

SUMMARY RECORD OF THE FIFTH MEETING
held on Tuesday, 7 May 1968, at 3.15 p.m.

Chairman: H.I.H. Princess Ashraf PAHLAVI

Iran

ORGANIZATION OF THE WORK OF THE CONFERENCE (resumed from the 2nd meeting)

The CHAIRMAN, reporting on the progress of the work of the Conference, said that the First Committee had adopted four draft resolutions; it still had to vote on three more draft resolutions and would probably finish its work on Wednesday, 8 May. The Second Committee had adopted only four draft resolutions and still had forty to consider. It might be possible to amalgamate a number of them, though she would not wish to prejudge the Committee's decisions. The Second Committee would have to hold its last meeting on the morning of Thursday, 9 May at the latest, in order that its report could be considered in plenary. If it could not decide on all the draft resolutions submitted, a brief report containing the draft resolutions awaiting decision and the texts of proposals adopted might perhaps be submitted to the plenary.

The Drafting Committee would meet whenever necessary to consider the drafting aspect of resolutions adopted in Committee or in plenary. The Credentials Committee could meet on Thursday, 9 May at 3 p.m.

She hoped that the General Committee would be able to accept the suggested programme of work. In any case, it was essential that the reports of both Committees and the basic texts adopted be submitted to the plenary on Friday, 10 May or Saturday, 11 May at the latest. The Conference would thus have time to finish its work before 13 May, on which day the Conference was scheduled to terminate.

Mr. SLIM (Tunisia), speaking as Chairman of the First Committee, said that the work of his Committee was progressing satisfactorily and examination of the three sub-items of the agenda assigned to it would be completed on Wednesday, 8 May. He believed that the time had come to think about drafting the final declaration of the Conference which would incorporate the resolutions adopted in committee after they had passed through the Drafting Committee.

Mr. AGUILAR (Venezuela), speaking as Chairman of the Second Committee, said that the forty draft resolutions still pending could be referred to the plenary for consideration. He believed that the main emphasis should be on the draft resolutions involving the least difficulties, while those likely to cause lengthy debates might be transmitted to the appropriate United Nations bodies.

Mr. RESICH (Poland) thought that, above all, agreement should be reached on the nature of the final document of the Conference. As soon therefore as the consideration of agenda item 12 had been completed, it would be advisable forthwith to consider item 13 in plenary. The Conference already had a draft declaration (A/CONF.32/L.18) before it and would probably receive other similar documents. It

would thus have an opportunity to discuss the nature of the document in question. A working group might be set up to prepare the text of the declaration. Since it would hardly be possible to consider all the draft resolutions submitted, the first step should be to prepare the final document, to which could be annexed the resolutions adopted by the Committees and the draft resolutions submitted but not examined because of lack of time.

Mr. CHIKVADZE (Union of Soviet Socialist Republics) said that in the final stage of its work the Conference should formulate a general document which should, as far as possible, be adopted unanimously, if the work done by the Conference was to have repercussions throughout the world.

As the preparation of such a document took time, the Conference should take up agenda item 13 without delay, conduct a general discussion of the subject in plenary and study the draft declarations submitted. The Drafting Committee could not in any circumstances exceed its terms of reference under rule 47 of the rules of procedure. The members of the Drafting Committee could not submit fresh proposals, nor modify the substance of the documents adopted, nor amalgamate such documents. Their sole function was to revise, in the different languages, the text of documents already adopted. He did not share the view of the Tunisian representative, who wanted to extend the terms of reference of the Drafting Committee. On the other hand, with regard to the preparation of the final document, he agreed that, as the plenary discussed the draft declarations submitted, informal consultations might take place among delegations sponsoring the drafts with a view to reaching agreement on a text and thus facilitate its adoption.

Mr. LUARD (United Kingdom) said that, like the representatives of Poland and of the Soviet Union, he thought that, if the final document of the Conference was to carry the necessary weight, it should be adopted unanimously. The suggestion that the text of draft resolutions that were adopted or submitted should be annexed appeared sound, for in that way it would be possible to give the declaration a more general character, which would facilitate its unanimous adoption. The draft declaration mentioned by the Polish representative was much too long for a general declaration of the Conference; to make an impression on the public the declaration should be short and concise.

Referring to the USSR representative's comment on the competence of the Drafting Committee regarding the preparation of the draft of a final declaration, he pointed out that, since the declaration was to be drawn up on the basis of the resolutions

adopted, the Drafting Committee's sole function would be to revise a text, a task which the Conference could hardly accomplish in plenary. He agreed that informal consultations would facilitate the preparation of a generally acceptable document.

Mr. CHIKVADZE (Union of Soviet Socialist Republics) pointed out to the United Kingdom representative that the form of the final declaration of the Conference would depend essentially on its content. It was impossible to make any decision before the Conference had considered the draft declarations that might be submitted, and a draft could not be considered as unacceptable merely because the United Kingdom delegation found it too long. In order that the Conference should be able to complete its work successfully, it would be desirable that the sponsors of all the draft final declarations should confer informally with a view to preparing a generally acceptable text. The Conference could then consider the document in plenary. First, the Conference should define the nature of the document to be drafted, specify the fundamental ideas to be contained in it and then, with general goodwill, adopt the document, which would have world-wide repercussions.

The CHAIRMAN said that the terms of reference of the Drafting Committee would naturally be those laid down in rule 47 of the rules of procedure, and the Committee would meet whenever necessary to consider the texts submitted to it. She added that the Credentials Committee would meet on Thursday, 9 May at 3 p.m. and that it was essential that the reports of the Committee should be submitted to the plenary of the Conference on the Friday or Saturday to enable the Conference to complete its work on the scheduled date of 13 May. If there was no objection, she would take it that the General Committee approved the proposed programme of work.

It was so agreed.

Mr. WAMBURA (United Republic of Tanzania) said that, while it was desirable that a final declaration should be adopted unanimously, the vital question was what would be the content of the declaration by which the world would judge the Conference.

Mr. LUARD (United Kingdom) thought that the Drafting Committee might be asked to prepare the text of a final declaration by consolidating the draft texts adopted, a procedure in complete accordance with its terms of reference under rule 47 of the rules of procedure. There was hardly enough time left to work out an agreed text in plenary. Informal consultations among delegations seemed to him the best procedure, but he did not see any need to set up a working group for that purpose.

Mr. SLIM (Tunisia) said he was uncertain what procedure would be followed in drafting the final declaration. Experience had shown that it was difficult to reach agreement in plenary even on draft resolutions; it would doubtless be even more difficult to reach agreement in the case of such an important document as a final declaration. Hence, he did not think that discussion in plenary with a view to the consolidation of all the draft declarations submitted would be the right procedure. That was a task which a drafting committee would be able to carry out better. He called on the representatives of the USSR and Poland to show a spirit of collaboration and suggested that members of the General Committee should be given time for informal consultations so as to work out a satisfactory procedure for the drafting of a final declaration which would be of a historic nature.

Mr. CHIKVADZE (Union of Soviet Socialist Republics), in reply to the United Kingdom representative, said that that representative's objection with regard to the terms of reference of the Drafting Committee was liable to delay the General Committee's business. Rule 47 of the rules of procedure laid down that the Drafting Committee should give advice on drafting and should co-ordinate and review the drafting of all texts adopted. That provision in no way implied that it was at liberty to amend them. While unanimous adoption of the final declaration was greatly to be desired, it was obviously not obligatory. He added that he had not formally proposed the setting up of a working group to draw up the text of such a declaration; he had merely suggested that the proven method of informal consultations might be employed with a view to combining and reconciling the different views.

Mr. POPPER (United States of America) said he was convinced that everyone was anxious to achieve the best results, in the time available, and to produce the text of a declaration which could be unanimously adopted. His delegation intended to submit the draft of a final declaration which the Conference might consider in conjunction with that proposed by the Soviet Union and with any other texts submitted. He thought that informal consultations which would make it possible to assess the more or less difficult problems which would arise were very desirable. He suggested, therefore, that the General Committee should wait for one or two days before taking a decision on the procedure to be followed for the drawing up of the text, for he thought that the members would then be in a better position to evaluate the situation.

Mr. OULD EREBIH (Mauritania) said he gathered that in its final stage the Conference would have before it, first, a general report on its proceedings, and secondly, the text of a final declaration which should preferably be adopted

unanimously and which would in a way supplement the Universal Declaration of Human Rights. If that was indeed the position, he saw no need to waste valuable time in vain discussion.

Mr. AGUILAR (Venezuela) noted that the majority of delegations agreed that it was necessary to draw up a final declaration, which should preferably, but not necessarily, be adopted unanimously, and that in practice a draft declaration could not be dealt with in the same way as a mere draft resolution. He personally thought that the preparation of such a declaration required above all the good will of the States represented at the Conference, and that informal consultations to reconcile views would give satisfactory results. He supported the United States representative's suggestion that no immediate decision should be taken on the procedure to be followed, so as to give members of the Conference time to consult each other and to express their views at a forthcoming meeting of the General Committee.

Mr. JUVIGNY (France) noted that the Committee appeared to be moving towards two parallel procedures, one the drafting through informal consultations of what might be called the outstanding part of the Conference's work. In that connexion, he pointed out that some thought should be given to an appropriate name for the final document; the words "Final Act" or "Appcal" seemed to him more suitable than the word "Declaration". The next question to be settled was what should be done with the draft resolutions submitted to Committees but not considered owing to pressure of time. He thought that the Drafting Committee's competence should not be construed too narrowly. Obviously, the Drafting Committee could not act as a substitute for the Conference, but surely the resolutions adopted could not be referred back to the plenary for consideration, and still less the draft resolutions which there had not been time to consider. In his view, the rules of procedure did not exclude the possibility of a partial delegation of powers by the Conference and the Committees to the Drafting Committee, which would then be in a position not only to draft but also to analyse and condense the various draft resolutions. He thought that the intellectual probity of members of the Drafting Committee could be trusted and that they would not abuse such a delegation of power.

Mr. BOWEN (Australia) agreed that it was desirable to adopt the final document of the Conference unanimously, but he thought that the plenary was not the right body to draft texts. First the texts should be consolidated and reconciled, and that was undoubtedly a task for a drafting committee.

Mr. LOPEZ (Philippines) said that the only possibility of drawing up a declaration which would receive majority or unanimous support was to entrust the elaboration of such a text to a drafting committee. In 1948 the Third Committee of the General Assembly had adopted the Universal Declaration on Human Rights after three months of discussion. The Conference had only five more working days and it was obvious that without preparatory work by a drafting committee it would be utopian to hope to produce the text of a universally acceptable declaration.

Unlike the USSR representative, he did not think that rule 47 of the rules of procedure debarred the Drafting Committee from undertaking such a task, since the Committee was authorized to "give advice on drafting as requested by other committees and by the Conference". Accordingly, the Drafting Committee should be invited to start work without delay.

The CHAIRMAN drew the following conclusions from the exchange of views which had taken place: it was desirable that delegations should conduct informal consultations on the elaboration of the text of a final declaration and the General Committee should, as the United States representative had rightly proposed, wait until it knew the results of those consultations before deciding on the procedure to be followed.

If there was no objection, she would consider that the Committee was prepared to adopt that procedure.

It was so agreed.

REQUESTS FOR CIRCULATION OF WRITTEN STATEMENTS BY NON-GOVERNMENTAL ORGANIZATIONS, UNDER RULE 62 OF THE RULES OF PROCEDURE (A/CONF.32/BUR.1/Add.3) (continued)

The CHAIRMAN stated that the Conference had received a request for the circulation of a written statement by the Association for the Study of the World Refugee Problem (A/CONF.32/BUR.1/Add.3), a non-governmental organization invited to send observers to the Conference.

If there were no comments she would take it that the General Committee authorized the circulation of the statement.

It was so agreed.

The meeting rose at 4.30 p.m.