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**THIRD COMMITTEE, 1225th
 MEETING**

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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.1072, A/C.3/L.1075/Rev.1, A/C.3/L.1076-1077, A/C.3/L.1082/Rev.1, A/C.3/L.1085-1086, A/C.3/L.1088/Rev.1, A/C.3/L.1089-1090 and Add.1, A/C.3/L.1098, A/C.3/L.1101, A/C.3/L.1105-1113 and Add.1, A/C.3/L.1114/Rev.1, A/C.3/L.1115/Rev.1, A/C.3/L.1116-1117) (continued)

ARTICLE 3 (continued)

1. Mr. KABBANI (Syria) said that his delegation, after consulting the delegations of France, Greece, Italy, Mexico and the USSR, had prepared amendments to article 3 of the draft Declaration^{1/} and to article 6,^{2/} which formed a logical sequel to article 3, the former dealing with the enjoyment of rights under private law, the latter with the sphere of public law.
2. In the context of article 3, it would be more appropriate to speak of "civil rights" rather than of "political rights" in the English text, which would thus be brought into line with the French text. The objections which had been raised to the use of the word "citizenship" would be overcome, and the point which the authors of the draft had had in mind would be better expressed, if the words "access to" were inserted before the word "citizenship".
3. The first sentence of article 6 had been redrafted, because the text as it now stood suggested that even minorities should enjoy the political rights to which the article referred. He trusted that the proposed new text of article 6 would be acceptable to the United States delegation as superseding the amendment in document A/C.3/L.1088/Rev.1.
4. Mr. MOLINA SALAS (Argentina) said that, in view of the proposed new text of article 3, paragraph 1, he withdrew the amendments of Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1105) on behalf of the sponsors.

^{1/} Subsequently circulated as document A/C.3/L.1119.

^{2/} Subsequently circulated as document A/C.3/L.1120.

5. Mr. IVANOV (Union of Soviet Socialist Republics) asked that the vote on article 6 should be taken before the vote on article 3, since his delegation's position on article 3 would be determined by the text adopted for article 6.

6. The CHAIRMAN announced that votes on articles 3 and 6 would be taken at the 1226th meeting, after delegations had had time to study the Syrian amendments.

ARTICLE 4

7. In reply to a question by the CHAIRMAN, Mr. MEANS (United States of America) said that the amendment of Argentina, Bolivia, Ecuador, Mexico and Venezuela to article 4 (A/C.3/L.1106), if adopted, would require the substitution of the word "shall" for the word "should" wherever it occurred in the English text.

The amendment of Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1106) was adopted.

Point 1 (a) of the Nigerian amendments (A/C.3/L.1098) was adopted by 85 votes to none, with 1 abstention.

8. Miss TABBARA (Lebanon) pointed to a discrepancy between the French translations of point 1 (b) of the Nigerian amendments to article 4 (A/C.3/L.1098) and point 2 of the Nigerian amendments to article 5 (A/C.3/L.1082/Rev.1), the English text of which was identical. In her view, the French text should in both instances read "la politique des gouvernements et des pouvoirs publics".

9. Mr. GELDERS (Belgium) felt that the text proposed by the Lebanese delegation would be redundant, since "la politique des gouvernements" meant the same as "la politique des pouvoirs publics".

10. Mr. SEGOVIA (Uruguay) thought that by inserting the words "and public" the Nigerian delegation had intended to add the notion of power originating from other than Government centres. That idea would perhaps best be expressed by the substitution of the words "governmental policies and policies of other centres of public power", for the words "governmental policies".

11. Mrs. MANTZOULINOS (Greece) remarked that in countries having a supreme administrative tribunal such as the French Conseil d'Etat, there was a very important distinction between the action of the Central Government, which was not subject to appeal, and the action of other public authorities, against which appeals could be lodged.

12. Mr. COMBAL (France) said that the words "politiques gouvernementales et publique" in the French text of document A/C.3/L.1082/Rev.1 made little sense. He much preferred the words "politiques des gouvernements et des pouvoirs publics" as a translation of the Nigerian amendment.

13. Mr. SPERDUTI (Italy) suggested that the meaning of the Nigerian amendment would best be conveyed by the insertion of the words "et d'autres pouvoirs publics". It was essential that each delegation should clearly understand the implications of the text on which it would vote. In some countries, including his own, the central Government had powers to compel provincial and local authorities to revise their policies, but the constitutional position in other countries might be different, so that the application of article 4, as amended by Nigeria in document A/C.3/L.1098, would prove impossible.

14. Mr. DELGADO (Senegal) expressed complete agreement with the Italian representative's suggestion, which would result in a French text exactly reflecting the thought embodied in the English version of the amendment.

15. Miss WACHUKU (Nigeria) said that she still preferred the original version in English; nevertheless, she suggested that the meeting should be suspended for a brief period to allow consultations between delegations.

The meeting was suspended at 11.35 a.m. and resumed at 11.45 a.m.

16. The CHAIRMAN suggested that the difficulties which had arisen might be overcome, without detriment to the fundamental objectives of article 4, if the words "to revise governmental policies and" were deleted, thus leaving States to take appropriate action in accordance with their individual systems.

17. Mr. IVANOV (Union of Soviet Socialist Republics) felt that, as the Nigerian amendments (A/C.3/L.1098) had not been withdrawn and as they improved the English and Russian texts, they should be put to the vote; it was for the Secretariat to produce appropriate translations into the other languages. The deletion suggested by the Chairman would weaken the article.

18. Miss WACHUKU (Nigeria) said that, during the suspension of the meeting, the English-speaking delegations had agreed that the expression "governmental and public policies" was best; in order to meet the views of others, however, they would agree to the words "governmental and other public policies".

19. Mr. OUEDRAOGO (Upper Volta) said that all authorities, governmental or other, functioned under a national constitution, which defined their respective powers. He would therefore prefer the phrase "les politiques des pouvoirs en général" in the French text. The Chairman's suggestion was not entirely satisfactory, since the objectives envisaged included not only the rescinding of discriminatory laws and regulations but a change in Government policy.

20. Mr. COMBAL (France) remarked that, while he had no serious objection to the formula now proposed by the Nigerian representative, a better wording in French would be "les politiques des gouvernements et des autres pouvoirs publics".

21. Mr. ALONSO OLEA (Spain) said that in Spanish, as in English, the word "public" clearly had a wider meaning than "governmental", referring rather to the general conduct and philosophy of the authorities. He believed that the phrase "las políticas gubernamentales y públicas" faithfully rendered the meaning of the Nigerian amendment.

22. Mr. REDONDO (Costa Rica) disagreed with that view. To the legal mind, the term in question was

pleonastic, and the words "y de otros centros de poder público" suggested by the representative of Uruguay would more accurately reflect the idea behind the amendment.

23. Mr. COMBAL (France) remarked that a literal French translation of that expression would be very unsatisfactory.

24. The CHAIRMAN said that he would put to the vote the Nigerian amendment, as revised orally; if it was adopted, the Secretariat, in consultation with the French delegation, would endeavour to produce the most satisfactory version possible in French.

Point 1 (b) of the Nigerian amendments (A/C.3/L.1098), as revised, was adopted by 75 votes to 3, with 16 abstentions.

Point 2 of the Nigerian amendments (A/C.3/L.1098) was adopted by 45 votes to 28, with 17 abstentions.

Article 4 as a whole, as amended, was adopted by 76 votes to 2, with 13 abstentions.

ARTICLE 5

The amendment of Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1107) was adopted.

Point 1 of the Nigerian amendments (A/C.3/L.1082/Rev.1) was adopted.

25. Miss WACHUKU (Nigeria) said that the insertion proposed in point 2 of the amendments in document A/C.3/L.1082/Rev.1 should read "and other public", to conform to the adopted version of point 1 (b) of her earlier amendment (A/C.3/L.1098).

Point 2 of the Nigerian amendments (A/C.3/L.1082/Rev.1), as revised, was adopted by 77 votes to none, with 13 abstentions.

Article 5, as amended, was adopted by 93 votes to none, with 2 abstentions.

ARTICLE 7

26. Mr. CUEVAS CANCINO (Mexico) proposed that, in the first line of the Spanish version of the amendment of the United States (A/C.3/L.1089), the word "tendrá" should be replaced by the word "tiene".

The proposal was adopted.

27. Mr. BAROODY (Saudi Arabia) suggested to the United States delegation that it should delete the words "police or other" from its amendment (A/C.3/L.1089). The implication of the present text was that people in many countries needed protection from the police rather than by it. Moreover, the reference to government officials already covered the question of any unlawful injury that might be inflicted by the police.

28. Mr. MEANS (United States of America) agreed to the deletion.

The United States amendment (A/C.3/L.1089), as revised, was adopted by 94 votes to 1, with 3 abstentions.

29. The CHAIRMAN observed that the text just adopted would constitute paragraph 1 of article 7.

Point 1 of the amendments of Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1109) was adopted.

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30. Mr. CUEVAS CANCINO (Mexico), referring to point 2 of the amendments in document A/C.3/L.1109, said that the Spanish word "amparo" had been correctly translated as "protection" in English but that the French translation had mistakenly rendered the word as the specific legal remedy of "amparo".

31. The CHAIRMAN stated that the mistake would be corrected.

Point 2 of the amendments of Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1109) was adopted by 90 votes to none, with 4 abstentions.

Paragraph 2 of article 7, as amended, was adopted unanimously.

Article 7 as a whole, as amended, was adopted unanimously.

The meeting rose at 1 p.m.