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Chairman: Mr. Humberto DIAZ CASANUEVA
(Chile).

Expression of sympathy to the Governments and peoples of Cuba, Haiti, and Trinidad and Tobago on the occasion of the recent hurricane

1. The CHAIRMAN expressed his sympathy with the delegations of Cuba, Haiti, and Trinidad and Tobago, on the occasion of the heavy losses in lives and the damages which those countries had suffered as a result of a recent hurricane. He hoped that the disaster would be the occasion, especially for States Members of the United Nations, for giving proof of a genuine spirit of international solidarity and for coming to the help of the many victims.

2. Mr. GOODHART (United Kingdom) and Mr. MEANS (United States of America) also expressed their sympathy with the delegations of the three countries devastated by the hurricane.

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.1085-1086, A/C.3/L.1088/Rev.1, A/C.3/L.1089-1090 and Add.1, A/C.3/L.1101, A/C.3/L.1105, A/C.3/L.1108, A/C.3/L.1110-1113 and Add.1, A/C.3/L.1114/Rev.1, A/C.3/L.1115/Rev.1, A/C.3/L.1116-1117, A/C.3/L.1119-1120) (continued)

ARTICLE 8

3. Mr. GOODHART (United Kingdom) said that, in view of the importance of the text being discussed, he would like to receive from the Chairman an assurance that each delegation would have the right to explain its vote before each article was put to the vote.

4. The CHAIRMAN confirmed that each delegation could explain its vote, as briefly as possible, before the vote on each article.

5. Mr. DAS (Secretary of the Committee) said that, when an amendment was presented jointly by several delegations, it was impossible for the Secretariat to verify with each of the delegations concerned that it wished to be one of the sponsors of the text in question. Henceforth, therefore, the Secretariat, in order to facilitate and speed up the work, would strictly apply the rule that every representative who handed to it a proposal bearing the names of several delegations was considered to have obtained the agreement of those delegations.

6. Mr. SPERDUTI (Italy) doubted whether point 1 of the amendments presented by Chad and Nigeria (A/C.3/L.1115/Rev.1) was advisable, for one might wonder if it were possible to qualify a priori as effective steps which were yet to be taken.

Point 1 of the amendments of Chad and Nigeria (A/C.3/L.1115/Rev.1) was adopted by 65 votes to none, with 18 abstentions.

7. Mr. MOLINA SALAS (Argentina) said that the sponsors had withdrawn point 1 of their amendments to article 8 (A/C.3/L.1110) in favour of point 2 of the amendments presented by Chad and Nigeria (A/C.3/L.1115/Rev.1).

Point 2 of the amendments of Chad and Nigeria (A/C.3/L.1115/Rev.1) was adopted by 89 votes to none, with 3 abstentions.

8. The CHAIRMAN proposed that the Committee should take a decision on point 2 of the amendments of Argentina, Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1110) after the vote on article 9.

It was so decided.

Point 1 of the Tunisian amendments (A/C.3/L.1072) was adopted by 92 votes to one, with 2 abstentions.

Point 2 of the Tunisian amendments was adopted by 86 votes to 1, with 7 abstentions.

Article 8, as a whole, as amended, was adopted by 94 votes to none, with 2 abstentions.

ARTICLE 6

9. The CHAIRMAN suggested that the Committee should proceed to vote on articles 3 and 6, and, in conformity with the proposal made by the USSR representative (1225th meeting), should vote first on article 6.

It was so decided.

10. Mr. MEANS (United States of America) said that the text of the first sentence of article 6 proposed by Syria (A/C.3/L.1120) was not in line with the aims of the United States amendment (A/C.3/L.1085/Rev.1). As the United States delegation had not been invited to take part in drawing up a new article 6, he was obliged to let his amendment stand, and might perhaps form the first paragraph of article 6, while the Syrian text formed the second.

11. The CHAIRMAN said he was ready to put to the vote the amendments of the United States and of Syria successively, but he wondered whether, if both the amendments were adopted, article 6 would have a logical structure.

12. Mr. SEGOVIA (Uruguay) thought that article 6 should be examined afresh; otherwise there might be a contradiction between the two proposed paragraphs. Moreover, it would be advisable to recast the Syrian text for, by adopting it in its present form, the Committee might seem to be condoning discrimination and rejecting only its effects. In reality, it was necessary to condemn discrimination itself, and, as a consequence thereof, its effects. He suggested that the Syrian amendment—together with the United States amendment—should be referred back to the delegations which had taken part in drawing it up.

13. Mr. SARMIENTO CARUNCHO (Bolivia) and Mrs. ARIBOT (Guinea) supported the suggestion.

14. Mr. KABBANI (Syria) observed that his amendment and that of the United States were very similar, the only difference being that the former was of more general application, since it condemned discrimination, from whatever source it originated, whereas the United States text mentioned only States.

15. Mr. Antonio BELAUNDE (Peru) felt that, to eliminate the idea of political rights from article 3 and insert it in article 6, would deprive the declaration of part of its force as regards political rights. Article 3 stressed the necessity of making particular efforts to prevent discrimination in the different fields which it enumerated, including political rights. Article 6, on the contrary, was an abstract declaration of principles so that, if political rights were mentioned only in article 6, the definite and positive measures called for in article 3 would not extend to them.

16. The CHAIRMAN shared the Uruguayan representative's view that, if the amendment of the United States (A/C.3/L.1088/Rev.1) and that of Syria (A/C.3/L.1120) were both adopted, a disjointed text would result. He thought that the Syrian amendment, which dealt with the rights of any person in his own country, covered the same idea as that of the United States, which dealt with the rights of the citizens of a State; he therefore wondered whether the United States delegation might not withdraw its amendment.

17. Mr. MEANS (United States of America) maintained his amendment, but he would be happy to take part in the working group, if it were formed in accordance with the Uruguayan proposal.

18. Mr. GELDERS (Belgium) was not opposed to the Syrian text (A/C.3/L.1120), but would prefer the order of the second part to be reversed, for the right to participate in elections should, logically, precede that of taking part in the government.

19. Mrs. VILLGRATTNER (Austria) was afraid the Syrian amendment might be interpreted as meaning that discrimination was authorized in so far as it did not prevent the exercise of political rights, an idea obviously contrary to the spirit of the draft Declaration.

20. Mr. KABBANI (Syria), replying to the objections to his amendment, pointed out, first, that as regards the order of the sentence, he had followed that of the original text, and second, that the draft Declaration contained other articles aimed at preventing discrimination in other matters than political rights.

21. Mr. SARMIENTO CARUNCHO (Bolivia) again urged adoption of the Uruguayan proposal, since another meeting of the working group, far from delaying the Committee's work, would enable a difference to be settled which related to form and not to substance.

22. The CHAIRMAN, on the contrary, feared that another meeting of the working group might result in further loss of time for the Committee, which had already devoted many more than the scheduled seven meetings to the present agenda item. Perhaps the United States and Syrian representatives might agree on a joint text during a brief suspension of the meeting.

23. Mr. MEANS (United States of America) said that he was prepared to withdraw his amendment (A/C.3/L.1085/Rev.1).

24. Mr. IVANOV (Union of Soviet Socialist Republics) asked the Syrian representative whether, in order to overcome certain objections, he could replace, in his text, the words "shall prevent" by the words "shall be admitted or prevent".

25. Mr. KABBANI (Syria) accepted that suggestion.

26. Mr. SEGOVIA (Uruguay) remarked that the Committee's difficulties actually related solely to form, since all the members agreed that civil rights would be dealt with in article 3 and political rights in article 6. He believed that the solution might be to add the expression "political rights" in the original text of article 6, which in any case seemed to be clearer than the Syrian text.

27. The CHAIRMAN reminded the Committee that at that stage of the debate the only texts admissible were sub-amendments to the Syrian amendment.

28. Mr. MEANS (United States of America) said he had withdrawn his amendment in consideration of the fact that the Syrian amendment was a compromise text which would not change the substance of article 6. That article would be radically altered by the USSR sub-amendment, however, and his delegation would therefore have to reconsider its position.

29. Mr. IVANOV (Union of Soviet Socialist Republics) saw no reason for withdrawing his sub-amendment, as it had been accepted by the Syrian delegation and merely introduced into the article the idea that discrimination should not be admitted, which was the idea underlying the entire draft Declaration.

30. Mrs. ARIBOT (Guinea) believed that the Committee might save time if the meeting was suspended briefly to enable the United States, Syrian and USSR delegations to consult with one another.

31. Mr. SEGOVIA (Uruguay) formally proposed that the meeting should be suspended for fifteen minutes.

The meeting was suspended at 4.10 p.m. and resumed at 4.45 p.m.

32. Mr. KABBANI (Syria) said that he regretted to inform the Committee that it had not been possible to arrive at a compromise text during the suspension of the meeting.

33. Mr. MEANS (United States of America) recalled that his delegation had withdrawn its amendment (A/C.3/L.1068/Rev.1) on the assumption that the Syrian amendment (A/C.3/L.1120) would be adopted. Since the Soviet Union had introduced a sub-amendment which completely altered the tenor of that text, however, his delegation wished to reintroduce its amendment as a sub-amendment. The text in document

A/C.3/L.1088/Rev.1 would be added at the end of the Syrian amendment, the full stop at the end being replaced by a comma.

34. Mr. Antonio BELAUNDE (Peru) wondered whether in those circumstances it might not be better for the Committee to return to the original text of article 6, which he found excellent, and proceed to vote on it.

35. Mr. AGORSOR (Ghana) said that the delegations which had met during the suspension of the meeting were in fact able to submit to the Committee a text which took into account the USSR sub-amendment and the Belgian suggestion, as follows:

"No discrimination by reason of race, colour or ethnic origin should be admitted in the enjoyment by any person of political and citizenship rights in his country, in particular the right to participate in elections through universal and equal suffrage and to take part in the government."

36. Mr. IVANOV (Union of Soviet Socialist Republics) added that the delegations which had collaborated with Ghana in the drafting of that text, namely, the delegations of Cameroon, the United States, Senegal, Syria and the USSR, wished to be considered as co-sponsors of the proposal.

37. Mr. MEANS (United States of America) said that his delegation could withdraw its sub-amendment if the word "admitted" was replaced by the word "permitted".

38. Mr. IVANOV (Union of Soviet Socialist Republics) considered the word "admitted" preferable to "permitted", which implied the existence of an authority competent to grant permission. He hoped that the United States representative would not insist on a change which seemed relatively unimportant.

39. Mr. MEANS (United States of America) formally proposed that the word "admitted" should be replaced by the word "permitted".

The United States sub-amendment was rejected by 25 votes to 24, with 40 abstentions.

40. The CHAIRMAN put to the vote the joint text submitted by the Ghanaian representative.

The joint text was adopted by 90 votes to none, with 6 abstentions.

41. Mr. DAS (Secretary of the Committee) drew attention to the amendment to the second sentence of article 6 submitted by Austria in document A/C.3/1075/Rev.1. That text corresponded to article 21 (2) of the Universal Declaration of Human Rights. The French and Spanish versions of the Austrian amendment should be altered to reproduce the terms of the Universal Declaration.

42. The CHAIRMAN put the Austrian amendment to the vote.

The Austrian amendment (A/C.3/L.1075/Rev.1) was adopted by 73 votes to none, with 16 abstentions.

Article 6 as a whole, as amended, was adopted by 93 votes to none, with 1 abstention.

ARTICLE 3 (concluded)

Paragraph 1

43. The CHAIRMAN put to the vote point 1 of the Syrian amendments (A/C.3/L.1119).

Point 1 of the Syrian amendment (A/C.3/L.1119) was adopted by 93 votes to none, with 1 abstention.

Point 2 of the Syrian amendments (A/C.3/L.1119) was adopted by 91 votes to none, with 2 abstentions.

Article 3, paragraph 1, as amended, was adopted unanimously.

Paragraph 2

Article 3, paragraph 2 was adopted unanimously.

Article 3, as a whole, as amended, was adopted unanimously.

ARTICLE 9

44. Mr. MEANS (United States of America) formally proposed that the meeting should be adjourned in order to enable delegations to meet to draft a compromise text.

The United States motion was adopted by 49 votes to none, with 41 abstentions.

The meeting rose at 5.25 p.m.