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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; A/C.3/L.1208-1212, L.1216-1225, L.1226 and Corr.1, L.1228; E/3873, chap. II and annexes I and III)

PREAMBLE (continued)

1. Mr. DAYRELL DE LIMA (Brazil) announced that his delegation had become a co-sponsor of the Colombian-Senegalese amendments (A/C.3/L.1217) to the draft Convention adopted by the Commission on Human Rights, submitted by the Economic and Social Council in its resolution 1015 B (XXXVII) and set out as an annex to the note by the Secretary-General (A/5921). His delegation considered those amendments very useful and pertinent. If racial discrimination was treated on an entirely negative basis and no attempt was made to promote race relations by abolishing the barriers which prevented solidarity between persons within the same community, the Committee's work would not be complete. The term "racial barriers", concerning which some delegations had expressed doubts and which the original sponsors had now agreed should be rendered in the French and Spanish texts respectively as "barrières raciales" and "barreras raciales", related to a phenomenon that had been investigated by a number of sociologists and exerted a considerable effect on peace and harmony among peoples. Although the term had not been used in previous texts, it drew attention to one of the main causes of racial discrimination. In view of the objections which had been raised to the use of the term "any civilized society", the sponsors agreed to substitute the word "human" for "civilized".

2. Mr. ZULOAGA (Venezuela) remarked that, if he had had any hesitation in supporting the first Polish amendment (A/C.3/L.1210), as amended orally at the previous meeting by the representative of Nigeria, it would have been overcome by the statement made at the same meeting by the representative of Tanzania. The representative of France, in his statement also at that same meeting, had appeared to take the view that the Convention should be drafted, so far as possible, in general and abstract terms; yet nothing could be more concrete than racial prejudice. While the wording should be general, in the sense that it should not refer specifically to a given atrocity, it should certainly not be abstract. With respect to the amendments contained in document A/C.3/L.1217, he agreed with the representative of Uruguay that the underlying ideas were not clear. His delegation would support the Romanian amendment (A/C.3/L.1219), as now modified by the United Kingdom sub-amendment (A/C.3/L.1230), and also the Lebanese amendments (A/C.3/L.1222).

3. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that his delegation considered the first Polish amendment to be of fundamental importance. If the Convention was to serve its purpose, it must be so drafted as to satisfy all the peoples of the world, whether or not they were at present represented in the United Nations. In keeping with its title, it must condemn and prohibit all forms of racial discrimination, all of which were equally dangerous; nazism and fascism were quite as dangerous as apartheid, and Zionism as anti-Semitism, and he hoped that, just as his delegation was prepared to support the most radical and varied measures to combat all manifestations of racism, other delegations would remember the horrors inflicted by nazism and fascism on the USSR and other countries of both eastern and western Europe. Nazi racial policies had been directed not only against the Jewish people—although the latter had, of course, experienced incalculable sufferings and losses—but against all peoples considered inferior by the nazis. It might have been possible to speak less harshly if nazism had belonged only to the past, but the truth was that many nazi, neo-nazi and fascist groups and organizations, and even States with a fascist outlook, continued to exist.

4. He appealed to all delegations to understand his country's concern at the possibility of a repetition of the horrors of nazism. Either the draft Convention must confine itself to a general prohibition and condemnation of all forms and manifestations of racial discrimination, or it must enumerate the various forms; if even one other form of racial discrimination was mentioned, his delegation must insist most force-

fully that reference should also be made to nazism and neo-nazism.

5. Mrs. VILLGRATTNER (Austria) said that her delegation was ready to accept the Romanian amendment, as further amended by the United Kingdom, and the amendments submitted by sixteen Latin American countries (A/C.3/L.1226 and Corr.1). While sympathizing with the spirit underlying the amendments submitted in document A/C.3/L.1217, Austria could not support them because of the implications of the wording used, which might be understood to refer to barriers between national and ethnic groups within one country. Such groups were covered by the definition of "racial discrimination" in article I of the draft Convention and were, of course, entitled to freedom from interference in their cultural and linguistic traditions, but the term "racial barriers" was not defined and had not been used previously in any legal instrument. The wording of the amendment was not in harmony with the fundamental rights of national and ethnic minorities, which would be protected by the draft Convention as a whole.

6. Mr. RESICH (Poland) announced that his delegation was prepared, in response to informal requests from a number of delegations, to revise its amendment to the sixth preambular paragraph (A/C.3/L.1210) to read "... insert the words 'such as nazism' after the word 'practices'". That change would make it clear that nazism was cited as simply one example of racist practices.

7. Mrs. BEN-ITO (Israel) observed that a number of references had been made to Zionism, and one representative had even suggested listing Zionism together with such doctrines as nazism. She thought it unnecessary to spell out what Zionism was but would merely state that to mention it in the same context as nazism would be sacrilegious and tantamount to substituting the victims for the persecutors. She reserved her right to revert to the matter if it was raised again.

8. Mr. BELTRAMINO (Argentina) announced that the co-sponsors of the proposals in document A/C.3/L.1226 and Corr.1 wished to revise their fourth amendment which should now call for the insertion of the words "for promoting understanding and comprehension between races and" after the words "adopt all necessary measures".

9. Mr. MURUGESU (Malaysia) said that his country, although multiracial, had no problems of racial discrimination. The Constitution provided for the equality of all citizens, and all citizens did in fact live in peace and harmony with each other. Malaysia was firmly opposed to racial discrimination wherever it might be practised.

10. His delegation fully supported the draft Convention in its present form but would endorse any amendment which would further the Convention's purposes. The words "such as nazism", accepted by the Polish delegation, were certainly not objectionable in themselves, but the danger of referring to particular doctrines had been made clear; he was particularly concerned that their mention might limit the scope of the Convention. He supported the other amendments before the Com-

mittee, because he believed they would strengthen and improve the text.

11. Mrs. RAMA-HOLIMIHASO (Madagascar) said that she had no difficulty in accepting the draft Convention in its present form and hoped that it would be amended only for purposes of clarification and reinforcement. She could not support any amendment that would weaken the text or restrict its scope. She endorsed the Romanian amendment (A/C.3/L.1219), as amended, but considered that the proposed new paragraph should refer to the Universal Declaration of Human Rights, as did the second preambular paragraph on a related subject. She could not support the first Polish amendment, since any such specific reference would weaken the general impact of the preamble. She supported the amendments in documents A/C.3/L.1226 and Corr.1 and A/C.3/L.1217.

12. Mr. AL-RAWI (Iraq) said that his delegation was opposed to all racist doctrines, including nazism, but it thought it best to avoid examples and enumerations in the draft Convention and to concentrate instead on basic principles. While it might be possible to identify some past practices and doctrines, no one could foresee what new forms of racism might arise in the future.

13. Mrs. IDER (Mongolia) considered that all the amendments, as now formulated, improved the original draft. She particularly endorsed the first Polish amendment, because nazism was the most atrocious form of racial discrimination to have manifested itself in the present age.

14. Mrs. MAKSIMENKO (Ukrainian Soviet Socialist Republic) considered the preamble basically satisfactory but felt that it would be improved by the adoption of the amendments which had been submitted, particularly the first Polish amendment. There were many peoples for whom the crimes of nazism were a matter not of written history but of personal experience. Her own people could never forget the millions killed or deported and the towns and villages destroyed. Unfortunately, nazism had not died with the ending of the Second World War. It was alive today in South Africa and Southern Rhodesia, and various forms of neo-nazism had developed in West Germany and elsewhere. Against that background, the adoption of the first Polish amendment seemed imperative. The Romanian amendment would add a very significant element to the preamble.

15. Miss KENYATTA (Kenya) said that all forms of discrimination were abhorrent and vigorous efforts should be made to end them. She would support all amendments to the preamble and articles of the draft Convention which would serve to strengthen the text. The Kenyan Constitution guaranteed the rights and freedoms of individuals regardless of their race, colour or religion, in keeping with the United Nations Charter and the Universal Declaration of Human Rights. In some parts of Africa, however, racial discrimination and oppression still persisted, and discriminatory practices of various kinds subsisted elsewhere in the world. It was high time that instruments should be adopted and implemented to eliminate all discrimination. Her delegation suggested that once the

draft Convention had been completed it should be circulated to States for further comment.

Mrs. Warzazi (Morocco), Vice-Chairman, took the Chair.

16. Mr. ABDEL-RAHIM (Sudan) said that the Moslem peoples had been remarkably free from racial prejudice, and, if their record in the matter was not absolutely impeccable, it was far better than that of any other civilization or people. It was for that reason that Islam continued to make converts and win the support of increasing numbers of people in all parts of the world. His country's Constitution and laws guaranteed the full and equal freedom of all citizens, irrespective of their race, colour, religion or sex, and it was only natural that the Sudanese people should support the struggle against all forms of racial discrimination. One of the forms of discrimination which was entirely alien to them, and to the Moslem world generally, was anti-Semitism. Indeed, when anti-Semitism had arisen and intensified in Europe, it was in the Moslem countries that Jews had often sought and found refuge. With the founding of the State of Israel, the situation had altered in some respects. It should be realized, however, that the present conflict was not an expression of anti-Semitism in a religious or racial sense, but a dispute between Arabs on the one hand and Zionism as a political movement and Israel as a State on the other. Arabs were opposed, together with many others, including some Jews, to Zionism and Israel, not because they were anti-Semites, but because—like Africans in relation to South Africa and Southern Rhodesia—they were anti-colonialist and anti-imperialist.

17. His delegation endorsed the draft Convention and would support any amendments designed to further its purposes. It would support a condemnation of doctrines such as nazism, fascism, neo-nazism, Zionism, anti-Semitism, and discrimination against Negroes. However, it felt that any such enumeration could never be exhaustive and might detract from the statement of the basic principles which would apply equally to all forms of racial discrimination, whether specified or not. If any forms were to be specified, he believed that they should be apartheid and Zionism, for those doctrines were more brazenly and officially applied than any others at present.

Mr. Cuevas Cancino (Mexico) resumed the Chair.

18. Mr. KHANACHET (Kuwait) expressed his delegation's belief that the draft Convention should state generally accepted principles and refrain from entering into details. It was important that it should be adopted unanimously. He was sure that with goodwill and a spirit of co-operation, unanimity could be achieved. He therefore appealed to all delegations to make concessions in order that a unanimously adopted text might be submitted to Governments for ratification. It was the Committee's duty to see that the text could be ratified without difficulty.

19. In reply to some statements which had been made, he wished to say that, while abhorrence of racial discrimination was a tradition in his country, racial discrimination did exist in some parts of the Arab region of the world, and the Arabs were well aware who were the victims and who were the persecutors.

AGENDA ITEM 62

Elimination of all forms of religious intolerance
(continued):*

- (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance (continued)* (A/5803, chap. IX, sect. II; A/5925; A/C.3/L.1215, L.1227, L.1229; E/3873, paras. 294, 296, 303. E/3925 and Corr.1 and Add.1-5);
- (b) Draft International Convention on the Elimination of All Forms of Religious Intolerance (continued)* (A/5939, A/6003, chap. XIII, sect. I; A/C.3/L.1215, L.1227, L.1229; E/4024, chap. II)

20. Mr. KOCHMAN (Mauritania) referred to his request (1299th meeting) to the co-sponsors of the fourteen-Power draft resolution (A/C.3/L.1215) that operative paragraphs 1 and 3 of the draft should be deleted. He hoped that the co-sponsors would clarify their position on the question of priorities, which had caused difficulties from the outset. His delegation wanted a clear draft resolution which all members could support. Until such a text was achieved, the submission of amendments should be allowed. A premature vote could lead only to discord.

21. Mr. LOPEZ (Philippines) considered that the purpose of the fourteen-Power draft resolution was to stress the importance of the draft Declaration and draft International Convention on the Elimination of All Forms of Religious Intolerance and to impress upon the Commission on Human Rights and the Economic and Social Council the need to conclude the drafting of those instruments as soon as possible. His delegation, as a member of the Commission on Human Rights, felt that the use of the word "regrets" in operative paragraph 1 was inconsistent with the expression of appreciation contained in the fourth preambular paragraph and implied dissatisfaction with the Commission's work. The Commission had devoted twenty-one of the thirty-six meetings of its last session, to the drafting of the two documents. It was solely for lack of time that it had been unable to complete the task. Unlike the draft International Convention on the Elimination of All Forms of Racial Discrimination, in which the issues involved were both literally and figuratively black and white and on which it was easy to take a stand, the instruments on religious intolerance involved serious problems of a conceptual and philosophical nature, some of which were of very long standing indeed. The differences between the many religions existing in the world were often considerable and could not always be bridged. The Commission expected to conclude its work in March 1966 and, since it had taken one religion some hundreds of years to move towards a text on religious freedom, it was hardly surprising that the discussion of that question should take a few years in the United Nations. He therefore urged the sponsors to delete operative paragraph 1.

22. He considered operative paragraph 3 unnecessary. The Commission had already half completed its work on the draft convention, to which it had already given first priority; it was inconceivable that it would interrupt its work on that text to take up another item.

*Resumed from the 1299th meeting.

23. The Saudi Arabian representative had proposed that further work on the draft International Convention should be postponed. In his view, however, recent historical developments in the field of human rights and religious freedom made it most desirable that the United Nations should complete that instrument as soon as possible. The Commission could conclude its work on the Convention and then commence preparation of the draft declaration. The decision, however, should be left to the Commission itself.

24. Mr. MOMMERSTEEG (Netherlands) said that the draft resolution (A/C.3/L.1215), of which his delegation was a co-sponsor, was fully justified by the history of the item before the Committee and was consistent with the position previously taken by the General Assembly and its subordinate bodies.

25. During its seventeenth session, the General Assembly had devoted equal attention to the evils of racial discrimination and discrimination on grounds of religion and had adopted unanimously two identical resolutions (1780 (XVII) and 1781 (XVII)) in which it had, with equal emphasis, requested the Economic and Social Council, the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities to prepare, within the same time-limit, draft declarations and draft international conventions in each of the two fields. That decision was an acknowledgment that, while public opinion had in general been less marshalled against religious intolerance, that evil was just as likely to lead to crimes of hatred and violence as racial discrimination.

26. In 1963, the Sub-Commission had submitted to the Commission on Human Rights only a draft declaration on the elimination of all forms of racial discrimination because, having already prepared and submitted to the Commission a set of draft principles relating to discrimination in the field of religious rights and practices, it had been of the opinion that the Commission had before it all the basic elements it needed for the preparation of a draft declaration on the elimination of all forms of religious intolerance. The equilibrium between the two items had not therefore been broken. However, work on one text being more advanced than on the other, the Commission at its nineteenth session had not surprisingly chosen to tackle that text first. The prolonged discussion on racial discrimination that had taken place at that session had left little time for discussion of the question of religious intolerance. In order to restore equilibrium between the two items, therefore, the Commission had decided that it would give priority at its twentieth session to the preparation of a draft declaration on religious intolerance, a decision which had been confirmed by the Economic and Social Council.

27. The consistently maintained view that racial discrimination and religious intolerance were closely related—both questions had been raised as a reaction to the wave of religious and racial hatred that had occurred in 1959 and 1960—had been abandoned at the eighteenth session of the General Assembly, when, following the adoption of the United Nations Declaration

on the Elimination of All Forms of Racial Discrimination, the Assembly (resolution 1906 (XVIII)) had decided to request absolute priority for the preparation of a convention on the same subject. That decision had been regretted by a number of delegations, including his own, which had nevertheless loyally joined with other members of the Commission in preparing the draft international convention as requested. Accordingly, the General Assembly now had before it a draft international convention on racial discrimination, but no text on religious intolerance.

28. Although the terms of General Assembly resolutions 1780 (XVII) and 1906 (XVIII), had been fulfilled, resolution 1781 (XVII) had not yet been implemented and the obligation to draft a declaration and a convention on religious intolerance remained. The Assembly's original insistence that the two texts should be prepared in close conjunction was still binding and, although temporarily disregarded, that relationship should now be restored. That had certainly been the Sub-Commission's attitude for, after dealing with racial discrimination, it had immediately turned to the issue of religious intolerance and had already drawn up preliminary texts. That was also the attitude of the Commission on Human Rights, which had, on his delegation's proposal, decided to give absolute priority at its twenty-second session to completing the preparation of the draft convention on religious intolerance.

29. From the foregoing, three facts emerged: firstly, that religious intolerance should be dealt with in close conjunction with racial discrimination and treated in a similar manner; secondly, that the declaration and the convention were so interwoven that they should not be dissociated; and thirdly, that a considerable amount of work had already been done on both.

30. Taking those facts into account, and recalling the General Assembly's unanimous decision in 1962, to assist the victims of religious intolerance on a par with the victims of racial discrimination, his delegation could not understand why it had been suggested that completion of the instruments on religious intolerance should again be postponed. The members who in 1963 had voted unanimously that absolute priority should be given to the question of racial discrimination could scarcely turn a deaf ear now to the sincere proposal that another scar on the face of mankind should be erased as quickly as possible. In its resolutions of 1962 (1780 (XVII) and 1781 (XVII)), the General Assembly had applied only one standard and that standard should again be applied.

31. The draft resolution had indeed been prepared under pressure, not from outside groups, but from the consciences of its sponsors and their sympathy with victims of any form of discrimination. The draft was the logical outcome of their concern.

32. The CHAIRMAN proposed that the list of speakers on the item under consideration should be closed.

It was so decided.

The meeting rose at 1 p.m.