

United Nations
**GENERAL
ASSEMBLY**

TWENTIETH SESSION

Official Records



**THIRD COMMITTEE, 1314th
MEETING**

Thursday, 21 October 1965,
at 3.5 p.m.

NEW YORK

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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; E/3873, chap. II and annexes I and III; A/C.3/L.1208, L.1210, L.1217, L.1219 to L.1223, L.1225, L.1226 and Corr. 1, A/C.3/L.1228, L.1237, L.1239, L.1241 to L.1243, L.1245)

CONSIDERATION OF DRAFT RESOLUTIONS
(concluded)

1. The CHAIRMAN invited the delegations wishing to do so to explain their votes on the Greek-Hungarian draft resolution (A/C.3/L.1244), which had been adopted at the 1312th meeting and which provided that no reference to specific forms of racial discrimination should be included in the draft Convention on the Elimination of All Forms of Racial Discrimination.
2. Mrs. DE BROMLEY (Honduras) said that her delegation although convinced that nazism had been the cause of the worst catastrophe to have befallen the human race, had voted in favour of the draft resolution, by virtue of which the text of the Convention retained the generality proper to an international instrument.
3. Mr. FUENTES IBÁÑEZ (Bolivia) regretted that the Third Committee, instead of voting on the amendments in the normal order, had decided to vote on the draft resolution first and had adopted it. In so doing, it had, by a procedural decision, brusquely cut short the debate in what was essentially a deliberative body.
4. Some delegations had regretted that the Bolivian amendment (A/C.3/L.1236) had not been adopted, since it had represented a compromise solution. By retaining in the text a reference to the most odious and most characteristic forms of racial discrimination, it would have imparted to the draft Convention

the specificity required in such an instrument if it was to be a living and effective one.

5. Other delegations, in connexion with that amendment, had raised the question of Palestine, although that was entirely outside the competence of the Third Committee. He was surprised that preference had been given to a text which was regarded as more general than his delegation's amendment, especially as the draft Convention, notably in the preamble and in article III, tended to deal with the problem of racial discrimination from a regional standpoint by referring to forms of discrimination peculiar to certain parts of the world.

6. In any event, he greatly feared that the Committee, by means of a procedure that he still considered questionable, had adopted a text which, while being too abstract, nevertheless lacked universality.

7. Mr. MURUGESU (Malaysia) explained that he had voted in favour of the draft resolution because he had feared that a reference to specific forms of racial discrimination would detract from the broad scope of the text of the Convention.

8. His delegation had also voted in favour of the motion for closure because of its concern that the discussion—which, in any event, had been protracted to the point where everything essential had already been said—might turn into a religious debate, and that had had to be prevented at all costs.

9. Mr. TARCICI (Yemen) said that Yemen, where racial discrimination was unknown and a most progressive and liberal Constitution had recently been adopted, was prepared to vote in favour of the draft Convention.

10. In the meantime, his delegation had supported the draft resolution because it had feared that any reference in the draft Convention to certain forms of discrimination would limit the scope of a text which should be universal, for it was never possible to produce an exhaustive list of the various forms of racial discrimination. It could scarcely have been foreseen, for instance, that the very persons who had suffered under nazism would one day use the methods of their former persecutors in occupied Palestine. It must be borne in mind that, whereas anti-Semitism was by definition directed against the Jews, the targets of Zionism were Christians and Moslems who had had to flee Palestine before the Zionist invaders.

11. Mr. RIOS (Panama) said that he had voted in favour of the draft resolution because he had not wanted the enumeration of the various aspects of racial discrimination to result in excluding from the field of application of the draft Convention any ex-

tremely dangerous forms of discrimination which might arise in the future. Moreover, as the Third Committee had seen during the explanations of vote, which had been tantamount to a substantive debate, any such enumeration might cause serious dissension.

12. In any event, he believed that the text of article IV, in particular, was sufficiently explicit to cover all forms of racial discrimination, without there being any need to mention them by name. Moreover, the text of the draft Convention as a whole was so clear and precise that any attempts to improve it had little prospect of success.

13. He wished to state categorically that he had voted in favour of the draft resolution as an expression, in all conscience, of a deep conviction, and not—as had been implied in connexion with the vote of a number of representatives—in order to outwit other delegations. Such an insinuation was an affront to the dignity of Member States, which vehemently refused to have the votes they cast with complete objectivity used for cold-war political purposes.

14. Mr. JATIVA (Ecuador) said that he had voted against the motion for the closure of debate because he felt that sovereign States had the right to express their views.

15. His delegation had voted in favour of the draft resolution because, in its view, it was desirable to adhere as closely as possible to the text proposed by the Commission on Human Rights, which had carefully excluded anything that might have political repercussions—and rightly so, since experience had shown that to enumerate the various forms of racial discrimination was likely to have such repercussions and to create dissension. In voting for the draft resolution, Ecuador, which, in its policies, legislation and practice condemned all forms of discrimination, had sought to ensure that the Convention retained the universality which it must have.

16. Mr. LEBRON PUMAROL (Dominican Republic) said that his delegation, which condemned all forms of discrimination, had abstained from voting on the draft resolution. It had not cast a negative vote, since it believed that an enumeration of the various forms of discrimination might lead to polemics, thus rendering the adoption of the draft Convention more difficult.

17. Mr. KYPRIANOU (Cyprus) said that he had voted in favour of the draft resolution for the reasons already given by other representatives. It had seemed to him that the draft resolution was calculated to advance the Committee's work, to save time and to prevent the debate from taking on an impassioned tone hardly conducive to constructive discussion.

18. Mr. BOEYKENS (Belgium) said that he had voted against the motion for closure because he favoured as wide and open a discussion as possible so that all the aspects of a question might be elucidated.

19. His delegation had voted against the draft resolution in the belief that it was inconsistent with article III of the draft Convention, which referred to specific forms of discrimination. His delegation also considered that failure to mention nazism and anti-Semitism limited the scope of the Convention.

His attitude was based on sentiments which had their origin in the recent past, and his country, whose Jewish population had suffered from nazi persecution, had felt obliged to vote against the draft resolution.

20. Miss KAJUMBULA (Uganda) said that she had voted in favour of the draft resolution because she felt that the text of the draft Convention, as proposed by the Commission on Human Rights, was sufficiently clear and complete to achieve its objective of eliminating all forms of racial discrimination.

21. Mr. TEKLE (Ethiopia) said he had voted for the draft resolution despite the fact that he fully understood the concern of the delegations which had proposed that various forms of racial discrimination should be specified. His delegation had felt that only by proceeding in that way was it possible to promote the adoption of the draft Convention, which was, moreover, sufficiently comprehensive and explicit in its original form.

22. Miss RANDOLPH (Togo) said that she had voted for the draft resolution since it seemed to her impossible to establish a criterion for determining that one form of discrimination should be condemned as against any other.

23. If there was today any one race which suffered discrimination more than any other, it was the Negro race. Yet the delegations of the Afro-Asian group had agreed that that issue, despite its great urgency, should not be raised in the debate, in order that the draft Convention might preserve the general scope which it must have.

24. Mrs. DE GROTEWOLD (Guatemala) said that her country, whose legislation was based on the legal principle that all persons were equal before the law, and which had always pursued a policy of promoting the integration of the indigenous population, strongly condemned anti-Semitism. Her delegation was nevertheless convinced that an international instrument should state general principles and avoid any reference to specific and temporary phenomena. It was entirely satisfied with the text as prepared by the Commission on Human Rights.

25. She joined the representative of Panama in objecting to the tendentious interpretations which some speakers had tried to attach to the free and informed vote of representatives of sovereign States.

26. Mrs. MAKSIMENKO (Ukrainian Soviet Socialist Republic) said that she had voted for the draft resolution in order that the text of the Convention might retain its universal scope. She strongly objected to the slander to which her country had been subjected by Israel. In her view, that slander, based on untrue rumours, had the sole purpose of concealing from world public opinion the discrimination practised by Israel against the Arab world.

27. Mr. RODRIGUEZ FABREGAT (Uruguay) said he deeply regretted that the Committee had decided at its 1312th meeting to close the debate and to vote on the Greek-Hungarian draft resolution. Indeed, his delegation had wished to make a proposal of its own which might have made it possible for the text to be adopted unanimously. In the circumstances, his dele-

gation had had no alternative but to vote against the motion for closure and against the draft resolution. It particularly regretted the sudden interruption of the debate since in its opinion an exchange of views offered everyone the opportunity of making his best contribution and aiding the progress of mankind.

28. Racial discrimination was alien to Latin America, where many races had always lived side by side without ever being divided by the slightest hostility, and where persons fleeing persecution had always found refuge. In that respect the countries of Latin America had followed the example of Spain, where for several centuries Jews, Arabs and Christians had lived as neighbours and had contributed to the cultural heritage of the Spanish world on the basis of the profound solidarity which had bound them together. It was essential that such fruitful contact should be renewed and that Arabs and Jews should cease to fight one another and, going beyond a mere armistice, should enter into a dialogue of peace in the interests of world peace.

29. Having had occasion to see nazism at close range, and thus, fully understanding the feelings of countries like Israel and Poland and other socialist countries of Europe that had suffered deeply from the atrocities committed under the Hitler régime, he could not but accede to their wish to have the Convention explicitly mention the evil to which they had been subjected. The amendment co-sponsored by Brazil (A/C.3/L.1211), which would have introduced a reference to anti-Semitism, would also have had the support of his delegation, which felt bound to pay a tribute to that country, in which no trace of racial discrimination existed. Unfortunately, the closure of the debate and the adoption of the Greek-Hungarian draft resolution had defeated the purpose of all the amendments proposed, including those aimed at condemning anti-Semitism and nazism. Although the tone of the discussion had admittedly been improved as a result, it was to be wondered whether such a procedure was truly admissible and whether those were the kind of circumstances in which a United Nations convention ought to be drawn up.

30. His delegation for one wished to continue consideration of the text, which in its view set forth guidelines that were too general to contribute effectively to the elimination of racial discrimination.

31. Miss GUILIB (Tunisia) said that her delegation had voted for the draft resolution because it had feared that the mention of particular forms of discrimination might limit the scope of the Convention. Her country had always opposed all forms of racism, and particularly nazism, which was founded on the indefensible principle of racial superiority. As for anti-Semitism, Tunisia could not possibly practise it since its own nationals were Semites.

32. Mrs. STEVENSON (Liberia) wished to exercise her right of reply in order to refute the assertions of the representative of Saudi Arabia regarding the position taken by the Liberian delegation in 1947 on the Palestine question. She did not understand why the Saudi Arabian representative had singled out her country, thus abusing his right of reply. She wondered why Liberia had been chosen by the Saudi Arabian

representative for his attack, when it had voted with the Afro-Asian group on the question of condemning anti-Semitism. Moreover, such delving into the past had been entirely outside the framework of the debate, which had been concerned with anti-Semitism and not with the partition of Palestine.

33. The Liberian delegation, deeply offended by the unwarranted remarks addressed to it, remarks which called its integrity into question, wished to state that it exercised its right to vote as a matter of sovereignty and in its national interests; it deplored the fact that the Saudi Arabian representative had seen fit to assert that a member of the Liberian delegation, a veteran diplomat, had yielded to certain political pressures.

34. Mrs. BEN-ITO (Israel) observed that certain delegations had wished to interrupt the discussion of the different amendments for the alleged purpose of saving time and keeping the debate from taking a political turn. They had produced the very opposite result, however, since through explanations of votes and rights of reply the discussion on anti-Semitism and Zionism was still going on. She deplored the fact that the discussion was taking place on the basis of a rather undemocratic procedure.

35. The charge that Israel and the Zionist movement practised racism, using methods similar to those of nazism, was as offensive as it was false. In seventeen years, Israel had integrated 1,250,000 immigrants from seventy different countries and of the most varied backgrounds. It was helping the immigrants, particularly those from developing countries, to reach the material and cultural levels of the rest of the population, and was doing so within the framework of human and civic equality. She did not think that hasty conclusions should be drawn from the fact that some Jews from India had decided to return to their country of origin. With regard to the Arabs living in Israel, their situation was in no way worse than that of other Arabs in the Middle East in such matters as health, level of living, education, employment, modernization of agriculture and infant mortality; moreover, they had exactly the same civil rights as other citizens.

36. Several delegations had asserted that anti-Semitism was unknown in the Arab world. If that was so, she wondered how it was that in Yemen, for example, a country to which the Israel representative had referred in his statement, Jews were not allowed to use the sidewalks. The Jews of Yemen, fortunately, were now all safely in Israel.

37. She thanked the delegations which had spoken out against anti-Semitism and believed that, although the Convention did not refer to it, that monstrous phenomenon would ultimately, thanks to its unanimous condemnation, disappear from the face of the earth.

38. Mr. BARODY (Saudi Arabia) regretted that the Liberian and Philippine representatives had objected so vehemently to the statement made at the 1312th meeting by his delegation, which had merely endeavoured to provide the Committee with some historical information and a few details about Zionism. It was not the Saudi Arabian delegation which had raised the question of Zionism; on the contrary,

it had wanted at all costs to avoid a debate on the subject. Indeed, the Committee's summary records clearly showed that Saudi Arabia had asked the Committee not to engage in a fruitless debate, and had appealed to the sponsors of proposals and amendments to withdraw their suggestions in order to deter other delegations from submitting more of them.

39. In a spirit of compromise and conciliation, and in order to enable the Committee to make progress in its work, some delegations, including that of the Soviet Union, had agreed to withdraw their amendments, unlike others who had never shown any indication to display the same goodwill. The Israel representative, who was to have spoken in explanation of vote, had taken the opportunity to start an argument by reading a prepared statement in which he had given the history of Zionism.

40. The Saudi Arabian delegation had therefore had no choice; it had had to recpen the question of Zionism, which some had compared to nazism, and had been obliged, under duress, to speak of the plight of the Palestine Arabs because the question of political Zionism had been raised and that question always touched a raw nerve in the Arab world.

41. The fact was that, in reviewing the origins of Zionism and its consequences in relation to the partition of Palestine, he had had occasion to mention the pressure that had been brought to bear on Liberia and the Philippines; but there had been no animosity or rancour in his remarks, and he had not intended to offend those countries in any way. He regretted the misunderstanding that seemed to have prompted the reaction of the delegations concerned. However, there could be no doubt that all small countries, including Saudi Arabia, had at some time or other, for one reason or another, been subjected to pressure by the great Powers. It was enough to look at a few history books—for example, to read Harry Truman's memoirs—to be convinced of that. He did not think he had said anything that could offend anyone.

42. With regard to the Israel representative's statement, he had never drawn a parallel with nazism and Zionism; he had pointed out that it was the debate on anti-Semitism—which should more correctly be called anti-Judaism—that had touched off a political argument. His delegation entirely agreed with those who opposed anti-Judaism; but it was intolerable to the Arab world to be accused of anti-Semitism—an exclusively European phenomenon—by European countries, which would do better to concentrate first of all on banishing that scourge from their own soil instead of trying to lay down the law for the rest of the world.

43. Lastly, he was not convinced by the arguments that had been brought up in an attempt to prove there was no discrimination in the country known as Israel. The various advantages enjoyed by the Palestine Arabs were material in nature; they were not enough to make people happy or to fulfil their spiritual and cultural aspirations.

44. Mr. ELMENDORF (United States of America) said that anti-Semitism, like apartheid, was a particularly odious form of segregation, and he regretted that it had not been specifically mentioned. He also

regretted that, in the guise of explanations of vote, some delegations had seen fit to criticize the United States. Since the accusations made were unfounded, biased and irrelevant, they did not merit a substantive reply. What was important was the work that had been done. Even though the Committee had decided not to consider the amendment proposed by the United States and Brazil, there had been a general condemnation of anti-Semitism. Moreover, it was clear that the provisions of the Convention covered anti-Semitism.

45. Mr. TARCICI (Yemen) and Mr. ABU-L-RAHIM (Sudan), responding to an appeal from the Chairman, waived their right of reply.

PREAMBLE (concluded) *

46. The CHAIRMAN invited the Committee to vote on the preamble of the draft Convention (A/5921, annex) and the amendments thereto.

FIRST PARAGRAPH

The first Lebanese amendment (A/C.3/L.1222) was adopted unanimously.

The first paragraph, as amended, was adopted unanimously.

SECOND PARAGRAPH

The second paragraph was adopted unanimously.

NEW THIRD PARAGRAPH

The amendment submitted by Romania (A/C.3/L.1219), as revised at the 1301st meeting to include the United Kingdom amendment (A/C.3/L.1230), was adopted unanimously.

FOURTH PARAGRAPH (former third paragraph)

The first amendment of the sixteen Powers (A/C.3/L.1226 and Corr.1) was adopted by 85 votes to none, with 1 abstention.

The fourth paragraph, as amended, was adopted by 85 votes to none, with 3 abstentions.

FIFTH PARAGRAPH (former fourth paragraph)

47. The CHAIRMAN reminded the Committee that, since the wording of the second amendment submitted by the sixteen Powers was not fully identical in all languages, it had been decided to use, in all languages, a quotation from the Declaration on the Elimination of All Forms of Racial Discrimination.

48. Mr. SCHAAPVELD (Netherlands) said that, since the Committee had decided—by adopting the first amendment of the sixteen Powers—to include in the fourth paragraph the number of the General Assembly resolution containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, it would also be appropriate to mention in the fifth paragraph the number of the resolution containing the Declaration on the Elimination of All Forms of Racial Discrimination.

It was unanimously decided to insert the words "(General Assembly resolution 1904 (XVIII))" after the words "20 November 1963".

*Resumed from the 1302nd meeting.

The second amendment of the sixteen Powers (A/C.3/L.1226 and Corr.1) was adopted unanimously.

The fifth paragraph, as amended, was adopted unanimously.

SIXTH PARAGRAPH (former fifth paragraph)

The sixth paragraph was adopted unanimously.

SEVENTH PARAGRAPH (former sixth paragraph)

49. Mr. SAKSENA (India) observed that the Convention which the Committee was in the process of adopting was of historic importance and would be applied by future generations. It must therefore be worded with the greatest care. In that connexion he thought it would be well to replace the words "harmonious coexistence" by the words "harmonious living", but he would abide by the general opinion.

50. The CHAIRMAN pointed out that the amendment in question had been drafted in Spanish, and that the Spanish word "convivencia" had a more active meaning. He suggested that the Secretariat should be asked to find some more appropriate word in English.

The third amendment of the sixteen Powers (A/C.3/L.1226 and Corr.1), as orally revised by the sponsors at the 1301st meeting, was adopted by 78 votes to none, with 7 abstentions.

The seventh paragraph, as amended, was adopted unanimously.

NEW EIGHTH PARAGRAPH

The first amendment of Brazil, Colombia and Senegal (A/C.3/L.1217), as orally revised by the sponsors at the 1302nd meeting, was adopted by 79 votes to none, with 1 abstention.

NINTH PARAGRAPH (former seventh paragraph)

51. Mr. ELMENDORF (United States of America) asked what had become of the proposal made by the representative of India at the 1301st meeting for the replacement of the word "Concerned" by the words "Deeply concerned".

52. The CHAIRMAN explained that the Lebanese delegation had not agreed to the proposed change.

The second Lebanese amendment (A/C.3/L.1222) was adopted by 37 votes to 5, with 39 abstentions.

The ninth paragraph, as amended, was adopted by 80 votes to none, with 5 abstentions.

TENTH PARAGRAPH (former eighth paragraph)

The fourth amendment of the sixteen Powers (A/C.3/L.1226 and Corr.1), as orally revised by the sponsors at the 1302nd meeting, was adopted unanimously.

The tenth paragraph, as amended, was adopted unanimously.

ELEVENTH, TWELFTH AND THIRTEENTH PARAGRAPHS (former ninth, tenth and eleventh paragraphs)

The eleventh, twelfth and thirteenth paragraphs were adopted unanimously.

The preamble, as a whole, as amended, was adopted unanimously.

53. Mrs. DABCEVIC-KUCAR (Yugoslavia) explained that her objections to the third amendment of the sixteen Powers had been disposed of, because the phrase proposed to replace the original wording of the seventh paragraph had been added to the original text. She had therefore been able to vote in favour of the amendment.

54. Mr. ELMENDORF (United States of America) said that he had been unable to vote for the second Lebanese amendment, not because his delegation was not "alarmed" by certain manifestations of racial discrimination, but because it considered that the term was not of the kind normally used in a convention.

55. Mrs. VILLGRATTNER (Austria) said that she had abstained from voting on the first amendment of Brazil, Colombia and Senegal for the insertion of a new eighth paragraph because, in her view, the idea embodied in that amendment already appeared elsewhere.

56. Mr. SANON (Upper Volta) considered that the Indian representative's proposal for the replacement of the word "Concerned" by the words "Deeply concerned" had been more apt than the second Lebanese amendment because it had given the text fresh vigour. He had therefore had to abstain from voting on that amendment, but he had voted in favour of the paragraph as a whole.

57. Mr. RIOS (Panama) said that he had not voted in favour of the second Lebanese amendment because he considered the word "Concerned" more appropriate.

ARTICLE IV

58. The CHAIRMAN reminded the Committee that the next meeting would be devoted to article IV of the draft Convention. Part (b) of the second Czechoslovak amendment (A/C.3/L.1220) to article IV no longer had any meaning since the Greek and Hungarian amendment (A/C.3/L.1244) had been adopted. Furthermore, the Scandinavian countries had submitted a sub-amendment (A/C.3/L.1245) to part (a) of the second Czechoslovak amendment. In addition the United States had submitted two sub-amendments, one (A/C.3/L.1243) to the Czechoslovak amendment and the other (A/C.3/L.1242) to the Polish amendment.

59. Mr. KOCHMAN (Mauritania) said that the third amendment submitted by Mauritania, Nigeria and Senegal (A/C.3/L.1225), to delete the words "resulting in acts of violence", duplicated part (c) of the second Czechoslovak amendment, the sponsors accordingly withdrew it.

The meeting rose at 6.5 p.m.