

Canadian Statement in the Third Committee
Delivered by Professor R. St. John Macdonald
on Tuesday, November 23rd

Mr. Chairman,

I am grateful to you for this opportunity to express a few of the views of our delegation on the new article 8.

In accordance with your injunction, I will be brief and as specific as possible, and I will resist the temptation that always exists to open up again and again a compromise text that already represents many hours of negotiation and accommodation.

First, sir, we would offer our congratulations to the distinguished representatives of the Philippines, Ghana and Mauritania, all of whom have done so much to put this new document before us. Indeed it goes without saying that without their efforts our work would not be at its present stage of advancement.

There are many things that we like in the new article.

- We think it a good idea to have named the Committee;
- to have clarified the way in which its members are to be elected, and by whom; and
- to have provided for the filling of casual vacancies; and so forth.

There are some things which we think might be improved,

but which we are not prepared to press for, because of the compromise nature of the text. I am thinking here, for example, of the desirability of allowing states to elect non-nationals to the committee, an idea which we will support if it is put

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to a vote, but which we will not initiate.

There are other things, sir, over which we are not at all happy, and which we will vote against, despite the balance and compromise of the text, because we regard them as fundamental. I am thinking here of the provision on financing, under which each state pays its own man--who may end up being just that.

We are inclined, Mr. Chairman, to tie the committee as closely as possible to the United Nations itself; to locate it squarely within the framework of the organization; and to support it with the prestige, the momentum, and the impartiality which complete identification with our organization can provide--and which cannot be provided so easily in any other way. It is for this reason that we favour what we understand will be an amendment to paragraph 6 and, failing that, this opportunity to put on record our preference for the principle of U.N. financing.

The Canadian delegation nevertheless recognizes that there are powerful arguments on the other side, and that many delegates have expressed a preference for financing as provided for in the present paragraph 6 of article 8. We are, as I have said, conscious of the fact that much patient and arduous negotiating has gone into the preparation of the text; and it may be that the present limits of consensus have been stretched as far as they will go. It is quite possible that we have in fact done the most we can do to draw the line between a committee of the parties--a private committee, so to speak--and a committee of the United Nations--a public committee, so to speak. That may be the situation. The Canadian delegation hopes

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nevertheless that as time goes by - as this committee develops experience - as it becomes an accustomed part of the international landscape - it will be carried into a fuller and more mature relationship with the United Nations itself. And we would hope that, at a minimum, this question of financing can be kept open for review from an early date following the Committee's inception. The mechanics of United Nations financing may be difficult. But the principle strikes us as being desirable.

On Article VIII BIS, Mr. Chairman, our delegation has no formal amendments to make; but we would like to indicate our interpretation of this article as it now stands. As we see it, the situation is this:

(1) the parties report to the Committee and the Committee reports to the General Assembly;

(2) the Committee's report, plus its suggestions and recommendations, must be based on what it, the Committee, has received from the parties. The Committee cannot go beyond what the parties give it. This confines the Committee somewhat, but we do not think that this is a matter which at this stage should exercise us unduly. We have confidence in the Committee's capacity to stake out its own jurisdiction on a basis of reasonableness. We are happy to allow it to find its own way on a pragmatic, ad hoc basis, making such reports and recommendations as it deems suitable in the circumstances. We are not particularly worried, at this stage, about the kinds of recommendations - general, specific, or what have you that the

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Committee may hand down. If the Committee turns out to adopt a wide view of its own jurisdiction, then so much the better. Let us get the best men we can on the Committee, and then let us allow the Committee to do its job as it sees fit. Adjustments, if necessary, can be made at a later date.

(4) Together with its suggestions and recommendations, the Committee can send comments to the General Assembly. From whom? From the parties concerned. Presumably the parties concerned send these comments to the Committee before the Committee reports to the General Assembly. Who then are the parties concerned? In our opinion, Mr. Chairman, any party to the convention may be a party concerned. We take this view because in our opinion there is a world-wide, general community interest enuring in every state in regard to the subject matter of this convention. Every party therefore is an interested party, that is, a party concerned. It is not a question of a mere busy-body or a trouble-maker being allowed in. It is a question, eventually, of the entire community, at the moment, however, of the parties only, having access to procedures which are designed to arrest and reduce racial discrimination. It is a matter of every party having standing before the Committee in a matter of fundamental importance, namely, racial discrimination.

R. St.J. Macdonald

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