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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; A/C.3/L.1208-1212, L.1216-1226; E/3873, chap. II and annexes I and III)

PREAMBLE

1. Mr. SHARAF (Jordan) stressed the great importance of the draft Convention adopted by the Commission on Human Rights, submitted by the Economic and Social Council in its resolution 1015 B (XXXVII) and set out as an annex to the note by the Secretary-General (A/5921). He welcomed the fact that the fight against all forms of prejudice including racial discrimination, was now becoming world-wide in scope. Discrimination based on race or colour was unknown in his country, and it was his delegation's fervent wish that that should become true of the entire world. If the Convention was to be effective, it should be couched in universal terms which could not be construed as favouring any one particular group over others. The purpose of the Convention was to ensure equality of treatment for all men and not to enumerate every possible kind of discrimination—an impossible task. When the Committee came to consider the articles of the draft Convention it would be faced, for instance, with an amendment calling for the condemnation of anti-Semitism (A/C.3/L.1211); he hoped that it might be recognized from the outset that efforts to single out particular types of discrimination would lead the Committee into difficulties.

2. Mrs. MANTZOULINOS (Greece) supported the Romanian amendment (A/C.3/L.1219), which would introduce a very important notion into the preamble. She also endorsed the amendments to the preamble set out in document A/C.3/L.1226. Referring to the amendments submitted by Colombia and Senegal (A/C.3/L.1217), she had reservations concerning the first amendment, since there was probably no universally applicable definition of "civilized society", but she would support the second amendment. Regarding

the first Polish amendment (A/C.3/L.1210), she believed that pointed references would only weaken the Convention. There were so many ideologies which preached discrimination of one kind or another, that to name them all would be pointless, even if it were possible.

3. Mr. BELTRAMINO (Argentina) said that the Latin American delegations were profoundly interested in the draft Convention, and thirteen of them had co-sponsored amendments (A/C.3/L.1226) which aimed to make the text as precise and effective as possible. The first amendment to the preamble was intended to help those unacquainted with United Nations texts in referring to the Declaration on the Granting of Independence to Colonial Countries and Peoples. The second would introduce the concept of human dignity, which had been referred to in the first preambular paragraph of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. The third would remove a phrase which was somewhat misleading, since evil racial doctrines and practices still existed at present, and would replace it with words stressing the importance of racial tolerance for domestic peace. The last amendment to the preamble would introduce a basic principle which was spelt out in article VII.

4. The draft Convention was an exceedingly important document and the bodies which had prepared it deserved the Committee's commendation and thanks. The terms of the draft should be carefully considered in an atmosphere which, if not totally dispassionate, should be entirely non-political. In a broad sense, the object of the draft Convention was to ensure the dignity of the human person; that presupposed the existence of fundamental human rights and duties, which in turn precluded such practices as racial discrimination.

Mrs. Warzazi (Morocco), Vice-Chairman, took the Chair.

5. Mr. BAROODY (Saudi Arabia), observing that a great number of amendments had been submitted, wondered whether the wisest course might not be to accept the draft prepared by the Commission on Human Rights, to which no delegation had raised any objections. His delegation had considered proposing certain amendments, but had refrained in order not to complicate matters further. If the Committee agreed with him that the draft was basically satisfactory, it might spare itself a long debate and at the same time avert the possibility of producing a document which was inferior to the original.

6. Since the Committee had amendments before it, however, he would comment briefly on several of them. The first Polish amendment (A/C.3/L.1210), would have the draft Convention refer to nazism. His delega-

tion had always opposed such proposals, not because it was unaware of the horrors of nazism or of the suffering which countries like Poland had undergone at the hands of the nazis, but because there were countless "isms" which would have to be enumerated if any one was. For example, while the greatest recent affliction of Europe had been nazism, for the rest of the world it had no doubt been colonialism, and it could be convincingly argued that colonialism was a cause of racial discrimination. In addition, Arabs had suffered owing to a certain "ism", yet no delegation had asked that it should be mentioned in the draft Convention. It was not the purpose of the Convention to revive memories of past evils, particularly at a time when the countries of the world seemed to be striving towards new ideals, those proclaimed in the United Nations Charter.

7. He objected for similar reasons to the Brazilian and United States amendment (A/C.3/L.1211), which would condemn anti-Semitism. The term "anti-Semitism" was unclear and was being used to further certain political ends. Did anti-Semitism apply to persons of a Semitic ethnic origin, of whom 95 per cent were Arabs, or to the members of any of the three great religions of Semitic origin—Christianity, Islam and Judaism? How could an international body like the Third Committee adopt a text in which it was assumed that persons of a certain religion also possessed a certain nationality? Every State included persons belonging to different religions; should such persons be recognized as having different nationalities as well? What, in that case, became of the principle of the separation of Church and State?

8. The Committee was being asked to adopt an amendment without any clear understanding of the meaning of what it was being asked to condemn. He objected to the attempt to impose a certain meaning of a term on the Committee or to exploit that meaning for political ends. If the term implied a condemnation of discrimination against Jews or against those who embraced the religion of Judaism, that would be a condemnation not of racial, but of religious, intolerance. Only confusion could result by mixing ethnology and religion. Moreover, there was no such thing as a pure race; all races were merely parts of one species, mankind. While it was clearly the Third Committee's duty to combat racial discrimination, it should not confuse that evil with such "isms" as nazism, fascism or anti-Semitism.

9. With regard to the first Polish amendment, the Committee should either enumerate all possible evil racial doctrines and practices or find a general formula which would cover all the abhorrent "isms", including anti-Arabism.

10. For those reasons he would vote against the amendments to which he had referred.

11. Miss GROZA (Romania) expressed her appreciation of the work of the Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities in drafting the Convention. It was important that a Convention should be adopted as part of a world-wide effort to eradicate racial discrimination, for the achievement of equality among human beings without distinction as to race was

one of the most important aspects of international relations and would do much to consolidate international peace and security. The elimination of racial discrimination was part of the economic and social progress of humanity, which was now under way. The economic emancipation of many countries and their economic and social advancement could take place only if countries were in a position to utilize all their resources, including their human resources.

12. Her country opposed all forms of racial discrimination and had adopted strong measures to eliminate any manifestations of discrimination, in addition to its economic, political and social causes.

13. The draft Convention submitted by the Commission on Human Rights was a good point of departure for the Committee's work. Her delegation had submitted its amendment (A/C.3/L.1219) in order to lay the groundwork for article V, which concerned the obligation of States to guarantee certain rights to all their citizens. It was important to include in the preamble the principle that every man should be protected against racial discrimination by the State because any effort to eliminate racial discrimination depended on the measures taken by States to use their laws to protect the equal rights of their citizens. It was only States, in the exercise of their sovereignty, that could really put an end to racial discrimination. If her amendment was adopted, there would be a closer link between the preamble to the Declaration, which contained a similar paragraph, and the draft Convention.

14. She endorsed the first Polish amendment because it improved the draft Convention and made it more explicit; she also supported the amendments submitted by Colombia and Senegal (A/C.3/L.1217), Lebanon (A/C.3/L.1222) and the thirteen Latin-American countries. She would also support any other amendment that would help to strengthen the text of the Convention.

Mr. Cuevas Cancino (Mexico) resumed the Chair.

15. Mrs. PONCE DE LEON (Colombia) said that, in her delegations's view, the action to be taken by States should not be confined to measures to eliminate discrimination and racial injustice, but should also include the promotion of understanding and comprehension among races and measures to bring about the disappearance of racial barriers, with a view to racial integration. The ultimate purpose should be to build a free international community in which the individual members could live together without discord. It was for that reason that her delegation, together with the delegation of Senegal, had proposed the amendments in document A/C.3/L.1217.

16. Mr. SABEV (Bulgaria) supported the amendments submitted by Poland and by Romania. He also supported the first, second and fourth amendments submitted by the thirteen Latin American delegations. He would give the third amendment further study.

17. Mrs. DABCEVIC-KUCAR (Yugoslavia) said that her delegation's approach to the item was governed by two main considerations: a desire to contribute to the adoption of a document which would faithfully reflect the need and the determination to eliminate all

forms of racial discrimination, and a desire to ensure that its adoption was, if possible, unanimous, since unanimity would bring about earlier and more effective implementation of the Convention in States where racial discrimination was still practised. The clearest possible statement of the principles of the Convention would contribute to their effective implementation.

18. Her delegation could accept the draft as it stood, although some improvements could be made. She paid a tribute to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights which had produced a satisfactory and well-balanced text. At two points the original text adopted by the Sub-Commission (see E/3873, para. 25) was stronger than the present text of the first preambular paragraph, for, first, it used the words "imposes on all Members of the United Nations the obligations" to promote and encourage respect for and observance of human rights and fundamental freedoms and, secondly, it specified that those obligations were "to ensure" such respect and observance. Nevertheless, she would support the first preambular paragraph of the text before the Committee, because it was based on the Charter and on the principle of the dignity and equality of all human beings.

19. She also supported the Romanian amendment because, while the legal action which Governments should take was dealt with in article II of the Convention, the inclusion in the preamble of the principle that all human beings should be protected by law against discrimination was a positive step. A prohibition of racial discrimination should be a part of the basic law of any political system.

20. With regard to the first Polish amendment she recalled that the original draft of the preamble had been weakened by the deletion of any reference to nazism. She could not understand why a reference to something which had caused the extermination of millions of human beings and against which many States represented in the Committee had fought valiantly, and the revival of which they were determined never to allow should be deleted. It was useful to recall that experience of the recent past, especially since such practices persisted in various parts of the world. The Committee should mention nazism in the text, if only to show that it was fully aware of the consequences of that aberration both in the past and in the future. More than one million Yugoslavs had died fighting nazism during the Second World War and the lives of many people in many countries were still threatened by neo-nazi organizations. The Polish amendment therefore had her full support.

21. She also supported the third Latin American amendment (A/C.3/L.1226) and the first amendment submitted by Colombia and Senegal (A/C.3/L.1217), although it might be better in the latter to replace the words "to the ideals" by "not only to the ideals but also to the requirements". She hoped that the Lebanese amendment (A/C.3/L.1222) to the seventh preambular paragraph would be adopted because no word could be too strong to condemn apartheid and other manifestations of racial discrimination. She hoped that the respective sponsors of the amendments, in documents A/C.3/L.1217 and A/C.3/L.1226, to the

eighth preambular paragraph could consolidate their texts. She could accept the second Latin American amendment, and all other amendments which made the original text more precise or its references more complete.

22. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that his delegation supported all the amendments to the preamble, with the exception of the Latin American amendment to the sixth paragraph. It also agreed with the Yugoslav suggestion that the new preambular paragraph proposed by Colombia and Senegal on their first amendment should refer to the requirements, as well as the ideals of any civilized society.

23. The question of the elimination of all forms of racial discrimination was one on which it would be wrong to avoid the use of forceful language, and those delegations wishing to do so should defer to the views of the overwhelming majority in favour of a strong condemnation of racism. The amendments which his delegation supported would make the text of the preamble more specific and would advance the struggle against all possible manifestations of racism, whether sanctioned by the State, by public bodies, by private institutions or by individuals. Racial discrimination was so revolting and monstrous an anachronism that peoples throughout the world, and most Governments, were demanding its condemnation by the United Nations.

24. Mr. RODRIGUEZ FABREGAT (Uruguay) said that, although the sixth preambular paragraph was sufficiently clear, he agreed with the representative of Yugoslavia that the first part might be worded rather more strongly, as it had been in the original draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities. He supported the first Polish amendment to the same paragraph, which would serve to keep alive the memory of the great struggle for human dignity by all the free peoples of the world, from which the United Nations itself had emerged. He was sure that the representative of Saudi Arabia, despite his comments on the Brazilian-United States amendment (A/C.3/L.1211), was aware of the generally accepted meaning of the term "anti-Semitism", as it related to events in both the recent and more remote past.

25. His delegation wished to be associated with the thirteen-Power amendments (A/C.3/L.1226) in general, but concerning the third amendment, it felt that the words "as well as the harmonious coexistence of persons even within the same State" should be added to the sixth preambular paragraph, instead of replacing a part of the existing text. He did not feel able to comment on the Colombian-Senegalese amendments until the sponsors had explained the precise meaning of the term "racial barriers".

26. Mrs. KEUTCHA (Cameroon) said the Constitution of her country established equal rights and duties for all citizens, without distinction of any kind, and that her Government strictly applied the principles of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination. Elsewhere in the world, however, hundreds of millions of human beings were still subjected to many different forms of racial

discrimination. Her delegation would therefore support any amendment designed to ensure that the preamble of the draft International Convention covered all forms of racial discrimination.

27. Mr. LEA PLAZA (Chile) observed that racial discrimination was a very ancient phenomenon, the survival of which was due to the perpetuation of the false doctrine that certain races were superior to others. The purpose of the United Nations was to eradicate such erroneous beliefs and to lead mankind to unity and brotherhood. To that end, it should set out general principles in the preamble to the draft International Convention and should then proceed, in the operative part, to enumerate specific ways of combating racial discrimination and to make reference to institutions and individuals that contributed in any way to manifestations of such discrimination. From that standpoint, the existing text of the preamble was quite acceptable to his delegation, which would,

however, support any amendments which improved the form of the draft.

28. The views of the Latin American countries, whose peoples had always enjoyed complete integration, were reflected in the thirteen-Power amendments. His delegation approved the basic concept underlying the Colombian-Senegalese amendments but felt that the expression "racial barriers", although its meaning was not quite clear, introduced a controversial element into the discussion. Amendments referring specifically to discrimination against a given race, perhaps acceptable in substance, might nevertheless weaken the text of the preamble, which should be worded in the broadest possible terms: he hoped that the sponsors of such amendments might be able to revise them in such a manner as to cover all forms of racial discrimination. His delegation would vote in favour of the Lebanese amendments since it believed they would improve the text.

The meeting rose at 1.5 p.m.