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Agenda item 43: Draft Declaration on the Elimination of All Forms of Racial Discrimination (continued) 35

Chairman: Mr. Humberto DIAZ CASANUEVA (Chile).

AGENDA ITEM 43

1. Mr. KULARATNE (Ceylon) said that his idea in submitting his amendment (A/C.3/L.1091) had been that the draft Declaration under consideration (Economic and Social Council resolution 958 E [XXXVI], annex) should as far as possible follow the lines of the Charter of the United Nations. However, to accelerate and facilitate the work of the Committee he agreed to withdraw his amendment.

2. Mrs. LEFLEROVA (Czechoslovakia) said that the essentially negative phenomenon of racial discrimination continued to exist in various parts of the world, despite the universal indignation which it aroused and its condemnation at the Summit Conference of Independent African States, held in Addis Ababa in May 1963. Czechoslovakia, which had by ill fortune experienced the woeful consequences of racism, and whose legislation prohibited and severely punished all acts of racial discrimination, was bound to support the efforts that were being made to wipe off the face of the earth what UNESCO described as the social cancer of modern times.

3. The Czechoslovak delegation had been one of the sponsors of resolution 1780 (XVII), and was happy to see that the Commission on Human Rights had prepared a text which provided a satisfactory basis for discussion, though some of its provisions could well be strengthened. Article 9, for example, was not sufficiently strongly worded. To condemn racist propaganda was not enough; it must also be prohibited and persons disobeying the prohibition must be prosecuted; for the example of Hitler Germany and South Africa bore eloquent witness that if it were given free rein it would inevitably lead to genocide. Those considerations had led the Czechoslovak delegation to submit an amendment (A/C.3/L.1069) making explicit reference to fascist and racist theories. Some delegations felt that it might impair freedom of speech. The reply to that was, as article 2 of the draft Convention on Freedom of Information recognized, that no one should be able to use his rights and freedoms to the detriment of another.

4. The Czechoslovak delegation regarded as valuable the amendment of Chile, Nigeria, Ukrainian SSR and Yugoslavia (A/C.3/L.1078), which correctly linked racism and colonialism. It was also in favour of the Soviet Union's proposed new article (A/C.3/L.1067), which repaired a serious omission, and the sub-amendment of the Byelorussian SSR (A/C.3/L.1094). It was in principle of the United States amendment (A/C.3/L.1079), and would support unreservedly the revised amendment of Algeria, Guinea, Mauritania and Senegal (A/C.3/L.1068/Rev.1), and the amendments submitted by Tunisia (A/C.3/L.1072 and A/C.3/L.1059). It would also vote for the amendments of Poland and Yugoslavia (A/C.3/L.1097) and of Poland (A/C.3/L.1096).

5. In conclusion she hoped that, in accordance with resolution 1780 (XVII), the General Assembly would be able to examine at its nineteenth session a draft convention on the elimination of racial discrimination.

6. Mr. PINHEIRO (Brazil) stated that discrimination was prohibited by the constitution of Brazil and that Brazilian law prescribed heavy penalties of fine and imprisonment for anyone guilty of acts of racial discrimination. There had never been any room for discrimination in Brazil's traditions, institutions or policy, or in its people's minds. It was a meeting place for people of diverse origins, races, colours and religions, and was proud that it had given them all a friendly welcome and had by their efforts developed its economy, created truly democratic institutions, abolished slavery, and advanced in every field of activity. All the newcomers had been completely integrated into a multi-racial society, and Brazil would like to see that example of constructive coexistence followed universally, and the principle of non-discrimination, which it had been effectively applying for centuries, receive more than lip-service from other countries.

7. In saying that, he did not mean to undervalue the text before the Committee. He was ready, if delegations withdrew the amendments they had submitted, to support it as it stood, while recognizing that it could be strengthened and its omissions repaired—which was the aim of all the amendments. In particular the Brazilian delegation, would have liked the text to be more constructive and worded to stress the positive consequences of non-discrimination and the part to be played by education. It hoped that its wishes could be borne in mind when the convention was drafted. For the time being, and since the United Nations had rarely shown such identity of opinion, it ventured to hope that

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all States would effectively apply the principles which they proclaimed and eliminate racial discrimination and intolerance. It believed that the text should merely enumerate general principles, and it would support amendments designed to strengthen those principles.

8. In conclusion, the Brazilian delegation suggested that the sponsors of closely-related amendments (the USSR and Czechoslovakia for example), should consult together in order, if possible, to present a single text.

9. Mrs. ARIBOT (Guinea) acknowledged the value of the work done by the Commission on Human Rights, but noted that the draft was so important to all countries that it must be examined thoroughly. It had a number of weaknesses: its scope was narrow, its wordings were occasionally too vague, and it did not establish a sufficiently clear connexion between colonialism and racial discrimination. The Guinean delegation had therefore joined with a number of others in submitting amendments, which it was ready to discuss constructively with other representatives but could not now accept. It supported the amendments of Nigeria, Paraguay and Peru (A/C.3/L.1065), and of Australia (A/C.3/L.1066), as well as the new article proposed by the Soviet Union, and would state its position on the others later.

10. Despite those who wished to regard colonialism as nothing more than an evil memory, Africa, thirsting for peace and justice, intended to continue its unrelenting fight against colonialism; and as a child of that continent she felt bound to lay stress upon the wretched lot of the black man. In view of the political, social and moral forces at work in the contemporary world, it was impossible not to feel a certain scepticism towards the aim which the Third Committee had set for itself: the elimination of all forms of racial discrimination. Were the most effective solutions to be found in documents and laws? There was reason to doubt it, since for years the United Nations had been studying the problem without being able to agree even on what terminology to use, and had engaged in theoretical discussions while thousands of human beings suffered physical and moral injustice.

11. Guinea, like all the other African countries, refused to exercise caution and diplomacy in condemning colonialism and all the forms of discrimination by which it was accompanied. The African continent had repeatedly struggled against a struggle to free itself from the forces of evil, and trusted its youth, moral strength, political direction and creative will, Africa would fight fiercely and unrelentingly against everything connected with colonialism and would denounce its cruelty and injustice and its fatal effects on social evolution, human progress and international peace. Because of the admission of a large number of African States to the United Nations, many problems needed to be approached anew; and those who pleaded diplomatic necessity in order to discourage the efforts of the young countries against colonialism were doomed to failure. To those who sought to stem a revolutionary tide with routine and static texts, Africa would reply with the logic of an oppressed continent. Inequality among men on grounds of colour or ethnic origin no longer had any place in Africa: it had been condemned for good and all by the Charter of the Organization of African Unity, signed on 25 May 1963 in Addis Ababa and would be wiped out no matter what the cost.

12. The Guinean delegation hoped that the amendments which it had put forward together with a number of other delegations would be favourably received by all who were determined to free mankind from the degrading scourge of discrimination.

13. In conclusion, she declared herself in favour of drafting a convention on the elimination of racial discrimination.

14. Mr. ISHDORJ (Mongolia) stressed the importance of the question and the draft Declaration, and recalled that at previous sessions of the General Assembly his delegation had strongly condemned racial discrimination as a shameful practice repugnant to the contemporary conscience. Mongolia, a country whose inhabitants included people of different nationalities, knew nothing of racial discrimination. The revolution of 1921 had in fact ended the exploitation of man by man, which was a source of inequality and discrimination; and the constitution guaranteed equal rights in all matters to all citizens without distinction of sex, race or national origin. All direct and indirect infrac-
ready settled. The first concern must be to preserve the unity of style and composition of the draft, which could not at the present stage be completely rewritten. An effort must be made to preserve its quality as a strict and solemn instrument, and to exclude from it terms and expressions with more emotional content than precise meaning. Nor should its general balance be disturbed by introducing logical sequence of ideas or introducing repetitions. Its draftsmen, meaning to make its scope permanent and universal, had cast it in general terms, for they could not list all the forms which racial discrimination had taken in the past, or foresee all that it might take in the future. If the text were made too specific, its scope might be restricted; moreover, references to political or economic systems which, while containing some elements of racial discrimination, were in themselves clearly distinct from the idea itself, might well narrow the necessary condemnation of racial discrimination. The major texts which embodied the principles of the United Nations were not all equally general; the Charter was the foundation of them all; the Universal Declaration proclaimed the loftiest principles of the United Nations; and other instruments, of which the present declaration would be one, restated and developed some of those principles. It would be accordingly rather illogical if the declaration referred to any texts other than the two general ones.

19. In conclusion, he pointed out that it would perhaps have been wiser to approve the draft in the form in which it had been submitted to the Committee, for all the delegations that had so far spoken had considered it acceptable.

20. Mr. DIRKSE VAN SCHALKWYK (South Africa) said he had hoped that his delegation would not have to exercise its right of reply, since the Third Committee had always been regarded as non-political and its deliberations had been marked by objectivity and courtesy. Certain delegations, however, had sought to introduce a bitter political note into the discussion. His delegation rejected the allegations regarding South Africa as unfounded. It had, for instance, been stated that South Africa's policy was imposed on the populations by specific reference to the making of defence expenditure. That did not seem to be within the province of the Third Committee. But it should at least be said that the increases in defence expenditure were due entirely to the necessity—and right—of self-defence against aggression, and not, as alleged, to a desire to suppress any population group. He also denied accusations that the South African Government's policies were based on a concept of superiority of one race over others, or on the suppression or oppression of any race.

21. His delegation would deal further at the appropriate time and place with the other allegations which had been made against South Africa in the Third Committee and in other places, and would for the time being merely express regret that some delegations seemed to have failed to make such allegations and that others did not seem to understand South Africa's position.

22. His delegation had under the circumstances concluded that it was not possible for it to join in a constructive discussion of the draft Declaration although it felt that it could have made an honest and helpful contribution. It also regretted that the Declaration had been drafted with one or two specific situations in mind, rather than with a desire to make it universally applicable. The wording of the draft and some of the proposed amendments would enable certain delegations to use the declaration as a political weapon against some countries including South Africa. For those reasons, and not because it was in favour of racial discrimination, the South African delegation could not participate in the detailed study of the draft Declaration.

23. Mr. MEANS (United States of America) expressed appreciation of the spirit of constructive co-operation in which the discussions had taken place. With regard to the amendments to the preamble and the first operative paragraph, his delegation had submitted, in documents A/C.3/L.1065, A/C.3/L.1066, and A/C.3/L.1068/Rev.1. It would also support the Tunisian amendment (A/C.3/L.1071) but proposed that the phrase "throughout the world" should be inserted after the words "racial discrimination" instead of after "elimination". He had no rooted objection to the amendments by seven Latin American delegations (A/C.3/L.1073 and Corr.1) but they appeared to depart, especially in points 1, 2, 3 and 5, from the terms normally used in United Nations documents; perhaps that was merely a question of translation. His delegation would support the amendment of Guinea, Lebanon and Tunisia (A/C.3/L.1084), but could not endorse that contained in document A/C.3/L.1092, for there was doubt about the wording: in any case the United States considered that amendment superfluous, for it merely reiterated the aim of the declaration as a whole. He thanked the representative of Ceylon for withdrawing his amendment. He would support the amendment of Colombia (A/C.3/L.1093) but would have to oppose the Ugandan amendment (A/C.3/L.1095), which might lead Governments to impose censorship; the United States Government was deeply attached to the principles of freedom of the Press, freedom of speech and freedom to disseminate all opinions, even those of which it did not approve. His delegation would also vote against the Polish amendment to the sixth preambular paragraph (A/C.3/L.1096), which reiterated an idea that had been successively rejected by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and by the Commission on Human Rights, both through a working group and in plenary meeting.

24. The amendment submitted by Poland and Yugoslavia to the eighth preambular paragraph (A/C.3/L.1097) did not differ substantially from the Polish amendment to which he had just referred and might confer on the General Assembly prerogative which Chapter VII of the Charter reserved to the Council; hence his delegation could not support it. It had no objection, however, to the Saudi Arabian amendments (A/C.3/L.1099).

25. His delegation was willing to approve the text in its existing form; he thanked the Brazilian representative for announcing that he was prepared to withdraw his amendment if the sponsors of all the other amendments did likewise.

26. Mr. BAROODY (Saudi Arabia) also thanked the representative of Brazil for the step he had taken; it was to be hoped that all members of the Committee would eventually realize that, despite its few imperfections, it would be difficult to improve on the draft Declaration to any great extent. Furthermore, if the innumerable amendments now before the Committee were maintained, it would be extremely difficult to vote coherently on a final text. He therefore hoped that many representatives would take up the Brazilian representative's suggestion. He himself withdrew.
there and then the first of the amendments he had submitted; like the representative of Ceylon, whom he thanked for having withdrawn his proposal, he did not wish to lengthen the text unnecessarily. The only reason why he was not withdrawing his second amendment was that, if the fourth preambular paragraph was framed in the exact terms of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples, it would in his opinion come closer to meeting the desire really to do away with colonialism than it would if emotional terms like "condemns" were used.

27. Mr. CUEVAS CANCINO (Mexico) said that he had intended to introduce, on behalf of several Latin American delegations, the amendments which they had jointly proposed to various articles of the draft declaration. However, the Brazilian representative’s suggestion seemed to him extremely sound, for the Committee of 111 members could not possibly draft coherently, especially through a discussion that was necessarily of limited duration. Since circumstances had not permitted the establishment of a working group to re-examine the text, the Brazilian proposal was all the more important. He would consult the delegations which were his co-sponsors of amendments to the draft articles regarding the possibility of withdrawing them.

28. Mrs. MANTZOUKINOS (Greece) said that her delegation had not spoken earlier in the discussion because it had already expressed, at the seventeenth session, its views on racial discrimination, which it unreservedly condemned in accordance with the underlying principles of Greek law and practice.

29. Her delegation approved the draft declaration before the Committee; the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights were to be congratulated on its preparation. Of the many amendments submitted, she was prepared to approve only those which would genuinely help to strengthen the principles stated in the draft declaration or to make the text more precise. It should not be forgotten that the text under consideration, being a declaration, should aim to state humanitarian principles and rules; to recommend to Governments measures designed to abolish racial discrimination; to focus world attention on discriminatory practices and on the need to eliminate them throughout the world; and to stress the duty of the international community to take action against any violation of human rights and fundamental freedoms. In her opinion, the text proposed fully met those requirements. Nor should it be forgotten that a declaration, unlike a convention, was not a legal instrument for imposing sanctions; her delegation would be glad to study the draft declaration on racial discrimination when it was submitted to the Assembly at its twentieth session.

30. Those were the considerations which determined her delegation’s attitude to the amendments. She could support the Australian amendment, the Tunisian amendment (A/C.3/L.1071) and the amendment submitted by Nigeria, Paraguay and Peru, with the proviso that, if the last-mentioned amendment was adopted, the word “principle” should be put in the plural, for dignity and equality were two separate principles. She was prepared to support the other paragraphs as they stood except for the eighth and ninth paragraphs, which in her opinion would be improved by the amendments submitted by seven Latin American delegations. The fourth paragraph in particular seemed to her preferable in its existing form, which reproduced more accurately than the amendment (A/C.3/L.1068/Rev.1) the terms of the Declaration on the granting of independence to colonial countries and peoples. She could also accept the amendment proposed by Guinea, Lebanon and Tunisia, to insert a new paragraph after the ninth preambular paragraph.

31. So far as the amendments to the articles were concerned, she could support the amendment to article 2 proposed by Austria and Niger (A/C.3/L.1074), and also the new article proposed by the Soviet Union, provided that it was amended in accordance with the United States sub-amendment (A/C.3/L.1085), which was in keeping with Greece’s constitutional principles concerning freedom of association, of peaceful assembly, of opinion and of expression. Moreover, under Greek law, the measures suggested by the Soviet Union against certain organizations could be taken only by the courts and in cases strictly defined by statute; hence such provisions could properly be included only in a legal instrument such as a convention. Furthermore article 9 as it stood was a sufficient condemnation of the activities of organizations propagandizing racist views or encouraging racial discrimination.

32. With regard to the new article proposed for insertion after article 10, she agreed in principle and in substance with the text proposed by the United States (A/C.3/L.1070) and with that proposed by Chile, Nigeria, the Ukrainian SSR and Yugoslavia, both had been withdrawn with a view to consolidation in a single text, to which her delegation was prepared to give careful consideration.

33. She was convinced that the unanimous desire to eliminate all forms of racial discrimination would enable the Committee to adopt a declaration which would take a creditable place in the record of United Nations achievements in the protection of human rights.

34. Mr. BARBER ORTIZCO (Cuba) stated that, in keeping with the Charter of the United Nations and with the Universal Declaration of Human Rights, the Government and people of Cuba condemned all manifestations of racial discrimination. Discrimination, which in the past the law had merely deplored, had been effectively banished from Cuba since the revolution, thanks to the economic, political and social changes which had taken place; the principle of equality upheld by modern States and by the so-called representative democracies had been transformed from a dream into a reality. Schools, cinemas, restaurants, beaches and all other public places were open to all men and women without distinction as to race, colour or religion. Persons of mixed blood and coloured persons were no longer denied access to responsible posts. The vast campaign against illiteracy had benefited the entire population. Seventy-three thousand scholarships—3,000 for university studies and 70,000 for secondary, technical or artistic education—had been awarded to students from every social class. Henceforth the people of Cuba, without exception, could effectively exercise their civil and political rights.

35. From the experience gained in his own country, he was convinced that racial prejudice and the hatred it engendered were the direct outcome of a system founded on the exploitation of man by man; discrimination could not be eliminated while such a system prevailed. That was why, fifteen years after the adoption of the Universal Declaration of Human Rights, coun-
ttries like South Africa and the United States still practised racial segregation.

36. For all those reasons his delegation, while regretting the vagueness of the draft Declaration drawn up by the Commission on Human Rights, nevertheless considered that it would be a step towards the suppression of racial discrimination. His delegation would consequently support any amendments designed to strengthen the proposed text, and ardently hoped that the Cuban amendment would receive majority support.

37. Mr. VISUDDHI DHAM (Thailand) praised the text of the draft Declaration, which satisfied the deepest aspirations of his country as a champion of the principles of the equality and dignity of all human beings. He was prepared to support any amendments calculated to improve a text which would give hope to all peoples.

38. Mr. GELDERS (Belgium) said his country had always expressed the desire to see human rights triumphant, and had always worked along the lines laid down by the United Nations Charter. On being asked what attitude Belgium would take towards the problems of apartheid, Mr. Spaak, the Belgian Minister for Foreign Affairs, had said that the Belgian delegation had been instructed to condemn that policy and to do everything in its power to improve relations between racial communities.

39. His delegation supported the draft Declaration and warned the Committee to be wary of amendments which might strike at the very principles of the declaration on the problem of racial discrimination. He hoped that those lofty principles would not remain a dead letter but would be put into practice in the countries represented on the Committee.

40. Mr. PINHEIRO (Brazil) announced that Chile, Ceylon, Yugoslavia, Tanganyika, the USSR, Czechoslovakia, Burundi and Mali had applied to join with Brazil in sponsoring the latter's amendment to article 9 (A/C.3/L.1090 and Add.1), which would undoubtedly gain the support of the other Latin American countries. Nevertheless, Brazil was prepared to withdraw that amendment and to accept the text of the draft declaration if the other delegations also agreed to withdraw their amendments.

41. Mr. SOLODOVNIKOV (Union of Soviet Socialist Republics) announced that, in his desire to speed up the Committee's work, he was prepared to withdraw the USSR amendment (A/C.3/L.1067) in favour of the amendment sponsored by Brazil and the group of countries just mentioned, on condition that the latter was adopted. He wished to make it plain that, in contrast to the United States representative, he considered it essential to call for the condemnation of fascist and neo-fascist propaganda, which was one of the most dangerous manifestations of racial discrimination; that was the construction he placed on the Brazilian amendment.

42. Mr. RAZGALLAH (Tunisia) explained, for the information of the South African representative, that he had referred to South Africa because racial discrimination was "legal" there; he had referred to its defence expenditure in order to bring out the danger of war which such a policy created.

43. He accepted the United States verbal sub-amendment to the Tunisian amendment (A/C.3/L.1071), placing the words "throughout the world" after the words "racial discrimination". With regard to the Ugandan amendment, he agreed with the United States representative that freedom of opinion must be respected; however, that was no reason for encouraging propaganda for racial discrimination.

44. Mrs. KISOSONKOLE (Uganda) endorsed the United States verbal sub-amendment to the Tunisian amendment (A/C.3/L.1071). She proposed that her delegation's amendment (A/C.3/L.1095) should be incorporated in the amendments submitted by Argentina, Bolivia, Brazil, Ecuador, Mexico, Paraguay and Venezuela (A/C.3/L.1073 and Corr.1).

45. Mr. MEANS (United States of America) explained that the sub-amendment (A/C.3/L.1085) which his delegation had proposed to the USSR amendment (A/C.3/L.1067) now applied to the Brazilian amendment (A/C.3/L.1090 and Add.1).

46. Mr. GOODHART (United Kingdom) said that the reference in the fourth preambular paragraph of the draft Declaration to the Declaration on the granting of independence to colonial countries and peoples was acceptable to his delegation. As the Secretary of State for Foreign Affairs of the United Kingdom had stated once again in the General Assembly (1222nd plenary meeting), it was his country's intention to bring the countries under its administration forward to full independence. However, the United Kingdom could not support the amendments submitted by Algeria, Guinea, Mauritania and Senegal (A/C.3/L.1068/Rev.1) to condemn colonialism in all its forms and manifestations, for that provision went beyond the language of the Declaration itself and was a distortion of present and past realities.

47. Nor all forms and manifestations of colonialism were the same. The eloquent French in which the representatives of Guinea and Senegal had spoken was a manifestation of former French colonialism; again, were not the English and French languages manifestations of Roman colonialism? Some colonial systems had been harsh and brutal, while others had been quite bland. The representative of Ceylon had recalled that racial discrimination had been virtually eliminated in his country during the period of British rule.

48. The United Kingdom, for its part, did not believe that human rights or fundamental freedoms could be sustained in a country based on a single-party system. Nevertheless, his delegation believed that it would be folly to condemn that form of government—to quote the terms of document A/C.3/L.1068/Rev.1—"in all its forms and manifestations". In drafting such declarations there was a natural temptation to oversimplify, but there were also certain limits which must not be exceeded. His delegation also opposed the Cuban amendment (A/C.3/L.1092), which it considered unscientific.

49. Mr. HACENE (Algeria) observed with surprise that it was no longer the oppressed, but the oppressors, who were defending their cause. It was true that the General Assembly had not explicitly condemned colonialism in resolution 1514 (XV), but it had said that it should be brought to an end. When a United Nations organ made such a declaration, it obviously did so because the state of affairs in question was evil per se. There had been enough victims throughout the world to justify the survivors in calling vigorously for the condemnation of colonialism.

The meeting rose at 12.55 p.m.