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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)

CONSIDERATION OF DRAFT RESOLUTIONS (continued)

1. Lady GAITSKELL (United Kingdom), speaking in explanation of the votes cast by her delegation at the preceding meeting, said that the United Kingdom had opposed both the motion for the closure of debate on the Greek-Hungarian draft resolution (A/C.3/L.1244) and the draft resolution itself, because they unreasonably limited freedom of expression in the Committee. A discussion of the Brazilian-United States amendment (A/C.3/L.1211) would have been of cardinal importance, since anti-Semitism was a particularly virulent and persistent form of racial discrimination. It was true that nazism had caused the death of millions during the Second World War, but, whereas others had died in a war of conquest, the Jews had been the victims of an avowed attempt to exterminate them. Her delegation deprecated the attempt to evade the issue by equating all forms of racial discrimination, some of which were worse than others, and it did not share the fear of the representative of Saudi Arabia that new forms of discrimination which might arise in the future would not be covered by the Convention. The fact that anti-Semitism apparently still existed in some countries, and the legacy of myth and guilt attached to the Jewish people throughout the centuries, justified the inclusion in the draft Convention of a specific reference to anti-Semitism, which would in no way prejudice efforts to eliminate all forms of racial discrimination existing at the present time or in the future.

2. Mr. JERNSTROM (Finland) said that his delegation had hoped for an opportunity to express its views on the substance of the question in the proper context of a debate on the various amendments. As the effect of the Greek-Hungarian draft resolution was to deprive members of the Committee of that right, his delegation had abstained in voting on the question of giving it priority and had been unable to support the draft resolution itself.

3. Mrs. VILLGRATTNER (Austria) said that her country was most interested in seeing the draft Convention adopted and regretted having been unable, owing to the closure of the debate and the decision not to hear explanations of vote before the voting, to state that it would be glad to co-operate in any way in preventing future manifestations of anti-Semitism, which was one of the worst forms of racial discrimination. Her delegation was not familiar with the type of obstructionist manoeuvres which had taken place at the preceding meeting and which had no place in modern parliamentary practice. Problems could not be solved by preventing discussion of them, and her delegation had therefore abstained from voting on the question of giving priority to the Greek-Hungarian draft resolution and had voted against the draft resolution itself.

4. Mr. TABOR (Denmark) said that his country, to which racial discrimination was entirely alien, fully appreciated the motives underlying the proposals to include references to specific forms of racial discrimination in the draft Convention. However, the Committee's task was to prepare a legal text, which should be as clear as possible, and, since many forms of racial discrimination were not well defined or clearly understood everywhere in the world, Denmark generally favoured the exclusion of any mention of them. Nevertheless, if the individual amendments had been put to the vote, his delegation would have supported the inclusion of references to those forms which were clearly understood by the Danish people, and it had some doubts concerning the procedure which had made it impossible to vote on the amendments.

5. Mr. OLCAY (Turkey) observed that his country could not fail to oppose anti-Semitism which, like other forms of discrimination, was unknown in Turkey. However, since it was impossible to include in the draft Convention an exhaustive list of specific forms of racial discrimination, and since the omission of some forms might give the impression that they were acceptable, his delegation preferred that the text should be drafted in general terms, and it had therefore supported the draft resolution.

6. Miss HART (New Zealand) said that her delegation had voted in favour of the draft resolution as it considered that the Convention should be a timeless one, applicable without any qualification to every kind of racial discrimination. The inclusion of a reference
to any specific form of discrimination, however evil and pernicious, could only weaken the text.

7. Mr. ZULOAGA (Venezuela) explained that his delegation had abstained from voting on the question of giving priority to the draft resolution (A/C.3/L.1244) and on the draft resolution itself because the procedure adopted had prevented a discussion of the substance of the various amendments. Venezuela did not agree that specific forms of racial discrimination should not be mentioned in the draft Convention, since reference was made to apartheid in article III, which had already been adopted (see A/C.3/L.1239), and colonialism was mentioned in the third preambular paragraph of the text transmitted by the Economic and Social Council (A/5921, annex). His delegation had previously expressed support for the first Polish amendment (A/C.3/L.1210), which would have introduced a reference to nazism in the preamble, and it would have voted in favour of the Bolivian amendment (A/C.3/L.1236).

8. Mr. LAMPTYEY (Ghana), recalling the statement made by the representative of Uruguay at the preceding meeting, said that the Ghanaian delegation would always defend the right of representatives to speak in the Committee; nevertheless, it regarded as an essential concomitant of that democratic right the principle that the wishes of the majority must not be frustrated by the minority, and it had therefore made a procedural motion in the interest of the entire Committee and in the light of the consensus which had existed. The drafters of the rules of procedure must have anticipated situations which would require their use, and to invoke the rule relating to closure was not a novelty.

9. The course of the debate had strengthened his delegation in the conviction, which it had expressed at the 1306th meeting, that the use of controversial terminology would make the Convention less acceptable. The Afro-Asian group, in appealing to delegations to withdraw their amendments relating to specific forms of racial discrimination, had not been oblivious of the right of any country to have its proposals considered and acted upon, but had been motivated by the belief that the original text was adequate to the purposes sought by the sponsors of the amendments and by the antipcoration of strong disagreement in the General Assembly if the amendments were adopted by the Committee.

10. All members were aware that an attempt had been made to inject a highly political issue into the Committee's deliberations. There were many countries where racial discrimination in some form might exist, despite official abhorrence and efforts to eliminate it, and while Member States had a duty, as individual nations and as a community, constantly to urge the Governments of such countries to take more effective action, it was clear that the proposed amendments would not have had the desired effect but would have destroyed the Convention. He did not agree that the inclusion of a reference to apartheid in article III made the adoption of the amendments logical, for the South African Government's claim that apartheid was not racial discrimination made it essential that the unanimous opinion to the contrary should be clearly stated in the Convention.

11. Ghana's opposition to the adoption of the amendments could not be taken as evidence of a lack of anti-racialism on its part, nor did it mean equating Zionism with nazism. The references proposed in the amendments were simply out of place in the Convention, and, since it was claimed that the formula "all forms of racial discrimination" would cover any new manifestation which might arise in the future, there was no reason why it should not be considered adequate to cover anti-Semitism, nazism, and so forth. His delegation believed that all members of the Committee were agreed in principle, and it was determined to see the formulation and adoption of a Convention that would serve as a dynamic instrument in the battle for the elimination of racial discrimination in all its forms.

12. Mr. CABANAS (Spain) said that the various amendments aimed at including in the draft Convention references to specific forms of racial discrimination would have obscured, rather than promoted, the objectives set out in article III already adopted by the Committee. The Convention should set out general principles of lasting significance, rather than specifying certain temporary manifestations and forms of racial discrimination while omitting others which might be equally important. For those reasons and because the adoption of the Greek-Hungarian draft resolution was conducive to the rapid completion of the draft Convention, his delegation had voted in favour of the draft resolution.

13. Miss KING (Jamaica), speaking in explanation of her delegation's vote on the Greek-Hungarian draft resolution, said that racial harmony had reached no higher level of practical expression than in Jamaica, where anti-Semitism was virtually unknown and nazi theories were totally alien. Nor was any other sort of discrimination, be it anti-negro or anti-caucasian, tolerated. She regretted that the demand for the inclusion of a reference to anti-Semitism had been pressed to a vote, despite the fact that a clear majority was opposed to its specific mention; the result of the voting would no doubt be seized upon by the enemies of the United Nations as evidence that the Third Committee did not fully endorse the elimination of anti-Semitism. The draft Convention had been submitted to the Committee after careful consideration by experts of many backgrounds in the Commission on Human Rights, whose judgment should be respected. The Convention was intended to condemn and provide against not only the present forms of racial discrimination but any future forms as well. In the view of her delegation all forms of racial prejudice and discrimination were covered in the fullest and widest possible sense in the existing text. It was impossible to catalogue all forms of discrimination, and to specify particular forms of the evil would merely weaken the Convention. For those reasons, her delegation had voted in favour of the draft resolution.

14. Mr. DE REGE (Italy) said that his delegation had abstained from voting on the draft resolution with great reluctance, racial discrimination being so serious a problem that no one could fail to take a position on it. The original text of the draft Convention had been drafted by eminent jurists in a very clear
form which left no doubt that all manifestations of racial discrimination would be prohibited under its terms. Although his delegation had been prepared to support the inclusion of a reference both to anti-Semitism, as an act of moral reparation for the evils of the past, and to other forms of racial discrimination, it had felt that the inclusion of a list of specific forms of discrimination would weaken the impact of the draft Convention and would introduce political considerations. It had abstained from voting also because the procedure followed for the adoption of the draft resolution had prevented some delegations from presenting their views; while the closure of debate was sometimes necessary and useful, it should not be applied until it was clear that all delegations had had an opportunity to consider the meaning and the scope of the measure submitted to the Committee.

15. Mr. RESICH (Poland) said that his delegation had voted in favour of the draft resolution, bearing in mind that the record of the discussion on the first Polish amendment (A/C.3/L.1210) and on related amendments would make it amply clear that delegations had vigorously condemned nazism as one manifestation of racial discrimination.

16. Miss AGUTA (Nigeria) said that she had voted in favour of the draft resolution because she favoured a convention that employed general language in condemning all racial discrimination. It would be a mistake to dilute the text with references that had political undertones. Anti-Semitism and nazism were scourges which had affected the whole world, but the first consideration in the Committee should be the success of the Convention in combating every form of racial discrimination without exception, and that could be best achieved by adopting a generally worded and generally acceptable text.

17. Her vote certainly did not imply any support for anti-Semitic practices. She simply considered that a reference to anti-Semitism would lead to the mention of other forms of discrimination and ultimately to a convention which was more a political propaganda sheet than an attack on racial discrimination. Many instances could be cited of instruments which had failed to have their intended effect because of the political elements introduced into them. The draft Convention must be saved from that fate, and that had been the purpose of the draft resolution.

18. It had been claimed that the reference to apartheid in article III, already adopted, justified explicit references to other forms of racial discrimination. But apartheid was not only racial discrimination of the most violent kind, it differed from other forms in that it was the official policy of a State Member of the United Nations. The South African Government had never denied the existence of that flagrant form of racial discrimination. Moreover, apartheid had been condemned on many occasions by various bodies of the United Nations and its nature and consequences were no longer a matter of controversy. Since no other country had instituted that form of racial discrimination, the reference to apartheid was directed exclusively to the Government of South Africa.

19. Mr. JATOI (Pakistan) said that he had voted in favour of the draft resolution because his country was unalterably opposed to racial discrimination. The Brazilian and United States amendment (A/C.3/L.1211) had presented his delegation with difficulties because it confined itself to the question of discrimination against a single race. Anti-Semitism, although a most abhorrent form of discrimination, was not the only form in existence today. Ideas of race supremacy and the practice of oppressing racial minorities were still widespread. His delegation opposed all such ideas and all such practices and had supported the draft resolution because it precluded the singling out of any one of them.

20. Mr. CHAMMAS (Lebanon) endorsed the remarks of the Ghanaian representative. His delegation had voted in favour of the draft resolution because it considered that the Convention, as a binding international instrument, should be universal in character and applicability. Reference to specific forms of discrimination would call forth reservations from parties and open the way to misunderstandings and controversy. The ideologies proposed for mention in the draft Convention did not carry the same meaning for all, regardless of the efforts of some to define them in accordance with their own desires and political purposes.

21. His delegation did not shy away from the discussion of any subject, but it had felt that the proposed amendments would lead the Committee into a discussion aimed more at political gain than at the safeguard of human rights. The Israel representative at the previous meeting had described the horrors the Jews had suffered in the past and had offered the Committee certain definitions. The delegation of Lebanon emphasized that the Lebanese people had always been free from racial prejudice and particularly from feelings of anti-Semitism; their history proved that without a shadow of doubt. He therefore felt justified in saying that the Israeli representative had been less than fair or objective in a number of his statements. It was misleading, for instance, to assert that anti-Semitism was an evil social phenomenon. The truth was that it was an evil Western social phenomenon. It was also misleading to speak of the Jews as a single people. Jews were nationals of their respective countries even though they shared a certain faith. Their right to observe that faith was undeniable, but their treatment as one people regardless of where they lived was contrary to history and logic. An article in that day’s issue of The New York Times stressed the gap in Israel between Jews from the West and from the East. Only the Jews from the West had suffered discrimination, and the price for that suffering had been paid by the Arabs. The Committee would of necessity to have to discuss the fate of the Arab victims of the Jews if the Brazilian and United States amendment had come under discussion.

22. The Israel representative had referred to Jews in the USSR but instead of urging that the purposes of the draft Convention should be given effect in that country, as elsewhere, had suggested that the USSR should encourage emigration to Israel. Indeed it was part of the State policy of Israel to regard Jews everywhere as exiles abroad and not as nationals of their respective countries. The implication was that anti-Semitism was practised wherever Jews were
found and that the only solution was their emigration to Israel.

23. He was forced to conclude from the Israel representative's statement that anti-Semitism was being used in the Committee as a political instrument. He had voted in favour of the draft resolution in order to avoid political manoeuvring, and he welcomed the overwhelming support which the resolution had received.

24. He endorsed the remarks of the Nigerian representative on the subject of apartheid. The latter was a legally enforced policy of discrimination which could not be equated with other existing discriminatory practices.

25. Mr. ABDEL-HAMID (United Arab Republic) said that racial discrimination or segregation had never been practised in his country, where the people had always lived in an atmosphere of mutual respect. He had voted in favour of the draft resolution because he believed that the introduction of cold war issues would undermine the work in which the Committee was engaged. The only purpose of those who tried to divert the Committee from its proper task was to make the United Nations an instrument of their internal policies and create division and confusion.

26. The Convention should condemn every form of racial discrimination. The Commission on Human Rights had been justifiably concerned about references to particular forms of racial discrimination in the draft Convention and had rejected an article which would have had the effect of creating a sort of discrimination among different forms of discrimination.

27. The United States delegation wished to single out anti-Semitism. He wondered if that meant that other forms of discrimination were less serious in the United States. Apartheid had been bitterly condemned in the United Nations, but despite the unprecedented acts of discrimination of the South African Government the United States delegation in the United Nations had stubbornly resisted the application of economic sanctions against South Africa. The Arabs had suffered loss of life and property with the establishment of Israel, yet some who claimed to oppose discrimination still supported that country. To the Arabs, Zionism was synonymous with racial discrimination and nazism; the same position was taken by no less a scholar than the historian Arnold Toynbee, in his A Study of History.

28. Racism was rampant in Southern Rhodesia, too. He would have expected the United Kingdom representative to request a special reference to racism in Southern Rhodesia, if she favoured any specific references at all. It was noteworthy that colonialism was responsible for all the cases of discrimination he had mentioned, except that of the United States.

29. He had supported the Greek-Hungarian draft resolution because, while he was always ready to open the issues he had cited as examples, it was best to avoid them if the Committee was to fulfil its humanitarian task.

30. Mr. RASHTI (Iran) said that his country had always been free from prejudice and had in fact served as a haven for victims of discrimination. His delegation's vote on the draft resolution confirmed its satisfaction with the text as drafted by the Commission on Human Rights. The general condemnation in that text of all forms of racial discrimination was sufficiently strong to oblige States parties to guarantee the safeguards which the opponents of the draft resolution had wished to demand in specific terms. The effectiveness of any international treaty depended on the spirit in which its signatories committed themselves to the application of its provisions. If the Convention was adopted without reservation by Member States, then the existing provisions of the text would suffice.

31. Mr. K. C. PANT (India) welcomed the adoption of the draft resolution primarily because it brought the Committee nearer to its goal of adopting the historic instrument before it. Some had argued that no opportunity had been allowed for discussion of the amendments themselves, but he hoped that by now it had become clear that the object of the Afro-Asian group in supporting the draft resolution had not been to stifle debate, which in a sense had been going on since the vote on the draft resolution, but to save the Committee from a long and bitter discussion after which voting might have become more contentious and produced more bitterness.

32. The Commission on Human Rights, an expert body which studied in great detail the subjects referred to it, had decided to omit any reference to particular forms of racial discrimination. He believed that the Committee should respect the Commission's decision. The question of specific references had confronted the Committee in various ways from the start, and the best course had been to face it squarely and with the minimum loss of time. The draft resolution had served that purpose. It reflected the general consensus which had developed in the Committee and provided a way out of the impasse. The avoidance of polemics was essential, particularly since the principles of the draft Convention were acceptable to every delegation present.

33. The Convention was an instrument which would set standards not only for the present but for the future. The text already condemned all forms of racial discrimination and nothing could be gained from the inclusion of examples, which would associate the definition of racial discrimination with certain known forms and would thus limit the instrument's scope.

34. He understood the desire to mention particular types of discrimination, for Indians, too, had been victims of discriminatory practices. India had always taken a strong position on the question and it was worth noting, in that connexion, that the leaders of the Indian independence movement had rebuffed nazi overtures in which sympathy for the movement had been expressed. With respect to anti-Semitism, the small Jewish population in India lived in full harmony with others and suffered no discrimination. In fact, without implying any criticism, he drew attention to the fact that many Jews who had left India for Israel had returned, a matter of some pride to Indians. Of course, India condemned anti-Semitism and any form of nazism. His delegation had voted in favour of the draft resolution in order to strengthen the fight.
against those and all other kinds of racial discrimination, by securing the largest possible acceptance of the Convention by States.

35. Mr. SHARAF (Jordan) said that the Chairman was to be commended for the wisdom and objectivity he had shown in conducting the Committee's debate on the subject. His delegation was satisfied with the result of the vote taken at the previous meeting. In adopting the Greek-Hungarian draft resolution the Committee had shown that it understood the danger implicit in a suggestion that appeared legitimate but was not so in fact.

36. The Arabs, who constituted 95 per cent of the world's Semites, condemned anti-Semitism practised against any members of the three great Semitic religions and, particularly against the Jews. Such tolerance was an integral part of their heritage and culture. However, the Brazilian and United States amendment was something different. His delegation regretted that the United States representative had not heeded the wishes of the African and Asian countries, the many appeals addressed to him, and the good example of the sponsors of other amendments who had agreed to withdraw their proposals if the United States amendment was withdrawn. His delegation was puzzled by Brazil's association with that amendment. Since there was no doubt that all members of the Committee condemned anti-Semitism, the submission of the amendment could only be a manoeuvre designed to delay the adoption of the Convention, or an essay in local vote-seeking. The United States Press had distorted the reasons why the Third Committee had adopted the Greek-Hungarian draft resolution. The USSR delegation had shown a wise and understanding attitude in agreeing to withdraw its request for reference to particular manifestations of racial discrimination if the United States delegation would do the same. His own delegation too had felt that reference to other forms of racial prejudice was desirable. For example, Zionists, like Fascists, regarded all other races as inferior. Zionism was based on racial exclusiveness and used methods similar to fascism and nazism. The Arabs of Palestine knew to their sorrow the political and racial consequences of Zionism.

37. Nevertheless, despite its strong feelings, his delegation would have withdrawn its proposal made at the 1301st meeting that the draft should make specific reference to Zionism, had it not been for the negative attitude shown by the United States delegation. When, therefore, the Greek-Hungarian draft resolution had been submitted, his delegation had supported it whole-heartedly.

38. Mr. DAYRELL DE LIMA (Brazil), referring to observations which had been made concerning Israel's co-sponsorship of the amendment in document A/C.3/L.1211, observed that his delegation had had no chance either to explain its reasons for co-sponsoring the amendment, discussion of which had been precluded even before the amendment had been introduced, or to express its views before the vote on the Greek-Hungarian draft resolution.

39. He did not agree with those who had said that the draft amendment was inopportune. Everyone agreed that anti-Semitism was one of the most brutal forms of racial prejudice ever known in the developed countries and had been the source of nazism, which, directly or indirectly, had caused the deaths of millions of human beings. Moreover, that phenomenon did not disappear with economic and social advancement as recent history had shown. The United Nations itself had been established as a result of the holocaust that had been caused by anti-Semitism and nazism. How could the Committee fail to mention that fact? His delegation had had no ulterior political motive in sponsoring the amendment, was not acting under the pressure of any racial minority or outside force and did not wish to intervene in any political drama being played out anywhere on earth. But Brazil realized that anti-Semitism carried the seeds of war. By what sophistry could the Committee justify a failure to recognize that fact? Moreover, all members of the Committee, even those who had opposed the amendment, were opposed to anti-Semitism.

40. Many representatives had objected to reference in the Convention to any specific forms of racial discrimination; but the draft already included a reference to apartheid. In that connexion, his delegation would have supported the Bolivian amendment (A/C.3/L.1236) had it been put to the vote.

41. His delegation also wished to commend the Chairman for the admirable manner in which he had conducted the debate on the matter.

42. Mrs. DABCEVIC KUCAR (Yugoslavia) said that, since her country was opposed to all forms of racial discrimination, it would have had no difficulty in supporting any amendment specifying any particular form.

43. In view of the statements made during the debate, the appeal for the withdrawal of all such amendments and the Committee's goal of achieving the unanimous adoption of the Convention, her delegation had voted in favour of the Greek-Hungarian draft resolution.

44. Mr. MACDONALD (Canada) said that his delegation had voted against the draft resolution and against the motion for closure, firstly, for the sake of consistency with the position it had taken in the past and, secondly, because it wished to have more time in which to discuss a stubborn, deep-rooted and particularly pernicious form of discrimination, to express its detestation of that divisive phenomenon and to pay a tribute to the vitality, creativeness and discipline of a people who, despite the scourge of anti-Semitism, had contributed substantially to the common heritage of mankind. A debate on the amendment would have enabled his delegation to inform the Committee of the efforts being made in Canada at the federal and provincial levels to find a legal formula to cope with the problem.

45. However, the majority of representatives felt that an extended debate would be counter-productive. Although his own delegation held a different view, it would support the accommodation which had been reached. It wished to join in the tributes paid to the Chairman.

46. Mrs. BANGOURA (Guinea) said that her delegation had voted in favour of the draft resolution, not in
order to put an end to what might have proved to be an interminable debate, but because it was fully satisfied with the original text. To make that text more explicit would be to limit it. New and even worse forms of racial discrimination might arise in the future and it would then be necessary to add them to the list.

47. Mr. GARCIA (Philippines) said that his Government opposed all forms of racial discrimination and had demonstrated that fact by giving refuge to 3,000 Jewish refugees in 1939.

48. The real issue in the discussion had not been anti-Semitism as such, or any other manifestation of racial discrimination, but the advisability of including in the Convention a reference to any particular form of racial discrimination. His delegation had supported the Greek-Hungarian draft resolution for objective and technical reasons; it considered that the Convention should be couched in clear, legal terms. Any enumeration of specific forms of racial discrimination would never be exhaustive and would merely detract from the general acceptability of the Convention. Moreover, since there was no generally recognized definition of anti-Semitism, fascism or nazism, the use of such terms in the Convention would be legally meaningless.

49. His delegation took exception to a reference made at the previous meeting to the position taken by the Philippines in connexion with the question of Palestine, the relevance of which to a discussion on racial discrimination was difficult to see. His country followed an independent foreign policy and was accountable to its own people for its actions.

50. Mr. INCE (Trinidad and Tobago) said that his delegation’s vote in favour of the Greek-Hungarian draft resolution should not be interpreted as a belittlement of, or failure to comprehend, the viciousness of any “ism”. His delegation condemned racial discrimination in whatever form it might appear, but did not believe that its manifestations should be itemized because such a list would be very long indeed. Anti-Semitism was as abhorrent as any other “ism” which caused human beings to be persecuted on account of their race. However, the matter was adequately dealt with in the draft Convention for its wording was broad enough to cover all forms of racial discrimination.

51. Princess NAKATINDI (Zambia) commended the Chairman for his able and impartial guidance of the Committee’s debate. She had voted in favour of the draft resolution because she opposed the introduction for political motives of specific references to particular forms of racial discrimination. While her delegation was not blind to the seriousness of such practices as anti-Semitism, it felt that the peoples of the world had a right to be protected also from the many practices that were not mentioned in the draft.

52. Mrs. WARZAZI (Morocco) expressed the satisfaction of the Afro-Asian group with the result of the voting at the two previous meetings and its gratitude to the delegations of Greece and Hungary for the valuable contribution they had made to the Committee’s work. It was thanks to their initiative that the Committee had been saved from becoming embroiled in dissension as a result of the submission of a controversial proposal. She also thanked the USSR representative for his spirit of understanding and co-operation. The Afro-Asian group opposed anything that tended to weaken the Convention; that was why it had rejected a disturbing element which could only produce discord instead of unanimity. She also expressed the group’s appreciation of the Chairman’s impartiality and patience.

The meeting rose at 1.10 p.m.