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Chairman: Mr. Humberto DIAZ CASANUEVA
(Chile).

AGENDA ITEM 43

Draft Declaration on the Elimination of All Forms of Racial Discrimination (A/5459, A/5503, chap. X, sect. II; E/3743, paras. 89-145; A/C.3/L.1067, A/C.3/L.1071-1072, A/C.3/L.1073/Rev.1, A/C.3/L.1074, A/C.3/L.1075/Rev.1, A/C.3/L.1076-1077, A/C.3/L.1079/Rev.1, A/C.3/L.1080/Rev.1, A/C.3/L.1082/Rev.1, A/C.3/L.1084-1086, A/C.3/L.1088/Rev.1, A/C.3/L.1089-1090 and Add.1, A/C.3/L.1094, A/C.3/L.1096, A/C.3/L.1097/Rev.1, A/C.3/L.1098, A/C.3/L.1100 and Add.1, A/C.3/L.1101-1113 and Add.1, A/C.3/L.1114/Rev.1, A/C.3/L.1115/Rev.1, A/C.3/L.1116-1118) (concluded)

PREAMBLE (concluded)

Sixth preambular paragraph (concluded)

1. The CHAIRMAN appealed to the members of the Committee to make a concerted effort to attain the objective desired by all—the adoption of the draft Declaration on the Elimination of All Forms of Racial Discrimination. He was doing his utmost, while remaining wholly impartial, to reconcile the different positions, and it would be most regrettable if further procedural debate should prolong consideration of the present agenda item at the expense of other important questions awaiting the Committee's attention.
2. Mr. MEANS (United States of America) recalled that the motion which he had made at the 1222nd meeting concerning the Polish amendment (A/C.3/L.1096) had been based on the procedural decision taken at the 1221st meeting. However, in response to the Chairman's appeal, and without prejudice to the Chairman's ruling at the last-mentioned meeting, he would not press for a vote on his motion.
3. Mr. GELDERS (Belgium) nevertheless wished to point out that the motion was in conformity with the ruling made by the Chairman at the 1221st meeting.
4. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) thanked the United States representative for having withdrawn his motion but expressed reservations concerning proposals of that kind and the motives

underlying them. Far from wishing to oppose the Chairman's ruling, as some had alleged, his delegation on the contrary considered that, if the debates were to be conducted in a democratic way, they should conform strictly to the rules of procedure.

5. Mr. IVANOV (Union of Soviet Socialist Republics) thanked the Chairman for his efforts to find an equitable solution to the problem and the United States representative for having withdrawn his motion. He explained for the benefit of the Chilean representative that he had in no way intended to accuse the Chairman of applying undemocratic methods, but that he had interpreted the ruling made at the 1221st meeting as applying to the proposal by Saudi Arabia, Mexico and Panama. He proposed that the Chairman should ask the Office of Legal Affairs to prepare a document for the members of the Third Committee to clarify the procedural question which had arisen.

6. The CHAIRMAN did not consider that such a document was needed, since he was prepared to consult the Committee if a motion was made on the basis of the second part of the ruling he had made at the 1221st meeting.

7. Mr. BAROODY (Saudi Arabia) thanked the Chairman for his efforts to find a solution to a situation which, in his opinion, owed its confusion to the different interpretations given by certain delegations to the proposals made and the procedural decisions taken at the 1221st meeting. He did not consider it desirable for a document to be prepared on that subject, since consideration of the document might lead certain delegations to reopen the question whether the proposal made by the Saudi Arabian, Mexican and Panamanian delegations, which the other delegations had misinterpreted, had been in order. The debate might then be needlessly prolonged. In view of the withdrawal of the United States motion, he formally proposed that the Committee, without concerning itself further with the procedural problems which had arisen in the preceding meetings, should proceed in the normal way to vote on the draft declaration and the amendments to it.

8. Mr. LAMANI (Albania) considered that the ruling made by the Chairman at the 1221st meeting was in conformity with rule 131 of the rules of procedure of the General Assembly. In his opinion that was not true, however, of the motion made at the 1222nd meeting by the United States delegation, a motion which was, moreover, contrary to the practice generally followed in the organs of the United Nations. In his view, no delegation could request that a proposal should not be put to the vote, except in the specific case provided for in rule 131.

9. The CHAIRMAN said he was glad to see that a spirit of co-operation and understanding again prevailed, and invited the Committee to proceed to a vote.

The Polish amendment (A/C.3/L.1096) was rejected by 32 votes to 17, with 33 abstentions.

The sixth paragraph, as amended by point 2 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1) was adopted unanimously.

Seventh preambular paragraph

Point 3 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1) was adopted by 82 votes to none, with 2 abstentions.

10. Mr. BAROODY (Saudi Arabia) requested a separate vote on the deletion of the words "and expansionism".

The deletion was rejected by 63 votes to 9, with 14 abstentions.

The seventh preambular paragraph, as amended, was adopted unanimously.

Eighth preambular paragraph

Point 4 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1) was adopted unanimously.

11. Mr. BAROODY (Saudi Arabia) said that he would not press for a separate vote on the words "or hatred".

The amendment of Poland and Yugoslavia (A/C.3/L.1077/Rev.1) was rejected by 33 votes to 25, with 31 abstentions.

The eighth preambular paragraph, as amended, was adopted unanimously.

Ninth preambular paragraph

Point 5 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1) was adopted by 83 votes to 1, with 10 abstentions.

The ninth preambular paragraph, as amended, was adopted by 97 votes to none, with 1 abstention.

Proposal to insert an additional paragraph after the last paragraph of the preamble

12. Mr. DELGADO (Senegal) said that the English text would have been more in line with the French text if the words "société universelle" had been translated by "universal society."

13. The CHAIRMAN stated that the Secretariat would take note of that remark.

The proposal to insert an additional paragraph after the last preambular paragraph (A/C.3/L.1084) was adopted by 88 votes to none with 7 abstentions.

OPERATIVE PARAGRAPH FOLLOWING THE PREAMBLE

14. Mr. SPERDUTI (Italy) thought that the paragraph in the draft Declaration (Economic and Social Council resolution 958 E (XXXVI), annex), beginning "Solemnly affirms" was not truly a part of the preamble, but acted rather like a link between the preamble and the articles. Consequently, he wondered whether the vote on the preamble could not be regarded as finished, and whether delegations which wished to explain their vote on the preamble proper might not be allowed to do so and to indicate how they intended to vote on the remainder of the draft.

15. The CHAIRMAN recognized the soundness of the Italian representative's remarks and was ready to call on any delegation that wished to explain its vote.

16. Mr. MEANS (United States of America) explained that his delegation had voted against the retention of the words "differentiation or" in amendment A/C.3/L.1092 because in his opinion it was perfectly legitimate to recognize that races differ. As all the members of the Committee knew, the United States was resolutely opposed to the idea that any race was superior to any other, as the merciless struggle which it had conducted against nazism had made abundantly clear. It had provided a home for groups from very different parts of the world and it knew that the diversity of origins and the resultant differences among its nationals were a source of enrichment for the entire population.

17. Mr. MOLINA SALAS (Argentina) said that by submitting their amendment to the paragraph following the preamble (A/C.3/L.1073/Rev.1, point 6), the seven Latin-American Powers had merely sought to give greater strength and effectiveness to the draft Declaration; for that purpose they considered it was necessary to recall the twin ideals which the elimination of racial discrimination should make it possible to achieve, namely, understanding of and respect for the dignity of the human person. By unanimously adopting the insertion of the word "dignity" in the preamble, the Committee had clearly shown the interest it took in that aspect of the question. In reply to certain criticisms, he stressed that the seven Powers considered it necessary in the declaration to refer to specific and positive measures to be taken in order to eliminate discrimination: they had given a special place to action in teaching and education but that did not rule out the national and international measures of other kinds.

18. Mr. SPERDUTI (Italy) supported the amendment of the seven Latin-American Powers to the paragraph under consideration.

19. Mr. DELGADO (Senegal) said that he would like the word "observancia" to be translated by "application", and not by "observation" in the French text of the amendment.

20. The CHAIRMAN stated that the Secretariat would take note of that remark.

21. Mr. MOLINA SALAS (Argentina) said that the seven Latin-American Powers agreed to incorporate the Tunisian amendment (A/C.3/L.1071) in their own amendment, to which the words "throughout the world" should be added after the word "elimination".

The first paragraph of point 6 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1), as amended, was adopted unanimously.

The Ugandan sub-amendment (A/C.3/L.1118) to the second paragraph of point 6 of the amendments of the seven Latin-American Powers was adopted by 91 votes to none, with 5 abstentions.

The second paragraph of point 6 of the amendments of the seven Latin-American Powers, as amended, was adopted unanimously.

The first two paragraphs of point 6 of the amendments of the seven Latin-American Powers as amended, and the words "Proclaims the following Declaration" were adopted unanimously.

22. The CHAIRMAN invited the Committee to pass on to the articles of the draft Declaration and the amendments thereto.

ARTICLE I

23. Mr. CUEVAS CANCINO (Mexico) said that, in view of the result of the vote taken at the 1222nd meeting on amendment A/C.3/L.1092 and Add.1, the delegations of Argentina, Bolivia, Ecuador, Mexico and Venezuela withdrew their proposal in document A/C.3/L.1102.

24. Mr. RAZGALLAH (Tunisia) stated that, after consultation with certain delegations, the Tunisian delegation has revised its amendment A/C.3/L.1080/Rev.1, so that article 1 would read as follows:

"Discrimination between human beings on the grounds of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact likely in certain cases to disturb peace and security among peoples."

25. Mr. MEANS (United States of America) thanked the representative of Tunisia for revising his amendment (A/C.3/L.1080/Rev.1); however, he would like the English version of the last clause to be as follows: "and as a fact capable in certain cases of disturbing peace and security among peoples".

26. Mrs. ARIBOT (Guinea) considered that the words "in certain cases" weakened the Tunisian amendment.

27. Mr. DELGADO (Senegal) shared that view. The word "likely" already introduced a restriction.

28. Mr. BAROODY (Saudi Arabia) considered that the word "likely" which appeared in amendment A/C.3/L.1080/Rev.1 was more appropriate than "capable". He had no objection to the phrase "in certain cases".

29. Mr. GOODHART (United Kingdom) thought that "capable" was preferable to "likely", and proposed that the former word should be adopted.

It was so decided.

30. Mr. MEANS (United States of America) said he was ready to accept the deletion of the words "in certain cases".

31. Mr. RAZGALLAH (Tunisia) stated that he would willingly delete those words in his amendment.

32. Mr. CUEVAS CANCINO (Mexico) observed that amendment A/C.3/L.1103 concerned only the Spanish text of article 1 of the draft Declaration. A vote was therefore unnecessary: it would be sufficient for the Secretariat to make the suggested changes in the text.

33. The CHAIRMAN put to the vote article 1 thus amended, it being understood that the Spanish text of the article would be revised in accordance with amendment A/C.3/L.1103.

Article 1, as amended, was adopted by 96 votes to none, with 1 abstention.

ARTICLE 2

34. Mr. SPERDUTI (Italy) pointed out that the words "in the treatment of persons" which appeared in the

English text of paragraph 1 of the article had no equivalent in the French text, and rightly so. It went without saying that everything which concerned human rights and fundamental freedoms concerned the treatment of persons. The phrase should therefore be deleted from the English text.

35. The CHAIRMAN assured the representative of Italy that the Rapporteur would take note of his observation, which did not affect the substance of the text.

36. Mr. SPERDUTI (Italy) turning to the amendments in document A/C.3/L.1074, said that his delegation would have no objection to the insertion of the word "whatsoever" after the word "discrimination". The word was not essential, but it added a certain emphasis.

37. On the other hand, the deletion of the words "in matters of human rights and fundamental freedoms" would make the text of article 2, paragraph 1 very vague. Moreover, it did not answer the objectives of the draft Declaration, which aimed essentially at ensuring full enjoyment of human rights and fundamental freedoms. His delegation would accordingly vote against that amendment.

38. As regards the third amendment suggested by Austria and Nigeria, his delegation was perplexed by it. An institution could surely not be characterized by its race, colour or ethnic origin. Furthermore, if the Committee should decide to maintain the phrase "in matters of human rights and fundamental freedoms", the proposed phrase would be superfluous and might even weaken the text. His delegation would therefore be obliged either to vote against the amendment or to abstain.

39. Mr. GOODHART (United Kingdom) regretted that he was unable to support the Austrian-Nigerian amendment (A/C.3/L.1074) to delete the words "in matters of human rights and fundamental freedoms". The notion of discrimination might be a precise one in some countries, but in English the word "discrimination" had a very broad and rather vague meaning. The words which the delegations of Austria and Nigeria wished to delete clarified and limited the scope of the term and, if they were to disappear, it would, for example, be impossible for the United Kingdom Government to continue to allow the existence in British universities of the many clubs which were reserved exclusively for students of Indian or other origin and which were, he believed, perfectly legitimate and inoffensive. His delegation would be unable to vote for an amendment that led to a situation which was indefensible from the practical and somewhat absurd from the theoretical viewpoint.

40. Mr. IVANOV (Union of Soviet Socialist Republics) said that his delegation was prepared to vote in favour of the amendment of the United States (A/C.3/L.1079/Rev.1), and would not oppose the Austrian-Nigerian amendments (A/C.3/L.1074).

41. However, he preferred the original text of article 2 to the text proposed by Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1104), which had the defect of not stipulating that the special measures for the protection of certain racial groups would cease to apply when they were no longer needed.

The meeting rose at 5.50 p.m.