreiber)

on matters arising from the reports of the Joint Inspection Unit concerning periodic reports and the form of the Yearbook. Because of lack of time, the Commission had not been able to respond to the Council's request. Whilst it might be considered that the Committee should give serious consideration to those matters, it should avoid taking a hasty decision which might endanger the basis of the system of periodic reports, which worked well on the whole, or the form of the Yearbook, which had been in existence for over 20 years. Any change would require a decision by the Council itself.

The 1971 session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities had been most fruitful. The Commission had considered certain parts of its report in conjunction with other items, but unfortunately, it had not been able to vote on Sub-Commission resolution 3 (XXIV) entitled "Question of slavery and the slave trade in all their practices and manifestations". The Sub-Commission had appointed three Special Rapporteurs on protection of minorities, genocide and discrimination against indigenous peoples, respectively. They were expected to submit preliminary reports to the Sub-Commission at its next session. The Commission had reviewed the composition of the Sub-Commission, as it was called upon to do at the end of each three-year period.

Another question which the Sub-Commission had drawn to the Council's attention already in 1971 was the question of the date and venue of its meetings. By resolution 4 (XXIV) which referred to resolution 7 (XXIII), the Sub-Commission now recommended that its future annual sessions should be held early in the year at Headquarters and at Geneva in alternate years. He wished to point out yet again that if the Council was to consider the report of the Commission on Human Rights at its spring session, the Commission had to meet between the end of February and early April each year. It was therefore not possible for the Sub-Commission to meet in January and report to the Commission in time for its February or March meetings. Accordingly, the Sub-Commission would have to meet at the end of the summer so that there could be a sufficient interval between the meetings of the Sub-Commission and of the Commission itself. On the other hand, it would be possible for the Council to allow the Sub-Commission to alternate between Headquarters and Geneva, which would mean that it would meet in Geneva in 1973. Geneva meetings might have some financial implications, but in view of the advantages which the Sub-Commission would derive from alternating its venue, the Council might wish to consider acceding to its request.

(Mr. Schreiber)

Regarding the status of the Convention on the Elimination of All Forms of Discrimination, he informed the Committee that instruments of ratification or accession had been received from 65 Member States, and more were expected. Sixteen ratifications of the International Covenant on Economic, Social and Cultural Rights and 15 ratifications of that on Civil and Political Rights had been received. The Optional Protocol to the International Covenant on Civil and Political Rights had been ratified by seven States. Hence the number of ratifications were increasing, although not so rapidly as might be desired since 35 were required for the entry into force of the Covenants. As the Secretary-General had pointed out, the impact of United Nations activities in the field of human rights would greatly increase and would indeed take on a new significance when the Covenants came into force.

The programme of United Nations activities in the field of human rights was extremely broad and becoming even broader every year. The resources available to the Division of Human Rights were however limited and, in the present circumstances there was no likelihood of their increasing. It should therefore be borne in mind that the time might come when it would not be possible to provide to various organs dealing with human rights and the special rapporteurs with the assistance and services they had received in the past. In the circumstances, members of the relevant bodies, and in particular government experts and special rapporteurs might be called upon to assume a greater part of the work-load personally. He thought that there was no question of reducing the programme, however. World public opinion was increasingly calling on the United Nations to discharge one of its primary functions under the Charter - to assist in the protection of the human rights of all men, to protect the individual's most precious possessions: his dignity and his right to material and spiritual progress.

The CHAIRMAN thanked the Director of the Division of Human Rights for his statement and invited the Committee to discuss the item. In that regard, she drew attention to paragraph 5 of Economic and Social Council resolution 1623 II (LI), which urged that consideration of reports should be confined, as far as possible, to matters requiring decisions or guidance from the Council.

Mr. FENELON (Haiti) said that his delegation had carefully studied the report of the Commission on Human Rights (E/5113) and was pleased to note the prominence which had been given to certain subjects in that report. As the Haitian

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(Mr. Fenelon, Haiti)

representative had stated during the general debate at the twenty-sixth session of the General Assembly, his Government condemned the policy of apartheid and racial segregation practised by the Governments of South Africa and Rhodesia and the remaining vestiges of colonialism in Africa. Accordingly, his delegation endorsed all the resolutions adopted by the Commission concerning racism, racial discrimination in all its forms and the crime of apartheid.

The Haitian Government had taken measures to publicize the need to put an end to racism and racial discrimination in the context of the "Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms". It had thus encouraged the publication in the press of all news relating to the situation in South Africa, Rhodesia and Namibia. It was also promoting the teaching of African history and, in particular, the history of the origins of the Haitian population.

On the question of specific international instruments to deal with the crime of apartheid, his delegation supported the draft Convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1871) and the draft protocol on the suppression and punishment of the crime of apartheid to be annexed to the international Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/L.1189).

With regard to the issue discussed in paragraph 58 of the report, his delegation considered that it was too early for the Economic and Social Council to take an objective decision. Neither the United Nations special investigating committees nor the International Committee of the Red Cross had established that Israel was committing war crimes in the occupied territories. It was difficult, in fact, to decide precisely what acts committed by a country in time of war constituted war crimes, since war itself was a continuing crime which could be explained only by the irrationality of mankind. The entire basis of the argument underlying resolution 3 (XXVIII) adopted by the Commission was at variance with the attitude which should be displayed in regard to the unhappy situation in the Middle East. The international community should do everything within its power to restore peace in the homes and hearts of the people living in that region. Inasmuch as measures were being taken to achieve a peaceful over-all settlement

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(Mr. Fenelon, Haiti)

of the situation in the Middle East either by direct agreement between the parties concerned or through the Jarring Mission, his delegation had very serious misgivings with regard to paragraph 7 of resolution 3 (XXVIII), which both in form and in substance appeared to lack objectivity.

With regard to the question of the punishment of war criminals and of persons who have committed crimes against humanity, his delegation wholeheartedly supported paragraphs 108 and 109 of the Commission's report.

With regard to paragraphs 122-124 of the report, concerning the report and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, his Government fully supported any initiative which would guarantee all persons the full exercise of their political rights.

Turning to the draft resolutions for action by the Council (chapter XIV), he said that his delegation endorsed draft resolution I and hoped that the Council would adopt it.

Mr. MACRAE (United Kingdom) said that, considering the work accomplished by the Commission on Human Rights at its twenty-eighth session as reported in document E/5113, the Commission was definitely in need of guidance from the Council. In reading the report, one discovered in chapter X, entitled "Postponement of items on the agenda", that the Commission had in fact postponed many more items than it had actually dealt with during its session. There were therefore grounds for wondering whether all was really well with the Commission. Those doubts might be reinforced by paragraph 161, where it was stated that some representatives had expressed their complete satisfaction in regard to the procedure adopted. Was it possible that representatives on an important Commission of the United Nations could have felt satisfaction at the fact that the Commission had been unable to deal adequately with the majority of the items on its agenda?

Having examined the report in detail, his delegation was deeply disturbed and dissatisfied at what it had found. It should be emphasized, however, that any criticism he might make concerning the Commission's work was in no way directed towards its officers, including the distinguished Rapporteur who had prepared the report.

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(Mr. Macrae, United Kingdom)

One of the main grounds for his delegation's dissatisfaction was the handling of the Commission's work programme. Of the 16 substantive items before the Commission, only five had been properly dealt with. The failure of the Commission to deal with all the items of its agenda, while not new, had been more conspicuous at the twenty-eighth session than ever before. Some delegations might seek to justify the Commission's failure on the grounds that its time had nevertheless been taken up with important and urgent questions. His delegation was not unsympathetic towards the view that an issue like racial discrimination was of great and continuing relevance and should always be given priority; however, it could not agree to priority becoming monopoly or see any justification for the Commission's preoccupation with one or two items at the expense of others. It was a melancholy fact that some of the items on the Commission's agenda at its twenty-eighth session had been on the agenda for years without ever once being discussed. There appeared to be a lack of determination within the Commission to organize its work properly so as to ensure that no item on its agenda would be neglected.

There was also the question of the items that the Commission had not adequately dealt with. Among those items, very regrettably, was the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. While the Sub-Commission's report and studies had often been neglected in the past the Commission at its last session had, for the first time, delivered a direct snub to the Sub-Commission by adjourning consideration of its report, which included a number of resolutions that the Sub-Commission had proposed for consideration by the Economic and Social Council. There would be grounds for sympathizing with the Sub-Commission if, in the face of the treatment meted out to it by its parent body, it refused to carry out any further instructions from the Commission until the backlog of material already submitted was adequately dealt with.

If the Commission continued to make such a poor showing, the United Nations would be in danger of losing its credibility in the field of human rights, a field in which it had achieved distinction with such documents as the Universal Declaration of Human Rights. Moreover, the Charter itself affirmed that human rights were a central concern of the United Nations by expressly providing for

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(Mr. Macrae, United Kingdom)

a commission to deal with that subject in Article 68. World public opinion, and certainly public opinion in the United Kingdom, would not find it easy to understand if the United Nations were to abdicate its responsibilities in the field of human rights.

In addition to carefully examining the Commission's report, the Social Committee should discuss the possibility of taking steps to redress the situation caused by the Commission's behaviour and consider how it might help the Commission overcome its present difficulties. Although there would not be sufficient time to deal substantively with all the items postponed by the Commission, the Committee could nevertheless take up the particular question of the Sub-Commission's report, and perhaps formally note the report with approval. It could further ensure that the decisions or recommendations of the Sub-Commission which required action by a higher body were dealt with. His delegation, in any event, intended to submit, in a form appropriate to the Council, the Sub-Commission's resolution on slavery, which had been the immediate casualty of the Commission's decision to postpone further consideration of the items on its agenda.

One way of improving the Commission's work, at least in respect of the Sub-Commission's report, would be, as some delegations had proposed at the Commission's twenty-eighth session, to hold a special session to consider the Sub-Commission's work. Alternatively, the Commission might extend its twenty-ninth session by a week for the express purpose of considering the Sub-Commission's report. Both those ideas, incidentally, had been taken up in document E/C.2/747, submitted by the International Commission of Jurists and many other non-governmental organizations. That document contained a very succinct account of the items left outstanding by the Commission. His delegation would be interested to hear further suggestions as to ways in which the Commission might improve its performance.

The Committee might also give some thought to the underlying reasons why the Commission was not functioning properly. One reason might be that the level of representation by some Governments possibly left something to be desired. If human rights did have the high place among the interests of nations which the United Nations Charter clearly implied, then Governments should see to it that they were represented at a suitable level by individuals who could command respect in the field of human rights and who had the vision to recognize that there were times when it paid to put human rights before political expediency.

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Mr. MOUSSA (Egypt) said that he could not endorse the critical observations just made by the United Kingdom representative with respect to the work of the Commission on Human Rights at its twenty-eighth session; the Commission's report, although short, confirmed that the Commission had had a productive and successful session. Despite an extraordinarily heavy agenda, embracing wide-ranging and complex problems, the Commission had accomplished what it could in the time available in an efficient and responsible manner.

Reviewing the work of the session, he noted that less than three months after the General Assembly had decided to launch a continuing action programme on the basis of a "Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms", the Commission had addressed itself to the task of implementing that decision and had succeeded in working out a comprehensive programme of activities on the national, regional and international levels for the Decade. As a result of the Commission's hard work, the General Assembly at its twenty-seventh session would have before it the programme it had requested. Furthermore, the Commission had carefully studied two international instruments dealing with the crime of apartheid, namely, a draft convention (A/C.3/L.1871) and a draft protocol (E/CN.4/L.1189).

It had also requested several studies in the field of racial discrimination.

Concerned to establish rules for the protection of human rights in armed conflicts, the Commission had undertaken the difficult and highly technical task of elaborating draft articles for an international convention on the protection of journalists engaged in dangerous professional missions in areas of armed conflict. Those draft articles, again the fruit of long and hard labour by the Commission, would be transmitted to the General Assembly at its twenty-seventh session.

The Commission had approached the problem of the realization of economic, social and cultural rights from a novel angle, and its efforts had greatly advanced the study of that question and made significant progress towards more complete realization of those rights. In deciding to invite the regional economic commissions to contribute to the study being prepared on that subject by the Special Rapporteur, the Commission had provided for much-needed co-ordination between national, regional and international approaches to the question. The Commission had also opened channels of communication in that regard to the Committee

(Mr. Moussa, Egypt)

for Development Planning and the Committee for Review and Appraisal so that it would be kept abreast of developments which could contribute to the realization of economic, social and cultural rights.

The Commission had also done valuable work on the question of the punishment of war criminals and of persons who have committed crimes against humanity. There were, of course, many violations in that area which urgently required the attention of the United Nations.

Nevertheless, the Commission had had to postpone certain items on its agenda. It had not done so wilfully, intending to neglect the items postponed; rather it had been so preoccupied with the overwhelmingly important problem of racial discrimination, which had occupied more than half of its time at the last session, that it had not been able to take up the other items. He did not share the apprehension expressed by the United Kingdom representative that world public opinion would condemn the United Nations because the Commission on Human Rights had failed to consider all of the items on its agenda. If the United Nations was criticized for being ineffectual in the field of human rights, that was because many countries persisted in flagrantly violating and showing disrespect for United Nations decisions in that field.

He was sure that the remarks of the United Kingdom representative, to the extent that they were well founded, would be fully borne in mind by the members of the Commission. He shared the United Kingdom representative's concern that the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities should be considered by the Commission, which might extend its next session by one week for that purpose or possibly establish a working group. However, the Commission on Human Rights was not the first, nor would it be the last, United Nations body which found itself unable to complete its agenda at a particular session. The Commission on Human Rights had at least the very valid reason that it had used up all its time in considering a small number of essential items.

Mr. DIAZ CASANUEVA (Chile) thanked the Director of the Division of Human Rights for his clear, detailed statement on the work of the Commission and of the United Nations generally in the field of human rights - a field which was constantly expanding and becoming increasingly urgent. He had been neither too pessimistic nor too optimistic.

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(Mr. Diaz Casanueva, Chile)

The Chilean delegation considered that the work of the Commission had been fruitful. Unlike the Commission on the Status of Women, the Commission on Human Rights could not be criticized for having produced too many resolutions. On the contrary, it had been criticized for having been unproductive. Unfortunately, the Commission had been unable to adopt certain resolutions, which, while ready for adoption, had been left pending. In that sense, the harsh criticism expressed by the United Kingdom representative was to some extent justified: while it might have been a little too harsh, it was sound criticism - and could also be considered self-criticism, since the United Kingdom had participated very actively in the Commission's work. Moreover, it was criticism by a great Power.

Yet he was convinced that, if the great Powers co-operated more to eradicate apartheid and racial discrimination - matters which occupied much of the Commission's time - and if certain great Powers did not collaborate with other countries, such as South Africa, the Commission would have more time to devote to other matters.

The problem of the number of items on the Commission's agenda was a matter for each Member State: it was not the responsibility of the functional commissions. In that connexion, the United Kingdom representative had been quite correct in querying the sentence in paragraph 161 of the report in which it was stated that "Other representatives expressed their complete satisfaction" /with the idea postponing certain items/. He wondered whether the Rapporteur could explain what was meant by that sentence. Having participated in the work of the Commission, he could say that the sentence should not be interpreted to mean that some representatives were satisfied because certain items had not been completed. Their satisfaction derived from the fact that the Commission, after some heated discussion, had avoided a difficult situation by postponing the items concerned.

He completely rejected the United Kingdom representative's assertion that the level of representation in the Commission was low. The level of efficiency of a delegation did not necessarily depend on rank: it was often the case that a

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(Mr. Diaz Casanueva, Chile)

representative with the rank of advisor or secretary had more experience of certain matters than did ambassadors themselves.

Much of the harsh criticism expressed by the United Kingdom representative should be borne in mind by the Commission. But what method should the latter adopt to ensure more productive work? Should the time allotted to each item be respected more strictly? That was not always possible; as a result of the complexity of certain items, the time-table could not always be observed. That was a feature of many United Nations bodies. In such cases, the session might be extended, a working group established, or a time limit imposed on speeches. If other delegations also wished to express criticism, they should not withhold it. The responsibility for the Commission's work lay not only with members of the Commission, but with the Council itself.

He did not need to find apologies for the Commission. It had, for example, given close attention to every article of the draft Convention on the Protection of Journalists Engaged in Dangerous Missions. In view of the need for precise legal language, every convention took much time to elaborate.

The work of the Commission was of enormous importance and the range of subjects continued to grow. The violation of human rights and fundamental freedoms concerned not only individuals but whole peoples in many parts of the world, and was reaching dangerous proportions. In fact, the practice had become institutionalized in certain countries such as South Africa, where the repulsive policy of apartheid was applied systematically, with the support of a group of neo-fascist countries and certain great Powers. That régime was a threat to the peace and security of the whole world. The Commission considered the elimination of racism and racial discrimination to be the most urgent task in the sphere of human rights. Hence the adoption of resolution I (XXVIII), which contained a whole programme of action to combat racism and racial discrimination. Similarly, there was an urgent need for States to give consideration to the draft convention on the suppression and punishment of the crime of apartheid, the text of which the Secretary-General had circulated to Governments for their comments. It was indeed

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(Mr. Diaz Casanueva, Chile)

regrettable that Governments did not always submit their comments; the co-operation of Governments in that respect was very necessary, since their views were often an important basis for further action.

He regretted that draft resolution I, relating to the realization of economic, social and cultural rights, had not received wider support. The resolution was very important to Chile and all other developing countries. Also of great importance was the draft resolution on the question of the punishment of war criminals.

The Working Group over which he had presided, and which had prepared the draft of the model rules of procedure for United Nations bodies dealing with violations of human rights, had worked very hard during the week prior to the beginning of the Commission's session. Unfortunately the Commission had not had time to complete its consideration of the draft rules. He endorsed the view that the Commission should give greater priority to resolutions of the Sub-Commission on the Prevention of Racial Discrimination and the Protection of Minorities.

The Commission had had a heavy workload. His delegation believed that the Council should give preferential treatment to the work of the Commission and in general to the United Nations programme of work on human rights - which needed to be expanded and made more effective.

The CHAIRMAN gave the floor to the representative of the International Confederation of Free Trade Unions (ICFTU), whose request to be heard on item 8 had been approved by the Council.

Miss von ROEMER (International Confederation of Free Trade Unions) said that her organization, which grouped more than 50 million members in 91 countries, had proclaimed in its constitution its concern for both human and trade union rights. Accordingly, it had always been active in the defence not only of workers deprived of the right to form, join, and enjoy the protection of, trade unions of their choice, but also of all peoples struggling for self-determination. In fact, it had not been possible to keep the two forms of freedom in watertight compartments, because they were closely interrelated. That was why trade unions were almost always

(Miss von Roemer, ICFTU)

in the forefront of the independence movements. Nor could trade union rights be separated from human rights in general.

It was therefore with some concern that her organization noted the large number of items on the Commission's agenda to which it had not been able to give consideration. It was especially regrettable that the Commission had been unable to complete consideration of item 10, concerning the question of the violation of human rights and fundamental freedoms, since her organization was very concerned at the persistent violation of human rights in South Africa, Southern Rhodesia and Namibia and in the Territories under Portuguese Administration.

South Africa had almost forced the African trade unions, which had been affiliated to ICFTU, out of existence by jailing their leaders or forcing them into exile. Her organization had submitted numerous complaints throughout the years to the International Labour Organisation (ILO) concerning the violation of trade union rights in South Africa. It had been the pressure from the workers, among them a majority of ICFTU affiliates, which had forced South Africa out of the ILO.

Indeed, her organization believed in the isolation of South Africa, and urged the United Nations to make sanctions against South Africa mandatory and to impress upon Member States the importance of discouraging investment in South Africa and the emmigration to South Africa of workers from industrialized countries.

The Confederation and its affiliates, particularly in the United Kingdom and the Netherlands, had made great efforts to discourage workers from taking jobs in South Africa, and had addressed appeals to the Governments concerned strongly protesting against the sale of arms to South Africa. Strong representations had also been made at the Commonwealth Prime Ministers Conference meeting at Singapore in January 1971.

The Confederation had also been very much concerned over the situation in Southern Rhodesia and had endeavoured to bring pressure to bear on the régime through international opinion. It had been particularly concerned that, while negotiations with the United Kingdom had been under way, Southern Rhodesia had been in the process of imposing further restrictions on African workers through an Industrial Amendment Bill.

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(Miss von Roemer, ICFTU)

Under the Law and Order Act and the Emergency Regulations, there had been a constant harassing and hounding of trade union officials by the police. At present, the number of trade union detainees and restrictees in Southern Rhodesia was estimated at 168. To them and their families, ICFTU had channelled relief aid in addition to its support - material and otherwise - of African trade unions.

In a cable addressed to the United Nations on 24 November 1971, ICFTU had welcomed General Assembly resolution 2877 (XXVI), which opposed independence before majority rule in Southern Rhodesia. It had also sent a statement to the United Kingdom Prime Minister pointing out that the proposed settlement contained no guarantees for progress towards majority rule, and expressing her organization's strong opposition to a régime which had shown total disregard for human and trade union rights. It was consequently gratified that the United Kingdom had officially announced the rejection of the proposed settlement.

The Confederation had been the first organization to submit (in 1965) a complaint to the ILO concerning the practice of contract labour in Namibia. It had often denounced the inhuman system of the South West African Native Labour Association (SWANLA), which put African males into categories according to their suitability for work in mines, industry, agriculture and livestock farming, prescribed a minimum wage and transported the labour recruits to the headquarters of the employer. In the mining industry, African miners were not allowed to obtain a blasting certificate which would qualify them as skilled labour. The workers could obtain work only through the SWANLA contract, and they had to live in compounds close to the mines and separated from their families. Their activities were restricted and closely supervised. Trade unions and strikes were prohibited. The African workers thus had no bargaining power or protection. South Africa had used the Terrorism Act of 1967 against opposition in Namibia. In the particular case of the Ovambo Workers' strike it had put 12 strike leaders under detention, and it was only because of strong international pressure that they had been accorded a semblance of justice.

Her organization had immediately expressed support for the Namibian workers, and in co-operation with the Miners' International Federation, had brought pressure to bear on four of the companies involved. As a result, one of the companies had stated that the strikers would be permitted to return and that discussions had begun to revise employment arrangements. Clearly, such pressure could be effective. The British Trade Union Congress, an affiliate, had pledged its

(Miss von Roemer, ICFTU)

support for any effective action and had intervened with the United Kingdom Secretary for Foreign and Commonwealth Affairs. Moreover, ICFTU had donated \$1,000 for the legal defence of the accused leaders and was providing relief assistance to the workers and their families.

The Confederation had invited its affiliates and associates - the international industrial or trade federations - to continue their pressure on companies investing in Namibia and had requested them to approach Governments with a view to discouraging investment in Namibia.

In the case of the Territories under Portuguese Administration, ICFTU was supporting the liberation movements through its affiliated organization in exile in Senegal and Zaire.

The Confederation's fight against the persistent violation of human rights depended on the degree to which its affiliated organizations enjoyed the rights consistent with their role. Many Governments of African and Asian countries needed reminding that the workers who had made possible their national revolution had fought not only for independence but also for democracy, including full trade union freedom. In Latin America, also, too many Governments - democratic and otherwise - continued to ignore workers' claims to freedom and economic and social justice. In European countries under fascist or other totalitarian régimes, genuine trade unions continued to be illegal.

Her organization was also concerned over a tendency in industrialized countries, even those with democratic traditions, for Governments, under false economic pretexts, to make workers the scapegoat for economic, social and political troubles by circumscribing trade union rights. It was ICFTU's view that such rights were an integral part of the fundamental freedoms; the persistent violation of trade union rights was a sure indication that other fundamental rights were being either violated or threatened. It therefore wished the Commission on Human Rights to keep the situation under constant review and draw the attention of Member States to the necessity of allowing the free development of the trade union movement in their countries as a constructive partner of society.

The Confederation had also always advocated the adoption by the United Nations of measures for greater protection to individuals or groups of individuals

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(Miss von Roemer, ICFTU)

whose rights were violated. It therefore welcomed the establishment of the procedure for the consideration of communications relating to human rights and fundamental freedoms. While it agreed with the criticism expressed by some delegations that the procedure was long-winded and that some of the criteria for the admissibility of complaints lent themselves to subjective interpretation, ICFTU felt that the development was a step forward, and it hoped that in time the procedure would be further improved with a view to putting a stop to the grossest violations in the shortest possible time.

On the other hand, it regretted that a decision had been deferred regarding the draft model rules of procedure for bodies dealing with violations of human rights. There too, it attached great importance to the inclusion of provisions for consideration of complaints presented by individuals or non-governmental organizations.

The meeting rose at 1.05 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-SIXTH MEETING

Held on Thursday, 25 May 1972, at 3.35 p.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

(b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/C.2/747)

Mr. ZAVALA (Bolivia) expressed his appreciation to the Commission on Human Rights for its report on its twenty-eighth session. The report reflected a very clear effort on the Commission's part and his delegation hoped that it would receive unqualified support from the Committee. It did appear to him, however, that the report was concerned more with political considerations than with factors relating directly to human rights. His delegation had reservations in particular regarding paragraph 7 of resolution 3 (XXVIII), and he recalled that the resolution had been adopted without the paragraph receiving an absolute majority of votes cast. The problem of the Middle East could not be settled by unjust resolutions which distorted the real facts. His delegation believed the Committee should do what it could to diminish the importance of political factors in the activities of the Commission on Human Rights.

Mr. BOURGOIN (France), referring to the interesting discussion held at the preceding meeting on the methods of work of the Commission on Human Rights, said that in some respects the balance of the Commission's work was definitely on the positive side. In any case, unlike the Commission on the Status of Women, it could not be reproached with adopting too many resolutions. As pointed out by the representatives of Egypt and Chile at the previous meeting, the Commission had discussed many substantive questions and it must be acknowledged, even if one did not endorse all its conclusions, that it had studied its subjects seriously.

The main subject examined had been racial discrimination, and that was proper since racial discrimination was clearly the gravest violation of human rights. Moreover, the Commission had been under an obligation to take stock of the question since 1971 had been the International Year for Action to Combat Racism and Racial Discrimination. It was proper that apartheid should be condemned, and he wished to point out that France regarded that practice as the most distressing form of contempt among men. The work devoted to the protection of journalists engaged in dangerous missions was another positive contribution. The Commission had carefully reviewed the text proposed in 1971 and had endorsed it article by article. His

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(Mr. Bourgoin, France)

delegation hoped that, as requested by the Commission, the Committee would agree to transmit the document to the General Assembly as the basis for further work by the Commission.

He did agree with the United Kingdom representative, however, that the Commission had neglected to deal with a considerable number of important items. The twenty-eighth session has ended so precipitately that a number of resolutions had not been acted upon. That was a serious omission, and he recalled that in 1971 the French delegation had raised the question of the Commission's organization of work. It was important to proceed to seek a generally acceptable solution, for which purpose reference should be had to decisions of the Commission itself. The Commission had taken up the matter at an earlier stage and in 1969 had set up a working group on whose recommendation it had adopted resolution 2 (XXV) designed to establish a proper balance between the different types of matters referred to it. As the United Kingdom representative had pointed out at the previous meeting, the most important question which it had not examined was clearly the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and its many important studies to which outstanding experts of all nationalities had contributed. It was inappropriate that the Commission should request its Sub-Commission to make painstaking studies which it then failed to examine. At its next session, the Commission should give a prominent place to the work of the Sub-Commission.

Mr. ROSS (United States of America) said that his country attached great importance to the work of the Commission on Human Rights, as the Commission had helped to foster considerable advances in the field of human rights. His delegation was therefore sorry to note, along with some other speakers, that the Commission's work had not been as satisfactory as it might have been. He had been impressed by the United Kingdom's representative's comments at the previous meeting and felt that they offered a useful basis for the Committee's consideration of the matter.

The Commission had not made any major contribution to the formulation of new standards for the observance of human rights since it tended to become a

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(Mr. Ross, United States)

political organ thus risking a loss of identity. It had failed to cover its full agenda because it had devoted too much time to racial discrimination, the situation in the Middle East and the protection of journalists engaged in dangerous missions. The most serious omission at the Commission's twenty-eighth session had been the failure to review properly the important work done by its Sub-Commission. The Sub-Commission was a prestigious body made up of highly qualified experts and performing outstanding work. The Committee should therefore recommend to the Commission that it give greater importance to the Sub-Commission's work. Other questions on the Commission's agenda should be dealt with more rationally, in accordance with resolution 2 (XXV) so as to achieve a better balance. The Commission should, in particular, avoid adopting too many resolutions on the same question, as such resolutions lost their impact through repetition. At its next session the Council should closely study the question of the Commission's organization of work and in the meantime should call the General Assembly's attention to the matter.

His delegation had not participated in the discussion leading up to the adoption of resolution 3 (XXVIII) as the question had previously been dealt with at great length by other United Nations bodies, especially the General Assembly. It was of course appropriate to deplore violations of human rights in the territories occupied as a result of hostilities in the Middle East, and the 1949 Geneva Convention should be applied by the parties concerned. His delegation had already stated its interest in the formulation of a resolution which could serve as a basis for the protection of the human rights of the population in that part of the world. Apart from the fact that resolution 3 was based on unconfirmed allegations, his delegation deplored the inclusion of paragraph 7, in which Israel was for the first time in a resolution accused of committing war crimes and of being guilty of an affront to humanity through a breach of the fourth Geneva Convention. Those charges had no basis in law or in fact. His delegation had therefore voted against the paragraph and against the draft resolution as a whole. It reserved the right to speak again on the resolutions submitted by the Commission to the Council.

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Mr. AKHUND (Pakistan) observed that the people of Pakistan had always felt that the United Nations served as the collective conscience of mankind, and they had been among the first to urge that the international community should deal with violations of human rights. The Commission on Human Rights and its Sub-Commission had made active efforts to put that desire into practice and at its twenty-eighth session the Commission had adopted broad and effective measures aimed at eliminating that grave problem. The main subject of concern remained racial discrimination, particularly in those countries where it was either institutionalized or was bound up with the independence struggle. To eliminate apartheid and racial discrimination a vast campaign must be organized to sap the psychological foundations of those practices and isolate those who employed them. Resolution 1 (XXVIII) tended to do so through the broad and diversified action it recommended, and he hoped that the Committee would pay heed to the request stated in paragraph 5. His delegation also supported the recommendation in paragraph 1 of resolution 2 (XXVIII), but felt it would be better for the proposed studies not to be limited to discrimination against people of African origin. The Commission had further envisaged the possibility of assimilating apartheid to crimes under international penal law. In that connexion it had drawn upon a study concerning the question of apartheid from the point of view of international penal law (E/CN.4/1075) and had considered two specific proposals on the question: firstly a draft convention on the suppression and punishment of the crime of apartheid (A/C.3/L.1871) and secondly a draft protocol on the suppression and punishment of the crime of apartheid to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination (E/CN.4/L.1189) submitted by the delegations of Nigeria, Pakistan and the United Republic of Tanzania. While the two proposals had essentially the same purpose, the draft protocol defined the "crime of apartheid" more clearly, drew upon existing international instruments and provided for implementation machinery. His delegation therefore hoped that the Council would endorse the request in paragraph 4 of resolution 4 (XXVIII).

Resolution 3 (XXVIII), concerning the violation of human rights in the territories occupied as a result of hostilities in the Middle East, required no

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(Mr. Akhund, Pakistan)

action by the Council but was extremely important. The Commission had been provided with a great many documents proving that the Israeli authorities continued to deport and expel Arab inhabitants of occupied territories, to destroy houses and villages and to resort to collective punishment in flagrant disregard of the provisions of the fourth Geneva Convention, and his delegation unreservedly supported that resolution.

With regard to the Geneva Conventions, he drew attention to another problem which seriously concerned Pakistan. Four months after the end of hostilities in the Indian subcontinent, a large number of Pakistani prisoners of war were still being held in India, some of whom were in danger of being tried as war criminals. Security Council resolution 307 (1971) had called upon all those concerned to take all necessary measures to apply the provisions of the Geneva Conventions as regarded the protection of wounded and sick, prisoners of war and civilian population. It was clear from article 118 of the Geneva Convention relative to the treatment of prisoners of war and from the comments of the International Committee of the Red Cross that prisoners of war must be repatriated after the cessation of hostilities. That had not been done and some prisoners did not even receive the humane treatment to which they were entitled while in the hands of the detaining Power.

He did not wish to enter into polemics. Pakistan looked forward to the scheduled meeting between President Bhutto and Prime Minister Gandhi, which it was hoped would pave the way for a new relationship between the two countries; nevertheless, it was obvious that the detention of tens of thousands of individuals would not further any national objective of a peaceful purpose.

The people of Pakistan continued to consider East Pakistan, which now called itself Bangladesh, as part of the nation. It was therefore particularly painful to refer to the situation prevailing there. Reports from Dacca pointed to the suffering of ethnic and linguistic minorities, particularly non-Bengalis, whose very survival was threatened. Thus an article appearing in the Times of 7 May had described the massacre of 200 or 300 Biharis and the inhuman conditions under which internees lived in the camps of Mirpur and Mohammedpur. The police were unconcerned about their fate and the International Committee of the Red Cross had

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(Mr. Akhund, Pakistan)

had to leave the task of supervising the camps and distributing food rations to the Bangladesh Red Cross, which was neglecting its duties: stocks had been looted since it had taken over assistance to non-Bengalis.

Thousands of Bengalis had been accused of being collaborators; entire communities had been driven from their homes and imprisoned; others had been massacred. A British weekly had described the situation of what it called the "forgotten people" and the Times, drawing the attention of the international community to the threat of extermination which loomed over these people, had urged it to intervene. The States Members of the United Nations must indeed come to the assistance of those people and use their authority to ensure their security and guarantee their fundamental rights. The International Committee of the Red Cross should be authorized to take charge of the distribution of food rations to the non-Bengali communities. All Biharis or Bengalis, whether they agreed with the views of the ruling party or not, had a right to live, work and prosper there.

Upon his return to Dacca, Sheikh Mujib Rahman had appealed to the people to put an end to lawlessness in Bangladesh and had told the non-Bengalis that nothing would happen to them provided they declared themselves Bengalis. But they were Bengalis, for they had always lived there and had made a contribution to the development of that area: Pakistan urged the United Nations to make its voice heard and not abandon those people to their fate.

The Pakistan Government felt that the problems of the Indian subcontinent were rooted in the frustrated hopes of a people who could not realize their aspirations because of their general poverty. In that regard, the President of Pakistan had stated that the reason the people were faced with so many problems was that they had been neglected and betrayed. The people were in fact the principal resource of the country and it was to ensure their welfare that the State had taken over the management of the heavy and basic industries of the country; workers had been given greater voice in management; agrarian reform programmes had been introduced in order to redistribute the land to those who worked it; measures had been taken to ensure general literacy at the primary level by 1984; a public health scheme had been started; and legislative reforms had been introduced in order that justice might be administered more rapidly and independently of the executive power.

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(Mr. Akhund, Pakistan)

His delegation felt that the Commission should draw upon those measures, which gave substance to the ties between economic and social progress and the realization of the rights guaranteed by the International Covenants. In that regard, the adoption by the Commission of resolution 5 (XXVIII) on economic, social and cultural rights augured well for the future.

Mr. MAHMASSANI (Lebanon) expressed his satisfaction with the work and the report of the Commission on Human Rights and with the fact that the draft report had been adopted unanimously. He was surprised at the United Kingdom representative's attack on the Commission, because many of his remarks were either unjustified or unnecessary. The United Kingdom delegation should have expressed its dissatisfaction in the Commission itself and not in the Social Committee. The United Kingdom representative had commented on the level of representation in the Commission; how could he determine what the level of representation was? How could he say that a representative of a State, appointed by his Government which alone could judge him, was insufficiently qualified? Finally, as far as the work of the Commission was concerned, it had not examined all the items on its agenda, but it rarely did because its agenda was always very heavy. Perhaps the delegations of the United Kingdom and the United States did not apply the same criteria as did the Lebanese delegation, but he personally felt that the Commission on Human Rights had done everything that was humanly possible and that its work had been fruitful.

The United Kingdom representative's remarks were somewhat similar to those made by the United States representative, who had accused the Commission on Human Rights of being a political organ. That accusation was absolutely unfounded because the Commission dealt only with questions of a purely humanitarian nature; it was true, however, that the votes of certain delegations were prompted by political considerations. That had been the case of the United States delegation, for example, when, remaining faithful to its foreign policy, it had voted against the draft resolution on the Middle East.

The United States representative had also reproached the Commission on Human Rights for having devoted too much time at its twenty-eighth session to the

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(Mr. Mahmassani, Lebanon)

consideration of three items, namely, racial discrimination, the Middle East and the protection of journalists. Actually, the only item on which the Commission had taken more than the allotted time was that relating to the Middle East. But it was quite common, in any organ, to devote more than the allotted time to the examination of an important item. He reserved the right to speak again on the matter.

Mr. JAIN (India), exercising his right of reply, expressed surprise at the effort of the representative of Pakistan to confuse the delegates by an incomplete and distorted interpretation of the problems of Pakistani prisoners of war and their treatment, in the aftermath of the unfortunate conflict in the subcontinent and the tragic chain of events which had led to it.

He recalled the statement of the Prime Minister of India that all the three countries in the subcontinent, India, Pakistan and Bangladesh, should turn their backs on an era of confrontation and look forward to an era of co-operation and joint efforts to fight the common war on poverty. It was in this spirit that India had welcomed the fruitful results of the talks recently held at emissary level between India and Pakistan and was looking forward to the summit meeting between the President of Pakistan and the Prime Minister of India. India would have expected, therefore, that at this time nothing would be done when the talks were in the offing, to spoil in any way the atmosphere and climate, by trying to pick up an isolated point here and there. In any case, the various so-called legal, political and moral considerations relating to the prisoners of war raised by Pakistan in the meeting of the Commission on Human Rights had been fully and exhaustively answered by India at that meeting itself.

Rejecting the accusation of the Pakistani representative to the effect that prisoners of war were mistreated, he pointed out that the accusation was unfounded and reports of the International Committee of the Red Cross had testified to that fact. The Pakistani representative also had not mentioned the fact that a number of sick and wounded prisoners of war had already been exchanged. Furthermore, repatriation of prisoners of war under Article 118 of the Geneva Convention was being interpreted by Pakistan in terms of placing the entire responsibility on India. The Pakistani forces had surrendered to the Joint Command of India and Bangladesh and, therefore, the question of repatriation of prisoners of war

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(Mr. Jain, India)

concerned not only India and Pakistan but also Bangladesh which, in fact, had been the main sufferer in the entire chain of events of the unfortunate crisis.

It was also unfair to make accusations against Bangladesh and to refer to the problems of minorities in that country without giving a representative of that sovereign and independent State an opportunity to reply to the baseless allegations against it. If that was not to be done, the only conclusion would be that this was just an effort at making propaganda on the part of Pakistan, which was all the more unfortunate, at a time, when efforts were under way to discuss and resolve issues by direct negotiations between the parties concerned in the subcontinent.

While Pakistan made charges against Bangladesh, it was to be noted that Pakistan had itself conveniently forgotten the very existence of the various declarations on Human Rights during the entire period of ten months when a systematic campaign of genocide and violation of human rights was heaped upon the millions of people in what is now Bangladesh and was then East Pakistan. During the discussions in this very committee of the Economic and Social Council last year, Pakistan had even tried to argue that there had not even been a consistent pattern of violation of human rights in that tragic situation. India had always said that violation of human rights should be condemned whenever and wherever it took place. If, therefore, it was felt necessary for the Committee to discuss this problem, then it should be discussed right from the time when the crisis began in the beginning of 1971 in Bangladesh.

Mr. AKHUND (Pakistan) said he also hoped the conversations between the Prime Minister of India and the President of Pakistan would bear fruitful results, but it was important not to overlook the human suffering resulting from injustices including the violations by India of the Geneva Convention, according to which prisoners of war had the right to be repatriated. The representative of India had criticized the conduct of Pakistan in Bangladesh, but that was no reason to continue to make the Bihari people suffer and to allow prisoners of war to languish in prison.

He assured members of the Committee that Pakistan was prepared to improve its relations with India but that it had felt constrained to raise those issues because there were human lives at stake.

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Mr. JAIN (India) said that the various problems of the subcontinent must be considered in a realistic fashion. It was not only the interests of India and Pakistan that were at stake, but also those of Bangladesh. Thus, India was not the only country responsible for repatriation of prisoners of war, since they had been captured by troops placed under the joint India-Bangladesh command. The role of Bangladesh had to be recognized in so far as repatriation of Pakistani prisoners of war was concerned.

Mr. AKHUND (Pakistan) rejected the statement that there had been a joint India-Bangladesh command.

Mr. JAIN (India) recalled that at the end of hostilities the Pakistani forces had surrendered to that joint command and had signed a document to that effect, and therefore it was wrong to say that joint command was a myth.

The meeting rose at 5 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-SEVENTH MEETING

Held on Friday, 26 May 1972, at 11 a.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616, L.618, L.619, L.620; E/C.2/747 and 748)

The CHAIRMAN drew attention to draft resolutions E/AC.7/L.618, L.619 and L.620 concerning the report of the Commission on Human Rights (E/5113).

Mr. SAARIO (Finland) said that the Commission's report showed that, despite considerable progress in many areas, there were still shortcomings in the protection of human rights and fundamental freedoms. Continued action to combat racial discrimination was necessary, particularly in the dissemination of information on the evils of racial discrimination, including apartheid. The younger generation should be educated in the spirit of tolerance and mutual respect in order to give them a vision of a pluralistic society where every individual was guaranteed equal enjoyment of human rights and fundamental freedoms and where the multiracial composition of the population was regarded as a source of cultural richness and not of friction.

Legal measures were also important in the fight against racial discrimination. The ratification of the International Convention for the Elimination of All Forms of Racial Discrimination should be encouraged, in order to ensure its implementation by the greatest number of States. The detailed provisions of that Convention should constitute the basis for the work of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities when it prepared a draft programme for the "Decade for Action to Combat Racism and Racial Discrimination" as requested by the Commission in internal resolution 1 (XXVIII).

Commenting on the suggested guidelines at the regional and international levels, he said that the Sub-Commission should avoid dealing with questions which clearly fell within the competence of its superior bodies.

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(Mr. Saario, Finland)

While his delegation fully supported the Commission's search for new methods of protecting of human rights, it doubted the usefulness of dealing extensively with alleged violations of human rights in situations that were already on the agenda of the General Assembly or the Security Council. The Commission should particularly guard against passing legal judgement based on insufficiently substantiated evidence.

Turning to the draft articles of the International Convention relating to the protection of journalists, and recommended by the Commission in its resolution 6 (XXVIII) for transmission to the General Assembly, he said that there was no question that journalists in areas of armed conflicts carried out important missions. The gathering and dissemination of complete, objective and truthful information was most important for the formation of public opinion: by keeping the outside world aware of what happened in such areas, it helped to promote respect for human rights. The significance of the right to complete, objective and truthful information had been repeatedly recognized by the Commission on Human Rights and its superior bodies. On the other hand, the latter had realized that journalists should be afforded adequate protection when exposed to danger, and that that could best be done by a convention. Such a view had been expressed by the General Assembly in its resolution 2854 (XXVI). The draft articles constituted a good basis for future work.

Turning to the question of the reorganization and rationalization of the Commission's work, to which some previous speakers had referred, he said that his delegation, too, was concerned that the Commission had been unable to deal with all the items on its agenda. Some of them had been on the waiting list for years, and the situation seemed to be worsening. His delegation therefore welcomed proposals for improving the working capacity of the Commission. But the problem was not one of organizing day-to-day work; it was primarily a question of reordering priorities so as to concentrate on those tasks where it could best make a contribution of real value - thereby enhancing the impact of the Commission.

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Miss CAO-PINNA (Italy) said that human rights were one of the broadest fields of action of the United Nations and the ultimate goal of all its activities. Their importance therefore called for an over-all and continuous review by the Council of the Commission's work. Her delegation's comments were intended to contribute to that review.

At its twenty-eighth session, the Commission had considered only five substantive items out of 18; it had adjourned the debate on the studies completed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; and it had decided, by a procedural motion, adopted by 11 votes to 9, with 8 abstentions, to postpone consideration of the remaining items.

Her delegation shared the assertions of previous speakers concerning the positive aspects of the Commission's work, even if it had had to dissociate itself from some of their views when the votes were taken, particularly in the case of resolution 3 (XXVIII). With regard to the functional relationship between the Commission's role and that of the Council as established by the Charter, and to which she had referred briefly in the Commission, she wished to draw attention to Article 68 of the Charter. The spirit and the letter of that Article seemed to be that the degree of performance of the Council's functions largely depended on the work of its functional commissions. Based on that interpretation, a number of conclusions could be drawn.

First, the Commission seemed to be increasingly inclined to concentrate its work on a few important problems - such as racial discrimination, human rights in the occupied territories and war criminals - and to postpone consideration of many other problems that were also clearly important. The only exception at the twenty-eighth session had been the introduction of a new item - the protection of journalists engaged in dangerous missions - and while some progress had been made on it, the various substantive proposals had been referred to the General Assembly.

(Miss Cao-Pinna, Italy)

That trend in the Commission's work was similar to that of the Third Committee of the Assembly and it would be difficult to establish whether the latter body influenced the former, or vice versa. It was clear, however, that the Council was unable fully to perform its functions in the whole field of human rights because it automatically considered only or mainly those problems on which the Commission had focused attention.

Secondly, the Commission concentrated on problems which were also examined by other bodies, resulting in duplication of work. On the other hand, the problems which the Commission seldom considered did not have the same chance of being discussed in other bodies. Some of those problems had been extensively studied by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and reports prepared by special rapporteurs were available; yet in some cases the only action taken by the Commission on those reports was to request the special rapporteur to bring the studies up to date.

Thirdly, the Commission was the only functional body of the Council whose work was facilitated by a permanent subsidiary body, the Sub-Commission, by an Ad Hoc Committee on Periodic Reports and by ad hoc working groups. Furthermore, it was the only functional body of the Council to which the new periodicity of sessions - every two years - had not yet been extended, so that it did not suffer from lack of technical means or shortage of time.

Her delegation felt it necessary to support those who had expressed their concern over the results of the Commission's work, not merely out of a desire to criticize, but because it believed that, under Article 68 of the Charter, the functional commissions of the Council were not fully autonomous as far as the implementation of their work programme was concerned. It also believed that the Council should act on its own, if the prevailing interpretation of that Article, were different.

In raising the question, her delegation had in mind the widespread uneasiness among members of the Commission regarding its method of work - as shown by the narrow majority with which the Commission had approved the motion for the

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(Miss Cao-Pinna, Italy)

postponement of many items. That vote justified action by the Council on draft resolutions which the Commission had postponed. One such item, on which the Council could easily act, was that entitled "Periodic reports on human rights". Her delegation deeply regretted that the periodic reports on freedom of information had not been considered by the Commission. Firstly, it was well known that a draft Declaration and a draft Convention on Freedom of Information had long been before the General Assembly, and the consideration of the reports by the Commission could have underscored the overriding importance of the question. Secondly, it was difficult to explain to the national offices why the Commission had not considered the reports which they had prepared.

As to the need to rationalize the system of periodic reports on human rights in general, her delegation believed that progress had already been made by the Council's recent decision concerning their periodicity, and by the outline for the preparation of national reports which was now suggested by the Ad Hoc Committees dealing with the three different groups of human rights. Further progress in rationalizing the whole system of collecting and disseminating information about human rights and in reducing the burden placed upon Member States, could now be expected as a result of the introduction of the new scheme of reports concerning discrimination against women. There was, however, further room for improvement, especially in the reduction of documentation. Since her delegation attached particular importance to that problem, it was among the sponsors of draft resolution E/AC.7/L.618, which would be introduced by the United Kingdom delegation.

Turning to the main draft resolutions recommended for adoption by the Council, she said that draft resolution I, concerning the realization of economic, social and cultural rights, was procedural and had been approved unanimously by the Commission. Her delegation would again support it. Her delegation hoped that the important report being prepared on that subject, especially in view of the contribution it could make to the over-all review and appraisal of the Second Development Decade, would be available for the Commission's next session and that the Commission would devote the necessary time to an in-depth study of its findings.

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(Miss Cao-Pinna, Italy)

Draft resolution II, concerning the protection of journalists engaged in dangerous missions, was also procedural and had been approved almost unanimously. In the Commission, her delegation had voted in favour of that draft resolution as well as of internal resolution 6 (XXVIII). That resolution, in which the Commission approved the proposed draft convention as the basis for further study, had been adopted by a small majority, despite the progress made in reaching compromises on the wording. In again supporting the procedural draft resolution before the Council, her delegation hoped that a final and generally satisfactory solution would be reached at the twenty-seventh session of the General Assembly.

Her delegation had also voted in favour of draft resolution III concerning the punishment of war criminals. It would again support it, notwithstanding its doubts on the usefulness of repeating requests to Governments for information on that question, to which fewer and fewer Governments appeared to be responding.

Mr. SEKYIAMAHA (Ghana) paid a tribute to the Director of the Division of Human Rights and his staff for the high quality of their work.

In connexion with the organization of seminars and advisory services in the field of human rights, he wondered whether the Director could explain the criteria on which the Division based its selection of participants to attend the seminars.

Turning to the Commission's report (E/5113), he thanked Ambassador Kulaga, under whose chairmanship the Commission had largely succeeded in accomplishing a difficult task. He also paid a tribute to the United Kingdom delegation for its incisive and very timely comments on the Commission's work. That kind of positive criticism might revive a lethargic organ and inject new lifeblood into the Organization.

The danger was that, since most members of the Committee were not also members of the Commission on Human Rights, they might erroneously ascribe sinister motives to such comments and draw wrong inferences from some of the criticism, particularly those made by the United States and United Kingdom representatives. His delegation

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(Mr. Sekyiamah, Ghana)

wished to put some of those comments into proper perspective. Similarly, it should not be inferred that his delegation had been irresponsible in making the motion for the postponement of the Commission's work. The fact was that the proposal had been made at the last meeting of the session and had seemed the most logical way of allowing the Commission to bring the session to a close. Had it not been for that proposal, the Commission would undoubtedly have found itself in an impasse. The motion had been opposed by only nine members, and no counter-proposal had been made. Furthermore, it would have been impossible to consider the large number of items outstanding. Yet if any suggestion for additional meetings had been made, attention would immediately have been drawn to the need for financial restraint. It was not the first time that the Commission had been unable to consider all agenda items. That problem was basically due to the machinations of the big Powers, which were responsible for such evils as colonialism and racial discrimination.

His delegation took issue with the assertion that the Commission's twenty-eighth session had been unproductive. On the contrary, if assessed in qualitative terms, the session had been extremely productive. The Commission had had to deal with some very difficult items, such as racial discrimination. Yet the Commission had been able to draw up a draft protocol on apartheid; it had given attention to the question of the realization of economic, social and cultural rights and the study of special problems relating to human rights in developing countries; it had considered items relating to the violation of human rights in the territories occupied as a result of hostilities in the Middle East, to the punishment of war criminals and to the protection of journalists engaged in dangerous missions. On all such items it had justifiably spent much time, and the results had been fruitful.

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(Mr. Sekyiamah, Ghana)

His delegation had been extremely concerned by statements to the effect that the Commission had unjustifiably spent one fifth of its time on items relating to racial discrimination. His delegation had extremely strong feelings in that regard, not because it was a black delegation but because the question of racial discrimination was a primary concern of the United Nations. Racial discrimination did not relate solely to the treatment of black persons, but had other ramifications. Members were well aware of the number of people who had suffered from racial discrimination during the Second World War. He accordingly considered that the Commission had been quite justified in devoting so much time to racial discrimination, particularly in view of the work it had accomplished. Following the recommendation of the General Assembly at its twenty-sixth session, the Commission had prepared guidelines to be used by the Sub-Commission on Prevention of Discrimination and Protection of Minorities as the basis for a multilvel programme for the envisaged Decade for Action to Combat Racial Discrimination. The suggestion that the Commission had wasted its time and that racial discrimination should not be given first priority was unfortunate. While his delegation would welcome the streamlining of items relating to colonialism and discrimination, it considered that the motives behind certain proposals in that regard were suspect. There was a credibility gap between the suggestions made by certain delegations and their official positions. If the suggestion that the Special Committee of Twenty-four should handle all questions relating to colonialism and racial discrimination were adopted, the effect would be that a number of delegations would be left talking to themselves, since the United Kingdom and the United States did not participate in the work of that body. In the absence of rational procedures and a formula under which all delegations would participate sincerely and honestly in the struggle to eliminate racial discrimination, he was forced to suspect the motives of those who said that the Commission should not consider the question of racial discrimination. Before such items could be discussed exclusively in one forum, greater sincerity both in practice and in policy was required on the part of many Member States.

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(Mr. Sekyiamah, Ghana)

The statement in which the United Kingdom representative had expressed doubts about the quality and level of representation in the Commission was equally unfortunate. His Government did not think that there was any relationship between productivity and the level of representation. Furthermore, it was the sovereign right of all Governments freely to choose their representatives to the Commission. There was a Ghanaian saying that wisdom, intelligence and common sense were not the prerogatives of the lettered, the titled and the aged.

However, he did not agree with the representatives of the United Kingdom and the United States that it was regrettable that the Commission had not been able to consider most of its items, particularly the one relating to the reports of the Sub-Commission. The least that the Commission could do to make the Sub-Commission's work worthwhile was to consider its reports. The situation was due entirely to the shortage of time. No delegation had wished to prevent consideration of the reports. In that connexion he pointed out that his delegation was sponsor of draft resolution E/AC.7/L.619. The draft resolution had been prepared in response to the concerns expressed by many members of the Committee and of the Commission, was not designed to impose a solution, but to provide the basis for a further discussion concerning the most expeditious formula for solving the Commission's difficulties. The first preambular paragraph reflected the fact that the Commission had an increasing role to play in the promotion of human rights throughout the world. The third preambular paragraph reflected the difficulties facing the Commission in giving proper consideration to much of the work assigned to it. The word "proper" was not intended to constitute a value judgement or to reflect on the quality of the work accomplished by the Commission. The fourth preambular paragraph established the legislative basis for the draft: Commission resolution 2 (XXV).

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(Mr. Sekyiamah, Ghana)

In the operative part of the draft resolution, the Committee was offered a choice of two solutions. The second alternative was an extraordinary measure designed to enable the Commission to deal with its accumulated backlog and subsequently to proceed in an orderly manner. His delegation, for its part, favoured the second alternative since it thought that the first might have the unfortunate effect of preventing the Commission from considering other items on its agenda. If, however, the Commission devoted two weeks of a six-week session to the reports of the Sub-Commission, the balance required for fruitful work would be restored. The draft resolution was designed to stimulate consideration of appropriate measures for rescuing the Commission from its present difficulties. The sponsors were extremely flexible and prepared to respond to any constructive suggestions.

Mr. VAN BOVEN (Netherlands) said that in the Commission his delegation had addressed itself, perhaps strongly, to the preocedural situations which had arisen in the latter part of the twenty-eighth session, and had expressed dissatisfaction with the Commission's methods of work. His delegation was now in a position to take a more detached, but none the less committed view. It was not fair to measure the achievements of the Commission in isolation. The Commission was not an entity in itself, but a part of the United Nations system as a whole, as had been recognized by the authors of the Charter, who had made express provision for the Commission in Article 68. The Commission was to a large extent in the same situation which confronted the United Nations as a whole, in that the aspirations of the peoples of the world reached the Commission in a condensed form. Human rights and international concern for human rights were matters of emotion, commitment and faith. While the Charter reaffirmed faith in fundamental human rights, and in the dignity and worth of the human person the problem was that that faith had different meanings and was reflected in aspirations of a divergent character.

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(Mr. van Boven, Netherlands)

Nevertheless, by trial and error, important efforts were being made on a long-term basis in the United Nations, the Commission and the world as a whole to find a common denominator for those aspirations. Accordingly, the Commission could not turn a blind eye to the injustice and suffering of the contemporary world, which had a bearing not only on the fate of peoples today, but also on the state of humanity tomorrow. Because of the magnitude and complexity of the problems facing it, the Commission was in an extremely difficult position. Despite the diversity of opinion as to whether the Commission lived up to expectations or not, his delegation considered that there was no reason to abandon the Commission's task of promoting aspirations and human rights of long- and short-term significance.

On the practical level, the Commission's report reflected some of the realities of the contemporary world. Its silence on others was characteristic of the United Nations. Various situations existing in the world today were drawn to the attention of the United Nations only incidentally, if at all. Various speakers had stressed the Commission's accomplishments, particularly in the field of racial discrimination, where it had adopted an extremely important resolution on continued international action to combat racial discrimination (resolution 1 (XXVIII)). His delegation also welcomed the progress the Commission had made on the question of the protection of journalists (resolutions 6 (XXVIII)). Journalists had an important role to play in areas of armed conflict since they served public opinion, which often constituted a check on the use of force. He also welcomed the progress which had been made on the question of the realization of economic, social and cultural rights. In that regard, resolution 5 (XXVIII), although procedural, gave a new dimension to the item in that it established links with the Second Development Decade and recognized the importance of the work of the specialized agencies.

Like other speakers, he was disappointed that a long list of items had been postponed. In particular, he agreed with the representative of Chile that it was regrettable that the Commission had not taken action on the item relating to model rules of procedure for fact-finding bodies dealing with violations of human rights.

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(Mr. van Boven, Netherlands)

Investigation was an extremely important instrument in the implementation of human rights. He was also distressed that no action had been taken with regard to periodic reports since his delegation considered that the time had come to review the system in order to make it more effective. In that connexion, he announced that his delegation was a sponsor of a draft resolution to be introduced by the representative of the United Kingdom. It was equally regrettable that no action had been taken on the question of human rights and scientific and technological developments, although it was to be the subject of a seminar, or on the item relating to an international code of police ethics.

Members of the Committee had criticized resolution 3 (XXVIII) on the question of violation of human rights in the Middle East. His delegation agreed with that criticism. It had made its position clear in the Commission, particularly by its unequivocal votes (see paras. 63-67 of E/5113).

The difficulties facing the Commission could not be ascribed solely to the Commission itself. To a certain extent, they were a consequence of extraneous factors. There was no immediate remedy, but one appropriate step would be to strengthen the authority and power of the United Nations, including the Commission. The difficulties could not be overcome by reviewing methods of work. Structural changes were needed in many fields, including the Commission's competence and powers. Although a distinction could be made between long-term and short-term activities, they were interrelated. Action to improve the Commission's methods of work, although not an end in itself and only partially effective, should be taken with respect to various long-term and short-term activities. In that connexion, he referred to Commission resolution 2 (XXV) by which the latter had decided to establish a proper balance between the different types of matters referred to it in view of their significance. It was the Commission's permanent responsibility periodically to consider the first type, which included the report of the Sub-Commission, periodic reports, etc.; the second type related to current matters dealing with human rights referred to it by the principal organs of the United Nations and the third to other matters placed before it in accordance with rule 6 of the rules of procedure of the functional commissions of the Economic and Social Council.

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(Mr. van Boven, Netherlands)

The Sub-Commission, had undertaken studies and prepared drafts of international instruments in the field of discrimination including, for example, the Convention on the Elimination of All Forms of Racial Discrimination which had now entered into force. Many studies and draft principles were, however, still pending, having been neglected for years by the Commission. New work had been undertaken relating to the protection of minorities, genocide and discrimination against indigenous populations and the Sub-Commission had also been assigned tasks with respect to communications relating to violations of human rights in accordance with Economic and Social Council resolution 1503 (XLVIII) and the draft programme of action for the Decade for Action to Combat Racial Discrimination. The Commission should therefore be instructed to make special arrangements in 1973 to deal fully with the work of the Sub-Commission, without prejudice to the Commission's other urgent work.

The Commission, in spite of its weaknesses, was an indispensable organ of the United Nations and a body which directly or indirectly would play an important role in future in the promotion of universal respect for human rights and fundamental freedoms in accordance with the Charter.

Mr. SABIK (Poland) thanked the Director of the Division of Human Rights for his introduction to the report of the Commission. His delegation believed that the decisions adopted by the Commission at its twenty-eighth session would have far-reaching consequences, particularly the two resolutions concerning measures to combat racism and racial discrimination. As a follow-up to the International Year for Action to combat Racism and Racial Discrimination, the Commission had been requested by the General Assembly to submit suggestions with a view to launching a Decade for vigorous and continued mobilization against racism and racial discrimination in all its forms. The Commission had successfully fulfilled that difficult task. It had also had a fruitful discussion on the draft Convention on the suppression and punishment of the crime of apartheid and had decided to transmit a draft Convention and draft Protocol to the General Assembly at its twenty-seventh session. That decision was particularly important for those who really wanted to combat racism. With regard to the protection of journalists

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(Mr. Sabik, Poland)

engaged in dangerous missions, the three separate drafts of international instruments which had been before the Commission had now been consolidated in one text. The Commission had adopted a resolution concerning violations of human rights in territories occupied by Israel which was useful both from the human and juridical point of view, and had approached the item concerning the realization of economic and social rights with new ideas.

He wished to stress that the report contained many other valuable decisions and that there had been extensive discussions on many items of the agenda on which no resolutions had been adopted. In addition, for the first time, the Commission had received a request from one State that a separate agenda item should be devoted to its complaint against another State. All those elements should be taken into account in judging the work of the Commission. It could be seen from their statements that the opinions expressed by the representatives of the United States and the United Kingdom were politically motivated and had little to do with human rights problems.

With regard to the work of the Commission itself, it should be stressed that the Commission had agreed unanimously to follow the guidelines of the General Assembly and the Economic and Social Council and to deal with questions to which those bodies had accorded priority. There had been no filibustering during the twenty-eighth session, apart from exchanges between one observer and one member. The Commission had worked systematically and with great intensity. While it was true that the Commission had not adopted resolutions on 10 items, the numerical comparison made by the representative of the United Kingdom was nothing more than a demagogic trick. Many of the items had been discussed at that session and some had been considered at the twenty-seventh session and therefore did not require further action. His delegation felt, however, that the resolution on freedom of information submitted by the Ad Hoc Committee on Periodic Reports, for example, should have been adopted.

Suggestions concerning the future work of the Commission should be based on objective review, as the Chairman of the Commission had indicated at the 1185th meeting. The Commission should again consider its method of work, taking into account the discussions held by the Economic and Social Council at its fifty-second session and the recommendations of the 1969 Ad Hoc Working Group.

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Mr. DAMMERT (Peru) commended the Director of the Division on Human Rights for his introduction to the activities of the Commission on Human Rights and the United Nations in the field of human rights.

His delegation took exception to the allegations of the United Kingdom and the United States representatives that the Commission's twenty-eighth session had not been productive and that many meetings had been devoted to items such as the elimination of racial discrimination, the question of the Middle East and the protection of journalists. The report was of high quality and could not be judged by the number of resolutions which had been adopted.

The Commission's agenda, which was heavy and contained complex items, should be revised. Furthermore, not all items could be dealt with in the same number of meetings since some were more complex and of greater concern to the international community than others. It was only logical that a great number of meetings should be devoted to the racial discrimination, racism and apartheid suffered by the peoples of southern Africa. Criticism of the Commission on that account emanated precisely from those delegations which were directly or indirectly helping the Government of South Africa to persevere in its racist practices. If those policies, which affected independent Africa and the world, as a whole, had been eliminated, there would be no need for fervent discussions. Members should, however, endeavour to derive benefit from such criticism.

The Commission had adopted an important resolution on continued international action to combat racism and racial discrimination containing guidelines for the preparation of a multilevel programme for the Decade for action to combat racial discrimination by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. His Government was studying the draft Convention on the suppression and punishment of the crime of apartheid submitted by the Soviet Union and Guinea for consideration by the General Assembly at its twenty-seventh session and the draft Protocol to be annexed to the International Convention on the Elimination of All Forms of Racial Discrimination. The Commission had also made progress on the International Convention for the Protection of Journalists in Armed Conflicts and had adopted a text of the Convention for consideration by the Assembly at its twenty-seventh session.

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(Mr. Dammert, Peru)

His delegation supported the resolutions contained in the report and in particular would vote for draft resolution I, which was in line with his Government's policy concerning the reform of socio-economic structures. It approved in principle the draft articles of the Convention on the Protection of Journalists and had no objections to draft resolution III, which was procedural in nature.

Mr. TARASSOV (Union of Soviet Socialist Republics) said that his delegation had always attached great importance to the work done by the United Nations to promote universal respect for human rights and fundamental freedoms without distinction as to race, nationality, sex or religion. That work was of paramount importance at present, since human rights were being violated on a massive scale in many parts of the world as a result of imperialist policies of aggression, racism and racial discrimination.

The Soviet people, who were preparing to celebrate the fiftieth anniversary of the founding of their State on 30 December 1972, had always been in the forefront of the struggle for the equality of all persons irrespective of their racial and national affiliation. The multinational Soviet people had been guided by the programme worked out by Vladimir Ilyich Lenin, who had substituted for the old world of oppression of the working class and national minorities and the cultivation of national differences and discord his vision of a new world of unity among all workers, which would exclude any form of oppression of one man by another or of one nation by another and in which no privileges would be enjoyed by one nationality at the expense of another. In implementing Lenin's programme, the Soviet Union had had to overcome many problems caused by economic and cultural backwardness and to struggle against counter-revolutionaries and foreign interventionists who had done their best to exploit inherited national frictions, bourgeois nationalism and great power chauvinism. Nevertheless, Lenin's programme, which was enthusiastically supported by the workers, the peasants and the progressive intelligentsia, had overcome all obstacles. The Leninist principles of voluntary union in a unitary state composed of nationalities enjoying equal rights had been enshrined in the 1924 USSR Constitution. All the

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(Mr. Tarasov, USSR)

legislation of the Soviet State and its constituent republics was steeped in the spirit of the Leninist ideal of freedom and equality for all individuals and nations. The entire history of the multinational Soviet State had demonstrated the vitality and durability of its social and political structure. The Soviet Union had consistently pursued a policy of peace and friendship and was vigorous in its opposition to colonialism, neo-colonialism, racism and all forms of national or racial oppression. That policy was an important deterrent to the aggressive tactics employed by imperialists and reactionaries.

The report of the Commission on Human Rights on its twenty-eighth session (E/5113) showed that the Commission had done a great deal of productive work. It had discussed and adopted resolutions on the most important and topical international problems in the field of human rights.

Resolution I (XXVIII) contained a valuable list of guidelines to be used in the study of continued international action to combat racism and racial discrimination; his delegation endorsed particularly paragraph 3 of that resolution, which called on the Secretary-General and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider developing and updating the programmes carried out during the International Year for Action to Combat Racism and Racial Discrimination. In resolution I the Commission had outlined a wide-ranging and detailed programme of action to combat racial discrimination, but the effective implementation of that programme would depend on the Sub-Commission and, above all, the Member States themselves.

Resolution 2 (XXVIII) was also addressed to the problem of racial discrimination, in particular the question of apartheid, from the point of view of international penal law. The recommendation contained in paragraph 1, to the effect that the Sub-Commission on Prevention of Discrimination and Protection of Minorities should look into the "policies and practices of discrimination on the basis of colour faced by people of African origin in all countries", was indeed timely; the discussion of that problem in the Commission had shown how important it was that the question should be studied in detail at the earliest possible opportunity.

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(Mr. Tarasov, USSR)

Before leaving the subject of prevention of discrimination, it should be mentioned that the Sub-Commission's past practice in appointing special rapporteurs to study matters of special interest had not been entirely equitable; members representing the socialist States of eastern Europe had not received due consideration in making such appointments. It was to be hoped that the Sub-Commission would take steps to correct that inequity.

In resolution 3 (XXVIII) the Commission once again indignantly condemned Israel's violation of human rights in the territories it was occupying as a result of hostilities in the Middle East. His delegation took particular note of paragraph 7 of that resolution. The acts of violence perpetrated by Israel in the occupied territories were sharply at variance with basic humanitarian principles and the provisions of international law. Despite what some delegations had said to the contrary, the Commission had been quite correct in its conclusion that the grave breaches of the fourth Geneva Convention committed by Israel in the occupied Arab territories constituted war crimes and an affront to humanity.

A number of non-governmental organizations had circulated documents expressing their opposition to paragraph 7. Prominent among them had been certain Zionist organizations which, in his delegation's view, were not entitled to the privilege of consultative status with the Economic and Social Council. In challenging the Commission's decision on the basis of their narrow ideological and nationalist views, the Zionist organizations were exposing the essentially racist nature of their doctrine. The Zionists were, in reality, a band of militant bourgeois nationalists who were pursuing a policy which ran counter to the real national interests of the Jewish people. Not only the overwhelming majority of Jews in the Soviet Union and other socialist countries but also many Jewish organizations and prominent Jewish leaders in capitalist countries had expressed their opposition to the militant ideology of Zionism. Above all, the working-class Jews in the capitalist countries, including Israel, rejected zionism because it set the Jewish question apart from the fundamental question of the class struggle. Many Jews, including prominent religious leaders, rejected zionism as a racist ideology which was contrary to the Jewish religion and demanded that Jews living in other countries should be loyal to Israel and support its militaristic

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(Mr. Tarassov, USSR)

policies, thereby undermining normal relations between Jews and the population of the country in which they lived. The Neturei Karta organization was one example of an association of religious Jews who condemned zionism as the archenemy of the Jewish people.

Resolution 4 (XXVIII) dealt with a most important problem, namely, the adoption of an international instrument on the suppression and punishment of the crime of apartheid. His delegation fully supported that resolution and the Commission's decision to request Governments to communicate their comments and views concerning the draft Convention and the draft Protocol. His delegation was submitting a draft resolution on that subject, which he understood would be circulated as document E/AC.7/L.621.

With regard to resolution 6 (XXVIII), which dealt with the protection of journalists engaged in dangerous professional missions in areas of armed conflict, his delegation stressed that the draft articles considered by the Commission at its twenty-eighth session were only a basis for future work. The General Assembly would no doubt be the most appropriate forum in which to consider the amendments to the draft articles and to take a decision on the proposed convention.

Unfortunately, there had not been enough time for the Commission to consider fully the question of principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. His delegation hoped that the Council would approve draft resolution III, which dealt with that question, and that at its twenty-ninth session the Commission would be able to undertake a detailed discussion of it. An international instrument on that subject would make an important contribution to the prevention of war crimes, which were still being committed as a result of aggressive wars, the policy of apartheid and colonialism.

The Commission had also adopted other valuable resolutions, including resolutions 5 and 8 (XXVIII). Nevertheless, the fact that the Commission had postponed 11 items for consideration at its next session had been described as a grave shortcoming of the Commission's work, which undermined the prestige of that body and of the United Nations as a whole. His delegation did not share that view. Even a cursory look at the decisions taken by the Commission at its twenty-eighth session showed that its work had been fruitful. It would have been too much to

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(Mr. Tarassov, USSR)

expect that in five short weeks the Commission could successfully have dealt with the more than 20 items on its agenda. The items it had dealt with were among the most urgent and related to the most intolerable violations of human rights. It must therefore be acknowledged that, on the whole, the work of the Commission at its twenty-eighth session had been satisfactory.

It was particularly noteworthy that in the current discussion of the Commission's work the delegations representing the developing countries of Africa, Asia and Latin America had unanimously characterized the twenty-eighth session as productive and fruitful; it was only delegations representing Western countries, including the United Kingdom, the United States and a few others, that had expressed dissatisfaction with the Commission's work.

It was, of course, regrettable that the Commission had not been able to deal with the entire list of items on its agenda. Several delegations had commented on the need for the Commission to organize its work in future in such a way as to be able to cope with a broader range of questions. His delegation was of the view that the Commission itself should carry out that task. It might well do so in connexion with the broader question of its future programme of work in the field of human rights, concerning which the Secretariat had prepared a number of useful documents that the Commission had not yet had time to consider. However, the Economic and Social Council was not the appropriate body in which to discuss the Commission's future programme of work; logically, that should be the job of the Commission itself.

The Commission's present programme of work contained many questions of secondary or even tertiary importance, which were of little relevance to the burning issues of the day and which were of no more than passing interest to the overwhelming majority of States. The Commission would be performing a very useful service indeed if it could restructure its programme of work so as to focus on truly significant items and eliminate insignificant items. If that was done, the present five-week session should provide sufficient time to deal adequately with the items on the agenda, including the report and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, some of which certainly deserved consideration.

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Mr. SCHREIBER (Director, Division of Human Rights), in reply to a question put by the representative of Ghana earlier in the meeting, said that in selecting participants for seminars in the field of human rights, a somewhat flexible procedure was being followed which took into account the nature of United Nations programmes in that field. In that context, the wishes of the country hosting the seminar were given special attention. The Secretariat did its utmost to ensure that in the case of world-wide seminars, a proper geographical distribution among participants was ensured, based on the geographical composition of the Commission on Human Rights. In the case of regional seminars, the practice was to invite participants from all interested countries in the region which were Members of the United Nations or members of the appropriate regional commissions. Subject to the approval of the host country, the Secretariat also endeavoured to ensure that as many Member States as possible would participate in such seminars.

The representative of Ghana had also inquired as to the procedure used in granting fellowships in the field of advisory services. In 1971, 64 such fellowships had been awarded. Any Member State was entitled to propose candidates for those fellowships; the final selection among the candidates was made by a small group of qualified persons in the Secretariat. Consideration was given in the selection of candidates to the advantages of fellowships to the largest possible number of countries, in particular the developing countries, and to the role which the human rights fellows might play in their countries in the promotion of human rights as a result of the fellowship granted to them by the United Nations.

The CHAIRMAN announced that the time-limit for the submission of draft resolutions on agenda item 8 (b) had been extended to 5 p.m. that afternoon.

The meeting rose at 1.20 p.m.

SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-EIGHTH MEETING

Held on Friday, 26 May 1972 at 3.25 p.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616, L.618, L.619, L.620; E/C.2/747 and 748)

Mr. MAHMASSANI (Lebanon), speaking on a point of order, expressed surprise that the Secretariat had circulated document E/C.2/748. In accordance with paragraphs 23 and 24 of Council resolution 1296 (XLIV), written statements relevant to the work of the Council could be submitted by non-governmental organizations on subjects in which those organizations had a special competence. He was surprised that a non-governmental organization should take it upon itself to rule on the competence of the Commission, to question the authority of an organ of the United Nations and to criticize one of its resolutions; he therefore considered it regrettable that the Secretariat had decided to circulate such a document.

Mr. MOLteni (Argentina) expressed appreciation to the Director of the Division of Human Rights for his presentation of the main subjects to which the Commission had devoted its attention. The elimination of racial discrimination was the most urgent task in the human rights field, and he was therefore in favour of any measure to enhance the effectiveness of the Commission on Human Rights.

His delegation supported the draft resolutions submitted to the Council, in particular the draft articles of the International Convention on the Protection of Journalists, which afforded means of providing them with safeguards in the performance of their duties.

He had some reservations, however, regarding resolution 3 (XXVIII), concerning the violation of human rights in the territories occupied as a result of hostilities in the Middle East, because, in his opinion, the statements contained in paragraph 7 were not based on conclusive information.

His delegation was in favour of draft resolution E/AC.7/L.618, for the establishment of a committee to examine the present system of collecting and disseminating information on human rights should, in his view, help to improve the system. In view of the importance of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, he was in favour of

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(Mr. Molteni, Argentina)

draft resolution E/AC.7/L.619, although he had some reservations concerning the appropriateness of telling the Commission on Human Rights how it should deal with pending reports. He would also support draft resolution E/AC.7/L.620.

Mr. MANI (India) noted with gratification that consideration of the report of the twenty-eighth session of the Commission on Human Rights coincided with Africa Day, and on that occasion he expressed his best wishes for the future of the African peoples, while at the same time deploring the fact that on that continent vestiges of colonialism and racism still existed; his delegation unreservedly supported the struggle being waged by the people of Africa to overcome colonialism, racism and apartheid, which constituted a crime against humanity. In that connexion he recalled that the Prime Minister of India, Mrs. Gandhi, had declared that the people of Africa must fight until racism had been eliminated in order to restore to mankind, without any distinction on grounds of colour, its full dignity.

He paid a tribute to the representative of Poland, who had guided the Commission's work with great understanding and patience, and he congratulated Mr. Schreiber and his colleagues for the extremely valuable document they had prepared.

He expressed regret that some delegations had criticized the Commission's work and that it had been reproached in particular for not considering all the items on its agenda and for giving too much attention to the question of the elimination of racial discrimination. Efforts had been made to impose a time-limit for statements, but it was not humanly possible to limit statements to five or 10 minutes, given the importance of the items dealt with; it should not be forgotten that the ultimate aim of the discussions had been to consider all aspects of the problem, to uncover its hidden roots and to draft appropriate resolutions. An effort at punctuality would undoubtedly have helped, but the Commission had nevertheless got through considerable work. It had been his own delegation which had moved the adjournment of the debate on the report and studies of the Sub-Commission because there had been too little time left, and that motion had been adopted by 12 votes to 4, with 1 abstention. It had not been possible to consider 28 items of such importance in so little time, and, in

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(Mr. Mani, India)

his view, it had been the wisest course for the Commission to postpone consideration of the report of the Sub-Commission until it had studied the problem of racial discrimination in all its aspects; in any event, the countries of the third world would continue to raise that issue in all international forums until it was finally resolved. Some delegations had felt that there had been an imbalance in the degree of importance accorded to the various agenda items, but how was it possible to speak of balance when millions of blacks were being treated as slaves in South Africa? The elimination of racism was a priority task.

Turning to the report of the Commission on Human Rights on its twenty-eighth session, he commended the way in which the question of racial discrimination in all its aspects had been dealt with. He recalled that the Commission had studied the report of the Ad Hoc Working Group of Experts on the question of apartheid and had decided to transmit it to Member States. The Commission had also considered two draft instruments on apartheid and had decided to submit them to Member States for their comments. The study of the question of the protection of journalists engaged in dangerous missions in areas of armed conflict, which had been undertaken primarily at the request of the French delegation, had also been interesting, especially as it had been the subject of a resolution to which many delegations had contributed.

He regretted that the Commission had not been able at its twenty-eighth session to consider all the items on its agenda, and he hoped that the items left pending would be considered at the Commission's next session. It might be useful to give the Commission some guidelines in order to encourage it to reduce the length of its resolutions and complete the task entrusted to it by the General Assembly.

It was the prerogative of every sovereign State to choose its own representatives. He reserved the right to speak again, should the need arise.

Mrs. NEISS (Austria) commended Mr. Schreiber on his introduction of the report of the Commission on Human Rights. It was regrettable that the Commission had been obliged to postpone consideration of several items on its agenda and had not even taken note officially of the report of the twenty-fourth

(Mrs. Neiss, Austria)

session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. That report contained nine resolutions, four of which, dealing primarily with slavery, racism and the future work of the Sub-Commission, required a decision by the Commission on Human Rights. She expressed regret also that the Commission, which had had before it four important studies of the Sub-Commission, had only adopted a resolution on "draft principles relating to equality in the administration of justice". In view of that inadequate treatment, her delegation was prepared to support any proposal that would ensure that the Sub-Commission's reports were considered in an appropriate manner, and, accordingly, she supported the draft resolution contained in document E/AC.7/L.619, her preference being for alternative 1 proposed by the delegations of Ghana and the Netherlands.

Her delegation had been obliged to abstain in the vote on Commission resolution 3 (XXVIII), mainly because of paragraph 7; its position on that point remained unchanged. Her delegation attached special importance to the draft articles of the International Convention on the Protection of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict.

The draft resolution requiring a decision by the Economic and Social Council were procedural texts, and her delegation had no difficulty in supporting them.

Mr. BICAMUPAKA (Rwanda) said that Rwanda had not been a member of the Commission on Human Rights at the time of the adoption of resolution 3 (XXVIII); otherwise, his delegation would have abstained in the vote on that resolution, particularly because of paragraph 7.

Mr. AL-SHAFI (Yemen) congratulated Mr. Schreiber on his presentation of the report of the Commission on Human Rights. He observed that the most long-standing items before the Commission were extremely complex and had entailed consideration of numerous documents and reports; moreover, the General Assembly had recommended that some of those items should be accorded special attention. It was therefore gratifying that the Commission had reached important conclusions and had adopted resolutions which revealed mankind's great weaknesses. If the Commission had decided to grant priority again to some of those items at its next session it was because of their major importance. Although consideration of

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(Mr. Al-Sharafi, Yemen)

other significant items had been deferred, that was because of the length of the Commission's sessions; if it was to discharge its responsibilities, it should therefore be permitted to meet over a longer period.

Mr. MACRAE (United Kingdom), introducing draft resolution E/AC.7/L.620, referred members of the Committee to the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which contained a resolution on the same subject (resolution 3 (XXIV)). When the question of slavery had been considered at the twenty-eighth session of the Commission on Human Rights, the delegations of the United Kingdom, France and the Netherlands had submitted a draft resolution which reproduced most of the text of Sub-Commission resolution 3 (XXIV) and included a reference to Mr. Awad - a reference also contained in the preamble of draft resolution E/AC.7/L.620. That draft resolution sought to restore a balance between what should be done and what was being done to eliminate slavery; the most novel feature of the new text was the idea of establishing permanent machinery to give advice on the elimination of slavery and other similar practices.

Paragraph 13 contained three requests to the Secretary-General. Subparagraph (a) sought to fill a gap: it was regrettable that there had thus far been no survey of national legislation for the purpose of eliminating practices similar to slavery. Subparagraph (b) reproduced paragraph 12 of Sub-Commission resolution 3 (XXIV) but also referred to the possibility of obtaining assistance to facilitate the passage of legislation to promote the elimination of slavery-like practices, having regard to the provisions of Economic and Social Council resolution 1593 (L).

Paragraph 5 of the draft resolution should be revised to read as follows: "Appeals to all States to give effect, by national legislation or otherwise, to the ILO Recommendation of 1968 (No. 132) concerning tenants and share-croppers."

Introducing draft resolution E/AC.7/L.618, he noted that it reproduced draft resolution E/CN.4/L.1211 (E/CN.4/1096) which had been submitted to the Commission at its twenty-eighth session, and was aimed at improving the dissemination of information on human rights and making it more readily

(Mr. Macrae, United Kingdom)

accessible and intelligible. Human rights information was already available in the form of the Yearbooks on Human Rights and the periodic reports on human rights, which, in accordance with Economic and Social Council resolution 1596 (L), were submitted on a biennial basis. The Yearbooks on Human Rights contained valuable information on changes in national legislation which occurred from year to year, but it was difficult for the ordinary person to evaluate those changes unless he was familiar with the legislation in question. Another drawback of the Yearbooks on Human Rights was that they were published only after considerable delay. The periodic reports suffered from a different kind of drawback. They contained information only about one country; consequently when studying a particular subject, it was necessary to go through a considerable number of documents, many of which would turn out to have no relevance. His delegation therefore suggested that a small working group should be established to consider the possibility of improving information on the realization of human rights which would submit its recommendations on the matter to the next session of the Council in 1973. With regard to the financial implications of that proposal, he observed that the implications of draft resolution E/CN.4/L.1211 were set out in document E/CN.4/L.1224 (E/CN.4/1096). The activities proposed in draft resolution E/AC.7/L.618 should not entail any additional interpretation costs, and the financial implications of the proposal should therefore be only \$150; that was an extremely modest outlay when one considered the advantages that would result from improved dissemination of human rights information. He expressed the hope that that procedural draft resolution would not give rise to any difficulties and that the appropriate action could be taken in 1973, the twenty-fifth anniversary year of the Universal Declaration of Human Rights.

Miss ST. CLAIRE (Secretary of the Committee) announced that the document on the financial implications of draft resolution E/AC.7/L.618 would be made available shortly in all the working languages.

Mr. SCHREIBER (Director, Division of Human Rights), replying to a question put by Mr. BUDAI (Hungary), said that draft resolution E/AC.7/L.620 would not have any special financial implications.

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Mr. MOUSSA (Egypt), referring to the point of order raised by the representative of Lebanon in connexion with document E/C.2/748, said that, in accordance with paragraphs 23 and 24 of Council resolution 1296 (XLIV), statements by non-governmental organizations could only be submitted to members of the Council if they had not become obsolete and if they had been submitted in sufficient time for consultation to take place between the Secretary-General and the organization concerned. Since document E/C.2/748 had been issued on 24 May 1972, he asked whether such consultation had taken place and whether the organization in question had given due consideration to the Secretary-General's comments. He also asked whether the International League for the Rights of Man had made other statements in defence of the human rights of the population of the Middle East, particularly the population of the occupied territories.

The CHAIRMAN, replying to a question put by Mr. COUTO (Brazil), said that a document setting out the financial implications of draft resolution E/AC.7/L.619 would be made available on 30 May.

Mr. AKRAM (Pakistan), referring to the statement made by the representative of Egypt, said that statements submitted by non-governmental organizations were valid only if they dealt with matters which were still under consideration. However, the question dealt with in document E/C.2/748 had already been considered by the Commission on Human Rights, and the statement by the International League for the Rights of Man was therefore obsolete.

Mr. EL MEKKI (Sudan) observed that, under the terms of paragraph 36 (b) of Economic and Social Council resolution 1296 (XLIV), document E/C.2/748 was an infringement of the rights of States Members of the United Nations.

The meeting rose at 4.55 p.m.

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SUMMARY RECORD OF THE SIX HUNDRED AND NINETY-NINTH MEETING

Held on Tuesday, 30 May 1972, at 11 a.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616, L.618 and Add.1, L.619 and Add.1, L.620, L.621, L.622; E/C.2/747 and 748)

Mr. ROOSEVELT (Chief, Non-Governmental Organizations Section, Economic and Social Council Secretariat), replying to several questions raised at an earlier meeting by the representatives of Egypt and Lebanon, said that in accepting written statements from non-governmental organizations and arranging for their circulation as United Nations documents, his Section scrupulously applied the criteria laid down in Economic and Social Council resolution 1296 (XLIV), paragraph 23 of which provided that: "Written statements relevant to the work of the Council may be submitted by organizations in categories I and II on subjects in which these organizations have a special competence." In the absence of any instructions to the contrary from the Council, his Section had always interpreted the question of special competence rather broadly. In the case referred to by the representatives of Egypt and Lebanon, it had been considered that the matters dealt with in the communication in question did fall within the special competence of the submitting organization. Furthermore, it had not been considered that the matters dealt with had become obsolete within the meaning of paragraph 23 inasmuch as they had been the subject of discussions at the twenty-eighth session of the Commission on Human Rights.

From the fact that the document in question had been dated 24 May 1972 and circulated that same day, the representatives of Egypt and Lebanon had erroneously concluded that there had not been sufficient time for appropriate consultation to take place between the Secretary-General and the organization before circulation, as provided in paragraph 24 (b) of the above-mentioned resolution. Extensive consultations had in fact taken place, involving a number of successive drafts, before the final draft had been accepted for circulation. The organization had insisted that the statement be circulated, and the Secretariat had complied with that wish, since the criteria established by the Council in resolution 1296 (XLIV) had been met.

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Mr. MOUSSA (Egypt) thanked the Chief of the NGO Section for his statement. He agreed that the matter at issue was not in the least obsolete: the question of war crimes could never become obsolete as long as such crimes were still being committed in certain parts of the world. Nevertheless, he felt that the point he had raised had still not been fully answered.

In his opinion, the organization which had prepared the statement in question did not meet the requirements of paragraph 2 of Economic and Social Council resolution 1296 (XLIV), since its aims and purposes were not in conformity with the spirit, purposes and principles of the Charter of the United Nations but rather served the aims and purposes of certain Member States. The organization in question was acting as a tool of a particular ideology and not in accordance with the higher principles of the United Nations. Moreover, in view of the concern expressed by the General Assembly in resolution 2836 (XXVI) to limit unnecessary documentation, that statement should not have been approved for circulation in the first place.

He trusted that the Secretariat would deal properly with such statements in the future; its performance in that regard would be closely watched by many delegations.

Mrs. GAVRILOVA (Bulgaria) said that her country, although not yet a member of the Commission on Human Rights, closely followed the work of that important United Nations body. Her country appreciated the work which the United Nations and, in particular, the Commission had accomplished in the field of protecting human rights and freedoms. The documents, resolutions and international instruments produced by the United Nations in that field had had a positive influence on the legislation of many countries which had only recently attained independence.

Contrary to the opinions expressed by some delegations in the Social Committee, her delegation saw no cause for concern in the direction recently taken by the Commission in its work. The Commission had quite rightly given priority consideration to certain acute violations of human rights, which were the result of wars or inhuman official policies in countries with colonial and racist régimes. The continued existence of official or semi-official discrimination, persecution and even genocide directed against whole nations or particular strata of the

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(Mrs. Gavrilova, Bulgaria)

population in various countries on the basis of colour, nationality, or religion (as, for example, in Northern Ireland) was an affront to the civilized world and a crime against humanity. The search for ways of putting an end to such massive violations of human rights should always be given priority in the work of the Commission and the United Nations as a whole until such practices were stamped out.

During the discussion of the item under consideration, certain delegations had alleged that the work of the Commission on Human Rights had recently been politicized, with the result that undue emphasis was being given to items relating to racial discrimination, war crimes, protection of the civilian population in times of war, protection of persons living in occupied territories, etc. Her delegation could not support such allegations: the problems being dealt with by the Commission were among the most vital in the entire field of human rights. As to the question of the Commission's work being politicized, her delegation considered that all human rights problems were highly political. No questions on the agenda of the United Nations were purely humanitarian, since the United Nations and all its organs were political bodies. All questions brought before the United Nations were viewed in the perspective of the policies of Member States and their political interrelationships. It was therefore useless to deny the political character of the work of the Commission on Human Rights.

Since the problem of systematic violations of human rights resulted from the policies adopted by certain States, the means used to combat those policies must likewise be political. The violations of human rights in Indo-China, the Israeli-occupied Arab territories and southern Africa, for example, resulted from specific policies, which could only be countered by political means. If certain countries were not complying with the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Racial Discrimination or other important United Nations instruments in the human rights field, the United Nations must make a political appeal to the States concerned to correct their policies. It was customary and proper for such appeals to originate with the Commission on Human Rights.

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(Mrs. Gavrilova, Bulgaria)

Perhaps the political activity of the Commission on Human Rights had perturbed certain delegations in the Committee; they were trying to hide their perturbation by criticizing the Commission's organizational and procedural shortcomings. If the complaints of those delegations were really directed at shortcomings of that kind, her delegation would be happy to collaborate with those delegations in correcting them, as it would be serving on the Commission for the next three years. Her Government would not, of course, seek the approval of the United Kingdom or any other authorities for the persons it would assign to represent it in the Commission.

Mr. BUDAI (Hungary) expressed appreciation to the members of the Commission on Human Rights and its Chairman for their hard work and the important results they had achieved, both of which were reflected in the Commission's report (E/5113). The items which the Commission had discussed at its twenty-eighth session were among the most vital problems of human rights facing the modern world.

His delegation could not subscribe to the criticism that had been levelled at the Commission for its failure to complete its very heavy agenda. The Commission was well aware of its shortcomings and quite capable of conducting its business without critical resolutions from the Economic and Social Council. As the item currently under discussion was the consideration of the report of the Commission, delegations should address themselves to that question alone and not to the way in which the Commission organized its work; moreover, their comments should be made in a constructive spirit.

The loudest critics of the Commission's work were among those responsible for the fact that such items as racial discrimination, apartheid, war crimes and colonial oppression had been on the Commission's agenda for so long. The solution to those problems was to be sought in a change of the methods and political attitudes of those imperialist Powers which encouraged and supported racist and aggressive régimes or which were themselves committing acts of aggression and colonial oppression.

His delegation strongly supported the resolution adopted by the Commission on Human Rights on the elimination of racial discrimination and the suppression of the crime of apartheid. The sentiments of the Hungarian people concerning the shameful phenomenon of racial discrimination had recently been expressed in a

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(Mr. Budai, Hungary)

statement issued by the Hungarian Association for the United Nations. That statement pointed out, inter alia, that from the United States to Rhodesia racial hatred continued to thrive and spread its poison. The massacre in Viet-Nam, referred to by United States newspapers as "the war of the white man", was an obvious example of virulent racial hatred. Progressive world public opinion and the Hungarian people condemned all manifestations of oppression and racial discrimination.

Resolution 3 (XXVIII) of the Commission, entitled "Question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East", had caused some consternation among a few delegations and among certain so-called "non-governmental" organizations. His delegation totally disagreed with the critics of that resolution and deeply condemned the crimes committed by the present militaristic and aggressive régime in Israel against the people of the occupied Arab territories. The spokesmen for the Israeli aggressors had as usual referred to the enormous sufferings of the Jewish people during the Second World War in an attempt to divert attention from their own similar actions against the Arab population. It was clear that the Zionist leaders of Israel could not hide behind the memory of their martyred co-religionists while they followed the fascist example of the nazi criminals. A solution to the problem of violations of human rights by Israel in the Middle East could be found only by putting an end to the aggression and ensuring full and immediate compliance with the relevant United Nations resolutions.

It should be clear from what he had already said that his delegation endorsed the report of the Commission on Human Rights on its twenty-eighth session E/5113) as a whole, including the draft resolutions contained therein. The Economic and Social Council could best contribute to the success of the Commission's work not by interfering procedurally with its work but by expressing constructive opinions to facilitate the speedy disposal of important items still outstanding on the Commission's agenda.

Turning to the draft resolutions before the Social Committee, he said that the subjects dealt with in draft resolutions E/AC.7/L.619 and L.620 properly fell within the purview of the Commission on Human Rights and that the Economic and Social Council would do best to refer those resolutions to the Commission for its consideration. As to draft resolution E/AC.7/L.618, he would like to have the

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(Mr. Budai, Hungary)

Secretary-General's views on the subject with which it dealt; the Secretary-General might be able to make further suggestions regarding the collection and dissemination of information, the matter of periodic reports, and the Yearbook on Human Rights. Finally, his delegation supported draft resolution E/AC.7/L.621, which was procedural in nature, and it preferred the original wording of paragraph 1 of resolution 2 (XXVIII) recommended by the Commission on Human Rights to the amendments contained in draft resolution E/AC.7/L.622.

Mr. KONISHI (Japan), commenting on draft resolution II concerning the protection of journalists engaged in dangerous professional missions in areas of armed conflict, said that his delegation considered the resolution appropriate and would support it in the vote.

With regard to the proposed international convention on the protection of journalists, his delegation agreed in principle to the elaboration of such an instrument. At the present stage he would like to record three observations on specific points.

First, there should be some international standards which would be applied in issuing the identification card for journalists; however, each State party to the future convention should have the exclusive right to authorize its actual issuance. It would not be desirable, however, to leave the issuance of the card completely to the discretion of individual States Parties. His delegation appreciated the compromise formulation adopted in that regard by the Commission on Human Rights.

Secondly, the question had been raised as to whether the card should be issued with a limitation on the geographical area of its validity. His delegation felt that no serious harm would be done if the concept of geographical limitation was left out of the future convention since it was clear that the cards could only be meaningful in areas of armed conflict.

Thirdly, there was the question of the scope of the convention. His delegation was of the view that if it was limited exclusively to international conflicts, the meaning of the convention in substantive terms would, for the most part, be lost. The convention should therefore cover both international conflicts and those of lesser scope.

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Mr. ROPOTEAN (Romania) expressed appreciation for the valuable work accomplished by the Commission at its twenty-eighth session. In view of the number of important items it had successfully dealt with, it would be harsh indeed to criticize the Commission for failing to complete the rest of its agenda. The Commission had thoroughly debated and adopted important resolutions on all the items it had considered, which represented the most agonizing problems facing mankind today. The positive results achieved on those items owed much to the skill displayed by the Chairman in conducting the Commission's work and to the efficiency with which the staff of the Division of Human Rights had assisted the Commission.

His delegation regretted the fact that the Commission had not been able to give adequate consideration to such items on its agenda as the report and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was to be hoped that, at its next session, the Commission would find time to consider the important recommendations made by the Sub-Commission, in particular the recommendation made in its resolution 9 (XXIV) (document E/CN.4/1070).

His delegation could support all of the draft resolution recommended by the Commission for adoption by the Economic and Social Council but it reserved its position with regard to any substantive amendments which might be introduced. His delegation looked forward particularly to the completion, and the submission to the Commission at its twenty-ninth session, of the report of the Special Rapporteur on economic, social and cultural rights. In that connexion, his delegation felt honoured that the Special Rapporteur had included Romania in his itinerary. The Romanian Government would provide full co-operation to the Special Rapporteur in the fulfilment of his complex and difficult task. Arrangements would be made for him to gather the information he needed and to meet high-ranking Government officials and experts dealing with matters falling within the scope of his report.

The Romanian delegation also welcomed draft resolution III on the question of the punishment of war criminals and of persons who had committed crimes against humanity. It believed that all States should co-operate in formulating principles of international action to secure the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity.

Mr. WANG JUN SHENG (China) said that his delegation was taking part for the first time in the discussions on human rights in the Social Committee, and wished to state its views on some of the most important of the current questions concerning human rights.

First, on the question of racial discrimination and apartheid, his delegation was of the opinion that the barbarous systems of racial discrimination and apartheid existing in southern Africa and certain other regions were the outcome of the policy of colonialism and imperialism and seriously challenged the purposes and principles of the Charter.

The Chinese Government and people had always deeply sympathized with and resolutely supported the peoples subjected to racial discrimination and colonial oppression in their just struggle for national independence and fundamental human rights. The Chinese Government had always refrained from having any diplomatic contacts with the South African and Southern Rhodesian white racist régimes, nor did it have any economic or trade relations with them, direct or indirect. Those régimes, as well as the colonialist rule in the Territories under Portuguese administration must be brought to an immediate end.

With the energetic political, economic and military support given by the United States and some other imperialist countries, South Africa, Southern Rhodesia and Portugal had been able to form a military alliance and to continue their colonialist rule and policy of racial discrimination in Africa. Their collusion in repressing the struggle against racial discrimination and for national independence should be sternly condemned by the United Nations.

The struggles waged by the peoples of Azania, Zimbabwe, Namibia and the Portuguese colonies were struggles for justice and were therefore bound to triumph. With the support of the peoples of Africa and of the whole world, those peoples would surely win final victory, provided that they united and persevered in their struggles.

Turning to the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East, he said that the Chinese Government and people strongly condemned the Zionists for their aggression against Palestine and other Arab countries and strongly condemned Israel for its crime of

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(Mr. Wang Jun Sheng, China)

trampling on the fundamental human rights of the Arab people. As a result of the three large-scale wars of aggression launched by Israel with the support of the United States against Palestine and other Arab countries, large tracts of Arab territory had been occupied and millions of Palestinian and other Arab peoples who had lived there for generations had been rendered destitute and homeless. The Israeli Zionists were enforcing a fascist rule over the Palestinian and other Arab people in the occupied territories in an attempt to change the demographic structure there and to perpetuate their occupation of Palestine and other Arab territories.

If the legitimate rights of the people in the Israeli-occupied territories were to be upheld, Israel must withdraw from all such territories, the Palestinian people's rights to national existence and to return to their homeland must be restored, and Israel must cease its further expansion and aggression against the Arab countries.

The Chinese Government and people firmly supported the just struggles of the Palestinian people to restore their national rights, and of the Arab countries to recover their lost territories, and resolutely opposed any political deals at the expense of the Palestinian people's right to existence or at the expense of Arab territory and sovereignty. Despite any reversals in the advance of the Palestinian and other Arab peoples, the United States-Israeli aggressors were doomed to fail and the Palestinian and other Arab peoples were bound to triumph.

As pointed out in paragraph 7 of resolution 3 (XXVIII), the Commission considered that grave breaches of the Fourth Geneva Convention committed by Israel in the occupied territories constituted war crimes and an affront to humanity. His delegation considered that that observation was based on abundant facts and therefore concurred in it. Yet, in his statement, the representative of the United States had even defended Israel and deplored that observation. That showed that Israel had obtained the connivance and support of the United States imperialists in its aggression against the Arab countries and in its atrocities in the occupied territories.

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(Mr. Wang Jun Sheng, China)

His delegation supported the reasonable demands made by the representative of Pakistan that the Indian authorities release and repatriate the Pakistan prisoners of war in accordance with the Geneva Conventions of 1949. The Indian Government should comply with the United Nations resolutions on the India-Pakistan question adopted in December 1971.

The question of human rights was an important issue for the Economic and Social Council. China was ready to work together with all the countries and peoples who loved peace and upheld justice in supporting the struggles of the peoples of the world against imperialism, colonialism and racism and for the attainment and defence of national independence, national sovereignty and fundamental human rights in accordance with the spirit of the Charter.

Mr. LOGVIN (Ukrainian Soviet Socialist Republic) said that the Commission - one of the most authoritative bodies of the United Nations - had had to solve very serious questions, taking into account within a limited time the positions of States with different social and political systems and different levels of economic development. His delegation felt that the Commission had coped honourably with that task and had accomplished a considerable amount of work on the most important and time-consuming questions on its agenda.

His delegation wished to stress the importance of such problems as the elaboration of the draft Convention on the suppression and punishment of the crime of apartheid, continued international action to combat racism and racial discrimination, the question of the realization of economic, social and cultural rights and the study of special problems relating to human rights in developing countries, the question of the punishment of war criminals, and other questions.

Some delegations considered that a number of agenda items were outdated, and they had referred to the question of the punishment of war criminals as one instance. But even today, in the Israeli-occupied territories, lawlessness prevailed. In that connexion, resolution 3 (XXVIII) acquired special importance: the Commission had once again pointed out that Israel was violating human rights in the occupied territories and was implementing a series of measures against the native population. His delegation had frequently pointed out in various

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(Mr. Logvin, Ukrainian SSR)

United Nations bodies that the racist, inhuman practice based on Zionist ideas of the superiority of a "chosen people" brought suffering to the people of the Arab territories occupied by Israel. While the world was learning of the new crimes perpetrated by the Israeli occupiers, the latter shed crocodile tears over the position of the Jews in the Ukrainian SSR, using that pretext to divert the attention of world public opinion from the problems arising from Israeli aggression.

His delegation firmly supported the Commission's decisions and was taking effective measures to implement them.

In the current year, the Ukrainian people was celebrating the fiftieth anniversary of the founding of the USSR as a union of equal and sovereign socialist republics, a union in which a whole range of important economic and social problems had been solved, there was no room for national or racial discrimination, and there were firm guarantees of the observance of human rights in every field of man's activities.

The foundation of the USSR 50 years earlier had been an important step in international relations and had led to the creation of a federation of many nationalities in which all forms of national life could develop to the full. The people of the USSR had set an example to the oppressed masses in the colonial Territories and had awakened those millions to the struggle against oppression. Today, there were many young, independent States which, following that example, had liberated themselves from centuries of imperialism and were building a new life within the context of socialism.

Mr. DORON (Observer for Israel) said that in the course of its twenty-eighth session, the Commission had dealt with a number of issues of substantial interest to his country. On the other hand, it had postponed consideration of some other items which interested his country no less.

With regard to the question of the violation of human rights in the territories occupied as a result of hostilities in the Middle East, the Commission had adopted resolution 3 (XXVIII), which was on the lines of previous resolutions on that subject in that it levelled unfounded charges against Israel; but the Commission had now gone a step further, and had included a number of preambular paragraphs, preparing the ground for operative paragraph 7, in which the Commission "Considers that grave breaches of the Fourth Geneva Convention committed by Israel in the occupied Arab territories constitute war crimes and an affront to humanity."

(Mr. Doron, Observer for Israel)

His delegation considered that the entire resolution was inequitable and unacceptable, and also rejected resolution 7 (XXVIII), which was based on it.

Dealing specifically with paragraph 7 of resolution 3 (XXVIII), he said that any resemblance between certain resolutions concerning the Middle East and the factual situation to which they purported to refer was purely coincidental; and in the present case, there was no resemblance at all. The very notion of using the expression "war crimes" in any manner whatsoever with reference to the actions of Israel in the areas administered by it since 1967, should be repugnant to anybody with a minimal sense of fairness, even in matters in which political emotions outweighed a responsible and objective view of the question.

The factual situation in those areas was well known. Life was progressing normally, there was development in all fields such as health, education, construction, industry and agriculture. Farming, the mainstay of the economy in the West Bank, and in which one half of the population there were engaged, had developed on the most modern lines and its output had increased fourfold since 1967. Industry, which had once been a step-child in the West Bank and which had hardly existed at all in the Gaza Strip, had also been developing rapidly.

There was freedom of movement to and from those areas, there was freedom of expression - as shown in the recent election - and freedom of the press. Tourism and trade, including exports, were booming. The situation was one of peace, progress and tranquility.

It had been expected that the advent of radio and television would make it impossible to continue to mislead the great masses of the people, for now at last they would have the means of knowing the truth. Unfortunately, that was not so; but anybody who wished to know the truth about the areas administered by Israel since 1967 had no trouble obtaining full information. He would not need to rely on the one-sided reports of the Special Committee of investigation or other such bodies. The very fact that in 1971, some 110,000 Arabs from neighbouring and other countries had visited their relatives and friends and toured the areas he had mentioned, spoke for itself. The figures for 1972 were likely to be considerably higher. It was expected, for instance, that 50,000 people from Arab countries would visit the Gaza Strip in the summer of 1972, as compared with 5,000 in 1971.

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(Mr. Doron, Observer for Israel)

Had anybody ever heard of tourists visiting places where war crimes were being committed against their brethren? That painful question gave a clear picture of the absurdity inherent in the charge of "war crimes" in connexion with the Israeli administration of areas that were open for anybody to visit and inspect.

Furthermore, the Arab residents of all the areas were free to travel both in Israel and abroad. About 100,000 persons from the areas in question had visited Jordan, other Arab countries, Israel and overseas countries. Could allegations of war crimes supposedly being committed in the areas against those very people stand up against those simple facts?

Instead of being kept in veritable concentration camps and not allowed either freedom of movement or a chance of obtaining employment, as had been the case during the Egyptian rule in Gaza, the Arab residents of the Gaza Strip, besides having freedom of movement, were free to take up employment in Israel or in the West Bank, and many did so, with the result that there was no more unemployment in the Gaza Strip and the economy was booming.

The Cyprus Mail of 27 February 1972, referring to the economic progress in the Gaza Strip, had reported that citrus production had increased since 1967 by between 20 and 30 per cent annually, reaching 200,000 tons in 1972, and that Dr. Fahmi Turk, the local Arab director of citrus production in the Gaza Department of Agriculture, freely admitted that the situation was much better than before the war.

Mr. Milks, Managing Editor of the Arizona Republic, had said in an article published on 27 February 1972 that, while touring through Arab towns in the occupied territories, he had noted that most Arab residents were strongly in favour of peace. Few had any complaints of life under the military administration of Israel and many said they were happier than when under the rule of the Arab nations.

That enormous change for the better in the Gaza Strip was apparently the cause for Egyptian complaints against Israeli policy and actions there, which at all times had been directed towards ensuring "the safety, welfare and security of the inhabitants of the areas" in accordance with Security Council resolution 237 (1967).

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(Mr. Doron, Observer for Israel)

All allegations made against Israel of breaches of the Fourth Geneva Convention in that connexion were completely unfounded and had been officially refuted, the true situation being fully set out in letters addressed to the Secretary-General by the Permanent Representative of Israel, and circulated as General Assembly and Security Council documents.

The health of the population in the administered areas also presented a satisfactory picture. Speaking of refugees in the Middle East, the Director-General of WHO had stated in paragraph 4.2 of his report of 12 May 1972, that it would appear that the health of the populations concerned had generally been maintained without deterioration, and that to maintain that favourable situation, constant vigilance was essential. He had added that additional efforts must be made to achieve further improvements in health services and facilities. In fact, the Israeli Government had been undertaking a series of development programmes, supplementing the activities of WHO and other organizations, for the improvement of the health of the population in the administered areas, with positive results appreciated by everybody concerned - except, of course, by the professional detractors of Israel. Arab residents from the areas were admitted for treatment in Israeli hospitals, and the large number of such patients who made use of those facilities delayed and in some cases prevented the admission of Israeli patients.

The recent municipal elections held in the areas, in which more people had participated both in absolute figures and percentages, than during the Jordanian régime, was an additional criterion on which any objective person would wish to base his opinion.

In an Associated Press cable from Bethlehem on 2 May 1972, published in The New York Times of 3 May 1972, it had been reported that, with Arab trade moving across the river bridges, tourist traffic growing, the economy booming and violence at a minimum, the elections had been another indication that Israel and the West Bank Arabs had all but reached an unofficial peace settlement, despite calls for war from Egypt.

In connexion with economic progress, the Neue Züriche Zeitung of 9 September 1971 had stated that the improvement of the Arab standard of living was visible in better food, better clothing and the acquisition of durable consumer goods.

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(Mr. Doron, Observer for Israel)

The Los Angeles Times of 21 November 1971 had reported that the Israeli-generated "green revolution" in the occupied West Bank was continuing, with widening financial, social and political implications; financially, the introduction of new seeds, crops, equipment and methods of cultivation in the West Bank had helped bring a measure of prosperity to the region unmatched in many, if not most, of the Arab States.

Speaking of refugee camps and living conditions generally in the administered areas, the Netherlands newspaper Het Vaderland, had reported on 8 April 1972 that Israel was making efforts in schooling and employment policy and towards improving living conditions in order to raise the living standards of the Arabs under its administration; it was trying to rebuild the camps in order to make them livable suburbs. The report had added that, whether Israel would succeed in putting an end to the camps as places of dismal misery would depend on the co-operation of the refugees; together, they could transform the camps into livable suburbs, with a rising standard of living and full employment.

In that connexion, the Des Moines Register of 5 March 1972 had contained an article stating that, amid all the war talk going on in the Middle East, farming talk might sound a little trite, but that it was, in fact, the other way about: against the background of everyday life and work in Israel and its occupied territories, the talk of politicians and soldiers sounded unreal and remote.

Against that picture, there for all to see, of an open society, with its economy, educational facilities, public health, agriculture and industry, and a population which enjoyed freedom of movement, freedom of speech and freedom of the press, a vicious campaign was being waged by the detractors of Israel with the obvious aim of maligning it in every possible United Nations forum. With complete disregard for facts a mechanical voting majority was mustered and brought into operation.

Perhaps it was precisely the peaceful situation known throughout the world which had prompted the sponsors of resolution 3 (XXVIII) to try and poison the atmosphere by denouncing non-existent Israeli breaches of the Fourth Geneva Convention and equating them to "war crimes"?

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(Mr. Doron, Observer for Israel)

How strange was the contrast between the tranquillity in the areas and the bellicose speeches and acrimonious and misleading texts of resolutions at the United Nations!

None of the actions of Israel in the administered areas constituted breaches of the Fourth Geneva Convention, let alone grave breaches. All Israeli actions conformed with the Convention. The acts described in the Convention as "grave breaches" did not apply to the situation existing in the administered areas, and the equation of any acts done by Israel with "war crimes" was so manifestly contrary to the facts that it was preposterous, and merely constituted another outrageous chapter in the Arab propaganda against Israel.

Being contrary to the truth, that resolution was of no moral value. As to the legal aspect, an examination of the Geneva Convention and other relevant basic material led to the inescapable conclusion that the resolution had no legal, factual or procedural justification. That resolution - and particularly its paragraph 7 - was thus nothing but a gratuitous and libellous pronouncement, seeking to vilify a State Member of the United Nations.

The representative of one great Power who had just attacked Israel in an unbridled way appeared to be ignorant of the realities of the situation. Perhaps he would learn with time.

As to the usual attack on Israel and Zionism contained in the statement of the representative of the Soviet Union at an earlier meeting, the Israeli delegation categorically rejected all those worn-out cliches, baseless allegations and distortions. The weakness of the Soviet representative's case had been amply demonstrated by his great reliance, in order to bolster his arguments, on the views published in an advertisement published in The New York Times by "Neturey Karta" of Brooklyn, an extremely small, ultra-orthodox group whose opinions were diametrically opposed to those held by the vast majority of the Jewish people in Israel and of the diaspora, including those in the Soviet Union.

As an observer at the Commission's twenty-eighth session, within the context of the consideration of racism and racial discrimination, his delegation had made a statement on the situation concerning the right of Soviet Jews to unite with their families and their people.

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(Mr. Doron, Observer for Israel)

Many Jewish citizens of the Soviet Union had been pleading to be allowed by the Soviet authorities to leave. Yet at the same time some of the Jews wishing to go to Israel had been subjected to repressive measures aimed at discouraging them and others from even submitting applications for exit permits.

As pointed out by the Israeli Minister for Foreign Affairs in the Knesset on 24 May 1972, the Soviet News Agency Novosty had stated on 2 May 1972 that, while 25 years had passed since the end of the Second World War, the process of reuniting families continued, with many returning home from the United States, Canada, France, and other countries. The Agency had held that family reunion was a normal process, and had stated that it viewed the problem in its entirety, including the departure of Jews for Israel. The Minister had added that the persistent suppression, maltreatment and oppression of applicants for emigration thus contradicted not only the natural, human and national rights of Soviet Jewry, but also the logic of the Soviet Union's own laws and declarations.

During the recent Passover holiday, there had been a violent police action against Jews who had peacefully congregated outside the main synagogue in Moscow. They had not been permitted to pray and had been dispersed by force. That incident, following a number of similar ones in Leningrad, Kiev and Minsk and other places, showed a consistent pattern of Jews being forcibly prevented from attending synagogues and congregating at their doors.

A further aspect of the problem also showed a persistent infringement of human rights and fundamental freedoms: a large and growing number of Jews in the Soviet Union, having applied for permission to emigrate, were dismissed from their employment. Contrary to their right of free choice of employment under article 23 of the Universal Declaration of Human Rights, those people - mainly intellectuals and professional men and women - were then forcibly assigned to menial labour. If they refused to comply with such orders, they were charged with "parasitism". They were not allowed to leave because of the alleged importance of their work, yet they were dismissed from their work, because they wanted to leave, a real harassment.

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(Mr. Doron, Observer for Israel)

Others had been called up for reserve service in the military forces, apparently to get them out of the way during President Nixon's visit to Moscow, and yet others had been simply locked away, probably with the same object in view. It was known that a large number of Soviet Jews had tried to petition President Nixon for an audience in Moscow to seek his help in obtaining exit permits.

Other Soviet Jews who had applied for emigration permits had been ordered to undergo psychiatric examination, apparently on the naïve assumption that any Jew wishing to leave the Soviet Union to join his family in Israel must be mad.

Such persecution of Jews in the Soviet Union gave cause for grave concern: it might be part of a deliberate policy of intimidation to make Soviet Jews desist from applying for exit permits. Men of goodwill who had the cause of human rights at heart hoped that the Soviet Government would cease to harass its Jewish citizens who desired nothing more than to rejoin their people in Israel.

His delegation had also mentioned the tragic and intolerable situation of the Jewish community in Syria, which continued to suffer from severe discrimination in practically all aspects of day-to-day life and at the same time was being denied permission to leave Syria. If the Jewish citizens of Syria were treated as worse than third-class citizens, it would appear only logical that those who wished to do so should be permitted to leave. On 18 May 1972, the Consultative Assembly of the Council of Europe had adopted a declaration appealing to European Governments to take the necessary measures to influence the Syrian Government to cease its persecution of its Jewish minority and to permit those who wish to depart from Syria to do so. Such persecution was contrary to all basic tenets of human rights, yet nothing has been done by the Commission to help either the Syrian or the Soviet Jews.

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(Mr. Doron, Observer for Israel)

Thus, a situation existed in which the Commission passed resolutions which flew in the face of truth and reality. Yet it took no action whatsoever in respect of deliberate discrimination and repression that were reported throughout the free world.

Miss DAES (Greece) paid a tribute to the Chairman and members of the Commission on Human Rights for the work they had accomplished during the twenty-eighth session of the Commission. She also expressed her appreciation to the Director of the Division of Human Rights for his concise and informative presentation of the Commission's report (E/5113).

The report was extremely valuable, as it contained the conclusions and resolutions adopted by the Commission on questions of vital importance to the majority of the Members of the world community. Following the order of items set out in its provisional agenda, the Commission had considered the question of racial discrimination, adopted 14 draft articles of the International Convention on the Protection of Journalists engaged in Dangerous Professional Missions and had studied the items relating to the realization of economic, social and cultural rights and the punishment of war criminals. Finally, it had begun, but had not completed, consideration of the studies prepared by the Special Rapporteurs and the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1070).

Her delegation welcomed the fact that the Commission had devoted a substantial proportion of its time to the elimination of racial discrimination. The racial problems covered by the five subitems were of the greatest importance for millions of persons all over the world. In spite of the provisions of the Charter reaffirming faith in fundamental human rights and in the dignity and worth of the human person and in violation of the provisions of article 2 of the Universal Declaration of Human Rights, millions of people were still suffering from the horrors of racial discrimination and were handicapped by illiteracy and general poverty. International efforts were therefore urgently needed to liberalize racial attitudes, and such efforts must not stop short at admonition. Racial harmony was not a simple matter of good will. Important political, social, cultural and economic issues were involved. It was no use stating that the elimination of racial discrimination called for sacrifice and understanding on

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(Miss Daes, Greece)

the part of white people. The report showed that understanding had prevailed among the majority of the representatives to the Commission. Her delegation therefore supported Commission resolution 1 (XXVIII), which was based on General Assembly resolutions 2784 (XXVI) and 2785 (XXVI).

The realization of economic, social and cultural rights was an item of vital importance, particularly for the developing countries. In that connexion, she drew attention to the fourth paragraph of the preamble to the Charter and to article 22 of the Universal Declaration of Human Rights.

The primary task of the United Nations was to promote solutions to problems which were of particular concern to the world community. She did not therefore agree with those delegations which had attributed the Commission's failure to allot sufficient time for consideration of the Sub-Commission's report and studies to the level of representation in the Commission. Among the representatives to the Commission there were distinguished international lawyers, professors and diplomats. The alternate representatives, while younger and consequently lower in rank, possessed a good knowledge of United Nations work. On the other hand, she agreed with the general recommendation that the Commission's future sessions should be so organized as to ensure that the necessary time was given to a proper consideration of studies by Special Rapporteurs and other urgent items referred to it by the Sub-Commission. She therefore supported alternative 1 contained in operative paragraph 2 of draft resolution E/AC.7/L.619.

In conclusion she wished to stress that the Commission and the Sub-Commission, whose work related to questions of universal concern, greatly contributed to securing respect for human rights and to the creation of a better world for all members of the international community.

Mr. JAIN (India), speaking in exercise of the right of reply said that the Chinese representative's remarks about India had a standard and familiar ring and contained nothing new. As he himself had said, the earlier the realities of the situation were recognized, the easier it would be for the peoples of the subcontinent to work towards a durable peace without outside interference or obstruction. India's position corresponded to the factual situation and he did not need to repeat India's views which had already been expressed in the General Assembly, Security Council, Commission on Human Rights and in the Social Committee

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(Mr. Jain, India)

itself. He merely wished to draw attention to the fact that India's statements and actions had from the beginning been designed to develop a climate of understanding, friendship, good-neighbourliness and co-operation among all the countries of the subcontinent. Its stand had been humane, just, consistent and principled. His Prime Minister had recently stated that Pakistan, Bangladesh and India, working together in a spirit of co-operation, could be a source of strength to one another. They had not achieved independence in order to be pawns in other hands. Working together, they could become stronger themselves and also help to strengthen the subcontinent and the developing world as a whole.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) said that although, presumably, the observer for Israel had been given the floor so that he could make a constructive contribution to the discussion, he had as usual used the Committee to direct slander and propaganda against various sovereign States, including the Soviet Union. The aggressor, which had frequently been condemned by the international community, was now preaching how to guarantee human rights while the Zionists and Fascists in the occupied territories were committing evil deeds against the harmless populations of the occupied territories. His Government knew the truth about the occupation which the representative of Israel praised, and it sympathized with the Arabs who were under the boot of fascism and zionism. It had become a habit for Israeli representatives in the United Nations to slander other countries in order to divert attention from the evil deeds they were committing daily. The observer now claimed that there was discrimination against Jews in the Soviet Union and that they did not have the rights of other Soviet citizens. The international press, impartial foreign observers and Soviet representatives to the United Nations themselves had answered those allegations and confirmed that in the Soviet Union there was no discrimination against Jews, who had the same rights as other USSR nationals.

To pursue its policies of annexation and plundering, Israel needed an influx of population. It was a racist State which opened its doors to others but expelled the lawful inhabitants, the Arabs. Its problem was to find Jewish immigrants. Jewish people were basically citizens of other countries, and did not go to Israel. There were as many Jews in the United States as there were in the Soviet Union, but they did not go to Israel. In the Soviet Union, Jewish citizens enjoyed all the privileges of socialism, including equal rights in employment. They condemned

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(Mr. Yevdokeev, USSR)

Israel's policy of aggression and disassociated themselves from the Israeli ruling circles.

No one had entrusted Israel with the task of speaking on behalf of Soviet Jewry. Israel's aim was merely to slander the Soviet Union, whose resolute policy it was to support the victims of Israeli aggression. Attacks such as those by the observer for Israel would not, however, turn his country from its resolute path. Israel should speak not as a judge of the policy of other States, but as a defendant being tried for its crimes against the Arabs; it was no coincidence that Israel had attacked Commission resolution 3 (XXVIII), which condemned those acts as war crimes.

Mr. MAHMASSANI (Lebanon) expressed his appreciation to the People's Republic of China for its support of the Arab cause and the struggle of the Palestinian people.

He had been extremely surprised at the Israeli observer's references to an atmosphere of make-believe and to "mechanical majorities"; 24 years before, those very elements had been instrumental in the creation of Israel.

The observer for Israel had mistakenly used the term "administered areas". There was a great difference between administered and occupied territories and the observer for Israel should agree that the Arabs were living under an occupation, not an administration. He had maintained that it was a happy occupation for the population and had referred to the prosperity of the territories, where industry, agriculture and so forth were being developed. Such statements could hardly be taken seriously. There was no such thing as a happy, flourishing, developing occupation. All forms of occupation were bad, and inconsistent with the Charter and with international law. Furthermore, the argument used in that regard by the observer for Israel was ominously reminiscent of the philosophy of nineteenth-century imperialism and colonialism. An Israeli author, Amos Elon, had written in a book entitled "The Israelis, Founders and Sons", that "Herzl assumed that the Arabs would trade their own right of national self-determination for a sizable increase in the standard of living. As a native of Austria-Hungary... he must have known that there was hardly a precedent anywhere for a people to trade what they considered 'natural rights' for a sizable increase in the value of their houses and land". The author was quite right: the Arabs and the Palestinians would never sell their right to self-determination and nationhood.

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(Mr. Mahmassani, Lebanon)

He had been equally surprised at the Israeli observer's description of the Gaza Strip, supposedly based on first-hand information from journalists who had visited the area. It was true that journalists had visited Gaza and had reported on what they had seen. But they had by no means termed the occupation happy. On the contrary, they had described it as unprecedentedly grim. Various newspaper correspondents had commented that the Germans had never treated prisoners of war as harshly as the Israelis treated the people of Gaza, many of whom were women and children; that power had slipped into the hands of the extremists; that the Arabs there had been the most adaptable, intelligent and moderate of their race, anxious to prosper, and the tragedy was that they were now being persecuted into a new diaspora. The Chairman of the Israeli League of Human and Civil Rights himself had said that Gaza was the most horrible part of the conquered territories and that the Israelis were thinning out the population there. The International Committee of the Red Cross had reported wanton destruction of houses in the occupied territories.

The Commission on Human Rights had had much documentation before it concerning the war crimes committed by Israel. Inter alia, Israel had flagrantly violated articles 14, 53 and 54 of the Fourth Geneva Convention and article 17 of the Third Convention, as had been confirmed by the reports submitted by various investigatory bodies.

The observer for Israel had said that the inhabitants were free to leave the occupied territories. The tragedy of the situation, was, however, that the Palestinians were not free to return to their homes. If Israel had not invoked the discriminatory Nationality Law which denied Israeli citizenship to Palestinians while encouraging Jewish immigration from all over the world, including the Soviet Union, the Committee would not be called upon to discuss Israeli war crimes and the peoples of the Middle East could live in peace. If, Israel withdrew from the Arab territories, no war crimes would be committed. Conversely, as long as the occupation continued, so would the war crimes. When the people of Palestine were denied the fundamental human right of being able to return to their lands, what semblance of legality could Soviet or other Jews have in a land which did not belong to them? Why should a Soviet or other Jew replace an Arab

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(Mr. Mahmassani, Lebanon)

who could not return because he was not a Jew? Palestinians were being discriminated against on religious grounds, and hence every Jew who went to Israel would become a spearhead for further aggression and occupation. The solution was simply for Israel to withdraw and allow the Palestinians to return to their homeland.

Mr. WANG JUN SHENG (China) said that he had already explained China's principled stand on the Indo-Pakistan question, but in view of the charges made by the representative of India, perhaps some clarification was necessary. All members of the Committee were aware that the Indian Government had committed acts of aggression against the sovereign State of Pakistan. No amount of high-sounding words could alter that fact. The Chinese delegation rightly upheld the relevant resolutions adopted by the General Assembly and the Security Council.

Mr. JAIN (India) categorically rejected the allegations made by the representative of China which had no basis in fact. His delegation had no intention of engaging in fruitless polemics on a subject which was not on the agenda of the Committee. He drew the Committee's attention to India's views already expressed in several international forums, and pointed out that India was looking forward to a summit-level meeting between the President of Pakistan and the Prime Minister of India which was due to take place shortly. It constituted a definite step towards the establishment of a durable peace on the subcontinent, which was the aim of the relevant United Nations resolutions. He, therefore, hoped that in view of so much talk of United Nations resolutions, that was precisely the objective of all parties who emphasized the implementation of those resolutions.

Mr. AKRAM (Pakistan) expressed his appreciation to the representative of China, and to his Government and people for the principled and correct stand they had taken throughout the tragic episode which had occurred on the subcontinent.

While his delegation would not wish to jeopardize the outcome of the summit-level meeting between India and Pakistan, he wished to point out that his delegation endorsed the concept of durable peace set forth in the relevant resolutions of the Security Council and the General Assembly. It considered, however, that the aims of those resolutions would be better served by deeds than

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(Mr. Akram, Pakistan)

by pious words. In that connexion, he did not think that the continued incarceration of thousands of Pakistani prisoners of war in India in contravention of the Geneva Conventions and Security Council resolution 307 (1971) were conducive to dialogue and peace. A concrete expression of India's intention to achieve peace on the subcontinent would be the immediate release and repatriation of those prisoners of war who had remained captive months after the cessation of active hostilities.

He shared the view expressed by the representative of India that the subcontinent should not be a pawn of any Power. In that regard, he wished to stress that Pakistan did not intend to be the pawn of any Power, either external to or within the subcontinent.

Mr. JAIN (India) said that polemics and repetition of unfounded allegations would not help to solve the problem and he could not understand why Pakistan had raised the question again today even after a full reply had been given at the previous meeting of this Committee. He reiterated India's interest in a durable peace in the subcontinent and the hope that this would be the outcome of a fruitful summit meeting. It would help matters only if the problems were considered in their entirety and correct perspective in order to seek lasting solutions.

The meeting rose at 1.20 p.m.

SUMMARY RECORD OF THE SEVEN HUNDREDTH MEETING

Held on Tuesday, 30 May 1972, at 3.35 p.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616, L.618 and Add.1, L.619 and Add.1, L.620, L.621, L.622; E/C.2/747 and 748)

Mr. MOUSSA (Egypt), speaking in exercise of his right of reply, said that no one was deceived by the falsehoods uttered at the previous meeting (E/AC.7/SR.699) by the observer for Israel, who would have the members of the Committee believe that the armed occupation of Arab territories was benevolent in nature. As everyone knew, military occupation inevitably caused suffering. There were objective documents available at the United Nations, such as the reports of the International Committee of the Red Cross, from which an accurate view of the situation could be formed; on the other hand, it was doubtful that the general public in New York and elsewhere in the United States knew the truth, since the newspapers persistently distorted the facts in order to create a special climate of opinion.

Referring to the situation in the Gaza Strip, he noted that the Israeli observer - speaking in typical colonialist language - had said that his country was developing the occupied territories and helping them to progress. In actual fact, Israel was maintaining military control over the entire Gaza Strip, where it had established numerous Jewish settlements to take the place of Arabs who had been expelled or had fled. Thousands of persons were being deported in that manner, and a body like the Commission on Human Rights could not tolerate such an injustice, which constituted a grave breach of the fourth Geneva Convention under article 147 of that instrument.

Many towns and villages had been completely or partly destroyed, as was attested by various official United Nations documents, numerous trustworthy press reports and the committees which had carried out on-the-spot investigations. He referred the members of the Committee to article 147 of the fourth Geneva Convention, according to which extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly, constituted a grave breach of the Convention.

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(Mr. Moussa, Egypt)

The treatment of civilians, the looting of towns and villages and the interference in the internal affairs of the occupied territories all constituted violations of human rights. The report of the Secretary-General (A/8383) very accurately described the situation in the refugee camps. It was therefore deplorable that the Israeli observer had had the presumption to speak about tourist activities in that area, which was a scene of utter desolation.

Those questions had been thoroughly discussed in the Commission on Human Rights and the General Assembly. He referred in that connexion to article I of the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity (General Assembly resolution 2391 (XXIII)), under which the grave breaches enumerated in the fourth Geneva Convention constituted crimes not subject to statutory limitation, and noted that Israel had voted for the Convention on the Non-Applicability of Statutory Limitations as well as for the resolution on the matter adopted by the General Assembly at its twenty-sixth session. Israel supported the idea embodied in those resolutions except when it applied to Israel itself. He recalled the statement by the Israeli Minister for Foreign Affairs that his country would not apply resolutions which it had not supported.

Israel was obviously uneasy, for it realized that no one could approve of its acts of destruction, oppression and deportation or of its expansionist aims.

He questioned Israel's right to speak on behalf of all Jews. He himself spoke only on behalf of the people of Egypt - Moslems, Jews and Christians alike. The Arabs had always respected the Jews, but it was unacceptable to them that people who had spent their entire lives in an Arab country should make common cause with the Jews of Israel.

In conclusion, he expressed the hope that the situation in the occupied territories would improve as a result of the efforts of the United Nations, which was duty-bound to condemn the violation of the fourth Geneva Convention and the United Nations Charter.

Miss TAIKA FAROUK (Tunisia), referring to resolution 3 (XXVIII) of the Commission on Human Rights, particularly paragraph 7, observed that the resolution

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(Miss Taika Farouk, Tunisia)

dealt with a question which, although of a humanitarian character, could not be considered in isolation from its political, economic, social and cultural context. She continued to hope, however, that in a body like the Social Committee the polemical approach would yield to the search for a just solution.

The CHAIRMAN said that, if there was no objection, she would give the floor to the observer for Israel pursuant to rule 76 of the rules of procedure of the Economic and Social Council.

Mr. DORON (Observer for Israel) said that what was happening in the Gaza Strip was not colonization but economic development. He reminded the Egyptian representative that he had not been speaking of tourists but of the hundreds of thousands of Arabs who came to visit their friends in the Gaza Strip, which had witnessed only three acts of terrorism in the past three months. Recalling the pressure brought to bear during the Egyptian military occupation of that area between 1948 and 1967, he said that Israel had taken steps to correct the situation; its efforts to put an end to acts of terrorism by the Arabs had been made pursuant to the fourth Geneva Convention, whose principles it was observing. The Egyptian representative's observations showed that that country's policies were not directed towards peace and could only encourage hatred; that was why the Egyptian delegation favoured the adoption of a resolution based on false allegations.

Mr. MOUSSA (Egypt), replying to the points raised by the Israeli observer, said that the deportation of thousands of persons and the mistreatment of civilians by Israel were proven facts which showed that Israel was not applying the fourth Geneva Convention.

As to the acts of terrorism referred to by the Israeli observer, they merely represented popular resistance to the occupation; during the Second World War, the Nazis had also applied the term "terrorism" to the resistance movement.

The Israeli observer had accused Egypt of rebuffing all peace attempts, but how could Egypt give up its rights if no effort was made by Israel to resolve the problem and free the occupied territories? It was obvious that the rights of the inhabitants of the occupied territories were being violated and people driven from their homes and that such practices were intolerable.

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Mr. EL MEKKI (Sudan) said that if economic progress was being made in the territories occupied by Israel that did not mean that human rights were not being violated. Arabs who went to the occupied territories did so only to visit members of their families who were in prison.

Only Israel's accomplices could speak in defence of that country, for there was no question whatever that human rights were being violated in the territories occupied by Israel.

Mr. DORON (Observer for Israel) said that his country's representatives had on several occasions cited statements by the International Federation of World War II Freedom Fighters rejecting any comparison between Arab terrorism in the Middle East and World War II resistance movements in Europe. As far as the Nazis were concerned, the Arabs had collaborated with them and many of them had found refuge in the Arab countries of the Middle East. Finally, the representative of the Sudan should be the last one to make accusations of genocide in view of what had been happening in the southern Sudan for the past several years.

Mr. MOUSSA (Egypt) said that it was a well known fact that the Nazis had pursued a policy of expansion, occupation and oppression, as the Zionists were now doing in the Middle East. As far as Nazi refugees in the Arab countries were concerned, most of the persons who had received refuge had in fact been Jews fleeing oppression. Egypt had always provided refuge to victims of oppression and had never had expansionist aims. As to resistance movements, they were not the monopoly of any one people but existed wherever there was oppression.

Mr. EL MEKKI (Sudan) said that he had not used the word "genocide". Now that the Israeli observer had done so, however, he himself could speak of genocide without fear or hesitation, since the Social Committee had adopted by acclamation, some 10 days earlier, a resolution noting the peaceful settlement of the dispute in the Sudan. In that connexion, he wished once again to express his gratitude to the members of the Committee.

Miss PRODJOLALITO (Indonesia) said that she could accept most of the recommendations contained in the report of the Commission on Human Rights. The appointment of the Special Rapporteur proposed in resolution 2 (XXVIII) met a real

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(Miss Prodjolalito, Indonesia)

need because, despite the many resolutions adopted by the Organization on the question of racial discrimination, few effective measures had been taken in that field. The Indonesian delegation hoped that the Special Rapporteur would make a substantive study of the problem instead of confining himself to mere statements that would have little bearing on the real situation. It also supported the draft resolution in document E/AC.7/L.621. She had no objections regarding draft resolution 3 (XXVIII) and recalled that, at the twenty-sixth session of the General Assembly, the representative of Indonesia had said that States could not be conquered by force, that territorial conquests could not be considered legal and that all means should be employed to settle disputes in accordance with the provisions of the United Nations Charter. Her delegation saw no need, however, for draft resolution E/AC.7/L.618. If many countries were late in sending in information on human rights, it was not due to negligence but to administrative difficulties arising out of a shortage of qualified staff. They also experienced difficulty in having their documents translated. Nevertheless, if a large number of countries was in favour of the draft resolution, Indonesia would also support it.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) recalled that the question of drafting a convention on the suppression and prevention of the crime of apartheid had already been considered at the twenty-sixth session of the General Assembly and at the twenty-eighth session of the Commission on Human Rights. The matter was a particularly pressing one and many representatives had emphasized the need to establish legal norms that would make it possible to eliminate such a shameful practice. It had been pointed out that the policy was being perpetuated as a result of the support given by the imperialist forces to the racist régimes in southern Africa. Neither the General Assembly nor the Commission on Human Rights had been able to draw up an international instrument on the question, for want of sufficient time. To remedy that omission, Ghana, the People's Democratic Republic of Yemen and the USSR were submitting the draft resolution in document E/AC.7/L.621, to which the USSR delegation attached considerable importance and which it hoped would receive the support of the Committee.

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Mr. STILLMAN (United States of America) introduced draft resolution E/AC.7/L.622 and observed that the result of draft resolution 2 (XXVIII) would be to authorize the Sub-Commission on Prevention of Discrimination and Protection of Minorities to appoint a Special Rapporteur to make a special study of discrimination against people of African origin. At the twenty-eighth session, during the discussion of that question, a number of delegations, in particular the Chilean delegation, had expressed doubts about the need for such a measure in view of the work that the Commission was already carrying out in that field. Mr. Santa Cruz, the representative of Chile, had just submitted a study to the Sub-Commission and it would surely be more sensible to keep that study up-to-date than to undertake a new one. As the representative of Chile had pointed out at the Commission's twenty-eighth session, it was hard to arrive at a precise definition of people of African origin and it was therefore also difficult to determine the scope of the study envisaged in draft resolution 2 (XXVIII). The question should be dealt with under the general heading of racial discrimination. Accordingly the United States delegation proposed that, in the draft resolution sponsored by it (E/AC.7/L.622), the Council should simply refer to resolution 2 (XXVIII). It wished to make a small stylistic amendment to the English text, whereby the words "to bring", in the second line of the operative paragraph, would be replaced by the words "to update" and the words "up-to-date" in the third line would be deleted. The remarks made at the previous meeting constituted a misrepresentation of United States policies. The United States delegation categorically rejected those misrepresentations.

After an exchange of views between Mr. MAHMASSANI (Lebanon), Mr. STILLMAN (United States of America) and Mr. SCHREIBER (Director, Division of Human Rights) and at the suggestion of the CHAIRMAN, the United States delegation agreed to change the words "to replace" in the title of draft resolution E/AC.7/L.622 to "relating to".

Mr. MOUSSA (Egypt), introducing the amendments in document E/AC.7/L.623, paid a tribute to the delegations of the Netherlands and Ghana for their efforts to strengthen the role of the Commission on Human Rights. However, draft resolution E/AC.7/L.619 gave the impression that there was a lack of balance in the time and efforts which the Commission on Human Rights devoted to the various items on its agenda and that certain items, particularly the report of the Sub-Commission, had not been given sufficient attention. The sponsors of the amendments in document E/AC.7/L.623 had no basic quarrel with the intentions behind draft resolution E/AC.7/L.619 but simply wished to help to strengthen the role of the Commission on Human Rights.

They supported the first two preambular paragraphs of the draft resolution but, to achieve a better balance, they felt it would be advisable to add, after the second paragraph, the text proposed in document E/AC.7/L.623. The purpose of the second item in the amendments in document E/AC.7/L.623 was to avoid passing judgement on the work of the Commission. He wished to point out that it was not the quality of the Commission's work that was at issue but the lack of time. The third item in the amendments was intended to emphasize that the main problem with regard to the organization of the Commission's work was the size of its work programme. The amendment proposed for the sixth preambular paragraph was also prompted by a concern to avoid giving the impression that there was any imbalance in the Commission's work or that it had deliberately neglected certain topics.

The second operative paragraph proposed in E/AC.7/L.623 was intended, inter alia, to give the Commission more time. The third operative paragraph was prompted by the consideration that, while the Commission was required to consider the report of the Sub-Commission, it should not on that account neglect the other items on its agenda. The fourth operative paragraph had been drafted in the light of the discussion held in the Committee and it again emphasized the lack of time. He hoped that agreement could be reached between the sponsors and the delegations of the Netherlands and Ghana.

Mr. van BOVEN (Netherlands) said that, after having carefully studied the amendments proposed in document E/AC.7/L.623, his delegation and the delegation of Ghana had endeavoured to incorporate as many elements as possible in their draft resolution (E/AC.7/L.619), while seeking to retain the essential points in their own proposals. They had decided to accept all the amendments relating to the preamble. In the second preambular paragraph the sponsors had simply decided to substitute "continuing" for "growing". However, they would like the third preambular paragraph to be changed as little as possible.

Although they had accepted the new fourth preambular paragraph proposed in the draft amendments (E/AC.7/L.623), the delegations of the Netherlands and Ghana saw no need to refer to the shortage of time, which was mentioned in the operative part. They considered that the order of the operative paragraphs 2 and 3 proposed in that document should be reversed, since paragraph 2 of the revised draft resolution dealt with the general question of the agenda and the original text went from the general to the particular. In the new paragraph 3 the words "whenever possible" should be inserted between "avoid" and "repetitious consideration". As far as possible it should be made clear that, since the Sub-Commission differed basically from the Commission on Human Rights in that it was composed of experts working on an individual basis and having a point of view different from that of the members of the Commission, the latter could not really recommence work that had already been done by the Sub-Commission.

The sponsors wished to retain alternative 2 of draft resolution E/AC.7/L.619 which, in their opinion, was an essential means of enabling the Commission to give the necessary attention to the work of the Sub-Commission. However, it must be made clear that the six-week session was a special measure. They also proposed the addition, after the words "consideration of the reports", of the words "of the Sub-Commission on its twenty-fourth and twenty-fifth sessions and the studies of the Sub-Commission which have not been acted upon", and the deletion of the concluding phrase, beginning with the words "and studies".

The delegation of the Netherlands and Ghana would agree, in a spirit of conciliation, to add the last paragraph of the three-Power amendments to their revised draft.

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Mr. MOUSSA (Egypt) expressed satisfaction at the conciliatory approach taken by the representatives of Ghana and the Netherlands and, speaking on behalf of the three Powers, accepted all but one of their suggestions: in the opinion of the three Powers, it was hardly possible to request the Commission to devote two weeks to consideration of the reports and studies of the Sub-Commission, since such a request would be restrictive and also difficult to implement; for that reason, he proposed that the words "six-week session" should be followed by "in order to enable the Commission to devote sufficient time...".

Mr. AKRAM (Pakistan) said that in his opinion the proposal of the representative of Egypt made the paragraph more flexible and might enable the draft resolution to be adopted by acclamation.

His delegation was prepared to support the initiative taken by the United States in submitting draft resolution E/AC.7/L.622, but proposed that the word "racial" before the word "discrimination" should be deleted and that the words "against people of African and other racial and ethnic origin" should be inserted before the words "and, in particular". That would have the advantage of bringing the text into line with the recommendation contained in resolution 2 (XLVIII) of the Commission on Human Rights.

His delegation also supported the draft resolution submitted by Ghana, the People's Democratic Republic of Yemen and the USSR (E/AC.7/L.621), because it was necessary to prepare an international instrument on apartheid; however, it believed that the draft resolution should be entitled "Draft International Instrument on the Suppression and Prevention of the Crime of Apartheid", since there is already a draft convention and a draft protocol in existence.

His delegation was not opposed to draft resolution E/AC.7/L.618, although it was not altogether convinced of the need to examine the system of collecting and disseminating information about human rights, which it considered to be satisfactory.

His delegation also approved, on the whole, of the provisions of draft resolution E/AC.7/L.620, although it noted that the draft did not mention any specific course of action and that its sponsors had not broached the real problems at issue.

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Mr. SEKYIAMAH (Ghana) thanked the representatives of Chile, Egypt and Pakistan for their constructive approach to draft resolution E/AC.7/L.619. Obviously all members were anxious to ensure that the Commission was able to deal as effectively as possible with the items on its agenda. For that reason, the delegations of the Netherlands and Ghana accepted the proposal of the representative of Egypt with regard to the new operative paragraph 4 of the revised draft; and they hoped that the Committee would thus be able to adopt that very constructive draft resolution by acclamation or unanimously.

Mr. BUHL (Denmark) proposed that the words "at the beginning of the session" should be inserted after the words "sufficient time" in the new operative paragraph 4.

Mr. CARRASCO (Chile) thanked the representatives of Ghana and the Netherlands for the spirit in which they had accepted the amendments. He wished to point out that the Spanish version of the fifth preambular paragraph of draft resolution E/AC.7/L.619 did not altogether coincide with the English text; it would be better to replace "incapaz", which was a very strong expression in Spanish, by the words "no ha podido".

Mr. MOUSSA (Egypt) observed that since, under the draft resolution, the Commission would be authorized to hold a six-week session so that it could consider the reports of the Sub-Commission, those reports would probably be given priority. However, the Commission should be allowed some latitude since it might have to consider some urgent and unforeseeable problem beforehand. He therefore appealed to the representative of Denmark to withdraw his proposal; however, he suggested that it should be recorded in the report.

Mr. MAHMASSANI (Lebanon) asked the representative of Denmark not to press his proposal and pointed out that the time-limit for the submission of amendments had expired.

Mr. MACRAE (United Kingdom) pointed out that the representative of Egypt had used the words "two weeks" whereas this had been amended to "sufficient time". He agreed with the Danish proposal.

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Mr. SEKYIAMAH (Ghana), supported by Mr. AKRAM (Pakistan), urged the representative of Denmark not to press his amendment, since the guidelines given to the Commission in the resolution were sufficiently clear for it to realize that the Economic and Social Council attached special importance to the reports of the Sub-Commission.

Mrs. GAVRILOVA (Bulgaria) said that it was for the Commission on Human Rights to decide on its own work programme and that her delegation would accordingly vote against draft resolution E/AC.7/L.619. It was inappropriate to interfere in the work of the Commission or prescribe a course of action for it.

Mr. BUHL (Denmark) withdrew his proposal on the understanding that it would be recorded in the report.

Mr. SEKYIAMAH (Ghana) thanked the representative of Denmark, on behalf of the sponsors of the draft resolution, for the spirit of co-operation he had shown.

Mr. ROPOTEAN (Romania) endorsed the remarks made by the representative of Bulgaria; in his opinion, the new operative paragraph 3 of the revised draft should be more flexible. He also proposed that the words "if necessary" should be inserted after the word "hold" in the new paragraph 4.

Mr. de LATAILLADE (France) observed that, at the previous meeting, a number of delegations had referred to the draft resolution on the protection of journalists in connexion with resolution II (XLVIII) of the Commission on Human Rights. The resolution in question was a procedural resolution requesting the Economic and Social Council to transmit to the General Assembly the draft articles of the International Convention on the Protection of Journalists, the amendments which it had not been possible to incorporate into the draft convention, the comments made by a number of delegations and, lastly, the observations submitted by the Conference of Government Experts.

In accordance with the request made by the General Assembly, the Commission on Human Rights had, at its twenty-eighth session, given priority consideration to the draft resolution contained in Council resolution 1597 (L), taking into

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(Mr. de Lataillade, France)

account the draft convention submitted by Australia and the United States working paper; the Commission's deliberations had resulted in a new draft convention, the text of which would be submitted to the General Assembly. It was a compromise text, adopted on an article-by-article basis after the sponsors had accepted a number of amendments in the course of the discussion. It had been decided to transmit to the General Assembly the amendments which it had not been possible to accept, on the understanding that the articles adopted would serve as the basis for further work. It was therefore for the Assembly to take a decision on the matter, and his delegation hoped that the Council would transmit to it the draft convention and the relevant accompanying documents.

The meeting rose at 6.15 p.m.

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SUMMARY RECORD OF THE SEVEN HUNDRED AND FIRST MEETING

Held on Wednesday, 31 May 1972, at 11.05 a.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (continued):

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616, L.618 and Add.1 and Add.1/Corr.1, L.619/Rev.1, L.619/Add.1, L.620, L.621, L.622; E/C.2/747 and 748)

Mr. OGISO (Japan) said that, within the general framework of human rights, he wished to refer to the unfortunate incident caused by three terrorists identified by the Israeli Government as Japanese nationals. The Chief Cabinet Secretary had issued the following statement:

"By a telecommunication from the Embassy of Japan in Israel at 1530 today, we are informed that the three terrorists have been identified as Japanese nationals by the Israeli Government.

"Details of the motives, the background of the crime, etc., have not been clarified. Their criminal offence of killing and wounding innocent people was a totally unforgivable act.

"To those unfortunate victims who died or suffered injury, I extend, together with the Japanese people, the most heartfelt apologies and condolences for this most regrettable incident.

"With the clarification of the situation, the Government must express its deepest regret in all possible ways to the Governments concerned and to the victims and their families."

The CHAIRMAN informed the Committee that document E/AC.7/L.619/Rev.1 contained an error; the last clause of paragraph 4 (from the words "and requests the Commission" to the end) should be deleted. In addition the corrigendum to the statement of financial implications of the draft resolution contained in document E/AC.7/L.618 (E/AC.7/L.618/Add.1/Corr.1) should be revised to include the amount of \$300 for translation into Chinese of post-session documentation. The total required for post-session documentation would thus be \$1,450.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) considered that draft resolution E/AC.7/L.618 prejudged the work to be carried out by the Ad Hoc Committee on Periodic Reports and by the Secretary-General. Particularly in view of the fact that the Ad Hoc Committee had made recommendations concerning the

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(Mr. Yevdokeev, USSR)

question of freedom of information which the Commission on Human Rights had not had time to consider, it would be premature to adopt a resolution which involved the establishment of a new body and which accordingly had financial implications. In that regard, he drew attention to a note from the Secretary-General to the President of the Economic and Social Council in connexion with the fifty-second session of the Council expressing the former's preoccupation with the critical financial situation of the United Nations (E/L.1490). Furthermore, the questions raised in draft resolution E/AC.7/L.618 were not urgent and could be adequately dealt with by the Ad Hoc Committee on Periodic Reports and by the Commission itself. His delegation could not support the draft resolution.

His first reaction to draft resolution E/AC.7/L.619/Rev.1 was that he could not share the view of those delegations which had expressed dissatisfaction with the work of the Commission at its twenty-eighth session, as he had stated in the general debate. The draft was unacceptable in that it attempted to impose on the Commission a specific procedure for consideration of the items on its agenda. The Commission was composed of representatives of sovereign States, all of whom had had their instructions concerning the items on the Commission's agenda. Such an attempt to dictate courses of action to sovereign States was unprecedented. The Commission itself should consider its programme of work, assess the importance of the items on its agenda and establish their priority and the order in which they would be considered. The procedure outlined in the draft resolution could only confuse and complicate the work of the Commission. In addition, by providing for consideration of less important items, the procedure outlined might prejudice consideration of some of the most urgent problems of the contemporary world. During the twenty-eighth session, in line with its responsibilities, the Commission had devoted considerable attention to the most burning issue of the elimination of racial discrimination and apartheid, practices from which millions of persons were suffering and which were of great importance to members of the Committee. The Commission had to be realistic and could not be guided by emotions and it was entirely its responsibility to consider the order in which it would take up the items on its agenda, some of which might be deleted or merged, and to establish its programme of work. While parts of the preamble might be acceptable, the draft resolution as a whole was not, as it

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(Mr. Yevdokeev, USSR)

interfered with the work of the Commission and infringed the rights of sovereign States in that regard. In addition, his delegation disagreed with the view that the level of representation to the Commission was low. It could not support the spirit or principle of draft resolution E/AC.7/L.619/Rev.1.

The provisions of paragraph 12 and 13 made it impossible for his delegation to accept draft resolution E/AC.7/L.620 either. The shameful phenomenon of slavery had to be eliminated immediately. It should not be perpetuated by the establishment of permanent machinery. The United Nations should condemn slavery and appeal to States where it still existed to eradicate it as a matter of urgency. Paragraph 13 also called for the preparation of certain surveys and studies. They would take years to complete, and meanwhile slavery would continue to exist. In addition, his delegation wished to know the financial implications of the provisions concerning the surveys and the permanent machinery. It could not support draft resolution E/AC.7/L.620.

Draft resolution E/AC.7/L.621 should not cause any difficulties for members of the Committee, as the subject had already been discussed by two United Nations organs. He appealed to the representative of Pakistan to agree to the title of the draft resolution as it was based on the wording given in paragraph 51 (d) of the preliminary agenda for the twenty-seventh session of the General Assembly (A/8700). For the sake of consistency, the sponsors had used the same wording but the draft reiterated the request contained in Commission resolution 4 (XXVIII) that Governments should communicate their comments and views concerning both the draft convention and the draft protocol to the Secretary-General. Furthermore, paragraph 1 emphasized the importance of the preparation of an international instrument rather than a convention. He therefore considered that the text met the concern expressed by the representative of Pakistan, but, if necessary, the sponsors would be prepared to change the title. In submitting their views, Governments would of course be guided by the fact that both the draft convention and the draft protocol would be before the General Assembly at its twenty-seventh session.

With regard to draft resolution E/AC.7/L.622, he said that it was no coincidence that the Commission on Human Rights had rejected the wording proposed by the representative of the United States for paragraph 1 of resolution 2 (XXVIII). By that resolution, the Commission recommended to the Economic and Social Council that it should authorize the Sub-Commission on Prevention of ,

(Mr. Yevdokeev, USSR)

Discrimination and Protection of Minorities to appoint a Special Rapporteur to make special studies of policies and practices of discrimination on the basis of colour faced by people of African origin in all countries. It was known that thousands of persons of African origin suffered the worst forms of discrimination, apartheid and racism. The formula proposed by the United States in draft resolution E/AC.7/L.622 diverted attention from that important question. Commission resolution 2 (XXVIII) had been based on the reports of the Ad Hoc Working Group of Experts dealing with violations of human rights in colonial Territories where imperialists were waging an armed struggle against the indigenous populations. The Committee was now called upon to adopt the United States draft resolution, which it had not considered and which had not been submitted in connexion with any specific agenda item. His delegation could not support the draft resolution and appealed to the representative of the United States to withdraw it as it was not consistent with United Nations practice.

Mr. MACRAE (United Kingdom) said that the Commission had adopted three resolutions concerning the elimination of all forms of racial discrimination and had devoted considerable time to discussion of that important item. The United Kingdom's position, particularly with regard to apartheid, was well known. It detested all forms of racial discrimination, which it believed to be the product of ignorance and fear and which it believed would be eliminated through conciliation and harmony. It abhorred apartheid and recognized the frustration felt by many African peoples at their impotence in the face of such an affront to their human dignity. At the same time it did not believe that there was any quick or easy solution. It rejected violence and did not think that the elimination of apartheid would be assisted by the formulation of international instruments pronouncing apartheid a crime. His delegation had abstained on Commission resolutions 1 (XXVIII) and 4 (XXVIII) and would abstain on draft resolution E/AC.7/L.621. He wished to point out that the third preambular paragraph of the latter misquoted Commission resolution 4 (XXVIII) which, in paragraph 2, requested "Governments" to communicate their comments and not "all Governments". That misquotation could not be construed as altering the meaning of Commission resolution 4 (XXVIII).

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(Mr. Macrae, United Kingdom)

The representative of the Soviet Union had explained why he could not vote for the United States proposal contained in draft resolution E/AC.7/L.622 amending Commission resolution 2 (XXVIII). The United Kingdom delegation gave greater weight to the arguments put forward by the representative of the United States, however, and would vote for draft resolution E/AC.7/L.622.

In the Commission his delegation had abstained on resolution 3 (XXVIII). Nothing that had been said in the Committee had affected the United Kingdom's position in that regard, which remained as set out by Sir Keith Unwin at the time.

Turning to the draft resolutions which the Commission had submitted to the Council for action, he commended the care which had gone into the drafting of resolution I. His delegation had reservations on resolution III concerning the punishment of war criminals. It was unrealistic to expect that an analytical survey of the comments by Governments on draft principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity could be prepared in time for the twenty-seventh session of the General Assembly. He had also been impressed by the Indonesian representative's exposé of the difficulties facing a number of countries in dealing adequately with the numerous requests for comments put to them by the United Nations. Furthermore, the Commission itself should give full consideration to the question of principles of international co-operation before the item was referred to the General Assembly. He also sympathized with the concern expressed by the representative of the Soviet Union concerning the financial implications of draft resolution E/AC.7/L.620 and wondered what the financial implications of the analytical survey proposed in resolution III would be.

He wished to point out that draft resolution E/AC.7/L.620 did not call for the establishment of permanent machinery to give advice on the elimination of slavery but directed the Sub-Commission to make recommendations on the establishment of such machinery. The Sub-Commission might decide that nothing was necessary and accordingly there would be no financial implications.

With regard to draft resolution E/AC.7/L.618, he had not been impressed by the Soviet arguments that the draft was unnecessary. As he had said, efficient dissemination of information relating to human rights was of paramount importance and the expenses involved would be a small price to pay for efficiency. Furthermore, the financial implications could be minimized if the intersessional committee met in January when no additional costs would be incurred. A provision should be included
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(Mr. Macrae, United Kingdom)

in the draft resolution to that effect. It had also been pointed out that the Ad Hoc Committee on Periodic Reports was well qualified to undertake the task in question and to report thereon to the Commission on Human Rights. He accordingly suggested that, subject to the agreement of the other sponsors, paragraph 1 should be revised.

Mr. SABIK (Poland) noted that draft resolution E/AC.7/L.619/Rev.1 submitted by Ghana and the Netherlands was, by and large, a merger of the earlier version contained in E/AC.7/L.619 and the amendments to that text proposed by Chile, Egypt and Pakistan, contained in document E/AC.7/L.623. His delegation could not support the revised text, although it could accept the original version with the amendments proposed in E/AC.7/L.623. It was particularly noteworthy that the two alternatives provided in operative paragraph 2 of the original draft resolution E/AC.7/L.619 had in the revised version been reduced to a single formulation, which was based on the second alternative of the original draft. That was especially unfortunate since many delegations had expressed their support for the first alternative. Paragraph 4 of draft resolution E/AC.7/L.619/Rev.1, whereby the Commission was authorized to hold in 1973 a six-week session in order to devote sufficient time to the consideration of the reports and studies of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, was particularly objectionable. It completely failed to take into account the view expressed by several speakers that the solution to the Commission's problems was not to extend the customary five-week session but rather to organize its programme of work in a more efficient manner and to establish its priorities. His delegation therefore considered that at the very beginning of its next session the Commission should devote its full attention to a review of the human rights programme and the establishment of priorities. The members of the Social Committee should bear in mind the proposal recently put forward by one delegation that the reports and studies of the Sub-Commission should be referred back to it for further consideration before being brought before the Commission on Human Rights. There could be no doubt that many of those studies required review and updating. Moreover, with a membership different from that of a few years ago, the Sub-Committee might wish to review certain recommendations it had made in the past. In any event, his delegation could not support paragraph 4 of draft resolution

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(Mr. Sabik, Poland)

E/AC.7/L.619/Rev.1, the more so since the time added by lengthening the Commission's session might not be used to good purpose and, indeed, might merely provide an opportunity for irresponsible statements designed to provoke and create embarrassment for particular Member States.

With regard to draft resolution E/AC.7/L.618, sponsored by Italy, Netherlands and the United Kingdom, he recalled that very similar proposals had been put forward by the United Kingdom representative at the last session of the Ad Hoc Committee on Periodic Reports. If he had correctly understood the intent of the proposals made at that time, the United Kingdom representative would like to do away entirely with the system of periodic reports on human rights. A number of delegations had expressed vigorous opposition to that idea in the Ad Hoc Committee, which had expressed its support for the current system in paragraph 18 of its report, contained in document E/CN.4/1085. To adopt draft resolution E/AC.7/L.618 would therefore mean that the Economic and Social Council, which had had no opportunity to discuss the question and the many pertinent documents, was rejecting a carefully considered decision of the Ad Hoc Committee. In his delegation's view, any proposal to reverse the Ad Hoc Committee's decision should properly be considered in the Commission on Human Rights, not in the Council. It was to be hoped that the Commission would address itself to that question at its forthcoming session. In view of the foregoing considerations, his delegation could not support draft resolution E/AC.7/L.618.

With regard to the draft resolution proposed by the United States (E/AC.7/L.622), which would replace the recommendation made by the Commission on Human Rights in paragraph 1 of its resolution 2 (XXVIII), he recalled that the United States had made a virtually identical proposal at the twenty-eighth session of the Commission on Human Rights, which had been rejected by the Commission. In his delegation's view, there was no reason now to reverse that decision of the Commission.

With regard to draft resolution E/AC.7/L.620, which dealt with the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, he pointed out that the Social Committee had not had an opportunity to discuss the substance of the question

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(Mr. Sabik, Poland)

and that such a discussion should properly take place in the Commission on Human Rights. That being the case, he appealed to the sponsors not to press for a vote on that draft resolution and to resubmit it in a more appropriate forum.

Mr. BUHL (Denmark), referring to draft resolution III, recommended by the Commission on Human Rights for adoption by the Economic and Social Council, said that his Government continued to take a positive attitude to the question of the punishment of war criminals and of persons who had committed crimes against humanity. Under the Danish Criminal Code, statutory limitations were not applicable to crimes of the gravest nature. Thus, in principle, his country would have no difficulty in assuming an international obligation concerning the non-applicability of statutory limitations to war crimes and crimes against humanity, provided, however, that such obligations were limited to well-defined acts of a grave nature. Furthermore, his Government considered it a fundamental principle of penal law that a limitation which had become effective could not be rescinded by new rules.

For those reasons his delegation would not be able to vote in favour of draft resolution III since its preambular part referred to General Assembly resolutions 2583 (XXIV), 2712 (XXV) and 2840 (XXVI), which inter alia called upon States to become parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity. In view of the aforementioned legal considerations, his Government had not been able to become a party to that Convention. Its position in that regard had been explained in document A/7174/Add.1 and had also been put on record in his delegation's explanations of vote on General Assembly resolutions 2583 (XXIV) and 2712 (XXV), on both of which it had abstained, as it had on General Assembly resolution 2840 (XXVI).

Mr. VALTASAARI (Finland) said that his delegation, for constitutional reasons similar to those mentioned by the Danish representative, would likewise not be able to vote in favour of draft resolution III. Despite its support for the ideas contained in the operative part of that draft resolution and despite

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(Mr. Valtasaari, Finland)

the fact that his Government had already fulfilled the obligation referred to in paragraph 1, he could not support the resolution as a whole for the reasons his delegation had given in its explanations of vote on General Assembly resolutions 2583 (XXIV) and 2712 (XXV). His delegation would therefore abstain in the vote on that draft resolution.

Mr. COUTO (Brazil) said that, like the Danish and Finnish Governments, his Government could not support draft resolution III because of constitutional difficulties and would therefore abstain when that resolution was put to the vote. His delegation had thoroughly explained its position in that regard at the twenty-sixth session of the General Assembly and did not deem it necessary to restate its position.

With regard to draft resolution E/AC.7/L.618, his delegation could not support the idea of establishing an intersessional committee, as proposed in paragraph 1. His delegation's position on the question of the unnecessary proliferation of United Nations bodies was well known. On the other hand, his delegation strongly supported the idea of reviewing the effectiveness of the present system of collecting and disseminating information on human rights with a view to rationalizing and improving it. The present system placed an unnecessarily heavy burden on Governments, which practically every week received a new request for detailed information and lengthy comments on human rights and other questions. A simplification of the present system would result in a higher quality of information on the realization of human rights objectives and might contribute, inter alia, to reducing the chronic delay in the publication of the Yearbook on Human Rights.

While his delegation in general supported the ideas expressed in draft resolution E/AC.7/L.620, it considered that paragraph 12 in its present form imposed too stringent an obligation on the Sub-Commission, and it would favour a formulation that would request the Sub-Commission to study the possibility of establishing some form of permanent machinery. The Sub-Commission should not be required to make recommendations on the establishment of permanent machinery until it had had an opportunity to comment on the usefulness of that step.

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(Mr. Couto, Brazil)

His delegation could support draft resolution E/AC.7/L.619/Rev.1 for the most part but had some doubts regarding paragraph 4, which would authorize the Commission on Human Rights to hold a six-week session in 1973. The net effect of extending the Commission's session from the customary five weeks to six weeks would be a 20 per cent increase in the cost to the United Nations and to individual delegations. Moreover, it was becoming increasingly difficult for many of the smaller delegations, and even for relatively large ones such as his own, to attend all of the multitudinous meetings held under United Nations auspices. He doubted that the substantive results of the Commission's work would be significantly greater in six weeks than in five. In his view, the best way to ensure that the Commission would be able to deal with the items left unresolved at its last session would be to place them first on the agenda at the next session, on the understanding that the priority given to the items that had been postponed at its twenty-eighth session in no way implied that they were more important than other items on the Commission's agenda.

Finally, his delegation was not convinced of the value of holding alternate sessions of the Commission in Geneva, although it was aware of the established practice in that regard. The Commission's yearly change of venue merely caused additional expense to the United Nations and created a hardship for delegations, which were obliged either to draw on the smaller staffs of their missions in Geneva or to send expert personnel from New York or their home countries. In addition, a considerable strain was placed on the staff of the Division of Human Rights, who could not be sent en masse to Geneva and whose valuable files were in New York.

Mr. MACRAE (United Kingdom), speaking on behalf of the sponsors of draft resolution E/AC.7/L.618, said that they wished to revise it in the following way: Paragraph 1 would be replaced by the following: "Decides to allocate this task to the Ad Hoc Committee on Periodic Reports of the Commission on Human Rights". It would be followed by a new paragraph 2, which would read: "Directs the Ad Hoc Committee at a special session to be held in New York from 8 to 16 January or 11 to 19 January 1973 to:", to be followed by parts (a) and (b) of the original paragraph 1, with the addition in part (b) after the

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(Mr. Macrae, United Kingdom)

words "improvement of this system" of the words "to the Commission on Human Rights at its twenty-ninth session for onward transmission". Furthermore, he wished to correct an error in the fourth preambular paragraph: the word "and" after the words "consultative status" was to be deleted.

The dates given in paragraph 2 corresponded to those referred to in paragraph 3 of document E/AC.7/L.618/Add.1, which contained the administrative and financial implications of the draft resolution. In accordance with that paragraph, no additional costs for interpretation would be incurred, with a consequent saving of \$3,700.

With regard to draft resolution E/AC.7/L.620, he said he had tried to meet the wishes of the representative of Brazil with regard to paragraph 12 by making the following amendment: the words "make recommendations on", in the first line of that paragraph, were to be replaced by the words "examine the possibility of", and the word "seek" in the fifth line was to be replaced by the words "make recommendations with a view to seeking".

Mr. KADIR (Malaysia) said that his delegation supported the four draft resolutions recommended by the Commission for action by the Council.

His delegation considered that the strictures that had been made on the Commission's work and the level of representation at its sessions might have been unduly harsh, in view of the length of the Commission's agenda and the highly controversial nature of certain items.

His delegation had no difficulties with the five draft resolutions submitted in the Committee. In particular, it noted that draft resolution E/AC.7/L.619/Rev.1 was a considerable improvement on the original, and commended the sponsors for including the amendments.

His delegation also supported the amendment proposed by Pakistan at the previous meeting to the operative part of draft resolution E/AC.7/L.622, the acceptance of which would make the draft more specific and more meaningful.

Mr. van BOVEN (Netherlands) said that his delegation took the following position with regard to the draft resolutions before the Committee. It would vote in favour of the four draft resolutions contained in the report. It considered

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(Mr. van Boven, Netherlands)

that in general they were very satisfactory, although it was not completely satisfied with all the details of the drafts. His delegation had already stated its views on them in the Commission, and in particular had expressed its reservations on paragraph 6 of draft resolution I, concerning the realization of economic, social and cultural rights.

Draft resolution II, concerning the protection of journalists, was an important one, and his delegation welcomed the transmittal to the General Assembly of the draft articles of the International Convention approved by the Commission as the basis for further work.

Turning to draft resolution III, on the punishment of war criminals, he said his delegation had supported the draft in the Commission and would do so again. Although it still had doubts concerning the repetitious request for information - doubts which it wished to be placed on record - it supported the general spirit of the subject, and felt that it should at least be considered in the context in which the subject had originally been brought before the United Nations in 1965.

As to the other draft resolutions before the Committee, it had been said that draft resolution E/AC.7/L.618, of which his delegation was a sponsor, was not urgent or necessary. On the other hand, the sponsors felt that it was not enough for information on human rights simply to be collected and disseminated year after year, without the effectiveness of the system ever being considered more closely, particularly in the field of reporting, which led to duplication between the reporting system for the Yearbook on Human Rights and that of the periodic reports. The problem was that few replies were being received, and some of them were sometimes not relevant. The Ad Hoc Committee, with its experience of studying the reports, should look into the whole procedure. In that respect, it was a very useful draft resolution.

His delegation welcomed the support given by many delegations to draft resolution E/AC.7/L.619 of which his delegation was a sponsor. Most problems raised had concerned paragraph 4. He wished to repeat that the measure proposed was an extraordinary one, and should not set a precedent. Its aim was to make up the backlog, particularly that of the work of the Sub-Commission. At the same time, his delegation wished to ensure that the other items on the Commission's agenda would be properly dealt with.

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(Mr. van Boven, Netherlands)

He supported draft resolution E/AC.7/L.620, concerning the question of slavery.

His delegation had taken an active part in the debate in the Commission on the substance of the matter contained in draft resolution E/AC.7/L.621. It had expressed at that time considerable doubt about various aspects. First, it had felt that the development of international penal law and its effectiveness should be dependent on the establishment of an international criminal jurisdiction. Secondly, in connexion with the draft Convention and the draft Protocol on the Suppression and Prevention of the Crime of Apartheid considerable weight had been given in the Commission's debate to the definitions contained in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity. His delegation took the view that the Convention had not received wide support, and did not give a clear definition of the "crimes against humanity" referred to in article 1. For various other reasons stated in the Commission, his delegation had doubts regarding the draft instruments before the Commission; it could not therefore support draft resolution E/AC.7/L.621 and would abstain in the vote on it.

His delegation wished to endorse the comments of the United Kingdom delegation regarding the misquotation in the third preambular paragraph of that draft resolution. The draft should conform to the wording of the original resolution 4 (XXVIII). Draft resolution E/AC.7/L.622, in which the Council would request the Sub-Commission to continue its studies on racial discrimination, was consistent with the position taken by his delegation in the Commission; he would therefore support it.

As to the doubts expressed by the representative of Brazil concerning the holding of sessions in Geneva, the Netherlands delegation was not aware of any particular problem. It had participated in various sessions at Geneva, and had discussed the question of the venue with delegations from various other regions, and it had appeared that they had not experienced great difficulties in meeting there. Both the Commission on the Status of Women and the Commission on Human Rights traditionally met alternately at Geneva and in New York. His delegation saw no reason to break with that tradition and stood by the decision contained in paragraph 4 of chapter XIII B of the Commission's report.

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Mrs. GAVRILOVA (Bulgaria) said with reference to draft resolution E/AC.7/L.620 that the question of slavery was vital, but unfortunately was not on the current agenda of the Council, and had not been discussed in the Committee. It would therefore be more appropriate to refer the recommendations contained in that draft to the Commission at its next session with the request that the question be placed on the agenda for substantial and final discussion, so that the Commission could take a decision on those recommendations, or, if necessary refer them to the Council. The problem of course was so important that it should be discussed in substance and not merely voted on.

Mr. SABIK (Poland), commenting on the amendments proposed to draft resolution E/AC.7/L.618, said that his delegation welcomed the fact that the United Kingdom delegation agreed that it was not advisable to establish an intersessional committee to consider the collection and dissemination of information on human rights. The Polish delegation wished, however, to draw attention to the following matter: the Ad Hoc Committee on Periodic Reports had already discussed the question to which the draft resolution referred, but the Commission had not been able to consider it and had postponed the item to its next session. When the Commission met, it would have before it the Ad Hoc Committee's report for 1972 (E/CN.4/1085), and the Ad Hoc Committee would have had time to discuss the matter again at its 1973 session immediately prior to that of the Commission. It would accordingly be advisable simply to request the Ad Hoc Committee to consider that question again at its 1973 session, and there would be no need for it to hold the special session proposed in draft resolution E/AC.7/SR.618, as orally revised by the sponsors.

Mr. BICAMUMPAKA (Rwanda) said that his delegation had no difficulty in supporting the various resolutions before the Committee. However, it wished to repeat that it had reservations concerning draft resolution 3 (XXVIII), particularly in connexion with paragraph 7.

Mr. WANG JUN SHENG (China) said that, since his delegation was participating in the Council's discussions on human rights for the first time, it had not been able to make a thorough study of previous resolutions. Nevertheless, it was able to support chapter XIV, section B, entitled "Other matters of concern to the Council".

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(Mr. Wang Jun Sheng, China)

As to draft resolutions I, II and III, his delegation needed to study them further, and would therefore not be able to participate in the vote on them. However, he reserved the right to comment on them at a later stage.

Mr. COUTO (Brazil) thanked the United Kingdom delegation for having responded to his appeal. As revised, paragraph 12 of draft resolution E/AC.7/L.620 was now acceptable.

Miss MENESES (Venezuela) said that her delegation would vote in favour of draft resolution II, as it had done in the Commission. Her country had always favoured the adoption of a convention that would ensure effective protection for journalists engaged in dangerous missions, but her delegation's final position on the draft articles would be decided in the light of the results of the studies now being conducted in Venezuela with a view to drafting a bill embracing all aspects of journalism.

Turning to draft resolution III, on the question of the punishment of war criminals, she said that, in the Commission, her delegation had voted in favour of the draft. It had understood that the resolution was procedural, since the analytical survey requested would not, according to the statement made by the representative of the Secretary-General (E/5113, para. 112), contain the draft principles. Since war crimes and crimes against humanity were not fully provided for under Venezuelan law, the comments, observations and proposals requested in paragraph 1 of resolution III could not be supplied by her Government.

With reference to draft resolution E/AC.7/L.619/Rev.1, she said she fully shared the views of the Brazilian delegation; her delegation was a small one, too, and experienced the same problems. Her delegation was gravely concerned over the Commission's failure to complete its heavy agenda - but that could not be remedied by extending the session by a week or two. The Commission might consider the possibility of rotating the items on its agenda: that would ensure that the last items were eventually considered.

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(Miss Meneses, Venezuela)

Her delegation could fully support draft resolution E/AC.7/L.620, although for domestic administrative reasons her Government had not yet signed some of the ILO Conventions referred to in paragraph 4. The amendments to paragraph 12 read out by the United Kingdom representative had made the draft resolution much more acceptable.

Similarly, the amendments - also introduced by the United Kingdom - to draft resolution E/AC.7/L.618 made it much easier for her delegation to support it.

The meeting rose at 1.05 p.m.

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SUMMARY RECORD OF THE SEVEN HUNDRED AND SECOND MEETING

Held on Wednesday, 31 May 1972, at 3.30 p.m.

Chairman:

Miss LIM

Malaysia

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HUMAN RIGHTS QUESTIONS (concluded):

- (b) REPORT OF THE COMMISSION ON HUMAN RIGHTS (E/5113; E/AC.7/L.616, L.618 and Add.1 and Add.1/Corr.1, L.619/Rev.1 and L.619/Add.1, L.620, L.621, L.622; E/C.2/747 and 748)

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) stated once more that his delegation would vote against draft resolution E/AC.7/L.618 because it saw no need for establishing an intersessional committee; the question which that committee was intended to examine could be examined at a regular session of the Ad Hoc Committee on Periodic Reports.

Similarly, his delegation would be unable to support draft resolution E/AC.7/L.619/Rev.1, for reasons of principle; it might, however, have endorsed some of the points proposed by the three Powers. In its view, the draft resolution was designed to divert the attention of the Commission on Human Rights from consideration of the most important current questions, which might give rise to criticism of the Western countries. Moreover, the Commission on Human Rights itself had the right to examine its programme and decide what questions it would consider as matters of priority.

He agreed with the Bulgarian delegation that it would be more rational to submit the draft resolution in question to the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Lastly, his delegation would vote in favour of the four resolutions of the Commission on Human Rights on which the Economic and Social Council was invited to take action.

Mr. BUDAI (Hungary) said that draft resolution E/AC.7/L.619/Rev.1 was unacceptable because it implied a procedure contrary to the rules of procedure of the Economic and Social Council. The procedure proposed in draft resolution E/AC.7/L.618 was also unnecessary, although its purpose, which was to rationalize the collecting and dissemination of information on human rights, was entirely valid. The representative of Poland had made some suggestions for changing those procedures, and if the sponsors of the draft resolution agreed to review their proposal in the light of those suggestions, he might be able to support it.

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Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) said that he had studied the recommendation made to the Economic and Social Council by the Commission on Human Rights in paragraph 1 of its resolution 2 (XXVIII) and believed that it was well suited to the needs of the struggle against discrimination. He therefore fully supported that resolution. On the other hand, he could not accept draft resolution E/AC.7/L.622, submitted by the United States delegation, since it was designed to divert the Sub-Commission's attention from the important problems of racial discrimination.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) asked whether draft resolution E/AC.7/L.620 would have any financial implications and, if so, what they would amount to.

Mr. SCHREIBER (Director, Division of Human Rights) said that under the terms of draft resolution E/AC.7/L.620 the Sub-Commission on Prevention of Discrimination and Protection of Minorities would make recommendations on the establishment of some form of permanent machinery to give advice on the elimination of slavery; until the Sub-Commission had stated its views concerning the form of that machinery, the Secretariat would not be able to say what its financial implications would be.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) said that under the rules of procedure of the Economic and Social Council, no vote could be taken on a draft resolution with financial implications until definite information on that subject had been received. He therefore hoped the sponsors of draft resolution E/AC.7/L.620 would explain what the nature of the machinery would be, in order that the Director, Division of Human Rights, might be able to give some preliminary figures.

Mr. MACRAE (United Kingdom) pointed out for the benefit of the USSR representative that it was impossible to foresee what funds should be committed, since the proposal in question might not be acted upon at all.

Mr. SCHREIBER (Director, Division of Human Rights) observed that in paragraph 12 of draft resolution E/AC.7/L.620 the Sub-Commission was merely asked to make recommendations that would be considered by the Commission at its regular

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(Mr. Schreiber)

meetings. Such consideration would not, therefore, have any financial implications. Any cost involved could be determined only after the Sub-Commission had made proposals on the structure and methods of work of the suggested permanent machinery. Paragraph 13 had no special financial implications.


Mr. YEVDOKEEV (Union of Soviet Socialist Republics) said that the sponsors of draft resolution E/AC.7/L.620 must have some particular form of machinery in mind. The Sub-Commission might, of course, decide not to establish any. In any event, the members of the Committee could not vote unless the sponsors of the draft resolution first gave them some information concerning the nature of the proposed machinery.

Mr. SABIK (Poland) said that in the Fifth Committee the United Kingdom delegation had always firmly opposed any unnecessary financial implications. He was therefore surprised at the remarks of the United Kingdom representative. Perhaps if the sponsors would explain what type of permanent organization was envisaged in paragraph 12 of their draft resolution, the Secretariat could indicate the appropriate financial implications.

Mr. VAN BOVEN (Netherlands) said that the Committee was wasting time. As the Director, Division of Human Rights, had just explained, paragraph 12 of draft resolution E/AC.7/L.620 had no immediate financial implications, since the Sub-Committee had not yet taken a decision.

Mr. MAHMASSANI (Lebanon) suggested that the Committee should vote first on the other draft resolutions, in order that consultations might be held concerning draft resolution E/AC.7/L.620 and the representative of the Secretary-General might be able to make another statement on the subject.

Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) felt that if the proposals of the Lebanese and Bulgarian representatives were carried to their logical conclusion, the problem could be solved. According to rule 66 of the Council's rules of procedure, it was possible to take no decision on the substance of a draft resolution. It might be preferable, as the Bulgarian delegation had proposed, to refer consideration of the substance of the question



(Mr. Golovko, Ukrainian SSR)

to the Commission on Human Rights, which would consider the matter in the context of problems of racial discrimination and would communicate its recommendations to the Economic and Social Council.

Draft resolutions submitted by the Commission on Human Rights (E/5113)

The CHAIRMAN suggested that the draft resolutions should be adopted by consensus.

Draft resolution I (XXVIII) (p. 62) was adopted by consensus.

At the request of the representative of the United States, a non-recorded vote was taken on draft resolution II (XXVIII) (p. 63).

The draft resolution was adopted by 41 votes to none, with 3 abstentions.

At the request of the representative of Denmark, a non-recorded vote was taken on draft resolution III (XXVIII) (p. 64).

The draft resolution was adopted by 23 votes to none, with 22 abstentions.

Draft resolution IV (XXVIII) (p. 65) was adopted by consensus.

Draft resolution E/AC.7/L.618

Mr. SCHREIBER (Director, Division of Human Rights) said that since the members of the Committee on Periodic Reports were representatives of Governments, their travel expenses and the cost of their stay in New York would not be chargeable to the United Nations. If the Committee met in January, the cost of that session and the costs involved in the preparation of its report might, according to the information received, be covered by the United Nations regular budget.

A non-recorded vote was taken on draft resolution E/AC.7/L.618, as amended orally.

The draft resolution was adopted by 32 votes to 5, with 3 abstentions.

Draft resolution E/AC.7/L.619/Rev.1

Mr. SABIK (Poland) requested a separate vote on paragraph 4.

Mr. COUTO (Brazil) requested a separate vote on the expression "six-week", since his delegation favoured the paragraph as a whole but did not approve the idea of holding a "six-week" session. If necessary, it would submit an amendment to substitute the term "five-week" for "six-week".

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Mr. SEKYIAMAH (Ghana) pointed out that if the expression was deleted, the rest of the sentence became meaningless.

Mr. MOUSSA (Egypt) said that if the representative of Brazil pressed for a separate vote, the vote could apply only to the phrase reading "in accordance with Council resolution 1165 (XLI) to hold in 1973 a six-week session in order to enable the Commission..."

Mr. SEKYIAMAH (Ghana) suggested that the representative of Brazil might withdraw his proposal, on the understanding that his reservations would appear in the report.

Mr. ELSHEIKH (Sudan) endorsed the views of the representative of Ghana and said that the expression "six-week" was the core of the paragraph. He therefore proposed that the Committee should vote on the paragraph as a whole; if the paragraph was adopted, the expression "six-week" would remain and if it was rejected, the Brazilian delegation's problem would be solved.

Mr. COUTO (Brazil) said that in his view the core of the paragraph was the idea that the Commission should devote sufficient time to the consideration of the reports of the Sub-Commission.

Mr. MOUSSA (Egypt) pointed out that if the Brazilian proposal was adopted, the word "Authorizes" would have to be replaced by "Requests".

Mr. SEKYIAMAH (Ghana) said that the sponsors could not accept the Brazilian proposal, which ran counter to their objective. Furthermore, if the phrase which the Egyptian representative had mentioned was deleted, the paragraph would be meaningless; the representative of Brazil would then have to redraft his proposal.

Mr. COUTO (Brazil) said that he did not agree; even if the first part of the paragraph was deleted, the paragraph as a whole would still have meaning.

Miss CAO PINNA (Italy) appealed to the representative of Brazil not to maintain his proposal; she noted that paragraph 3 already urged the Commission to allocate sufficient time for consideration of the reports of its Sub-Commission and that if paragraph 4 was amended as suggested, it would merely repeat the same idea.

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Mr. COUTO (Brazil) insisted that a separate vote should be taken on the phrase "in accordance with Council resolution 1165 (XLI) to hold in 1973 a six-week session in order to enable the Commission...", which he proposed should be deleted.

There were 18 votes in favour, 18 against and 9 abstentions. The Brazilian proposal was not adopted and the phrase was retained.

Paragraph 4 was adopted by 27 votes to 10, with 6 abstentions.

The draft resolution, as a whole, was adopted by 39 votes to 4, with 3 abstentions.

Draft resolution E/AC.7/L.620

Mr. GOLOVKO (Ukrainian Soviet Socialist Republic) invoked the second paragraph of rule 66 of the rules of procedure and formally moved that no decision should be taken on draft resolution E/AC.7/L.620.

After a procedural discussion in which Mr. MAHMASSANI (Lebanon), Mr. GOLOVKO (Ukrainian Soviet Socialist Republic), Mr. BUDAI (Hungary), Mr. AKRAM (Pakistan) and Mr. MOUSSA (Egypt) took part, the CHAIRMAN suggested that the Committee should vote on the motion made by the representative of the Ukrainian SSR.

The motion was rejected by 24 votes to 6, with 13 abstentions.

Mr. COUTO (Brazil) pointed out that the last words in the revised paragraph 5 of draft resolution E/AC.7/L.620 were "prepared by the ILO". However, the recommendation had been adopted by the ILO Conference. Perhaps the representative of the ILO could provide some clarification.

Mr. MATEOS CICERO (International Labour Organisation) said that the term "ILO" could refer either to the International Labour Office or to the International Labour Organisation, which included the Conference and the Secretariat.

Mr. COUTO (Brazil) said that he would not press for adoption of his proposal; the sponsors might, however, wish to replace the word "prepared" with the word "adopted".

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Mr. MACRAE (United Kingdom, supported by Mr. BOURGOIN (France), said that he had no objection to the word "adopted".

The draft resolution, as revised, was adopted by 39 votes to 3, with 2 abstentions.

Draft resolution E/AC.7/L.621

Mr. AKRAM (Pakistan) asked the sponsors whether they had accepted the change in title which he had proposed at the previous meeting.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) replied that the title was a repetition of item 51 (d) of the preliminary list of items to be included in the provisional agenda for the twenty-seventh session of the General Assembly (A/8700); in the interests of consistency, therefore, it was preferable not to change the title.

Mr. AKRAM (Pakistan) said that he would like the draft protocol to be mentioned in the title of the draft resolution; item 51 (d) could be changed to match.

Miss FAROUK (Tunisia) agreed with the representative of Pakistan that it would be more appropriate to speak of an international instrument.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) said that he could accept the heading "Draft Convention and Draft Protocol" for the draft resolution.

The draft resolution, as amended, was adopted by 36 votes to none, with 13 abstentions.

Draft resolution E/AC.7/L.622

Draft resolution E/AC.7/L.622, as amended, was adopted by 27 votes to 7, with 10 abstentions.

Other matters of concern to the Council (E/5113, chapter XIV (B))

The CHAIRMAN asked the Committee to note that chapter XIV, B, 2, first paragraph, would be amended to conform to draft resolution E/AC.7/L.622, which the Committee had just adopted. If there was no objection, she would take it that the Committee was prepared to recommend the Commission's request, which appeared in the second paragraph, for approval by the Economic and Social Council

It was so decided.

The CHAIRMAN said that if there was no objection, she would take it that the Committee was prepared to recommend section B, 1, for approval by the Economic and Social Council.

It was so decided.

The CHAIRMAN said that, as the Committee had adopted draft resolution E/AC.7/L.621, if there was no objection, she would take it the Committee was prepared to recommend the Commission's request, which appeared in section B, 3, for approval by the Economic and Social Council.

It was so decided.

The CHAIRMAN said that if there was no objection, she would take it that the Committee wished to recommend to the Council that the twenty-ninth session of the Commission on Human Rights should be held at the European Office of the United Nations at Geneva, as provided in section B, 4.

It was so decided.

Mr. BUHL (Denmark) recalled that the Committee had taken note of the report of the Commission on Human Rights. His delegation had supported the draft resolutions which the Commission had submitted to the Economic and Social Council. However, he noted that his delegation had not supported resolution 3 (XXVIII), mainly because of paragraph 7 since it did not accept that paragraph's interpretation of the Convention.

Mr. LOFGREN (Sweden) said that a decision on a resolution such as resolution 3 (XXVIII) was not within the competence of the Commission on Human Rights. He had voted in favour of draft resolution E/AC.7/L.620, although Sweden had not ratified some of the ILO instruments mentioned in paragraphs 4 and 5.

Mr. YEVDOKEEV (Union of Soviet Socialist Republics) said that he had voted in favour of draft resolution II (XXVIII) on the understanding that the draft articles of the International Convention on the Protection of Journalists would serve as a basis for future work and that the amendments submitted to the Commission would be considered by the General Assembly.

He had opposed the draft resolution submitted by the United States in document E/AC.7/L.622 because the formula which the Commission had adopted appeared to be more in keeping with the existing requirements.

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(Mr. Yevdokeev, USSR)

He had voted against draft resolution E/AC.7/L.620 because he had been given no clarification on the permanent machinery mentioned; also, it was procedurally unusual that the Economic and Social Council should address itself directly to the Sub-Commission instead of going through the Commission.

Miss CAO-PINNA (Italy) said that draft resolution E/AC.7/L.621 was not simply a procedural document since it prejudged the outcome of the Commission's proceedings on the international instrument in question.

Her delegation had endorsed draft resolution IV (XXVIII) of the Commission on Human Rights, but account should be taken of the views which it had expressed on the work of the Commission at its twenty-eighth session. It could not endorse resolution 3 (XXVIII) because of its eleventh and twelfth preambular paragraphs and paragraph 7.

Mr. BOURGOIN (France) said that he had voted in favour of draft resolution III (XXVIII) in order to put on record the French Government's sincere interest in the punishment of war criminals. It continued to feel a keen concern in that matter. He repeated his delegation's reservations on the definition of war crimes under the Convention on the Non-Applicability of Statutory Limitations to War Crimes.

His delegation had voted in favour of draft resolution IV (XXVIII) but had expressed reservations in the Commission on Human Rights on paragraph 7 of resolution 3 (XXVIII).

Mr. CUOTO (Brazil) said that he had voted in favour of draft resolution E/AC.7/L.620, although for constitutional reasons Brazil had not been able to ratify International Labour Organisation Convention 87; support for the draft resolution as a whole did not mean that Brazil undertook to ratify that Convention.

Brazil had no problems of racial discrimination and strongly condemned all manifestations of racial discrimination, including apartheid. His delegation regarded draft resolution E/AC.7/L.621 as a simple procedural resolution designed to communicate a draft convention and a draft protocol on the suppression and punishment of the crime of apartheid to the General Assembly at its twenty-seventh session.

Referring to paragraph 4 of resolution 1 (XXVIII), he expressed the hope that all mankind would join the struggle against racial discrimination, racism and apartheid.

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Mr. DORON (Observer for Israel), replying under rule 76 of the Council's rules of procedure to the message of sympathy addressed by the representative of Japan to the Israeli delegation at the previous meeting, concerning the massacre which had taken place the day before at the Tel Aviv airport, said that Mrs. Golda Meir had told the Knesset that she did not consider the Japanese terrorists to be representatives of the Japanese people and that the bonds of friendship between the Japanese and Israeli peoples would not be broken. The massacre focused attention even more sharply on the question of the safety of air travel. The Israeli Government would take all necessary measures, but in order for them to be effective, all Governments must co-operate. Israel therefore called upon all Governments to impose the strictest security measures in order to prevent the recurrence of such disasters. His Government expressed its sincere sympathy for the victims' families and hoped that the whole world would condemn that despicable act and recognize that the entire responsibility rested with the Arab terrorists.

Mr. MOUSSA (Egypt) said that the statement by the Observer for Israel was totally inappropriate. The incident at the Tel Aviv airport recalled the murderous attack which the Israeli Government had launched on the Beirut airport. His delegation rejected any reference to Arab countries in connexion with the incident at the Tel Aviv airport, for the whole world knew of the murders, deportations and war crimes which Israel inflicted daily on the Palestinian people. It was Israel that had started the bloodshed, oppression and tyranny in the Middle East.

Mr. STILLMAN (United States of America) informed the members of the Committee that the State Department had just expressed its horror at the recent despicable attack on innocent people, including women and children. He appealed for more action to prevent such disasters and expressed his sympathy for the victims' families.

Replying to a question by the CHAIRMAN, Mr. MOUSSA (Egypt) said that the Committee should not allow the Observer for Israel to speak again under rule 76 of the rules of procedure because it was not in the Committee's interest to reopen a polemic between the Arab countries and Israel, particularly since the Observer would merely confuse the issue once again.

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Mr. MAHMASSANI (Lebanon) asked the representative of Egypt to allow the Observer from Israel to make his statement.

Mr. DORON (Observer for Israel) reminded the representative of Egypt that the attack on the Beirut airport had in no way been murderous, as he had claimed, because it was an established fact that no one had been injured or killed in the raid.

Mr. ELSHEIKH (Sudan) said that Israel had been the first to kill civilians in the Middle East. It had done so again in recent incidents in Egypt and elsewhere. He wished to underline the sympathy which certain peoples far from the Middle East felt at the unjust treatment which Israel inflicted upon the population of that region. Israel alone could put an end to the conflict by ceasing its aggression against the Arab population of the Middle East.

(c) ALLEGATIONS REGARDING INFRINGEMENTS OF TRADE UNION RIGHTS (E/5110; E/L.1486)

The CHAIRMAN drew the attention of Committee members to paragraph 4 of document E/L.1486, which she read out.

Mr. SCHREIBER (Director, Division of Human Rights) said that for the first time in many years the Economic and Social Council had before it an allegation under its resolution 277 (X). After summarizing the provisions of the resolution, he drew attention to the communications contained in paragraphs 1 and 3 of document E/5110. With the agreement of the Permanent Representative of Lesotho, the Secretary-General had stated in his note (E/L.1486) that, in conformity with its resolution 277 (X), paragraph 1 (c) (ii), the Council would no doubt wish to refer the allegations made by the Lesotho General Workers' Union to the Fact-Finding and Conciliation Commission on Freedom of Association of the International Labour Organisation.

The CHAIRMAN said that if there was no objection she would take it that the Committee accepted the suggestion contained in paragraph 4 of document E/L.1486.

It was so decided.

The CHAIRMAN declared that the Committee had completed its work.

The meeting rose at 5.50 p.m.