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CONTENTS

Chairman: Mr. Humberto DIAZ CASANUEVA (Chile).

AGENDA ITEM 43

Draft Declaration on the Elimination of All Forms of Racial Discrimination (A/5459, A/5503, chap. X, sect. II; E/3743, paras. 89-145)

1. The CHAIRMAN drew the attention of members of the Committee to the note by the Secretary-General (A/5459) containing the text of a draft Declaration on the Elimination of All Forms of Racial Discrimination, which had been prepared by the Commission on Human Rights and which the Economic and Social Council in its resolution 958 E (XXXVI), had recommended for consideration and adoption by the General Assembly.

2. The Secretary-General's note recalled the circumstances in which the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in response to a request made by the General Assembly at its seventeenth session (resolution 1780 (XVII) had prepared a draft declaration, which it had submitted to the Commission on Human Rights. The Commission had studied the draft declaration, taking into account also a draft submitted by Denmark and the United States of America, one submitted by Poland and the USSR and suggestions made by the representative of Lebanon. The Commission had set up a Working Group and the latter had prepared a new draft declaration, which the Commission had then examined, approved and submitted to the Economic and Social Council. The Council had transmitted the text of the draft declaration to the General Assembly, together with the summary records of the debates of the Commission on Human Rights. It was gratifying that the Third Committee had before it, there and then, a specific text for the current agenda item.

3. The general debate on that agenda item was now open. In order to complete the examination of the item in seven meetings, in accordance with the decision taken on 25 September (1212th meeting), he suggested that the Committee should devote only two meetings to general discussion and should then proceed to examine the draft Declaration article by article; delegations would be free to express general views on the draft Declaration at that stage too if they so desired. He also suggested 12 noon on Monday, 30 September, as the time-limit for the submission of amendments to the draft Declaration.

4. Mr. NAVA CARRILLO (Venezuela) said that he wished to be the first speaker on the item under discussion, because the practice of racial discrimination was offensive to Venezuela's egalitarian and democratic sentiments and presented a critical problem for the States Members of the United Nations, which were responsible for promoting international co-operation and had a duty to encourage respect for the human rights and the fundamental freedoms of all.

5. Venezuela, like all other American countries, regarded America as a land of liberty in which man should develop his personality in an environment of respect for those rights and freedoms, a respect based on the unshakable principle of the equality of all human beings. The charter of the Organization of American States enunciated, as the basis for social legislation in the Americas, the right of all human beings to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality and economic security, without distinction as to race, nationality, creed, sex or social condition.

6. Venezuela, for its part, had spared no effort to uphold the principle of the equality of all human beings, and its initiative had been responsible for the establishment of the Inter-American Commission on Human Rights and for the preparation of a number of inter-American instruments intended to set up efficient machinery for the international protection of human rights and fundamental freedoms. In addition it had warmly supported General Assembly resolution 1780 (XVII), from which the draft Declaration before the Committee had originated. In his delegation's view, the text prepared by the Commission on Human Rights offered a very sound basis for discussion, but it would have to be scrutinized very closely, for it dealt with very serious problems and care should be taken to give it lasting value. The prohibition reaffirmed in the draft Declaration was embodied in the national constitution of Venezuela and he therefore thoroughly supported the draft text, which would, in his opinion, provide an effective means of promoting and ensuring respect for and the actual application of, the principles set forth in the Universal Declaration of Human Rights.

7. Mr. NEJJARI (Morocco) welcomed the fact that the Committee had decided to begin its work with the item under discussion, for it had thus demonstrated its condemnation of a practice truly unworthy of the twentieth century. In Morocco, as in most countries, racial discrimination was non-existent and indeed unthinkable, for Islam had abolished it as early as the seventh century; that principle was also confirmed by the Moroccan constitution. Morocco was therefore prepared to support wholeheartedly any measure designed to put an end to that scourge from the past.

8. He hoped that the debate would rise above emotional altercations and that the victims of racism, instead of turning racist themselves, would display a generosity

attesting to precisely that human worth which their persecutors claimed that they lacked.

9. Miss AHY (Iran) said that she too was glad the Committee had decided to take up the draft declaration on racial discrimination as its first item. History showed that Iran had always disapproved of discrimination in any form and had shown great tolerance in the matter of religion, except when political issues were involved. The many minority groups living in Iran had never been subjected to discrimination. Her delegation hoped the United Nations would succeed in wiping out every trace of racial, national or religious discrimination, and looked forward to the day when all nations would show respect for one another while at the same time preserving their own characteristics.

10. Mr. SARMIENTO (Bolivia) said that his country categorically condemned racial discrimination, even in its milder forms, whether in law or in practice. In 1952 Bolivia had radically transformed its social and political structure to meet the needs of the great majority of the population, who were peasants of Indian origin.

11. He strongly supported the draft Declaration as a reaffirmation of principles which must be upheld nowadays.

12. The CHAIRMAN observed that there were no representatives ready to speak; however, he did not feel that the general debate should be closed on that account. He accordingly asked delegations wishing to participate in the discussion to put their names on the list for the meeting to be held on 27 September.

13. Mrs. DICK (United States of America) expressed the hope that the list of speakers would not be closed at the following meeting. The Commission on Human Rights, after a thorough and at times arduous debate, had submitted a satisfactory draft Declaration which her delegation was prepared to accept as it stood. To re-examine it article by article might revive the same arguments and lead to a debate which would take up at least the seven meetings allotted to the agenda item. Her delegation—like, probably, many others—wished to take part in the general debate and felt that more than two meetings should be allowed for it.

14. Mr. LEVI RUFFINELLI (Paraguay) interpreted the lack of speakers for the general debate as signifying tacit approval for the draft Declaration before the Committee. Paraguay, for its part, was in favour of any measure designed to guarantee respect, without discrimination, for human dignity. It therefore approved the draft Declaration in general terms, while reserving the right to propose a few amendments to the text. If no member of the Committee was opposed to the adoption of a declaration, the Committee could proceed immediately to consider the draft, article by article.

15. Mrs. VILLGRATTNER (Austria) recalled that, in the Social Committee of the Economic and Social Council, the Austrian delegation had expressed doubts regarding the expediency of the proposed declaration. It had not opposed the transmission of the draft to the General Assembly for consideration, but had reserved its position. The text was one which everyone regarded as dealing with a vital principle—that of non-discrimination—and was therefore bound to arouse considerable interest. The problem was too important for the Committee to begrudge time for a thorough study. Her delegation would state its views in detail at one of the forthcoming meetings but, in the meantime, wished to ask representatives to study the draft Declaration with the following two questions in mind: was the text liable to weaken the Universal Declaration of Human Rights; and, was its wording in keeping with the objects of the Universal Declaration of Human Rights?

16. Mr. CUEVAS CANCINO (Mexico) feared lest the Committee should be over-hasty in setting about the examination of a draft which was of considerable importance and which was awaited with interest and eagerness throughout the world. Countries which had not taken part in drafting the text, as well as small delegations with a very crowded agenda, should be given a chance to study it very closely before forming definite views.

17. Mr. SARMIENTO (Bolivia) supported that view.

18. Mr. BAROODY (Saudi Arabia) pointed out that the draft Declaration had been published on 29 July 1963, so that all delegations had had ample time to study it. Since a general discussion might take up a good deal of the Committee's time, it would do well to proceed with the specific consideration of the draft and of any amendments which might be proposed.

19. Mr. DELGADO (Senegal) supported the Saudi Arabian representative's observations.

20. The CHAIRMAN thought that the views just expressed might be reconciled by deciding to take up the preamble at once, on the understanding that delegations might subsequently make general statements on the subject under discussion.

It was so decided.

21. Mr. LEVI RUFFINELLI (Paraguay) said that, in the first preambular paragraph, the word "equality" should be replaced by the word "dignity", for the concept of dignity covered not only that of equality but also many other values, especially those of freedom and brotherhood.

22. Mr. MORENO SALCEDO (Philippines) pointed out that the word "dignity" was used in the second preambular paragraph; perhaps that would meet the Paraguayan representative's wishes.

23. Miss WACHUKU (Nigeria) expressed her pleasure at the Committee's decision to begin its work by examining the draft Declaration on the Elimination of All Forms of Racial Discrimination. Everyone knew how much mankind had suffered through that form of discrimination, and no authority was better qualified to prepare a text calculated to make a major contribution to the cause of peace than the United Nations, whose prime purpose it was to develop understanding among nations. The Governments of the African States, for their part, had reaffirmed at the Summit Conference of Independent African States, held in Addis Ababa in May 1963, the need to end racial discrimination, especially apartheid, and the Nigerian Government, which had always condemned discrimination, intended to take an active part in the work on the draft Declaration.

24. With regard to the Paraguayan amendment, she thought that the ideas of dignity and equality were complementary and that both words should appear in the first preambular paragraph.

25. U MYAT TUN (Burma) said that, since discrimination was the very negation of the principle of

equality, he did not think it advisable to remove the word "equality" from the first preambular paragraph. However, he had no objection to the insertion of the word "dignity".

26. Miss WACHUKU (Nigeria) observed that, since there was a draft declaration on the elimination of religious intolerance, it might perhaps be unnecessary to include the word "religion" in the first preambular paragraph.

27. The CHAIRMAN said that the first three preambular paragraphs, which represented in a sense the philosophical premises of the draft declaration, might be considered together. The text of the three paragraphs was largely taken from various basic United Nations instruments, including the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). In the circumstances it should perhaps be amended as little as possible.

28. Mr. BAROODY (Saudi Arabia) thought that it would be impossible to improve on the first three preambular paragraphs, which were clearly and firmly drafted in terms which had been used many times over in declarations and conventions adopted by the United Nations. He therefore proposed that the Committee should immediately adopt the three paragraphs in question and turn to the remainder of the preamble.

29. Mr. GOODHART (United Kingdom) proposed two amendments to the first preambular paragraph. The opening words of the paragraph should be replaced by those employed at the end of the second preambular paragraph of the Charter, and the words "by promoting and encouraging" should be replaced by the words "in order to promote and encourage".

30. Miss ADDISON (Ghana) recalled that, at the seventeenth session, her delegation had vigorously condemned discrimination, whether or not sanctioned by law. The African Heads of State had repeatedly stigmatized discrimination, particularly in its most abominable form, that of apartheid. The question of apartheid had been placed on the agenda of the Special Political Committee, but the social aspects of the problem—albeit difficult to separate from its political aspects—were matters for the Third Committee. The draft Declaration before the Committee was to serve as a guide to men and women throughout the world; that was what made so important. Her delegation would take an active part in the work done on that vital document and hoped that, so as to waste no time, representatives would concentrate on the text itself.

31. With regard to the amendments, her delegation would suspend judgement until it saw them in writing but, in the meantime, expressed the hope that all delegations would use their discretion in suggesting changes in the draft.

32. Mr. NAIMBAYE (Chad) said that, with regard to the first United Kingdom amendment, the words used at the end of the second preambular paragraph of the Charter of the United Nations, concerning the equal rights of men and women, seemed hardly appropriate to a document on the elimination of racial discrimination.

33. The CHAIRMAN announced that, at its 1214th meeting, the Committee would have before it two amendments in writing, one proposed by the United Kingdom [1] and the other by Nigeria, Paraguay and Peru. [2]

34. Mr. BAROODY (Saudi Arabia) urged any delegations wishing to propose amendments to do so in writing, especially if they were on matters of substance; it was difficult to appreciate the exact sense of an amendment proposed orally. Even so, he wished to state now that, in his opinion, the effect of the first United Kingdom amendment would be to replace by rather vague terms a form of words which had the merit of stating a well-defined idea.

35. Mrs. CAULKER (Sierra Leone) thought that the Committee should be guided mainly by the language of the Charter of the United Nations in considering the text of the draft Declaration. For the rest, she endorsed the Ghanaian representative's observations.

36. Mr. PARSONS (Australia) said that, without denying the justice of the Saudi Arabian representative's remarks, he did not think representatives should be denied the right to submit some oral amendments. For his part, he suggested that, in the second preambular paragraph, the expression "all those rights and freedoms" should be replaced by the words "all the rights and freedoms set out in the Declaration", which would avoid any ambiguity.

37. The CHAIRMAN pointed out that it was clear from the opening words of the paragraph that the rights and freedoms referred to were those proclaimed in the Universal Declaration of Human Rights.

The meeting rose at 12.30 p.m.

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[1] Subsequently circulated as document A/C.3/L.1064.

[2] Subsequently circulated as document A/C.3/L.1065.

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