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#### COMMISSION ON HUMAN RIGHTS

Twenty-fourth Session

Volume I\*

SUMMARY RECORDS OF THE NINE HUNDRED AND FORTY-SECOND TO THE NINE HUNDRED AND SIXTY-EIGHTH MEETINGS

> Held at Headquarters, New York, from 5 to 23 February 1968

The list of representatives attending the session is found in the report of the Commission to the Economic and Social Council (Official Records of the Economic and Social Council, Forty-fourth Session, Supplement No. 4, para. 4).

\*/ The records of the 969th to the 992nd meetings are found in Volume II.

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(b)	Review of the situation referred to in resolution 2 (XXIII) of the Commission: report of the <u>Ad Hoc</u> Working Group of Experts;	
(c)	Study of situations which reveal a consistent pattern of violations of human rights as provided in resolution 8 (XXIII) of the Commission and resolution 1235 (XLII) of the Economic and Social Council;	
(d)	Report of the <u>Ad Hoc</u> Study Group set up under resolution 6 (XXIII) of the Commission on:	
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# SUMMARY RECORD OF THE NINE HUNDRED AND FORTY-SECOND MEETING Held on Monday, 5 February 1968, at 11.25 a.m.

Acting Chairman: Chairman: Rapporteur: Mr. NEDBAILO

Mr. BOYE Mr. MIRZA Ukrainian Soviet Socialist Republic

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Senegal

Pakistan

#### OPENING OF THE SESSION

The ACTING CHAIRMAN, after declaring the session open, said that the fact that it was taking place during the International Year for Human Rights made it particularly incumbent upon the Commission to do everything in its power to promote those rights, which had been proclaimed in the Universal Declaration of Human Rights - the twentieth anniversary of which was now being celebrated - and defended against fascism during the Second World War. Since the adoption of the Declaration in 1948, the United Nations had accomplished a great deal in the field of human rights, including the adoption of such epoch-making documents as the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on the Elimination of All Forms of Racial Discrimination and the Covenants on Human Rights. The present era was one of great scientific and social change, in which the problem of human dignity was of particular importance and was becoming increasingly significant as the struggle of peoples for their independence gained momentum.

At the previous session, outstanding documents expressing condemnation of neo-nazism, racial discrimination and apartheid had been adopted, and since then the Commission had gone ahead with the important work entrusted to it. Despite the progress made, however, unsatisfactory situations persisted in various parts of the world where racial discrimination, one of the most flagrant violations of human rights, continued to be practised. In any case, the main problem to be dealt with was the development of the human personality, without which the economic, social and cultural rights set out in the Universal Declaration would be meaningless.

Lastly, he regretted to announce that H.I.H. Princess Pahlavi had had to undergo an operation in Paris; he would ask the Secretariat to send a cable expressing the Commission's best wishes for her speedy recovery.

<u>Mr. ROLZ-BENNETT</u> (Under-Secretary-General) welcomed the members of the Commission on behalf of the Secretary-General and said that the current session was of considerable importance owing to the nature and volume of the work to be done and to the fact that it was being held just before the International Conference on Human Rights. The provisional agenda reflected the change in the Commission's functions, which in the past had consisted mainly in preparing international conventions and declarations of general scope but were now directed towards the consideration of specific problems which called for a solution. Both functions, however, were

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#### E/CN.4/SR.942

#### (Mr. Rolz-Bennett, Under-Secretary-General)

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based on the recognition that in the final analysis world peace depended on respect for and observance of human rights and that consequently success in that sphere would not only strengthen the prestige of the United Nations but also contribute to international stability and harmony.

#### ELECTION OF OFFICERS

The ACTING CHAIRMAN called for nominations for the office of Chairman.

<u>Mr. LOPEZ</u> (Philippines) nominated Mr. Boye (Senegal), an eminent jurist trained at the University of Montpellier, France, who had exercised his profession in that country and had become <u>Procureur Cénéral</u> of the Supreme Court of Senegal when the latter had attained independence. At the United Nations, he had done particularly outstanding work as Chairman of the <u>Ad Hoc</u> Working Group of Experts set up under resolution 2 (XXIII) of the Commission, whose report would be one of the main items to be considered at the current session.

<u>Mr. CASSIN</u> (France), <u>Mr. JANKOVIC</u> (Yugoslavia), <u>Mr. PIÑERA</u> (Chile), <u>Mr. HUZAYYIN</u> (United Arab Republic), <u>Mr. MOHAMMED</u> (Nigeria), <u>Mr. GANJI</u> (Iran), <u>Mr. ABRAM</u> (United States of America), <u>Mr. HOUNTON</u> (Dahomey) and <u>Mr. ROSENNE</u> (Israel) seconded the nomination.

Mr. Boye (Senegal) was elected Chairman by acclamation.

Mr. Boye (Senegal) took the Chair.

The CHAIRMAN said that in electing him Chairman the members of the Commission had not only honoured him personally but also paid a tribute to the people of Africa who had fought for the freedom of other peoples and were now struggling on their own soil to ensure respect for their personality and territorial integrity and to build a united, strong and happy Africa which controlled its own fate. He greatly appreciated that expression of sympathy and wished to thank the Commission on his own behalf, on behalf of his Government and on behalf of all African peoples. He also expressed his gratitude to the outgoing Chairman.

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#### (The Chairman)

Twenty years after the promulgation of the Universal Declaration, those who had worked in the Commission could attend the International Conference on Human Rights with pride and submit to it a substantial and balanced body of legislation. It was still necessary, however, to devise effective ways of applying the instruments which had been adopted, for the conventions, covenants and declarations were of no practical use unless accompanied by adequate means of implementation, supervision and even appeal.

Unfortunately, the world was witnessing serious violations of basic human rights, including political and civil as well as economic, social and cultural rights. The United Nations should seek radical means to prevent the continuation of those systematic violations.

To that end, the Commission would no doubt wish to study with particular care the reports prepared by the Special Rapporteur appointed in accordance with its resolution 7 (XXIII), the <u>Ad Hoc</u> Working Group of Experts set up under resolution 2 (XXIII) and the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

In his view, item 11 of the provisional agenda was particularly interesting; it should be remembered that international security would be increasingly threatened so long as the economic imbalance of the developing countries continued to grow worse. The Commission must therefore take urgent steps to ensure that not only political and civil but also - and above all - economic, social and cultural rights were respected in those countries.

The Commission must now proceed to elect one or more Vice-Chairmen in accordance with rules 15, 17 and 18 of the rules of procedure of the functional commissions of the Economic and Social Council, as amended by Council resolution 1231 (XLII); he asked the members of the Commission how many Vice-Chairmen they wished to elect.

<u>Mr. MOHAMMED</u> (Nigeria), supported by <u>Mr. HUZAYYIN</u> (United Arab Republic) and <u>Mr. ERMACORA</u> (Austria), proposed that three Vice-Chairmen should be elected. It was so decided.

<u>Mr. MISHRA</u> (India) nominated Mr. Jankovic (Yugoslavia) for the office of Vice-Chairman.

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<u>Mr. NEDBAILO</u> (Ukrainian Soviet Socialist Republic), <u>Mr. NITTI</u> (Italy), <u>Mr. HUZAYYIN</u> (United Arab Republic), <u>Mr. ERMACORA</u> (Austria) and <u>Mr. GANJI</u> (Iran) seconded the nomination.

Mr., Jankovic (Yugoslavia) was elected Vice-Chairman by acclamation.

Mr. FORSHELL (Sweden) nominated Mr. Quentin-Baxter (New Zealand) for the office of Vice-Chairman.

Mr. JOHNSON (Jamaica) seconded the nomination.

Mr. Quentin-Baxter (New Zealand) was elected Vice-Chairman by acclamation.

Mr. RUDA (Argentina) nominated Mr. Johnson (Jamaica) for the office of Vice-Chairman.

<u>Mr. WALDRON-RAMSEY</u> (United Republic of Tanzania), <u>Mr. CHAMMAS</u> (Lebanon) and Mr. GANJI (Iran) seconded the nomination.

Mr. Johnson (Jamaica) was elected Vice-Chairman by acclamation.

The CHAIRMAN called for nominations for the office of Rapporteur.

Mr. HUZAYYIN (United Arab Republic) nominated Mr. Mirza (Pakistan).

<u>Mr. NASINOVSKY</u> (Union of Soviet Socialist Republics), <u>Mr. PIÑERA</u> (Chile), <u>Mr. MOHAMMED</u> (Nigeria) and <u>Mr. LOPEZ</u> (Philippines) seconded the nomination. Mr. Mirza (Pakistan) was elected Rapporteur by acclamation.

Mr. MISHRA (India) congratulated the new officers on their election.

Mr. MIRZA (Pakistan) thanked the representatives who had supported his nomination. In electing him, the Commission had honoured not only him personally but also his country.

The meeting rose at 1.35 p.m.

SUMMARY RECORD OF THE NINE HUNDRED AND FORTY-THIRD MEETING Held on Monday, 5 February 1968, at 3.35 p.m.

Chairman:

Mr. BOYE

Senegal

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ADOPTION OF THE AGENDA (E/CN.4/957 and Add.1)

<u>Mr. SCHREIBER</u> (Director, Division of Human Rights) said that, in accordance with rule 5 of the rules of procedure, the provisional agenda (E/CN.4/957) had been drawn up by the Secretary-General in consultation with the Chairman of the Commission's twenty-third session.

The question of organization of work (item 3) had been included following the Commission's declared intention, at its previous session, to improve its methods of work by such measures as the establishment of priorities, the allocation of a specific number of meetings to particular questions, consideration of different items at morning and afternoon meetings, and the setting up of sessional working groups. The Economic and Social Council and its Committee on Programme and Co-ordination also favoured the taking of steps which would make the Commission's session more effective. He recalled that in pursuance of paragraph 12 of General Assembly resolution 2144 (XXI), the Commission had decided, in resolution 8 (XXIII), to give annual consideration to the question of the violation of human rights and fundamental freedoms (item 4). The Secretariat had co-operated closely with the Special Rapporteur in the preparation of the report to be submitted under sub-item 4 (a), which related to apartheid and racial discrimination in all its forms in South Africa. South West Africa and Southern Rhodesia. The conclusions and recommendations were the Special Rapporteur's personal contribution. That sub-item was closely linked with sub-item 4 (b), and the Commission might wish to consider the two jointly. The Ad Hoc Working Group of Experts set up under resolution 2 (XXIII) had completed its work, after hearing witnesses in New York, London, Dar-es-Salaam and Geneva. With regard to sub-item 4 (c) he recalled the provisions of resolution 3 (XXIII). The Commission, inter alia, had requested the Sub-Commission on the Prevention of Discrimination and Protection of Minorities to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources and invited the Sub-Commission to bring to its attention any situation which it had reasonably come to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country. The Commission had also requested the Economic and Social Council to authorize it to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII). By resolution 1235 (XLII) the Council had given the

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#### (<u>Mr. Schreiber, Director</u>, <u>Divison of Human Rights</u>)

authoritization requested. In the resolution contained in chapter IV of its report (E/CN.4/947), the Sub-Commission had drawn attention to six cases, which it considered to be flagrant, of violations of human rights and fundamental freedoms, of which four were in the African continent, and had recommended the establishment of a special committee of experts to investigate those situations. The information received under Economic and Social Council resolution 728 (XXVIII) would be made available personally to members of the Commission, but since some 16,000 communications had been received by the Secretariat since the adoption of Council resolution 1235 (XLII), they could be circulated only in the original language, in some cases with brief summaries of the contents. The Commission might wish to consider future methods for dealing with those communications.

In connexion with item 5, the Commission might wish, as it had done in 1967, to consider ways of commemorating 21 March as International Day for the Elimination of Racial Discrimination.

Items 6 and 11 had been proposed by the Chairman of the Commission's twenty-third session, who had submitted explanatory memoranda (E/CN.4/948 and Add.1) concerning them. Item 7 related to a number of reports and studies prepared by the Sub-Commission that had not yet been considered by the Commission. That was a matter of some concern to the Economic and Social Council and the Sub-Commission and the Commission might wish to consider the reports in general and to discuss one of the studies constituting sub-items (e) and (f) in addition to the outstanding reports of the Sub-Commission, in which case the Special Rapporteur might be invited to attend. The study of special problems relating to human rights in developing countries (item 8) had been accorded priority by the Commission at its twenty-third session. The Commission might decide that it could not discuss item 9 in detail at the current session, as the question was still under consideration by the General Assembly. Some priority, however, might be given to item 10, since the General Assembly had requested the Commission to give its views on the question of capital punishment in time for its twenty-third session.

The General Assembly had also taken up, but not completed, consideration of the draft Declaration and draft Convention on the Elimination of All Forms of

#### (<u>Mr. Schreiber, Director</u>, Division of Human Rights)

Intolerance and Discrimination Based on Religion or Belief (item 12), and the Commission would have to decide whether it could make any further contribution to the examination of that question by the Assembly. In considering item 13, the Commission would have before it the Report on Slavery (E/4168/Rev.1) as well as chapter V of the Sub-Commission's report (E/CN.4/947), which contained a draft resolution for adoption by the Commission. The question of slavery was also currently being discussed by the Commission on the Status of Women. Items 14 and 15 were closely linked, since the periodic reports to be considered in 1968 related to freedom of information.

Items 16 to 26 had been placed on the agenda in accordance with decisions taken at the previous session. Preparations for the Teheran Conference on Human Rights were advancing, and many activities in connexion with the International Year for Human Rights were under way. Item 16 therefore did not appear to require any special action by the Commission. Under the programme of advisory services in the field of human rights (item 18), seminars were to be held in London and New Delhi in 1968; four further invitations for seminars in 1969 had been received from Governments.

In discussing items 24 and 25, the Commission would have to take account of a number of decisions recently taken by United Nations bodies relating to such matters as the effecting of economies, the establishment of priorities and the control and limitation of documentation, although none of those decisions had been adopted with direct reference to questions of human rights. With regard to item 26, he drew attention to General Assembly resolution 2292 (XXII) relating to publications and documentation of the United Nations. In the annex to that resolution, the Secretary-General recommended that established bodies should be invited to re-examine their need for summary records, and that the reproduction in the body of a report of summaries of views that had already been set forth in the records should be allowed only in exceptional cases. The Commission might also wish to consider the question of its calendar of meetings, since as a result of the Economic and Social Council's decision to discuss all matters relating to human rights at its spring session, the Commissions in the field of human rights and

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#### (Mr. Huzayyin, United Arab Republic)

"<u>Decides</u> to adopt the following order of priority in dealing with items on its agenda: items 4, 16, 5, 7, 11, 12, 13 and 9;

"<u>Further decides</u> to consider at a later stage of its session an order of priority for the remaining items on its agenda."

<u>Mr. MOHAMMED</u> (Nigeria) said that the proposal was extremely logical. The frustration encountered in attempting to protect human rights at the international level, the difficulties arising from violations of those rights and the establishment of new bodies dealing with them made it imperative that item 4 should be discussed first. A degree of priority should also be given to items 5 and 26. The latter item was particularly important at a time when the United Nations was trying to limit its documentation, the number of its bodies and the length of their meetings. His delegation therefore felt that item 26 should be taken up immediately after item 9 in the list suggested by the United Arab Republic.

Item 17 was controversial but highly relevant; no effort should be spared to encourage the establishment of national commissions, although discussion of the item at present would not mean that such commissions were to be created immediately.

The Commission must obviously review its methods of procedure if it was to be able to cope with its agenda.

<u>Mr. FORSHELL</u> (Sweden) agreed that, while the selection of items was open to discussion, a list of priorities must be established. Item 4 was certainly the most important.

In resolution 2234 (XXII) the General Assembly had invited the Economic and Social Council to instruct the Commission to consider the question of capital punishment and to transmit its recommendations to the General Assembly at its twenty-third session. The Commission would therefore be remiss if it neglected item 10. He agreed with the Nigerian representative that item 26 should be given some priority and suggested that it should be combined with sub-item 4 (d).

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<u>Mr. NEDBAILO</u> (Ukrainian Soviet Socialist Republic) said that his delegation generally endorsed the proposal of the United Arab Republic with regard to the order of priority, although the number of items selected should not necessarily be limited to eight.

In the selection of items, urgency was one criterion and relevance to the development of human rights in current world conditions was no less important. Furthermore, there was a logical connexion between certain items and considerations of one must lead to discussion of another. Thus, item 6 should be taken up immediately after item 5.

<u>Mr. ABRAM</u> (United States of America) agreed that items 4 and 7 should be given priority. His delegation attached considerable importance to economic and social rights and would welcome discussion of item 11, which should be extended to include civil and political rights and should be combined with items 8 and 22. Item 13, too, was important.

He did not consider that the degree of priority suggested for item 16 was warranted. The arrangements for the international year for human rights had already been approved at various levels and a discussion of them by the Commission could hardly be necessary. Conversely, he felt strongly that item 10 should be discussed.

The omission of items 14 and 15 from the priority list suggested by the United Arab Republic was surprising. Periodic reporting was vitally important as a means of maintaining United Nations vigilance with regard to the observance of human rights. Item 15 was as significant as any other item of the agenda in that it was inextricable from the item on apartheid. Many jurists considered that the illegal court in South Africa, which had tried a number of South West Africans, would have passed death sentences had not the trial received wide attention in the world Press. Freedom of information was the one weapon available to the Commission to bring pressure to bear on Governments.

Item 17 should also be accorded priority. His country's experience had shown the value of national commissions. The creation of the Commission on Civil Rights had done more than any other single measure to improve racial practices in the United States. -18-

#### (Mr. Abram, United States)

Items 18, 24, 25 and 26 must also be examined. He suggested that a small working group should be established to report on institutional matters, on which the efficiency of the Commission depended.

<u>Mr. CHAMMAS</u> (Lebanon) remarked that much time would be lost in procedural debate unless the Commission used a pragmatic approach to its agenda. There was an apparent consensus as to the importance of item 4 and he suggested that the Commission should proceed to discuss it first. To adopt a resolution was a somewhat rigid procedure; instead, a limited number of items might be selected, with additional items identified in the course of the session. After item 4, the Commission might consider item 16, followed by item 5. His delegation could accept the proposal of the United Arab Republic and also felt that the Commission would have time to discuss such items as that on freedom of information.

Sir Samuel HOARE (United Kingdom) agreed with the representative of Nigeria that the Commission must reorganize its procedure; the fact that it was unable to deal with all the items on its agenda could not fail to detract from its prestige.

Items 19, 20 and 21 had been outstanding for several years and there was clearly no hope of dealing with them at the current session. Item 4 should obviously be discussed first and items 24, 25 and 26, which were inter-connected, could be considered together with sub-item 4 (d) (ii), either by the Commission itself or by a working group. Items 5 and 16 were routine items and could be dealt with comparatively quickly; he did not agree, however, that item 16 should be the second item, nor was there any reason for item 5 to be given priority. It was lamentable that, year after year, the Commission should give only hasty consideration to the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Commission was in duty bound to consider sub-items 7 (a) and (b) and he suggested that it should do so immediately after item 4. It surely had no time to consider the remaining points under item 7, unless it appointed a sub-committee to do so. He proposed that items 14 and 15 should be taken together since their subject matter was the same. Consideration of item 10 was also overdue. Item 13 could be dealt with on the basis of the report under sub-item 7 (a). Item 17 was yet another matter deserving consideration. /...

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<u>Mr. WYZNER</u> (Poland) said that the proposal of the United Arab Republic was a good basis for discussion, although his delegation had reservations as to the order of priorities.

The reasons for his country's concern with item 9 were self-evident and his delegation was gratified that no one had objected to its being given priority. His delegation also considered that high priority should be accorded to item 6.

In his view, sub-item 7 (c) and item 12 should be taken up together. He feared that if the Commission discussed each of the points under item 7 separately, it would be unable to consider any of the other agenda items.

While item 16 should be accorded some priority, most of the arrangements for the Conference on Human Rights had of course been completed.

<u>Mr. CASSIN</u> (France) thought that the proposal made by the representative of the United Arab Republic could serve as a basis for discussion.

He agreed that the Commission should begin its work by considering item 4. As to item 7, the Commission had been unable to consider the Sub-Commission's reports for a number of years. The very least that it could do was to examine those reports at its current session. He thought that items 5, 6 and 7 should be grouped together and that a working group should be set up to consider them.

Item 14 dealt with a very important question. He agreed with the United States representative's remarks concerning item 15 and thought that items 14 and 15 should be referred to an <u>ad hoc</u> study group.

With regard to item 13, the world had been trying to abolish slavery for centuries and it would be strange if the Commission did not take up the question. The Sub-Commission had prepared a report on slavery and there would probably be no need for a lengthy discussion.

His delegation was in favour of setting up a working group to consider items 25, 26 and 27.

The International Conference on Human Rights was to be held shortly and the Economic and Social Council would not meet until after the Conference. It would therefore serve no useful purpose to discuss item 16; countries which wished to make proposals in that connexion could do so at the Conference itself.

#### (Mr. Cassin, France)

Item 12 was, of course, of great importance, but it was being dealt with by the General Assembly, and the Commission should therefore not touch it. The same was true of item 9.

<u>Mr. PIÑERA</u> (Chile) said that, in establishing an order of priorities, the Commission should take into account the following criteria: (1) the urgency of the item; (2) the importance of the item; (3) priority accorded to the item by the General Assembly; (4) continuity (an item which had been considered previously should be discussed before a new item); and (5) logic.

There seemed to be general agreement regarding the proposal that item 4 should be discussed first. There seemed little point in taking up item 16 - International Year for Human Rights - since the Year had already begun and a number of decisions had been taken on the matter.

Item 5 should be accorded high priority in view of its importance. As to item 7, points (a) and (b) were the most important and should be given attention. He agreed with the order of priority which the representative of the United Arab Republic had proposed for items 9 and 11, but had some doubt on that proposed for item 12. Item 15 should be accorded priority in view of the many years that the question had been before the United Nations.

Item 14 also deserved some priority, since periodic reports helped the Commission in its work. Where items 24, 25 and 26 were concerned, it might be useful to set up a working group at an early date to deal with them. His delegation would also like the Commission to take up item 8, which it regarded as important. He endorsed the Lebanese representative's suggestion that the Commission should agree on the order of priority of the most important questions and adopt a pragmatic approach to the remaining items.

<u>Mr. NASINOVSKY</u> (Union of Soviet Socialist Republics) felt that there was general agreement that item 4 should be discussed first. His delegation believed that the second question to be discussed should be item 16, although it agreed that there was not much the Commission could do, since major decisions had already been taken concerning the forthcoming Conference on Human Rights.

As the matter was before the General Assembly, there was nothing that the Commission could do with regard to item 12 at present. Item 13 might well be considered in connexion with item 7. /...

#### (Mr. Nasinovsky, USSR)

Some of the items on the agenda were either not urgent or were covered by those listed in the first half of the order of priorities proposed by the United Arab Republic representative. For example, when the Commission took up agenda item 4 (d), it would of necessity have to discuss matters relating to items 24, 25 and 26. With regard to item 7, his delegation agreed that the Commission should endeavour to consider the reports of the Sub-Commission.

His delegation was opposed to the establishment of the working groups suggested. With regard to item 14, the <u>ad hoc</u> Committee on Periodic Reports had prepared a report on the work of its 1968 session. His delegation considered, therefore, that there was no need for a small group to discuss that item. Furthermore, a study group had been set up to discuss the matters dealt with in items 24, 25 and 26 and it had concluded its work only a week previously. That work should not be duplicated.

In the light of the discussion that had taken place, he proposed that the Commission should take as a basis for its work the order of priorities originally suggested by the Secretary-General in document E/CN.4/957.

<u>Mr. LOPEZ</u> (Philippines), speaking on a point of order, noted that there was general agreement that the Commission should begin by considering item 4 and then proceed to item 7. He suggested that the Commission should decide to adopt that procedure for the time being and that the officers of the Commission should consult members regarding the order of priority of the other agenda items.

<u>Mr. NEDBAILO</u> (Ukrainian Soviet Socialist Republic) and <u>Mr. WAIDRON-RAMSEY</u> (United Republic of Tanzania) supported that suggestion.

<u>Mr. HUZAYYIN</u> (United Arab Republic) agreed that the Commission should give highest priority to item 4, but felt that it should first complete its discussion of the order of priority of the remaining items.

Mr. CASSIN (France), Mr. MOHAMMED (Nigeria) and Mr. CHAMMAS (Lebanon) supported that view.

The meeting rose at 6.40 p.m.