

United Nations
**GENERAL
ASSEMBLY**

TWENTIETH SESSION

Official Records

**THIRD COMMITTEE, 1373rd
MEETING**

Tuesday, 14 December 1965,
at 3.20 p.m.



NEW YORK

CONTENTS

	Page
<i>Agenda item 58:</i>	
<i>Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued)</i>	
<i>Adoption of the draft Convention and the draft resolution relating thereto</i>	495

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.1327, L.1329, L.1330)

ADOPTION OF THE DRAFT CONVENTION AND THE DRAFT RESOLUTIONS RELATING THERETO

1. The CHAIRMAN invited the Committee to consider a draft resolution submitted by Ghana, Guinea, United Arab Republic, United Republic of Tanzania and Yugoslavia (A/C.3/L.1330) concerning the adoption and opening for signature of the Convention and the publicity to be given to it.
2. Mr. LAMPTEY (Ghana), introducing the draft resolution (A/C.3/L.1330) on behalf of the sponsors, said that the text had been drafted to accompany the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1327) after the adoption of the latter by the Committee and then by the General Assembly. Operative paragraphs 3 and 4 reflected the sponsors' desire to ensure that the Convention was given the widest possible circulation.
3. Mr. KOCHMAN (Mauritania) observed, with reference to the second preambular paragraph, that it was for States alone to decide to ratify the Convention "as soon as possible" and to implement it "without delay"; the Committee should not impose conditions on them. He therefore suggested that those two phrases should be deleted, and that the text should merely state that the Convention should be signed and ratified by all States.
4. Mr. SY (Senegal) said that it was obviously for States to decide whether or not they should sign and ratify the Convention; however, there was no harm in encouraging them to do so as soon as they considered it possible. Again, once the Convention was signed and ratified there should be no delay in

implementing it, and it was not out of place to say so. He therefore asked the representative of Mauritania not to press his suggestion concerning the second preambular paragraph. The words "without any delay" might, however, be deleted from operative paragraph 2.

5. Mr. OSPINA (Colombia) said that his delegation had always maintained that only Member States could be parties to the Convention. He therefore asked the sponsors to insert the word "Member" before the word "States" in operative paragraphs 2 and 3.

6. Mr. LAMPTEY (Ghana) pointed out to the representative of Mauritania that the draft resolution was merely a recommendation to States and was in no way designed to impose on them an obligation to ratify and implement the provisions of the Convention; the General Assembly was entitled to make such a recommendation.

7. With regard to the Colombian representative's comment, he explained that the sponsors, in preparing the draft resolution, had had in mind article 17 of the Convention, paragraph 1 of which provided that the Convention was open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which had been invited by the General Assembly of the United Nations to become a party to the Convention; it was not possible, therefore, to specify that the Convention was to be signed and ratified by Member States. The whole of article 17, paragraph 1, could of course be quoted in the resolution, but that would lengthen the text considerably.

8. Mr. KOCHMAN (Mauritania) agreed to the retention of the words "as soon as possible" but not of the words "without delay", because as soon as a State ratified an instrument it assumed certain obligations, and it was not for the Assembly to tell it how to discharge them.

9. Mr. SY (Senegal) observed that the first obligation of a State on signing and ratifying a convention was to implement it; consequently he was still in favour of retaining the words "without delay".

10. Mrs. MBOIJANA (Uganda) found it difficult to understand why anyone should wish to delete the words "as soon as possible" and "without delay", which presented no problem once a State had accepted the Convention. In her delegation's view, the text of the draft resolution should be left unchanged.

11. Mrs. MANTZOULINOS (Greece) said that she shared the Colombian representative's concern; having heard the Ghanaian representative's explanation, how-

ever, she proposed that the phrase "in accordance with article 17 of the Convention" should be inserted between the words "States" and "to sign" in operative paragraph 2.

12. Mrs. BARISH (Costa Rica) and Mr. OSPINA (Colombia) supported the Greek proposal.

13. Mrs. MANTZOULINOS (Greece) said that she would like to make a slight change in the wording of the text she had proposed, and to speak of States enumerated in article 17.

14. Mr. RAO (India) pointed out that there was no enumeration of States in article 17; perhaps the representative of Greece might wish to mention States "referred to" in that article.

15. The CHAIRMAN suggested, with a view to avoiding a lengthy debate, that the wording used in operative paragraph 2 of the draft resolution should be that of operative paragraph 2 of Economic and Social Council resolution 1074 D (XXXX), which "invites eligible States which have not yet done so to accede . . .".

16. Mr. KOCHMAN (Mauritania) endorsed the Chairman's suggestion, which entirely satisfied the wishes of his delegation.

17. Mr. BELTRAMINO (Argentina) said that he preferred the solution proposed by the representative of Greece and based on article 17, on which the Committee had already taken a decision.

18. In order to meet the objection raised by the representative of India, it might perhaps be possible to mention, both in the second preambular paragraph and in operative paragraph 2, States referred to in article 17 of the Convention.

19. He also wished to point out a discrepancy between the Spanish text and the other texts of the draft resolution (A/C.3/L.1330). In the second preambular paragraph, the words "dès que possible" were used in French and "as soon as possible" in English, while the wording used in Spanish was "cuanto antes"; those words should be replaced by "tan pronto como sea posible".

20. With those changes, his delegation would vote in favour of the draft resolution.

21. Mr. BOŽOVIĆ (Yugoslavia) stated that his delegation, as a sponsor, could not accept the amendment proposed by Greece because, in its view, the text of the draft resolution as submitted to the Committee was in no way incompatible with article 17 of the Convention.

22. Mrs. MANTZOULINOS (Greece) said that, in order to meet the point made by the Indian representative, she would revert to the wording she had first proposed, namely "in accordance with article 17 of the Convention"; she requested that her proposal should be put to the vote.

23. Mr. WALDRON-RAMSEY (United Republic of Tanzania) expressed surprise that the draft resolution should present so much difficulty; the resolution would be submitted to the General Assembly, whose competence with regard to the States it could invite

was clear and well-established. He therefore saw no need for such concern about precision.

24. Mr. KOCHMAN (Mauritania) said he was beginning to wonder whether the Convention was an international one—in which case nothing should be done to hamper States in taking action to eliminate racial discrimination—or whether it was desired to restrict the instrument to certain States only, thus practising discrimination. However, the title of the Convention sufficed to show that it was indeed an international instrument.

25. Mrs. MANTZOULINOS (Greece) accepted the Argentine suggestion concerning operative paragraph 2 and proposed the wording "States referred to in article 17 of the Convention".

26. Mr. BOŽOVIĆ (Yugoslavia), supported by Mr. ABDEL-HAMID (United Arab Republic), requested a separate vote on the Greek representative's proposal.

The Greek oral amendment to operative paragraph 2 was adopted by 50 votes to 16, with 11 abstentions.

Operative paragraph 2, as amended, was adopted by 61 votes to 1, with 14 abstentions.

Draft resolution A/C.3/L.1330 as a whole, as amended, was adopted unanimously.

27. The CHAIRMAN invited the Committee to consider a draft resolution submitted by Ghana, United Arab Republic and United Republic of Tanzania (A/C.3/L.1329) relating to article 15 of the draft Convention (A/C.3/L.1327).

28. Mr. LAMPTEY (Ghana) announced that Jamaica had asked to join the sponsors of the draft resolution. In view of the links which article 15 of the Convention established between the committee on the elimination of racial discrimination—to be set up under article 8, paragraph 1—and the bodies of the United Nations charged with receiving and examining petitions from colonial countries and peoples, it seemed natural to ask the General Assembly to adopt a resolution authorizing those bodies to co-operate with the committee.

29. Mr. KOCHMAN (Mauritania) requested that his delegation should be included among the sponsors of the draft resolution.

Draft resolution A/C.3/L.1329 was adopted by 70 votes to 1, with 11 abstentions.

30. Mr. TAYLOR (United Kingdom) said that his delegation had abstained from voting on the draft resolution (A/C.3/L.1329) because it could not agree with the implication that racism and colonialism were in some way associated. He also wished to reserve his Government's complete freedom of action in respect of the machinery set up under article 15 of the Convention for the study of petitions.

31. Mr. COCHAUX (Belgium) said that his delegation had abstained from voting on the draft resolution for reasons similar to those just given by the United Kingdom representative. From the legal standpoint it was unfortunate that an element of political confusion between anti-colonialism and the struggle against racial discrimination should have been introduced into a convention of general scope.

32. Mr. KOCHMAN (Mauritania) said that he had asked to join the sponsors of the draft resolution because he attached great importance to the fifth preambular paragraph, which drew attention to the need for close co-operation between the committee established by the Convention and the bodies of the United Nations charged with receiving and examining petitions from colonial countries and peoples.

33. Mr. OUEDRAOGO (Upper Volta) said that he had abstained from voting on the draft resolution because he considered that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples should devote its full time to the examination of the problems assigned to it and should not be given the additional task of submitting a summary of actions taken under the terms of resolution A/C.3/L.1329. The Special Committee had always performed its allotted duties satisfactorily and should be trusted to carry on with its work. However, his delegation did not wish its abstention to be interpreted as reflecting a pro-colonialist attitude.

34. Miss WILLIS (United States of America) said that she had abstained from voting on the draft resolution for the reasons for which she had abstained from voting on article 15.

35. The CHAIRMAN invited the Committee to vote on the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1327) as a whole.

36. Mr. TSAO (China) asked for an explanation of the words "and comprehension" which appeared between square brackets in the tenth preambular paragraph.

37. The CHAIRMAN observed that those words appeared only in the English text. The officers of the Committee who had undertaken the final editing of the Convention had deleted the corresponding words from the French, Spanish and Russian texts, in which they had seemed unnecessary. If the English-speaking delegations had no objection, the words "and comprehension" could be deleted.

It was so decided.

At the request of the representative of Mauritania, the vote on the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1327) was taken by roll-call.

Albania, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Ceylon, Chad, China, Colombia, Congo (Brazzaville), Congo (Democratic Republic of), Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Lebanon, Liberia, Libya, Luxembourg, Madagascar, Mauritania, Mexico, Montolia, Morocco, Netherland, New Zealand, Niger, Nigeria, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Saudi Arabia, Senegal,

Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan.

Against: None.

Abstaining: None.

The draft International Convention on the Elimination of All Forms of Racial Discrimination was adopted unanimously.

38. Mr. SIGUI (El Salvador) said that to his regret, he had been unable to be present during the vote. He asked that his delegation should be included among those voting in favour of the draft Convention.

39. Mr. GOLDBERG (United States of America) said that, if the community of nations was to be made safe from "the scourge of war", it was not enough to solve the many political problems that made the peace so vulnerable; it was also necessary to eliminate all instances of inequality and man's inhumanity to man. The adoption by the Third Committee of the draft International Convention on the Elimination of All Forms of Racial Discrimination, an action directed against much of the turmoil and injustice still persisting in the twentieth century, appropriately coincided with the seventeenth anniversary of the adoption of the Universal Declaration of Human Rights, and put some of the noble aspirations of the Declaration into legal form. The Convention synthesized the views held by the great majority of Member States concerning the evil nature of racial discrimination and the need for its total elimination. However, that would not be achieved merely through the statements and declarations of intent heard in the Third Committee; the sincerity of the States Parties would be measured by the speed and effectiveness with which States acted to put racial discrimination to an end.

40. Proceeding to a brief examination of the terms of the Convention, he observed that article 1 defined racial discrimination comprehensively enough to enable States Parties to combat it, in its many manifestations, in all fields of public life. The definition applied throughout the Convention and distinguished clearly between public activities and those of a purely private nature. Moreover, the discussion and the votes in the Committee had made it inescapably clear that every form of racial discrimination was pernicious, and that the Convention's definition of racial discrimination applied to every manifestation of that evil, even if each one was not specifically mentioned.

41. The United States had voted in favour of the draft Convention as a whole because it approved the constructive humanitarian objectives of that text. However, the Convention was a complex document which contained some elements about which his delegation had felt doubt. It would therefore require further study, not only by his Government, but also by others. The United States had voted in favour of article 4 on the understanding that the provisions of

that article imposed on States Parties no obligation inconsistent with their constitutional guarantees of freedom. Article 4 provided that States Parties should have due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention. Those principles and rights included freedom of expression and of association, whereas article 4, paragraph (g), provided that the dissemination of ideas based on racial superiority or hatred should be declared an offence, punishable by law. The United States took the view that article 4 did not place a State under obligation to take action that would prohibit its citizens from freely and fully expressing their opinions on any subject, even if those opinions were obnoxious or not in accord with Government policy. A Government should act only where the expression of those opinions was associated with, or threatened imminently to lead to, action against which the public had a right to be protected. He quoted Justice Brandeis' statement that "If there be time to expose through discussion the falsehood and fallacies, to avert the evil by the process of education, the remedy to be applied is more speech, not enforced silence".

42. The same considerations applied to his delegation's interpretation of the obligations in article 4, paragraph (g). He stressed the role which freedom of speech and freedom of association had played and were playing in the fight to eliminate racial discrimination. In the United States, for example, private organizations, by exercising their right of free expression and association, had played a major role in the adoption of civil rights and voting rights legislation in the past two years. It was true that the views of those organizations fully coincided with national policy, but the Supreme Court had consistently upheld the right of other organizations, and of individuals, to express views which did not reflect national policy. Such protection was the great strength of the American system. The freedom of speech guaranteed to every American by the Bill of Rights was among the nation's most precious national rights and possessions. It was not necessary to restrict that freedom in order to eliminate racial discrimination; quite the contrary, for when obnoxious ideas were freely expressed they could not stand the criticism of an enlightened citizenry and would wither and fade away. With regard to article 15, his delegation had already stated its objections to that article. He would only reiterate his delegation's objection to the attempt made in that article to extend the provisions of the Convention to territories of States not parties to it.

43. The implementation articles of the Convention made a truly notable stride forward, and clearly established the Convention's pioneering quality. They represented the first time the United Nations had taken such wide-ranging action in a human rights endeavour. Those articles made the Convention more than a mere restatement of laudable principles; they provided a procedure whereby a State Party to the Convention could be called to account for failure to carry out its obligations. His delegation believed that the proposed committee on the elimination of racial discrimination and any conciliation commission

that might be established would contribute effectively to the attainment of the Convention's objectives.

44. The elimination of all forms of racial discrimination and respect for the individual were inseparable from the cause of peace. The Third Committee was to be congratulated on the practical and effective action it had just taken. The task now was to ensure that the fight against racial discrimination continued, not only in the organs of the United Nations or in the councils of government, but in the words of Eleanor Roosevelt, in the world of the individual person.

45. Miss LOPES (Portugal) said that, as she had already stated^{1/} on the adoption of the Declaration on the Elimination of All Forms of Racial Discrimination, Portugal could justly be regarded as the pioneer in anti-racism because, ever since it had first made contact with coloured peoples, it had always favoured racial integration and sought to establish a multi-racial society based on the equality of human beings without distinction as to race, colour or religion. She thus refuted the accusations which certain delegations had levelled at Portugal, and which were utterly groundless.

46. Portugal had wished to give all its nationals the same rights and the same chances, irrespective of race or sex. To that end it had ratified the Convention concerning Discrimination in respect of Employment and Occupation adopted by the ILO in 1958 and the Convention against Discrimination in Education adopted by UNESCO in 1960.

47. With regard to the draft Convention on the Elimination of All Forms of Racial Discrimination, her delegation had abstained from voting on the fourth preambular paragraph because it considered the reference to General Assembly resolution 1514 (XV) irrelevant. It had reservations on article 3, not as to substance, but because in a Convention it was appropriate to state only general principles. Furthermore the Committee took the same view, for it had supported for application to article 4 the draft resolution submitted by Greece and Hungary (A/C.3/L.1244) to the effect that no reference to specific forms of racial discrimination should be included.

48. With regard to the articles of implementation, her delegation had abstained on article 14 and had voted against article 15 because it regarded the procedure laid down in that article as contrary to the Charter, Chapter XII of which prescribed it only on behalf of the inhabitants of Trust Territories. Notwithstanding those reservations, her delegation had voted in favour of the draft Convention as a whole, for the basic principles of the text were in accordance with Portugal's tradition and law.

49. Miss LUMA (Cameroon) reiterated that her delegation had been satisfied with the Convention as originally submitted by the Commission on Human Rights. The Committee would recall that her delegation had objected to the use of the expression "national origin" and had asked that it should be either deleted

^{1/} Official Records of the General Assembly, Eighteenth Session, Third Committee, 1245th meeting, paras. 5 and 6.

or clarified; but it had been retained without further clarification. Some of her delegation's misgivings had, however, been allayed by the insertion of two new paragraphs in article 1, one providing that the Convention should not apply to distinctions, exclusions, restrictions or preferences made by a State Party between citizens and non-citizens, and the other providing that nothing in the Convention might be interpreted as affecting the legal provisions of States Parties concerning nationality, citizenship or naturalization. In her delegation's view, the expression "national origin" covered no more than those last three notions. In its interpretation of the Convention, therefore, her Government would disregard the expression "national origin".

50. With regard to article 11, paragraph 3, which provided that the committee on the elimination of racial discrimination might take action where the application of the domestic remedies was unreasonably prolonged, her delegation wished to point out that, in the event of a long delay, the committee in question might have difficulty in making up for a lack of goodwill on the part of States, for it would be faced with a wide variety of legal systems.

51. Her delegation unreservedly supported the draft Convention, *inter alia*, because doctrines or ideas based on the superiority of one race over another had had catastrophic results in the past; ideas and doctrines of that nature had fostered the emergence of apartheid policies in South Africa and Southern Rhodesia. Her delegation hoped that, once the Convention had been ratified, its provisions would make a frontal attack on such policies, which were a threat to world peace. The United Nations Charter and the Universal Declaration of Human Rights had helped to affirm the primacy of the individual over the State; henceforth the individual could make his voice heard through the system of petition instituted by the Convention. The Convention on the Elimination of All Forms of Racial Discrimination thus supplemented the Conventions and Declarations adopted so far and consolidated the ground gained by the individual at the international level.

52. Her delegation, realizing the importance of that instrument, thanked all those who had suggested that the General Assembly should take it up for study. Racial discrimination was an extremely serious matter; it had inflicted great suffering on individuals, families and nations, and was still rife in the world twenty years after the drafting of the Charter. Her delegation therefore rejoiced that States, by acceding to the Convention, would be declaring their conviction that any doctrine of superiority based on racial differentiation was scientifically false, morally condemnable, socially unjust and dangerous, and would be reaffirming that discrimination between human beings was an obstacle to friendly and peaceful relations among nations and was capable of disturbing peace and security among peoples. In the light of those considerations, her Government unreservedly supported the Convention, which was designed to banish discrimination between races for ever. Cameroon was convinced, as its Minister for Foreign Affairs had recently stated, that racism should be condemned in all its forms and that all obstacles to the full

development of the potentialities of the human person, or to the enjoyment of that person's freedom or rights, must be removed.

53. As her delegation saw it, every Member State, after adopting the Convention, should ask itself honestly whether it was really acting on the basic moral precept "Do as you would be done by". Her delegation hoped the United Nations would always be able to defend peoples and individuals who were subjected to racial discrimination, but action to stamp out that scourge must begin within the individual Member States.

54. In conclusion, her delegation joined previous speakers in congratulating the Chairman on his efficient conduct of the discussions leading up to the adoption of a decision which was vital to mankind and which was bound to raise the moral standing of the United Nations. Through his patience, vigilance and calm, in particular, the Chairman had managed to keep the discussion at a high level and to preserve an atmosphere of understanding and mutual respect in keeping with the spirit of the Convention which the Committee had just adopted.

55. Miss AGUTA (Nigeria) expressed satisfaction that, despite certain difficulties, the Committee had managed to consider and approve the draft Convention at the current session. Nigeria would spare no sacrifice and no effort to bring about a situation in which every human being was free and was rid of discrimination. Its Constitution guaranteed the rights of Nigerian nationals and the safety of aliens, for the object of organized society was to protect the human race, to put man on the path of progress and to make him understand that respect for his fellow man was the most important element in community life.

56. All Nigerians observed with dismay the unsettled nature of human relations in many of the countries which Nigeria took as its models in developing its resources and raising the level of living of its nationals, although of course it appreciated that some of those countries' difficulties were inevitable. If the provisions of the draft Convention were accepted and implemented, they should make it possible to abolish some of the most intolerable evils now besetting mankind and to rid the world of discrimination based on race, sex, language, colour or religion. Legal difficulties might arise in the implementation of some articles of the Convention, but it must be remembered that laws could be changed as the need arose. The adaptation which Governments were asked to undertake in order to take account of common moral aspirations represented an important part of the great amount of work still to be done in order to attain a better world, and all countries should be united in performing that task.

57. Mr. RESICH (Poland) said that the adoption by the Third Committee of the draft International Convention on the Elimination of All Forms of Racial Discrimination marked a new stage in the history of the work done under the auspices of the United Nations and its various organs in connexion with the protection of human rights. That history had begun with the adoption of the United Nations Charter

and had continued with the proclamation of the Universal Declaration of Human Rights and the conclusion of specific Conventions designed to make the noble ideals embodied in the Universal Declaration a practical reality. The draft Convention under consideration related to the most pressing problem of the modern world and fully met the existing requirements. It clearly defined the notion of racial discrimination and the legal consequences of such discrimination. It also spelled out the obligations of States Parties in that connexion and established a system of control and implementation which could serve as a precedent for the drafting of further conventions and for the settlement of international disputes in general. As the result of a compromise, the draft Convention marked yet another step forward on the road to the peaceful coexistence of peoples, and his delegation had been gratified by the conciliatory spirit in which the Third Committee had worked and which had enabled it to overcome all obstacles and achieve a happy outcome.

58. Mrs. BEN-ITO (Israel) expressed keen pleasure that the Committee had adopted the draft International Convention on the Elimination of All Forms of Racial Discrimination; that achievement was mainly due to the Chairman's firm determination to complete the work in hand. After long, painful and at times somewhat confused labours, the Committee could now measure the scope and extent of what it had accomplished and could take satisfaction from the results achieved.

59. Her delegation had voted on all important points, including the right of individual petition and the implementation clauses. It had abstained on questions which it had been unable to study with sufficient care—for example, that of financing the committee on the elimination of racial discrimination—or which had been likely to create difficulties for particular countries. Her delegation had had no difficulty in supporting article 4, for there was nothing in the laws of Israel which conflicted with the Convention. Although it did not yet possess a written constitution, Israel was governed by a body of fundamental laws, all of which emphasized the freedoms and fundamental rights of the individual. In addition her delegation had accepted various compromise solutions on controversial issues where those solutions had seemed to it calculated to facilitate the adherence of certain States, for it was convinced that the practical importance of the Convention would depend directly on the number of ratifications it attracted.

60. Her delegation nevertheless regretted that, although anti-Semitism was among the forms of discrimination to be eliminated, it had not been expressly mentioned, and that the amendment (A/C.3/L.1211) designed to fill that gap had not been put to the vote. Her delegation thanked the United States and Brazilian delegations for submitting the amendment in question, and also thanked those delegations which, in their statements, had condemned anti-Semitism.

61. The adoption of the Convention was merely a first step on the way to eliminating racial discrimination; she called on all Member States to redouble their vigilance in order to overcome that scourge

and to usher in a better world to which future generations would be proud to belong.

62. Mrs. CABRERA (Mexico) said that, despite its reservations concerning some of the measures of implementation, by voting in favour of the draft International Convention on the Elimination of All Forms of Racial Discrimination, the Mexican delegation had shown its fidelity to the spirit of the statement on racial integration in America (resolution XXV) adopted at the Second Special Inter-American Conference, held at Rio de Janeiro in November 1965. The adoption of the Convention opened a new road, and no one could foresee all its consequences, particularly in view of the difficulties which might arise in connexion with the incorporation of some of its provisions in the various legislations. Her delegation hoped by its vote to have contributed to the efforts to eliminate racial discrimination.

63. Mr. LAMPTEY (Ghana) wished to make it clear that, although his delegation had voted in favour of the draft Convention, it did not accept that instrument in its existing form. Like many other Afro-Asian countries, Ghana was of the opinion that, as adopted, the Convention was not one instrument but several, since it could be modified by any State at its discretion. So long as the Convention did not include a reservations clause that would ensure its integrity, it could only disappoint the hopes that had been placed in it.

64. His delegation deplored the fact that, at the 1368th meeting, such an important provision as the reservations clause (clause VI) should have been deleted by 25 votes to 19, in a body comprising 117 members. It therefore intended, together with other Afro-Asian countries, to submit a new proposal on the subject in plenary. It regretted that it had failed to obtain acceptance of its viewpoint in the debates which had just concluded and to secure the votes of delegations which, believing the Afro-Asian group to be split on the question, had been unwilling to join it in working out a constructive compromise. The Afro-Asian group would spare no effort to gain acceptance for a clause on reservations in plenary meeting, for it was convinced that the integrity of the Convention was primary in relation to its universal acceptance.

65. In conclusion, his delegation wished, on behalf of the sponsors of the articles on measures of implementation, to thank the Committee for accepting those provisions. It also paid a tribute to the Chairman and to all who had collaborated with him in the achievement of their common goal.

66. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) hoped that the draft Convention adopted by the Third Committee would also be adopted by the General Assembly in plenary meeting. The elaboration of the Convention marked a turning point in the history of the United Nations. It was an aspect of the struggle conducted by the peoples within the United Nations against the colonial régimes whose survival was an obvious anachronism. The adoption of the historic Declaration on the Granting of Independence to Colonial Countries and Peoples had been an important milestone along that road, and the adoption of the Convention on the Elimination of

All Forms of Racial Discrimination constituted a further victory.

67. Although the draft Convention had been adopted unanimously in the Third Committee, some delegations were showing only mild enthusiasm. The future, however, would unmask the hypocrites. The attempts to draft a satisfactory text had been obstructed by many obstacles raised by the imperialist and colonialist Powers, the same Powers which had resorted to every kind of manoeuvre to prevent the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Those Powers used respect for democratic liberties as an argument for allowing racist organizations full latitude to commit their odious deeds.

68. Since the Convention, when adopted, would have a legal character—in other words, would lay down not only moral but also legal obligations—those who ratified it would have to adapt their national legislations in the light of its provisions; that was a source of difficulty for certain States. The Soviet Union, for its part, would have no difficulty in ratifying the Convention because, since 1917, it had eliminated all forms of subjection, imperialism and colonialism. The Constitution of the USSR and those of the fifteen republics comprising the Union clearly defined the rights of the citizen in all fields of political, cultural and economic life, and made any expression of racist views an offence under the law.

69. The measures of implementation would also create difficulties for some countries. For many years, the same question had been raised countless times in various United Nations organs, and there was no doubt that certain delegations, embittered by the attitude towards their countries which had been adopted in other committees and in the General Assembly in the course of the twentieth session, had sought to take their revenge. The same could not be said of the USSR delegation. It had not engaged in behind the scenes manoeuvres in an effort to wreck the work. Nevertheless, most delegations, and particularly the representatives of the African and Asian countries, had made sincere efforts. The delegations of the socialist countries had collaborated fully in the task. Thanks to the great competence and wisdom of the Chairman, the Third Committee had scored a brilliant victory and honesty and the principles of justice had triumphed over hypocrisy.

70. The effectiveness of the Convention would depend on the manner of its implementation. It was somewhat alarming, in that connexion, to note that the United States representative was reserving his country's position on article 4. There was a flagrant contradiction between that representative's expression of gratification at the adoption of the Convention, and the activities of many organizations in his country, which engaged in intensive racist propaganda and committed criminal acts. Such organizations could not logically be protected if there was any genuine desire to eliminate racial discrimination.

71. The USSR delegation deplored the use of insufficiently strong wording in certain places. The text adopted was clearly the result of compromise, and was not as strong as his delegation would have

wished. It was now the duty of States to transform the document into living law. In any event, colonialism and its corollary, racism, were destined to disappear in consequence of an unavoidable process, and States must show goodwill if they were to avoid the difficulties which would surely arise if attempts were made to obstruct that process.

72. It was regrettable, too, that only States Members of the United Nations or members of related agencies were given the opportunity to accede to a Convention whose purpose was to eliminate racial discrimination in all its forms from the face of the earth. Since the Convention was essentially universal in its very conception, it should be open to ratification by all States without exception, whether or not they were Members of the Organization.

73. He hoped that all the effort exerted had not been in vain, and that justice would triumph when the draft Convention came before the General Assembly in plenary meeting.

74. Miss WILLIS (United States of America) said that she did not intend to make full use of her right of reply, but wished to point out that the Soviet representative had distorted the statement made by Mr. Goldberg in the Third Committee. The inaccuracy of that representative's remarks would immediately be seen if one referred to the text of Mr. Goldberg's statement.

75. Mr. MOVCHAN (Union of Soviet Socialist Republics) categorically rejected the allegation of the United States delegation that the Soviet representative had been guilty of an error of interpretation. The United States delegation had asserted that, under the terms of article 4, States were entitled to apply the provisions of that article only if the organizations referred to committed reprehensible acts. The purpose of the Convention was precisely to make any act of racial discrimination illegal. Any erroneous interpretation of the provisions of the Convention, therefore, ran counter to its objectives.

76. Lady GAITSKELL (United Kingdom) said that it was a matter for satisfaction that the Third Committee had been able to adopt the draft International Convention on the Elimination of All Forms of Racial Discrimination with remarkable unanimity. The United Nations had thereby made a great step forward. Nevertheless, human rights were indivisible and mankind would be rid of racial discrimination only when everyone was free to go wherever he pleased and to publish whatever he wished, secure from arbitrary arrest. The fact had to be recognized that, despite the principles proclaimed in the Universal Declaration of Human Rights, racial discrimination still existed and was a very grave evil which must be tackled urgently.

77. It was reassuring to note that 117 Member States, all differing greatly in their systems of government and in their economic, social and cultural structure, had succeeded in reaching agreement on the main points of a Convention on the elimination of racial discrimination. Her delegation had a serious objection on one aspect of the right of individual petition.

78. Article 15 of the draft was open to criticism on several counts. First, the article was discriminatory

between States. Secondly, it sought to set up new procedures, affecting the rights of States over Territories subject to their sovereignty, without the previous consent of those States. Finally, it attempted to use an international Convention to set up a procedure applicable to the dependent Territories of States whether or not they had become parties to the Convention.—a complete breach with normal legal practice. That decision moreover established a very undesirable precedent. A majority group in the Committee might in future use it against a minority which was in no way connected with the matter of dependent Territories. In future a Government or small group of Governments might find turned against them the provisions of some agreement or convention to which they had not subscribed. A majority of States might thus try to operate against, for example, a small group of multiracial States. Or a majority of States might try to act against certain States where the rights of free speech or of freedom from detention without trial or freedom to come and go from the country appeared to be in jeopardy. States supporting such a decision might be involuntarily prejudicing the whole future of the orderly development of international machinery for furthering human rights.

79. The United Kingdom's objections to the article in question arose therefore from principle and not exclusively from the practical question of the granting of the right of individual petition from dependent Territories. The United Kingdom did not exclude the possibility that it might accord precisely that right voluntarily and of its own accord.

80. Whether it ratified the Convention or not the United Kingdom would continue the struggle against racial discrimination. With all these reservations in mind, the United Kingdom delegation was able to vote in favour of the Convention.

81. Mr. ZULOAGA (Venezuela) observed that the draft Convention which had just been adopted by the Third Committee reaffirmed the principles of the United Nations Charter and of the Universal Declaration of Human Rights. The adoption of such a convention could not have been postponed while racial conflicts were becoming more and more acute and were leading to the most odious violations of human rights.

82. The Third Committee had devoted the greater part of its work to the final drafting of an instrument for the elimination of racial discrimination. The text it had produced was admittedly not perfect, because the Committee had been working under the pressure of events. Although the Convention as drafted was the result of a compromise, his delegation nevertheless considered the results satisfactory, particularly as far as the substantive articles were concerned. The future would tell whether the measures of implementation contained in articles 8 to 14

would enable something constructive to be achieved. Everything would depend on the impartiality and clear-sightedness of both the committee of eighteen experts and the conciliation commission. The effectiveness of the implementation clauses, some of which were optional, would largely depend on the pressure of international public opinion on the Governments of Member States.

83. The Convention undoubtedly owed much to the United Nations since the text had been drafted by the representatives of the 117 Member States, the proposed committee would be elected at a meeting to be convened by the Secretary-General at the Headquarters of the United Nations, and States Parties undertook to submit to the Secretary-General reports for consideration by the committee which, in turn, would report to the General Assembly. Furthermore, the United Nations Secretariat would provide the committee with the necessary administrative services. It was nevertheless to be hoped that the committee of eighteen experts and the conciliation commission would be able to function independently within the framework of the new Convention. Both bodies should adapt themselves dynamically to changes in the modern world in order to ensure freedom and equality for all human beings regardless of the colour of their skin. The Third Committee had heard significant statements to that effect particularly the moving observations of the representative of Ghana.

84. Concluding on a more optimistic note, he quoted from *The Economist* which on 11 December 1965 had printed extracts from an article that had appeared in the same periodical on 9 December 1865 and according to which, it was in the interest of the European, and more particularly the Anglo-Saxon, to control the industrial enterprises of all Asia, of all Africa, and of those portions of America settled by African, Asian or hybrid races. According to the same article, the key to prosperity lay in the arrangement of an industrial system under which very large bodies of dark labourers would work willingly under a very few European supervisors and labour must be so scientifically arranged that a maximum of result would be obtained at a minimum of cost. The article had criticized slavery and had asserted that it was clear that the dark races must in some way or other be induced to obey white men willingly. He paid a tribute to *The Economist* for its courage in publishing the article which, looked at in retrospect, gave some idea of the tremendous progress that had been made by the country in question.

85. The CHAIRMAN announced that in view of the historic importance of the vote on the draft International Convention on the Elimination of All Forms of Racial Discrimination, all delegations wishing to speak in explanation of vote would be free to do so at the next meeting.

The meeting rose at 6.35 p.m.