



CONTENTS

	Page
<i>Agenda item 58:</i>	
<i>Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued)</i>	
<i>Articles V to VII (continued)</i>	105

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; E/3873, chap. II and annexes I and III; A/C.3/L.1208, L.1210, L.1211, L.1216 to L.1223, L.1225, L.1226 and Corr.1, A/C.3/L.1228, L.1231 and Corr.1, A/C.3/L.1236, L.1237, L.1239)

ARTICLES V TO VII (continued)

Article V

1. Mr. SABEV (Bulgaria) said that following consultations with a number of representatives, he had decided to modify his second amendment (A/C.3/L.1218), which would now call for the insertion in article V of the words "to vote and stand for election", between "elections", and "through".

2. Mr. K. C. PANT (India) said that his delegation had decided to withdraw its second amendment to article V (A/C.3/L.1216) in the light of the text of article I as adopted (see A/C.3/L.1239). His delegation had feared that the word "everyone" in the introductory part of article V might be regarded as including non-citizens as well as citizens. In view, however, of the clause in article I stating that the Convention would not apply to distinctions made by a State party between citizens and non-citizens, the word "everyone" no longer presented difficulties for his delegation.

3. Mrs. SEKANINOVA (Czechoslovakia) said that the wording of the introductory clause of article V should be brought into line with the adopted text of article I. Accordingly, she proposed that the words "descent, national" should be inserted before the words "or ethnic origin".

4. Mrs. VILLGRATTNER (Austria) asked the representative of Czechoslovakia not to insist on the inclusion of the word "descent" in the introductory paragraph.

5. Mrs. SEKANINOVA (Czechoslovakia) agreed to change her delegation's amendment accordingly.

6. Mr. MACDONALD (Canada) said that the introductory clause was still unsatisfactory in certain respects. The words "undertake to prohibit and to eliminate racial discrimination in all its forms" were redundant since article II already included such an undertaking. With regard to the words "equality before the law", the Committee should take account of the Romanian amendment to the preamble (A/C.3/L.1219, as revised at the 1301st meeting), which used the expression "equal before the law and are entitled to equal protection of the law". It seemed to him that article V attempted both to grant certain rights and to guarantee freedom from discrimination in the exercise of those rights. He therefore supported the suggestion made by the Argentine representative at the 1307th meeting that a drafting Committee should review the text of the draft. That Committee might consider the points he had mentioned, among others.

7. Mr. ZULOAGA (Venezuela) also supported the Argentine representative's suggestion.

8. Mr. RIOS (Panama) said that his delegation would not support any proposal to amend paragraph (c) because the original text was already sufficiently clear and broad in scope. Any amendment would only make it ambiguous, vague and open to a variety of interpretations. The reference to "political rights, in particular the rights to participate in elections through universal and equal suffrage" embraced all aspects of electoral procedure, including voting, standing for election, and participating in elections. Moreover, the right to vote and to stand for election was implicit in the right "to take part in the Government as well as in the conduct of public affairs". Accordingly, he could see no reason for changing the text.

9. Mrs. SEKANINOVA (Czechoslovakia) considered the tenth Latin American amendment (A/C.3/L.1226 and Corr.1) unnecessary since paragraphs (a) and (b) of article V also concerned civil rights.

10. Mr. BELTRAMINO (Argentina) said that, since the amendment just referred to constituted only a drafting change, the sponsors would not insist that it be voted upon.

11. Mr. AL-RAWI (Iraq) said that his delegation considered the original text submitted by the Commission on Human Rights (A/5921, annex) superior to that which would result from the adoption of any of the amendments proposed. He would prefer the Committee to vote on the original text.

12. Mrs. VILLGRATTNER (Austria) also considered the original text of the article superior. Nevertheless, she felt that the second Bulgarian amendment (A/C.3/L.1218) was a useful addition and would support it.

13. Miss **TABBARA** (Lebanon) suggested that in the fourth amendment submitted by Mauritania, Nigeria and Uganda (A/C.3/L.1225) it would be more logical to combine the proposed new sub-paragraph (e) (vii) with the present sub-paragraph (e) (vi) in order to group all references to cultural activities in the same sub-paragraph.
14. Mrs. **MANTZOULINOS** (Greece) said that the right to participate in cultural associations, which was mentioned in that amendment, was implicit in the right to freedom of peaceful assembly and association referred to in sub-paragraph (d) (ix).
15. Miss **AGUTA** (Nigeria) said that the sponsors of the amendments in document A/C.3/L.1225 accepted the Lebanese representative's suggestion. They therefore withdrew their original proposal concerning paragraph (e) and proposed instead that sub-paragraph (e) (vi) of the draft should be amended to read: "the right to organize cultural associations and to participate equally in all such activities".
16. Mr. **SPERDUTI** (Italy) observed that the wording proposed by the Nigerian representative omitted the right of each individual to take part in cultural activities other than through an organization.
17. Mr. **RIOS** (Panama) thought that the phrase "equal participation in cultural activities" used in sub-paragraph (e) (vi) of the original text covered all phases of such activities. He therefore hoped that the sub-paragraph would be adopted without amendment.
18. Mr. **LEA PLAZA** (Chile) said that a desire for conciseness might lead to the omission of points which the Committee really wished to include in the draft Convention. The existing wording of sub-paragraph (e) (vi), referred to an individual right, while the three-Power amendment introduced a collective notion. It should be possible for the sponsors of the amendment to produce a text which did not confuse those two elements.
19. Mr. **BELTRAMINO** (Argentina) agreed with the representative of Panama. The right to freedom of association mentioned in sub-paragraph (d) (ix) covered the case of cultural associations, and Argentina, where there were many such associations, would have no difficulty in accepting the text drafted by the Commission on Human Rights.
20. Mr. **AL-RAWI** (Iraq) agreed that the existing text was adequate and clear. Moreover, details of the kind proposed in the amendment were not normally included in international conventions, but were spelt out in domestic law.
21. Mr. **DOE** (Liberia) also supported the existing text. In his view the notion of participation included organization and the proposed addition was therefore redundant.
22. Mr. **K. C. PANT** (India) remarked that, although he had originally considered the proposed addition unnecessary, he now felt that there was a genuine difference between the right to participate in cultural activities on an individual basis and the right to organize cultural associations. The Committee should try to accommodate the views of the sponsors of the amendment.
23. Mr. **MURUGESU** (Malaysia) supported the idea which had inspired the three-Power amendment, and suggested that the wording "to organize and participate in cultural activities" would cover the intention of the sponsors.
24. Mr. **FUENTES IBÁÑEZ** (Bolivia) said that care should be taken to ensure that a clause concerning the right to organize cultural associations did not have the effect of limiting the right of the individual to participate in existing cultural activities.
25. Mrs. **MANTZOULINOS** (Greece) urged the retention of the original text. The right to organize cultural associations was covered by sub-paragraph (d) (ix), and sub-paragraph (e) (vi), just as the right to organize was implicit in the clauses relating to certain other rights.
26. Miss **AGUTA** (Nigeria) said that, in the light of the comments made, the sponsors of the three-Power amendments (A/C.3/L.1225) wished to revise their fourth amendment concerning paragraph (e) and now proposed that sub-paragraph (e) (vi), should be replaced by the following: "the equal right to organize cultural associations and to participate in all kinds of cultural activities".
27. Mr. **MIXCO FISCHNER** (El Salvador) said that his delegation would not support any amendment to article V. In its view, the text submitted by the Commission on Human Rights was entirely satisfactory.
28. Mr. **KYPRIANOU** (Cyprus) also considered the original text satisfactory, since it was drafted in general terms which covered both the organization of and participation in cultural activities. His delegation could not support the three-Power amendment.
29. Mr. **GUEYE** (Senegal) agreed with the two preceding speakers. In his view, attempts to change the original text not only led to unnecessary discussion but might result in an unsatisfactory Convention.
30. Mr. **SPERDUTI** (Italy) said that he would have agreed to any text which was satisfactorily drafted. However, he would vote against the three-Power amendment, as orally revised, and in favour of the wording submitted by the Commission on Human Rights.
31. Mr. **COMBAL** (France) endorsed the comments made by the representatives of Senegal and Italy, and urged the retention of the original text, which fully covered the intention of the sponsors of the amendment.
32. The **CHAIRMAN** invited the Committee to vote on article V and the amendments thereto.
- The Czechoslovak oral amendment, as revised, to insert the word "national" in the introductory paragraph was adopted by 53 votes to 1, with 39 abstentions.*
- Paragraphs (a) and (b) were adopted unanimously.*
- The second Bulgarian amendment (A/C.3/L.1218), as orally revised, was adopted by 86 votes to none, with 10 abstentions.*

The fourth amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225) to paragraph (d) was adopted by 90 votes to none, with 3 abstentions.

The fourth amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225) to paragraph (e) was rejected by 37 votes to 33, with 24 abstentions.

Paragraph (f) was adopted unanimously.

Article V as a whole, as amended, was adopted unanimously.

Article VI

33. Mr. SAKSENA (India) said that the fifth of the three-Power amendments (A/C.3/L.1225) seemed unnecessary; he could not see what the words "where appropriate" added to the article.

34. Miss AGUTA (Nigeria) explained that there might be cases in which monetary compensation would not be adequate or appropriate, for instance the case of a person refused hotel accommodation because of his race. The words "where appropriate" would indicate that in such circumstances other forms of redress were necessary.

35. Mr. AL-RAWI (Iraq) thought the amendment unnecessary, since the tribunal judging the case would decide whether monetary compensation was appropriate or not.

36. Mr. MURUGESU (Malaysia) said that the words "where appropriate" were superfluous; the point was already covered by the use of the words "just and adequate" in the draft article.

37. Mr. LAMPTEY (Ghana) disagreed. The words "just and adequate" could not apply to cases where no reparation was necessary.

38. Mr. INCE (Trinidad and Tobago) agreed with those who considered the fifth of the three-Power amendments unnecessary and appealed to the sponsors to withdraw it.

39. Miss AGUTA (Nigeria) withdrew the amendment on behalf of the sponsors.

40. Lady GAITSKELL (United Kingdom) said that, for her delegation, "reparation" meant simply money, and no court in her country could put a price on an act of discrimination. It was difficult enough to set a price in cases of divorce or loss of limb; in the case of racial discrimination there could be no price.

41. The CHAIRMAN pointed out that the draft article referred to "reparation or satisfaction".

The third Bulgarian amendment (A/C.3/L.1218) was adopted by 88 votes to 1, with 9 abstentions.

Article VI as a whole, as amended, was adopted by 95 votes to none, with 2 abstentions.

Article VII

The fourth Bulgarian amendment (A/C.3/L.1218) was adopted by 93 votes to none, with 2 abstentions.

The third Czechoslovak amendment (A/C.3/L.1220) was adopted by 94 votes to none, with 1 abstention.

Article VII as a whole, as amended, was adopted unanimously.

The meeting rose at 12.45 p.m.