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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, A/C.3/L.1064-1071) (continued)

1. Mrs. VILLGRATTNER (Austria) said she would like to make some comments of a general nature on the draft Declaration now being considered by the Third Committee. Her comments were dictated by an unreserved adherence to the principles of the Universal Declaration of Human Rights; the same principles had been incorporated in Austrian law for more than a century and were embodied in various international instruments to which Austria was a party.
2. Her delegation was prompted primarily by the desire to see that the scope of those principles was not weakened by the new instrument under consideration. It would be extremely regrettable if the Universal Declaration of Human Rights, fifteen years after its adoption, was to be deprived of any of its effectiveness by the new draft Declaration, the more so as the latter was later to provide the basis for a convention which would probably have an even more limited scope.
3. In her delegation's view, the text drafted by the Commission on Human Rights (see E/3743, chap. XIII, draft resolution VI, annex) had three serious defects: its scope was too restricted; it was drafted in far too moderate terms; and it might restrict the possibilities of action by the organizations responsible for its implementation.
4. To begin with, article 2 limited the sphere of application of the principle of non-discrimination to the field of human rights and fundamental freedoms. That principle should apply, however, to all matters regulated by law or by custom in the political, economic, social or educational fields. In addition, article 2 protected only individuals and did not offer any safeguards against discrimination to groups or institutions.
5. Furthermore, her delegation was disturbed not to find among the articles of the draft Declaration any firm and categorical affirmation of the existence of the rights in question. The use of the future tense—"shall"—further weakened the text. In that connexion

she believed that article 8 might have a doubly restrictive effect, and she felt that clauses of that kind would be more appropriate to a convention than to a declaration. In any case, it would be a step backward to transfer the principles of the Universal Declaration to the draft Declaration while giving them a more restrictive form. That comment applied particularly to article 2, paragraph 2 and to article 8 of the draft.

6. Again, her delegation believed it was not enough to say that the United Nations should do all in its power to ensure the abolition of all forms of discrimination based on race; logic required the definition of the Organization's role and the assignment of specific tasks to it.

7. As regards the preamble, her delegation was prepared to accept the amendments submitted by Nigeria, Paraguay and Peru (A/C.3/L.1065) and by Australia (A/C.3/L.1066).

8. In conclusion, her delegation did not underestimate the value of the work done by the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. It was convinced, however, that before taking any decisions the Third Committee should examine very carefully a document in which all the nations of the world placed such high hopes.

9. Mrs. PESIC GOLUBOVIC (Yugoslavia) expressed satisfaction that the Committee had assigned priority to the draft Declaration on the Elimination of All Forms of Racial Discrimination, thus demonstrating its conviction that the problem of racial discrimination was one of the most serious of the day and was closely linked with the struggle for the preservation of world peace.

10. Although the adoption of a declaration on that vital question was a matter of urgency, the Committee should not be too hasty in its consideration of the draft before it. Indeed, the final declaration would be of paramount importance owing to its effect on the efforts being made to secure the universal implementation of fundamental rights and freedoms, and consequently on the world peace.

11. Yugoslavia attached great importance to the question of racial discrimination and to all measures directed towards its elimination. Its attitude was a result of the long struggle for national and social liberation which the country had waged in order to establish the principle of freedom and equality of all human beings; it was also dictated by the conviction that social relations between nations must today be based on the conception that the above-mentioned principles alone could and should be the basis of social relationships in the contemporary world.

12. Although the ideas of equality and liberty were receiving wider and wider recognition and were assuming the force of norms, and although racist and

fascist theories of racial superiority were being more and more widely condemned, the problem of racial discrimination continued to exist. The reason for this was that the roots underlying the practise of racial discrimination had not yet, by far, been destroyed. In a large part of the African continent, and elsewhere as well, the forces endeavouring to maintain inequality, exploitation and domination were still very active. Colonialism, too, was directly or indirectly linked with the practice of racial discrimination which was to be found in some of its most abhorrent contemporary forms. To be sure, that system was on the way to disappearing, and many African and Asian countries had freed themselves from colonial domination. Unfortunately, although racial discrimination had become narrower in scope, its ferocity and subtlety had grown all the greater. It had now been elevated to the level of official policy in South Africa while, on the other hand, as part of general colonial policy, particularly Portugal's, it had become increasingly brutal. The fact that the General Assembly and the Security Council had recently decided to consider the problem of South Africa's racial policies proved the gravity of the question and imposed on all nations a duty to strive systematically and resolutely to eliminate discrimination and prevent any later resurgence of that hateful practice.

13. The responsibility which the Committee bore in preparing a declaration on the elimination of racial discrimination was the greater inasmuch as that document was to be followed by a convention—an international legal document which would outlaw the policy and practice of racial discrimination. In that regard her delegation did not find the draft submitted by the Commission on Human Rights fully satisfactory. It did not adequately define the place and the impact of racial discrimination on the development of the contemporary world, and in that regard it was less satisfactory than certain resolutions of the General Assembly and Security Council which condemned the practice of racial discrimination in far more definite and vigorous terms.

14. It would improve the draft to have it mention the close causal link between colonialism and racial discrimination. In that regard the Committee should replace the fourth preambular paragraph by the corresponding text proposed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see E/3743, para. 93). It might also consider including article 11 as proposed by the Working Group set up by the Commission on Human Rights (*ibid.*, para. 104).

15. Her delegation also believed that greater emphasis should be placed on the danger which racial discrimination presented to world peace and co-operation among nations. For that reason it hoped that the Committee would reintroduce the eighth preambular paragraph as proposed by the Sub-Commission.

16. Lastly, the operative part of the draft Declaration should define more clearly the role of States in the struggle against racial discrimination and should stress their obligations in that sphere.

17. Mrs. KISOSONKOLE (Uganda) stated that the delegation of Uganda desired the immediate and utter elimination of all forms of racial discrimination. Coming from a continent where discrimination had long prevailed and still occurred in some parts, she unreservedly condemned that odious practice. Her

delegation hoped that all countries which signed the Declaration on the Elimination of All Forms of Racial Discrimination would feel themselves bound to act in accordance with the principles set forth therein.

18. It was essential, therefore, that the declaration should be worded as strongly as possible. For that reason, the delegation of Uganda could not agree to the amendments submitted by the United Kingdom (A/C.3/L.1064), which weakened the text of the draft Declaration. However, her delegation supported the amendments submitted by Nigeria, Paraguay and Peru and by Australia.

19. Mr. MOLINA SALAS (Argentina) found it intolerable that, in an age when science and technology were taking giant strides, such a relic of the past as racial discrimination should continue to exist. In its very first years of independence, Argentina had proclaimed in its constitution and laws the principle of the equality of all its nationals. It was proud to serve as an example of a society in which groups of very varied origins coexisted in perfect harmony.

20. The Argentine delegation could accept the draft Declaration as a whole. It felt, however, that the text did not give education and the dissemination of principles calculated to promote friendship and understanding among persons of different races the importance they should have. In order to supply that deficiency, his delegation, in concert with the delegations of Bolivia, Brazil, Ecuador, Mexico, Paraguay, Peru and Venezuela, intended to prepare some amendments which they would submit to the Committee.^{1/}

21. He whole-heartedly endorsed the amendment of Nigeria, Paraguay and Peru.

22. Mr. UNG MUNG (Cambodia) stated that the Government and people of Cambodia had enthusiastically welcomed the idea of preparing the draft Declaration which the Third Committee was considering. Action of that kind was in keeping not only with the liberal traditions and institutions of Cambodia but with the civilization of the present century. There was no place for discrimination in the world of today, and it would be shameful for mankind to remain unmoved by the consequences of the policy of apartheid pursued in particular in South Africa, and the current policy of religious discrimination in the Republic of Vietnam.

23. With regard to the amendments that had been submitted to the preamble of the draft Declaration, the Cambodian delegation wished to emphasize that it was in favour of maintaining the clauses of the preamble as drafted by the Commission on Human Rights, since they embodied fundamental concepts which were set forth in the United Nations Charter and the Universal Declaration of Human Rights and which could not be modified without distorting their meaning.

24. Miss TABBARA (Lebanon) recalled that her country had always taken an active part in the work of the Commission on Human Rights and had been among the pioneers of the Universal Declaration. She was gratified that the Committee had decided to begin its work by considering the draft Declaration on the Elimination of All Forms of Racial Discrimination, thus once again expressing the indignation which almost all the States of the world felt in the face of that practice.

^{1/} Subsequently circulated as A/C.3/L.1073.

25. Lebanon, which had submitted proposals regarding the draft Declaration to the Commission on Human Rights and had participated in the Working Group set up by the Commission, supported the text before the Committee in its present form. Nevertheless, the Lebanese delegation was prepared to accept amendments calculated to improve the text, and in particular the amendment proposed by Nigeria, Paraguay and Peru, which involved the insertion of a reference to human dignity in the first preambular paragraph. She would also support the Australian amendment, which gave the text greater accuracy. The amendment proposed by the United Kingdom, however, appeared irrelevant, for although the equality of all human beings was not expressly mentioned in the Charter, that phrase perfectly reflected the thought underlying the Charter, and the United Kingdom amendment weakened the text, since racial discrimination, which was the subject of the draft Declaration, was not the same thing as discrimination between men and women or between nations large and small.

26. Mr. LEVI RUFFINELLI (Paraguay) said he was glad to note that the debate appeared to indicate general agreement on the principles which should be enunciated in the declaration. Although racial discrimination was unknown in Paraguay, where the population had been completely homogeneous for several hundred years, the people of Paraguay were deeply shocked by all the discriminatory practices still existing in the world.

27. The text which the Committee would adopt should be a declaration of principle against any assault on the dignity of human beings, without distinction. It should, therefore, be not only clear and categorical, but sufficiently broad to cover all forms of racial discrimination. The Working Group appointed by the Commission on Human Rights had submitted an excellent draft, on which it should be complimented, but he believed that the draft could still be improved and strengthened, particularly in the Spanish text which at several points appeared less categorical than the English text. Apart from the amendment submitted by his own delegation, together with the delegations of Nigeria and Peru, he would support the amendment proposed by Australia, which made the wording of the second paragraph more precise, as was always desirable in a legal text. After hearing statements by more delegations, he might have some suggestions to put forward for strengthening the other preambular paragraphs also.

28. Mrs. BULENGO (Tanganyika) pointed out that it was clearly the coloured man who was the victim of racial discrimination. She would not even attempt to express her indignation at such a practice, but she wished to emphasize, on behalf of her delegation, the singular hypocrisy of States which, after signing the United Nations Charter, based on the principle of the dignity and equality of human beings, continued to practise racial discrimination, the very negation of that principle. Those States which loudly proclaimed their respect for the ideals of the Charter and at the same time flirted with a country like South Africa also displayed a form of hypocrisy which was an insult to the whole of mankind, and the delegation of Tanganyika earnestly hoped that they would desist. Racial discrimination was a survival from the dark past, which marred the scientific progress made in the present century and could only perpetuate mistrust and hinder the development of the international

co-operation and understanding—the goals of the United Nations.

29. With regard to the draft Declaration, she agreed with the text generally, but would oppose the two amendments proposed by the United Kingdom; in connexion with the first amendment, she thought that the notion of the equality of all human beings was perfectly clear and left no room for discrimination between men and women or between nations. She also pointed out that the draft Declaration was concerned, not with those latter forms of discrimination, but with racial discrimination. The effect of the second amendment also would be to weaken the text. However, she supported the amendment proposed by Nigeria, Paraguay and Peru, which would insert the word "dignity" before the word "equality" in the first preambular paragraph, and she suggested that the same should be done in all the remaining paragraphs. She believed that it would be appropriate, in the fourth preambular paragraph, to express a clear condemnation of colonialism along with all the practices of racial discrimination which, in fact, resulted from it.

30. Mr. ALZOUJMA (Niger) said that, in order not to hold up the Committee's work and to avoid heated discussion, he would not dwell at length upon the shameful and intolerable practice of racial discrimination, already stigmatized by previous speakers.

31. The first three preambular paragraphs of the draft set forth two principles: equality, derived from the United Nations Charter, and dignity, derived from the Universal Declaration of Human Rights. Though they were satisfactory in their present form, it would be preferable to emphasize that the equality which the Universal Declaration upheld was that founded on respect for human dignity. Although the latter was mentioned in the second paragraph, he supported the amendment of Nigeria, Paraguay and Peru, which in his view strengthened the first paragraph.

32. Mr. N'DOYE (Senegal) thought that the text before the Committee was on the whole satisfactory. Of the proposed amendments he would support that of Nigeria, Paraguay and Peru, which reinforced the first paragraph, and the Australian amendment, which made the second paragraph clearer. He would not support the United Kingdom amendments, which he thought restrictive, particularly in a text intended to eliminate racial discrimination. He also approved the amendment proposed by the Soviet Union (A/C.3/L.1067), which asked for the insertion of a new article after article 9; but he would like the words "neo-fascist and" to be deleted from the first line.

33. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) stressed the importance of the text before the Committee. The struggle against racial discrimination would take more than one day or one year; what was involved was not a mere prejudice but an evil system whose roots were still deep, since in some countries racial discrimination had been made official policy, as in the case of apartheid and the policies adopted in the Portuguese territories and other areas. It was above all essential to combat colonialism, to which racial discrimination was closely linked. The gradual collapse of that system, coupled with the unceasing struggle waged by the new countries, created conditions eminently conducive to the adoption of a declaration on the elimination of racial

discrimination. Together with the convention, which would be added later, such a declaration would constitute a sound juridical basis for elimination of racial attitudes. To have lasting value, the document should be drafted in brief and categorical terms.

34. The text before the Committee was on the whole satisfactory, and his delegation was prepared to support all the provisions of the preamble as they stood; nevertheless it approved the amendment of Nigeria, Paraguay and Peru. The United Kingdom amendments would weaken not only the first preambular paragraph but the whole text of the declaration. In a document of such importance there was a great difference between confirming the principle of the equality of all human beings, and a mere reference to the faith of peoples in the equal rights of men and women and of nations.

35. In the operative part of the declaration it was essential to restore the text of article 11 of the draft submitted by the Working Group of the Commission on Human Rights, providing that all States should observe faithfully and strictly the provisions of the declaration on the elimination of racial discrimination and of the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)). He had submitted an amendment to that effect. Lastly, his delegation would support the USSR amendment, as it had in the Commission on Human Rights.

36. Mr. RAMAHOLIMIHASO (Madagascar) regretted that certain developments still conflicted with the principle, recognized for centuries by the most advanced societies and proclaimed by the United Nations, that all human beings were born free and equal. It was satisfactory that the Committee had decided to begin its work by considering a draft which would very appositely re-affirm that principle by giving effect to the provisions of articles 2 and 7 of the Universal Declaration, under which everyone, without distinction of any kind, was entitled to all the rights and freedoms set forth in the Universal Declaration and to equal protection of the law.

37. Madagascar disapproved of all forms of discrimination, as was borne out by its constitution, whose preamble proclaimed the equality of all men in rights and duties; quite recently the Malagasy delegation had condemned in the General Assembly all policies founded on racial segregation.

38. The text before the Committee was remarkable for its clarity and harmony. More particularly the first three preambular paragraphs, with sound design, brought together the principles set forth in the Charter of the United Nations and the Universal Declaration of Human Rights. The concept of the equality of all human beings, although not expressly referred to in the Charter, was one of its foundations and should be included in the first preambular paragraph; his delegation could therefore not accept the United Kingdom amendments which would very much weaken the force of the declaration. She would have liked to see in that paragraph a reference to discrimination on the ground of colour; but that idea was implicit in the concept of race and was moreover referred to in the second paragraph. Similarly, in its concern to avoid repetition her delegation regarded the amendment of Nigeria, Paraguay and Peru as superfluous. The Australian amendment judiciously clarified a point in the second paragraph.

39. It should not be forgotten that the declaration would not have the binding force of a convention and should therefore contain above all constructive exhortation; hence it was essential that the text should not be weakened by amendments which might make it vague.

40. Mr. CHA (China) said that he would be brief, since the principle of non-discrimination and the need to eliminate racial discrimination were not denied by anyone; in China discrimination existed neither in law nor in fact. The General Assembly intended to prepare both a declaration and a convention on the elimination of racial discrimination. The document under review was a system of general rules intended to guide nations towards a common end; thus, if it were to win general acceptance and ultimately become effective, it should be neither too long nor too detailed. The draft prepared by the Commission on Human Rights was on the whole acceptable; it was not perfect but achieved a happy compromise between conflicting views. His delegation was prepared to welcome any amendment that would improve the original text without destroying its balance by unnecessary addition or detail. It supported the United Kingdom amendments, which was taken word for word from the Charter, and also the amendment proposed by Australia.

41. Mrs. AISHAH (Malaysia) pointed out that refusal to admit the principle of the equality of all human beings was still widespread, and that people were still victims of discriminatory law based on race or religion, which aroused tension and sometimes serious conflict. Her country strongly condemned discrimination as an immoral and inhuman practice contrary to all the principles of a civilized society. The constitution of Malaysia proclaimed the inalienable rights of persons to equality, and guaranteed to all citizens, whatever their race or religion, respect for the fundamental freedoms and for human rights. Her delegation was therefore bound to support the efforts made by the United Nations to eliminate discrimination without delay.

42. The preamble as it stood was clearly drafted and perfectly acceptable. The principle of equality, the cornerstone of the whole declaration, was better formulated in the draft prepared by the Commission on Human Rights than in the words proposed by the United Kingdom. The Australian amendment seemed superfluous; the amendment of Nigeria, Paraguay and Peru added little to the present text, for the idea of dignity appeared in the second paragraph of the preamble.

43. Mr. FARHANG (Afghanistan) pointed out that the list of grounds for discrimination in the first paragraph of the preamble was not so full as that in article 2 of the Universal Declaration. It seemed better to use either the Universal Declaration's wording unchanged, or some general expression such as "without distinction of any kind". That would make the text stronger. The same comment applied to the second and sixth paragraphs of the preamble and to articles 1, 2, 3, 6, 7 and 10.

44. The second sentence in article 2, paragraph 2, seemed pointless because, as soon as the measures had produced the desired results, they would automatically cease to be applied since they would serve no further purpose.

45. Moreover, the wording of articles 5 and 8 might be assimilated by replacing in article 8 the words

"as soon as possible" by the words "without delay" used in article 5.

46. In article 9, he suggested that the words "of one race or group of persons" be replaced by "of one race, group or persons or individuals".

47. His delegation was in favour of the amendment of Nigeria, Paraguay and Peru and of the Australian amendment. It reserved the right to state its position on the other amendments when it had studied them more thoroughly, and if necessary to submit an amendment itself when the Committee considered the draft Declaration article by article.

48. Mr. TEKLE (Ethiopia) pointed out that the principle of respect for human rights was an integral part of the Ethiopian constitution, and that his delegation had spoken against discrimination too often to feel any need to reaffirm its position. Though the preamble in its present form was perfectly acceptable, he was prepared to support the amendment of Nigeria, Paraguay and Peru and the Australian amendment. He regretted, however, that he could not vote for the United Kingdom amendments, for he found their wording less satisfactory than that proposed by the Commission on Human Rights.

49. Miss WACHUKU (Nigeria) thought that a reference to the idea of dignity in the first paragraph of the preamble would be far from pointless because, while dignity presupposed equality, equality was no guarantee of dignity. The three-Power amendment would accordingly improve the first paragraph of the preamble. Her delegation could not support either of the United Kingdom amendments, which seemed to her to weaken the text; but it would vote for the Australian amendment.

50. The CHAIRMAN noted that the draft Declaration had not yet called forth any opposition or criticism and that, on the whole, delegations only wished to strengthen it and render it more specific and categorical. It was the fruit of a long period of work and of patient effort to reconcile divergent views. The text

submitted to the Economic and Social Council had in fact been based by the Commission on Human Rights on a preliminary draft prepared by a Working Group consisting of the United States, the Soviet Union, France, Lebanon, Liberia and Chile. The occasional vagueness of the text submitted to the Committee was thus due not to inadvertence but to the attempts of the members of the Working Group to reconcile opposing views and avoid disputes which might have been fatal to the project. He hoped that speakers would continue to discuss the text itself and the amendments, and requested delegations wishing to submit amendments to do so as soon as possible.

51. Mr. BAROODY (Saudi Arabia) would have liked a shorter preamble, but realized that in a compromise text the ideal of brevity was difficult to achieve. He had two other comments to make on the preamble. The word "hatred" in the eighth paragraph had no precise legal content and might well arouse feelings of hatred in the minds of peoples. Whereas the idea of "racial superiority" was objective and easy to define, that of hatred was purely subjective and had no place in a United Nations declaration. When the Universal Declaration had been drafted, the delegations represented, including that of Saudi Arabia, had tried to avoid using terms loaded with affect. Accordingly he intended, when the vote was taken on the preamble, to ask for a separate vote on the word "hatred". He would also ask for a separate vote on the word "expansionism" in the seventh paragraph of the preamble: expansionism had in fact nothing to do with racial discrimination, for it was usually an economic phenomenon, examples of which were the massive migrations of Asian peoples to Europe and of the Arabs to Spain.

52. The CHAIRMAN pointed out to the Saudi Arabian representative that the word "hatred" appeared in article 26 of the draft Covenant on Civil and Political Rights adopted by the Third Committee at the sixteenth session of the General Assembly (see A/5000, annex).

The meeting rose at 1 p.m.