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Wednesday, 20 October 1965, at 10.45 a.m.

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CONTENTS

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.1217, L.1219 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, L.1241 to L.1243)

1. Mrs. WARZAZI (Morocco) recalled that at the previous meeting her delegation, on behalf of the Afro-Asian group, had requested those delegations which had submitted new articles not to press their amendments. She renewed that request.

2. Mr. ROGERS (United States of America) observed that when, two years previously, the Third Committee had had before it the draft Declaration on the Elimination of All Forms of Racial Discrimination, the United States delegation had expressed its willingness to vote for the text as submitted by the Economic and Social Council. A proposal to that effect had been rejected, however, as many delegations, particularly those of Africa and Asia, had wished to present amendments. Their right to do so had been fully recognized, and his delegation had respected their desire to strengthen the text. At the present session a similar situation had developed. His delegation had been prepared to vote in favour of the articles of the draft Convention as they had been submitted to the Assembly (A/5921, annex). It had become clear, however, that that would not be possible, since many delegations had presented amendments which they wished to have put to the vote. His delegation had accepted that situation and had itself submitted amendments aimed at strengthening the text.

3. In the Commission on Human Rights, the United States delegation had introduced an amendment calling for the inclusion in the draft Convention of an article condemning anti-Semitism. The USSR delegation had submitted a sub-amendment and the Commission had discussed the question at some length (see E/3873, paras. 271-280). Although the Commission had not had sufficient time to complete its consideration, many delegations had expressed the view that the draft Convention should contain an article on anti-Semitism. He believed that, had time permitted, the Commission would have so decided.

4. His delegation respected the views of the Afro-Asian group as expressed by the Moroccan representative and hoped that the delegations concerned would respect the views of his delegation. The United States delegation desired a vote on the amendment which it had co-sponsored with Brazil (A/C.3/L.1211). It would gladly accept and abide by the result of that vote and would continue to give full support to the vitally important work being done by the Committee.

5. Mr. SIDI BABA (Morocco) said that he assumed, following the reply of the United States representative, that a discussion would ensue. He hoped that it would be as calm and courteous as possible. To that end, he moved that the meeting should be suspended in order that delegations, particularly those of the Afro-Asian group, might consider the position they would take in that discussion.

The motion to suspend the meeting was adopted by 86 votes to none, with 2 abstentions.

The meeting was suspended at 11 a.m. and resumed at 11.50 a.m.

6. Mrs. MANTZOULINOS (Greece) said that the people of her country were not race-conscious or intolerant in the matter of religion. They not only condemned anti-Semitism in principle but had extended practical assistance to thousands of Jews during the terrible period when Greece had been under nazi occupation. Her delegation took the view, however, that the Committee should not use the draft Convention as a means of perpetuating feelings of animosity. If each delegation were to demand the explicit condemnation of those movements and ideas which it found particularly odious, the result would be a series of recriminations rather than a concerted attack on all racial discrimination. She opposed all specific references as being unnecessary and dangerous.

7. Mr. COMBAL (France) said that the French delegation had always thought that, in cases like the present one—and he was referring not only to the debate which had been proceeding for more than a week in the Third Committee but also to the debate held by the Commission on Human Rights and the Sub-Commission on Protection of Minorities and Prevention of Discrimination two years before—unanimity was essential if the Convention being drawn up was ultimately to be ratified by a large number of States. Moreover, it had always considered that the elaboration of an effective legal instrument

required not only an unambiguous condemnation of all forms of racial discrimination but also an effort to ensure that it would be universal in scope by being ratified by all Member States.

8. His delegation therefore regretted that the proposed amendments were finally being put to the vote. The voting would undoubtedly reveal divisions which might jeopardize the authority of the text that had been drawn up.

9. Needless to say, his delegation unreservedly condemned all forms of racial discrimination, especially anti-Semitism. It was common knowledge how alien that aberration was to all the liberal humanistic traditions of France and how deeply revolted the French people were by all manifestations of anti-Semitism, wherever they might occur or whatever form they might take, just as they were by their very recent and very painful cruel recollections of nazism.

10. It was precisely because of those convictions and because of the painful memories of the recent past, that his delegation attached great importance to the adoption by the international community of an effective convention which would combat all forms of racial discrimination. For that reason it considered it unfortunate that a general text like the one drawn up by the Commission on Human Rights should be complicated by the mention of particular forms of racial discrimination.

11. His delegation's votes would be guided by the foregoing considerations. His delegation would abstain in the voting on the various amendments under consideration.

12. Mr. KIRWAN (Ireland) said he believed that the task of the Committee was to draw up an international instrument having as its object the elimination of every form of racial discrimination, everywhere and for all time. He agreed with those who felt that the Committee should aim at a Convention drafted in such general terms that it would be of universal application, although he appreciated the concern of those who wished to include special reference to particular manifestations of racial discrimination. His own country and people were uncompromisingly opposed to all discrimination. His delegation considered that to single out certain forms of racial discrimination to the exclusion of others would be inappropriate in the text of a draft international convention. It would therefore be unable to support amendments designed to include such specific references in the text.

13. Mr. BECK (Hungary) said that a very considerable number of representatives appeared to oppose the enumeration of specific forms of racial discrimination. He generally endorsed the reasons which they had advanced. On behalf of the Greek and Hungarian delegations, he proposed that the Committee should decide not to include in the draft Convention any reference to specific forms of racial discrimination.

14. Mr. BELTRAMINO (Argentina) said that any measure to prevent a resurgence of nazism or anti-Semitism would have the full support of his Government, which found those practices utterly repugnant and had taken vigorous steps to prevent their appearance in his own country.

15. Having carefully weighed the arguments for and against specific reference to various racist practices and ideologies in the Convention, his delegation had reached the conclusion that such reference would not—despite what some might think at present—serve the purposes of the Convention in the long run, for they would ultimately lead to a smaller number of States parties. What was needed was a broad and strong text having maximum practical effectiveness and universal scope. His delegation would vote in favour of a text free of political and controversial elements and against the amendments under consideration.

16. Mr. LAMPTEY (Ghana) moved that the proposal of the Greek and Hungarian delegations should be put to the vote.

17. Mr. AVNER (Israel) considered that the Committee should be given an opportunity to discuss the proposal.

18. Mr. ZULOAGA (Venezuela) suggested that the proposal might be regarded as a general amendment designed to eliminate all other amendments relating to specific forms of racial discrimination. Under rule 131 of the rules of procedure, the proposal would be put to the vote first, since it would constitute the amendment furthest removed in substance from the original proposal.

19. The CHAIRMAN said that his position on the proposal made by the Greek and Hungarian delegations was governed by three considerations: first, his powers as Chairman were limited by the rules of procedure; secondly, he could not interpret the wishes of the Committee, which must itself decide how it wished to proceed; and thirdly, the rules of procedure safeguarded the right of all delegations to submit proposals and have them voted upon.

20. Whereas rule 66 of the rules of procedure of the Economic and Social Council provided that any motions requiring that no decision be taken on the substance of certain proposals were to be considered as previous questions and put to the vote first, there was no corresponding provision in the General Assembly's rules of procedure. Accordingly, he could not entertain a motion which would have the effect of requiring that no decision be taken on the substance of a proposal. Moreover, when, at the eighteenth session of the General Assembly, a similar proposal had been made in the Third Committee in connexion with the draft Declaration on the Elimination of All Forms of Discrimination, the Chairman at that time had ruled, on the advice of the Office of Legal Affairs, that an amendment having such an effect was not admissible.[1/]

21. However, if the proposal of the Greek and Hungarian delegations was submitted formally to the Third Committee as a draft resolution, he could first invite discussion on it and then put it to the vote.

[1/] See Official Records of the General Assembly, Eighteenth Session, Third Committee, 1221st meeting, paras. 18-34, 1222nd meeting, paras. 28-35, and 1223rd meeting, paras. 1 and 2.

22. Mr. CHAMMAS (Lebanon) said that, in his view, since the Ghanaian representative's motion was a procedural one designed to close the debate on the particular point under discussion, it fell under rule 118 of the rules of procedure of the General Assembly and was therefore admissible.

23. Mr. BECK (Hungary) said that the Greek delegation and his own wished, be their proposal, to prevent the Committee from straying into the jungle of political controversy instead of proceeding directly to adopt a Convention which would eliminate racial discrimination. A debate and a vote on that proposal would therefore help to solve a very substantial problem.

24. The Greek and Hungarian delegations therefore formally proposed the adoption of the following draft resolution:

"The Third Committee

"Decides not to include in the draft International Convention on the Elimination of All Forms of Racial Discrimination any reference to specific forms of racial discrimination." 2/

25. Mr. GUEYE (Senegal) said that he believed all representatives were fully conversant with the issues involved and were reluctant to embark on a prolonged debate on the subject. In his view, the Convention should be universally applicable and acceptable to the majority of the countries represented in the Committee. He therefore supported the Ghanaian motion for closure of the debate and hoped that the Greek-Hungarian draft resolution would be voted on immediately.

26. Mr. MWALUKO (United Republic of Tanzania) observed that the Ghanaian motion fell under rule 120 (d) of the rules of procedure. Rule 121 authorized the Chairman to permit discussion of the proposal of Greece and Hungary even though it had only just been submitted. His delegation supported that proposal.

27. Mr. LAMPTEY (Ghana) said that he had made his motion under rule 118.

28. Mr. SIDI BABA (Morocco) agreed that rule 121 gave the Chairman discretionary power to accept proposals for discussion and he could therefore decide the matter himself in accordance with his prerogatives as Chairman.

29. Mr. ROGERS (United States of America) considered that it would be a mistake to close the debate when the Committee did not have before it the precise text of the proposal.

30. The CHAIRMAN said that, since the Hungarian representative had proposed a formal draft resolution, he would, under rule 121, accept it for discussion, waiving the twenty-four-hour rule. That being the case, the Third Committee would have to decide whether it wished, under rule 132, to give priority to that proposal. Should it decide to give it priority, the Committee would then discuss the proposal. If any delegation moved the closure of the debate, he would put the draft resolution to the vote.

31. Mr. BECK (Hungary) said that the sponsors wished to make it clear that the draft resolution related solely to the amendments still before the Committee, and that it would not affect the mention of apartheid in article III of the draft Convention, which had already been adopted by the Committee.

32. Mr. RODRIGUEZ FABREGAT (Uruguay) doubted whether the proposal of Greece and Hungary was in order, since the rules of procedure of the General Assembly contained no clause under which the Committee could be prevented from discussing proposals or amendments put forward by any delegation. A decision to give priority to the Greek-Hungarian draft resolution might create a serious precedent, especially if it was followed almost immediately by a motion to close the debate on the subject. The United States delegation's right to have its amendment discussed should be recognized, since it was a right which any delegation might wish to invoke in the future. He requested an assurance that, if priority was given to the proposal, of Greece and Hungary, there would be a discussion of that proposal and that delegations would have an opportunity to express their views.

33. Mrs. VILLGRATTNER (Austria) agreed with the representative of Uruguay, and drew attention to the fact that the time-limit for the submission of amendments to the draft Convention had already expired; thus, acceptance of the proposal of Greece and Hungary would appear to require a decision by the Committee.

34. Mrs. MANTZOULINOS (Greece) observed that the Third Committee had always taken a liberal attitude towards amendments not submitted within the strict time-limit.

35. The CHAIRMAN pointed out that the proposal of Greece and Hungary was not an amendment, but a draft resolution.

36. Mr. BAROODY (Saudi Arabia) said that the question whether or not to give priority to the proposal of Greece and Hungary was a purely procedural one, and there was no suggestion of restricting the right of delegations to speak on any subject. He requested that the question should be put to the vote immediately.

37. Mr. AVNER (Israel) said that he supported the very important arguments advanced by the representatives of Uruguay and Austria. Whatever views one might hold on specific forms of racial discrimination, the question raised by the proposal of Greece and Hungary was of very serious substance to a number of delegations, including his own, and he too would like an assurance that, whatever procedure was followed, there would be an opportunity to have a full discussion of the question whether specific forms of discrimination should be condemned.

38. Mr. GARCIA (Philippines) moved the adjournment of the meeting.

The motion was rejected by 80 votes to 9, with 7 abstentions.

39. The CHAIRMAN put to the vote the question whether the Committee should give priority to the

2/ Subsequently circulated as document A/C.3/L.1244.

consideration of the draft resolution submitted by Greece and Hungary.

At the request of the representative of Togo, a vote was taken by roll-call.

The Maldive Island, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Argentina, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guinea, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malawi, Malaysia.

Against: United States of America, Australia, Belgium, Bolivia, Brazil, Canada, Israel.

Abstaining: Mexico, Netherlands, New Zealand, Panama, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Austria, China, Costa Rica, Dominican Republic, Finland, France Guatemala, Haiti, Italy, Ivory Coast, Luxembourg.

The Committee decided by 80 votes to 7, with 18 abstentions, to give priority to the consideration of the draft resolution submitted by Greece and Hungary.

The meeting rose at 1.25 p.m.

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