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COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND EIGHTY-SECOND MEETING

Held at Headquarters, New York,  
on Friday, 21 February 1964, at 3.35 p.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.682, L.683/Rev.1, L.685/Rev.1, L.686/Rev.1; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

PRESIDENT:

<u>Chairman:</u>	Mr. PONCE Y CARBO	(Ecuador)
<u>Rapporteur:</u>	Mr. IGNACIO-PINTO	Dahomey
<u>Members:</u>	Mr. MATSCH	Austria
	Miss AITKEN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY)	India
	Mr. S.K. SINGH )	
	Mr. SPERDUTI	Italy
	Mr. HAKIM	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. RESICH )	Poland
	Mr. DABROWA )	
	Mr. PANCARCI	Turkey
	Mr. NEDBALLO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
<u>Also present:</u>	Mrs. LEFAUCHEUX	Commission on the Status of Women

Observers from Member States:

Mr. ROSENNE	Israel
Mrs. WILLIAMS	Jamaica
Mr. MELOVSKI	Yugoslavia

PRESENT (continued):

Representatives of specialized agencies:

Mr. FARMAN-FARMAIAN

International Labour  
Organisation

Miss BARRETT

United Nations Educational,  
Scientific and Cultural  
Organization

Mrs. KALM

World Health Organization

Secretariat:

Mr. HUMPHREY

Director, Division of Human  
Rights

Mr. LANDAU

Secretary of the Commission

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/855, 873; E/CN.4/L.679-L.682, L.683/Rev.1, L.685/Rev.1, L.685/Rev.1; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

The CHAIRMAN invited the Commission to continue its consideration of the preamble (E/CN.4/873) paragraph by paragraph and to bear in mind the desirability of coming to a vote on each as rapidly as possible.

He drew attention to the Lebanese amendment to paragraph 2 (E/CN.4/L.682, point 2), and to the replacement of the words "in the Declaration" by "therein" in the English text.

The Lebanese amendment was adopted by 17 votes to none, with 3 abstentions.

Paragraph 2, as amended, was adopted unanimously.

The CHAIRMAN called for a vote on the Philippine amendment to paragraph 3 of the preamble (E/CN.4/L.683/Rev.1).

The Philippine amendment was adopted by 19 votes to none, with 2 abstentions.

Paragraph 3, as amended, was adopted by 19 votes to none, with 2 abstentions.

Paragraph 4 (E/CN.4/873) was adopted unanimously.

The CHAIRMAN put to the vote the Lebanese amendment to the preambular paragraph beginning "Convinced" (E/CN.4/L.682, point 3).

The Lebanese amendment was adopted unanimously.

The paragraph, as amended, was adopted unanimously.

The CHAIRMAN pointed out, with regard to the preambular paragraph beginning "Reaffirming", that the Commission had agreed to a slight drafting change whereby the words "a fact" would be replaced by "is", the words "did the" would be deleted and the words "have done" would be inserted before "in the past".

Mr. BOUQUIN (France) requested a separate vote on the words "of nazism".

The words "of nazism" were deleted by 8 votes to 6, with 5 abstentions.

Mr. MOROZOV (Union of Soviet Socialist Republics), noting the very slim majority by which the words had been deleted, said that their omission weakened the text, did an injustice to the victims of nazism, and would compel him to abstain in the vote on the paragraph as amended. His delegation would revert to the question at the appropriate time and seek to have the phrase, which had been adopted by the majority of the members of the Sub-Commission, restored in the draft convention.

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Mr. BOUQUIN (France) doubted that the USSR representative could produce a text adopted by the Assembly containing that phrase. Indeed, the USSR and Czechoslovak proposals to retain it had not been put to the vote because they could not obtain a majority in the Assembly. France, as one of the first countries to fight nazism, respected the memory of its victims as much as any nation.

Mr. BENITES (Ecuador) said that he had abstained in the vote on the reference to nazism not because his country had not been outraged by the monstrous deeds of nazism, but because if the reference had been retained the paragraph would imply that the doctrines and practices of nazism were the only instance of racism which had in the past disturbed peace and security among peoples. Such a statement was historically inaccurate.

Mr. NEDBALO (Ukrainian Soviet Socialist Republic) pointed out that the nazis had practised racism on a scale unprecedented in history: they had carried it to the extreme of genocide, a fact which the Ukrainian people could hardly forget. Indeed, in the first years following the Second World War, the United Nations had adopted important decisions condemning nazism as a doctrine which had led to genocide. The question of retention of the phrase "of nazism" was one of principle, not of drafting. By deleting the phrase, the Commission had discredited the whole preamble and lessened the significance of the draft convention. In the circumstances, his delegation would be forced to abstain in the vote on the paragraph as amended.

Mr. CHAKRAVARTY (India) said that he regarded the reference to nazism as illustrative rather than exhaustive; its deletion hardly made it worthwhile to retain the whole of the last clause of the paragraph. However, since the first part of the paragraph contained an essential idea, he would vote for the paragraph as amended.

Mr. VOLIO (Costa Rica) stated that he had voted against the deletion of the reference because he considered that the United Nations had been established precisely as a result of the victory over nazism and as an expression of the will to reject its practices.

Miss KRACHT (Chile) explained that she had voted against the deletion of the phrase because it was logical for the United Nations, where so much emphasis had been placed on the victims of the racial discrimination practised under colonialism, to lay equal stress on the even more numerous victims of racial discrimination under nazism.

Sir Samuel HOARE (United Kingdom) said that the reasons for which the Ecuadorian delegation had abstained had led his delegation to vote against the retention of the reference to nazism. He did not regard a vote for or against as an indication of the degree of detestation of nazism, a sentiment of which his country had given sufficient proof.

Mr. DABROWA (Poland) remarked that he had naturally voted for the retention of the reference to nazism in view of what Poland had suffered during the Second World War. The nazis, in applying their theory of racial supremacy, had exterminated 6 million Poles. Hitler nazism had been crushed, but there was no assurance that a new nazism might not arise, and it was against that terrifying possibility that some provision should be included in the draft convention.

Mr. POUQUIN (France) fully agreed with the Polish representative's feelings about nazism. There was, however, no precedent for referring specifically to nazism in a document of the kind being considered. No such reference had been included in the Charter, drafted just after the War, in the Universal Declaration of Human Rights, drafted only a few years later, or in the Declaration on the Elimination of All Forms of Racial Discrimination, on which the present document was based. He had wished to see the reference deleted purely for reasons of form, and not for reasons of substance.

The preambular paragraph beginning "Reaffirming", as amended, was adopted by 18 votes to none, with 3 abstentions.

Mr. SPERDUTI (Italy) introduced his revised amendments (E/CN.4/L.685/Rev.1), which took account of some of the points made earlier in the discussion.

Mr. MATSCH (Austria), referring to the Italian proposal, suggested that the words "prevent and combat doctrines and practices incompatible with", which were vague, should be replaced by the words "to accelerate".

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Mr. VOLIO (Costa Rica) observed that the first Italian amendment, which would separate the question of further anti-discrimination measures from the question of apartheid and racial segregation, might be taken to represent a conscious desire of the Commission to de-emphasize international action against apartheid and related practices. Costa Rica, as a member of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, would not like such a misunderstanding to arise and hence could not vote for that proposal.

Mr. BRILLANTES (Philippines) endorsed the suggestion of the Austrian representative, which would remove an illogical sequence of ideas. Like Costa Rica, his own country was a member of the Special Committee, but it felt that in supporting the Italian amendments it would do nothing that would detract from the mandate given to that Committee. The new paragraph proposed by the Italian delegation referred to "discrimination in all its forms and manifestations", which included apartheid, as was made clear in the paragraph beginning "Concerned".

Mr. CHAKRAVARTY (India) was inclined to agree with the Costa Rican representative that the Italian amendments might weaken the emphasis on apartheid and international measures to eliminate it. Furthermore, the Austrian suggestion would further weaken the text, so much so that his delegation would prefer the original. One fundamental idea - that of eliminating racial discrimination in all its forms "as soon as possible" - had already been removed.

Mr. MOROZOV (Union of Soviet Socialist Republics) agreed with the previous speaker and suggested inserting the word "speedily" after "to eliminate" and the word "racist" before "doctrines and practices".

Mrs. TREE (United States of America) endorsed the USSR representative's suggestions.

Mr. MATSCH (Austria) withdrew his suggestion.

Mr. SPERDUTI (Italy) accepted the USSR representative's suggestions. He assured the Costa Rican representative that the purpose of his proposals was to clarify and strengthen the text and thus bolster the struggle against apartheid and similar practices.

Sir Samuel HOARE (United Kingdom) shared the Philippine representative's concern over the wording of the second part of the new paragraph proposed by Italy (E/CN.4/L.685/Rev.1, para. 2), because the positive element - "the building of an international community" - was linked to the negative concept of preventing and combating racist doctrines and practices. Moreover, it would take much more than the prevention and combating of racist doctrines and practices to eliminate racial discrimination.

Mr. GRAULUND HANSEN (Denmark) was also dissatisfied with the negative approach in the Italian paragraph. He preferred the Sub-Commission's text.

Mr. SPERDUTI (Italy) said that, while he was convinced that his proposals would strengthen the text, he was willing to withdraw them to facilitate the Commission's work.

Mr. HAKIM (Lebanon) thought that the United Kingdom representative's objection to the Italian text could be met by substituting the words "in order to build" for the words "incompatible with the building of". If the Italian delegation withdrew its proposals, he would reintroduce them with the revision he had suggested. He hoped, however, that the Italian delegation would maintain its proposals and would accept Lebanon as a co-sponsor.

Mr. SPERDUTI (Italy) maintained his proposals, agreed to the revision suggested by the Lebanese delegation and accepted Lebanon as a co-sponsor.

Sir Samuel HOARE (United Kingdom) said that, as he had not had an opportunity to study the new text in writing, he would abstain from voting on it.

The CHAIRMAN put to the vote the amendments proposed by Italy and Lebanon (E/CN.4/L.685/Rev.1, as orally amended).

The Italian and Lebanese amendments were adopted by 17 votes to none, with 4 abstentions.

The paragraph beginning "Concerned", as amended, was adopted unanimously.

The paragraph beginning "Bearing in mind" was adopted unanimously.

The paragraph beginning "Desiring" was adopted unanimously, with a minor drafting change.

The preamble as a whole, as amended, was adopted unanimously.

The meeting rose at 6.45 p.m.