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*President:* Mr. Carlos SOSA RODRIGUEZ  
(Venezuela).

AGENDA ITEM 43

Draft Declaration on the Elimination of All Forms of  
Racial Discrimination

REPORT OF THE THIRD COMMITTEE  
(A/5603 AND CORR.1)

1. Mrs. REFSLUND THOMSEN (Denmark), Rapporteur of the Third Committee: I have the honour to present to the General Assembly the report of the Third Committee on the draft declaration on the elimination of all forms of racial discrimination [A/5603 and Corr.1]. The report contains an account of the preparation of the declaration and of its adoption by the Third Committee. In addition, it deals with the consideration and adoption by the Committee of a draft resolution on publicity to be given to the declaration and the draft resolution on the preparation of a draft international convention on the elimination of all forms of racial discrimination.

2. The Third Committee recommends to the General Assembly the adoption of the three draft resolutions in chapter VII of the report.

3. As a member of the Danish delegation, I would like to thank the Third Committee for having appointed me as Rapporteur, in which capacity it is my privilege to bring before the General Assembly this most important declaration. The United Nations is today generally recognized as a pioneer in defining and promoting human rights and fundamental freedoms for everyone, without distinction of any kind, such as race, colour, sex, language or religion.

4. The Universal Declaration of Human Rights, the draft covenant on human rights, and many of the resolutions adopted by the General Assembly have helped to strengthen that opinion of the Organization and to strike at the very foundation of discrimination and prejudice. Discrimination in any form is an offense to human dignity and to the integrity of the individual. In recent years racial injustice has become a predominant issue in the field of human rights and has made the greatest impact on public opinion everywhere in the world. The persistence of racial prejudice and the glaring examples of persecution of racial groups afforded by history constitute sufficient justification for the preparation of a declaration on

the elimination of all forms of racial discrimination. Such an instrument, especially when implemented in due course by a convention, cannot but advance the cause of human rights. That is the belief which has inspired the Third Committee in its work, and I am sure that is also the belief which inspired the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, whose valuable text formed the basis of the discussions in the Third Committee.

*Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Third Committee.*

5. The PRESIDENT (translated from Spanish): In view of the decision just taken by the Assembly, statements on this item will be confined to explanations of vote. Inasmuch as the item has been carefully examined in the Third Committee, I trust that representatives will avoid reopening the debate on the substance of the matter when they explain their votes.

6. Mrs. MANTZOULINOS (Greece): As one of the co-sponsors of the proposed amendment which is to be distributed<sup>1/</sup> and which affects the French and English texts of the draft declaration (see A/5603 and Corr. 7, para. 183), my delegation is authorized by the seventeen delegations which abstained from voting on the draft declaration in the Third Committee to say that if the proposed amendment is accepted by this Assembly, those delegations will vote in favour of the draft declaration. These seventeen delegations are those of Australia, Belgium, Canada, Denmark, France, Finland, Greece, Iceland, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, the United Kingdom and the United States.

7. All delegations are aware of the nature of the difficulties which have confronted the seventeen delegations regarding the wording of paragraph 3 of article 9 and I need not, at this late stage, elaborate on those difficulties. Those delegations have met frequently to consider their position and have also conferred with representatives of other groups or delegations, in particular those of African countries, in an effort to reach some acceptable compromise which might enable us to reach our goal of unanimity. I cannot speak for seventeen countries, but I do know that some of them are not finding it easy to accept even the wording proposed in this amendment. No doubt some of them will later wish to clarify their positions on the declaration by way of explanation of vote. However, notwithstanding these difficulties, they are all prepared to vote for the draft declaration if this extremely minor rewording is accepted by the Assembly.

8. The amendment is put forward in good faith and in a sincere effort to reach unanimity, without which

<sup>1/</sup> Subsequently circulated as document A/L.434.

the moral force of the declaration would be greatly diminished. It is our hope that this initiative will meet with a generous response in the same spirit with which it was put forward.

9. The PRESIDENT (translated from Spanish): With reference to the statement just made by the representative of Greece, I am obliged to point out that the Secretariat has not so far received any amendment, nor has any oral amendment been proposed, under rule 80 of the rules or procedure. Consequently, I ask the representative of Greece to say whether the amendment has been submitted to the Secretariat, and, if it has not, to submit it orally to the Assembly in order that the latter may decide whether it will accept an oral submission or whether it requires a written text.

10. The representative of Greece has the floor.

11. Mrs. MANTZOULINOS (Greece): Until the amendment is circulated in written form, may I be permitted to submit orally the wording of the amendment? It is a very minor modification in the wording and consists of changing the word "promote" to "incite" in the second last line of article 9, paragraph 3, so that that paragraph would then read as follows:

"In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which incite racial discrimination or incite to or use violence for purposes of discrimination based on race, colour or ethnic origin."

12. The PRESIDENT (translated from Spanish): The Assembly has heard the amendment proposed by the representative of Greece. I wish to make it clear that this amendment consists in changing the wording in the English and French texts only, because I observe that in the Spanish text before me the word "inciten" already appears instead of "fomenten". The amendment therefore seems to refer solely to the English and French texts.

13. If there are no objections, we can, under rule 80 of the rules of procedure, accept the oral submission of this amendment. In that case, we would vote first on the amendment proposed—that is, for the changing of the word "promote", in the fourth line of article 9, paragraph 3 in the English and French texts of the report, into "incite".

14. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): I must first draw attention to the unprecedented circumstance that an amendment [A/L.434] concerning so important a document as the draft Declaration under discussion [A/5603] has been submitted literally at the last minute—"under the curtain", as it were—and orally.

15. We have not, however, protested against this unprecedented way of dealing with the matter, since there was much that was unprecedented about the consideration of this question both during the Third Committee's deliberations and from the time when the Committee approved the draft Declaration [1245th meeting].

16. But if we have not objected to the consideration of this amendment at the present time, it is not because we agree that the amendment is clearly technical in nature. The proposed change in the text, as one can hardly fail to see, would weaken the

significance of the recommendation which the Third Committee adopted by an overwhelming majority.

17. If the amendment under consideration is adopted, it is perfectly obvious that the text of article 9, paragraph 3, would be deprived of any indication that not merely incitement to the commission of the specific acts and actions mentioned in that article but also the promotion of the activities of racist organizations must give rise to the taking of measures for the prosecution of organizations under legislation, as mentioned in that paragraph.

18. In the connexion and context in which we are now asked to adopt this amendment and in the light of the discussion which took place in the Third Committee, the adoption of an amendment of this type might provide grounds for a restrictive interpretation of the obligation of States to take action against the activity of racist organizations; in other words, it might be thought that such action should be taken only in cases of incitement to the commission of specific acts. When it is a question only of measures which promote the activity of racist organizations—that is, of such measures as, for example, the financing of such organizations, or other forms of assistance and encouragement to their activities—in such a case the text which we are now being asked to amend might be interpreted to mean that the State is free of any obligation to prosecute under the law any actions taken with a view to the encouragement of the activity of organizations which aim at racial discrimination.

19. That is why the proposed amendment can in no way be regarded as technical in nature, and cannot be supported; that is why the Soviet delegation will vote against this amendment. We favour the adoption of unanimous resolutions by the General Assembly, and in the discussion of this question in the Third Committee we, together with other delegations, made considerable efforts to reconcile divergent views.

20. As a result of the efforts put forth by a number of the delegations of the socialist, Asian and African countries in the Third Committee, that Committee reached a reasonable compromise which it is now submitting as its recommendation concerning the text of article 9, paragraph 3 [A/5603, para. 183]. To depart from this text would be to sacrifice an important point of principle; namely, that it is essential to take the measures specified in article 9, paragraph 3, of the draft Declaration in cases which involve any type of encouragement to the activities of racist organizations.

21. There is surely no need for any kind of detailed explanation as to how important it is to adopt a resolution whereby any actions tending to support the activities of racist organizations should be prosecuted under the full range of measures provided for in article 9, paragraph 3.

22. For this reason the Soviet delegation in its turn appeals to the seventeen delegations which abstained in the vote on the draft resolution in the Third Committee—despite the fact that a number of serious and important steps were taken to meet their point of view and reach a compromise—to demonstrate at this last moment their desire for the adoption of a unanimous resolution based on the Charter of the United Nations.

23. I wish to conclude by saying that the proposed text of the draft Declaration in actual fact contains

some quite basic provisions representing the very minimum, below which the General Assembly cannot go if it wishes to discharge its historic duty of adopting this important document in accordance with the principles, purposes and spirit of the Charter of our Organization.

24. Miss Uloma WACHUKU (Nigeria): I should like to make one or two observations on the oral amendment before the Assembly.

25. First of all I should like to ask, through you, Mr. President, whether the delegation which presented the amendment was aware of rule 121 of the rules of procedure, according to which the amendment ought to have been with the various delegations twenty-four hours before this meeting.

26. Secondly, I should like to remind delegations here that in the Third Committee we did agree that delegations should work in their own working language. I also believe that we agreed that it was true that the word "promote" was originally in Russian and that, therefore, the original text was in Russian. As far as my delegation is concerned, we are working with the word "promote", which is in fact quite different from the word "incite". It is a substantial amendment, and I reserve the right of my delegation to make a proper intervention later on this amendment.

27. Miss ADDISON (Ghana): Some time ago when we were discussing this important document I said, within the walls of the United Nations, that we had been overtaken by events. This is the second instance.

28. As delegations very well know, English is my second language and it is my working language, and during the discussion on this important draft declaration I voted strictly according to the English text. I find it extremely difficult at this last stage to look at another word which, to me, does not have the same meaning as the original word "promote". In order to support this, I looked up in the Oxford dictionary the meanings of the two words. They are different. You "incite"; you "urge"; you "stir up" to action. You "promote"; you "advance"; you "help forward".

29. On the strength of these two meanings, I regret that my delegation cannot accept this last change. If we did, article 9 would not have the same meaning for us as it had when we voted for it in the Third Committee. I think that the delegations which proposed this amendment could have done it before this hour, and I sincerely appeal to them that if they want us to get on with our work as expeditiously as possible and, in the name of the millions of people which this draft declaration is out to help, to reconsider their position and withdraw this amendment—which is still in its ghost form because we have not even seen it.

30. Before I conclude, I should like to say that the Ghana delegation reserves its right to intervene again on this important issue.

31. Mr. MOLINA SALAS (Argentina) (translated from Spanish): My delegation has listened very carefully to the statements which have just been made, and we think we are here faced with a fundamental problem—that of securing for this very significant document a minimum common denominator of acceptance which will give it the most extensive effect possible. This, we believe, is required by the very nature of the issue.

32. My delegation thinks there is a possibility, here, of proposing a compromise acceptable to all parties which find themselves at variance. We believe, more-

over, that this compromise would have the advantage of harmonizing the various texts, which differ as between the Spanish and the French or the Spanish and the English versions, all approved by the Third Committee.

33. My delegation proposes, for paragraph 3 of article 9 the phrase "promote or incite to racial discrimination". Consequently, under this compromise in regard to both substance and form, the text of paragraph 3 would begin as follows:

"In order to put into effect the purposes and principles of the present Declaration, all States shall take immediate and positive measures, including legislative and other measures, to prosecute and/or outlaw organizations which promote"—and here comes the addition—"or incite to racial discrimination or incite to or use violence . . .".

34. My delegation truly trusts that this solution, which includes the verb "promote" of the English text and the verb "incite" of the Spanish text, and thus brings the texts into line, will be accepted by the Assembly.

35. Mrs. LEFLEROVA (Czechoslovakia) (translated from Russian): The adoption of the draft Declaration on the elimination of all forms of racial discrimination [A/5603, para. 183] in the wording worked out after prolonged deliberation and adopted in the Third Committee by an overwhelming majority [1245th meeting] will be one step towards the elimination of this evil, and the Czechoslovak delegation will fully support it.

36. However, for a number of delegations article 9 of this Declaration is an eyesore because it contains provisions concerning the prohibition of racist propaganda and the dissolution of racist and similar organizations. This article is of fundamental significance from the standpoint of the Declaration's aims.

37. The Czechoslovak delegation took an active part in its drafting. The article was long and carefully considered. Those who drafted the new text of article 9 in a spirit of co-operation made a number of concessions in an effort to arrive at a decision which would make it possible for the draft Declaration to be adopted unanimously. Despite this, some delegations continue to insist on the adoption, in substance, of a wording which would significantly weaken the text of article 9 and hence the text of the entire Declaration. But further concessions cease to be purely a matter of compromise. The question is whether or not we wish to combat racial discrimination effectively.

38. In our opinion, any further weakening of article 9 is, from this point of view, undesirable. The Declaration should be an effective instrument helping to remove the ulcer of racism and fascism from the body of society. For this reason we cannot permit the Declaration to be weakened by demands made unilaterally or on the pretext that it creates constitutional difficulties for one or more Member States.

39. The Czechoslovak delegation, which sincerely desires the elimination of all types of racial discrimination, will vote for the adoption of article 9 of the Declaration in the form in which it was approved by an overwhelming majority in the Third Committee, and will vote against the amendment [A/L.434] just submitted.

40. The Declaration on the elimination of all forms of racial discrimination is a document which will be recorded in the history of our Organization's efforts

to give effect to the purposes and principles of its Charter—the principles of the freedom and equality of all peoples, irrespective of race, colour or ethnic origin.

41. Allow me, in conclusion, to express my conviction that our efforts in this field will not be limited to the adoption of this Declaration and that next year the General Assembly will discuss and approve an international convention which will define the legal obligations of States in the struggle for the elimination of all forms of racial discrimination.

42. Mr. ROSSIDES (Cyprus): My delegation was one of those that supported the draft Declaration which is now up for consideration by the General Assembly [see A/5603 and Corr.1, para. 183]. Not only did we vote for it and support it, but we spoke very strongly in favour of it in the Third Committee.

43. It is well known that a Declaration which involves principles, in a way, becomes a part of international law, and must be unanimous in order to have moral and legal effect. Our efforts, therefore, should be directed so that in this Assembly we have a Declaration which is unanimous, or as near unanimous as possible. We understand that there are seventeen delegations that abstained. That really detracts very essentially from the value of the effect of the Declaration and we are looking for the effect of the Declaration—not the perfection of the words, as if they were the whole thing, not only that paragraph, not only that article, but all the articles will diminish in value if they are not unanimously adopted.

44. My delegation would, of course, accept and would wish to have the Declaration as it originally was, but the suggestion now made by the representative of Argentina, if it is accepted by those who have put forward the amendment, does not, in my submission, in the least detract from the value of the Declaration as originally adopted by the Third Committee, for the words "promote" or "incite" mean that both the promotion and the incitement to racial discrimination would be a cause for outlawing.

45. Therefore, the draft Declaration contains what was originally intended, namely to prosecute and outlaw organizations which promote racial discrimination and also to outlaw organizations which incite racial discrimination.

46. If the form of amendment proposed by the representative of Argentina is accepted by those who originally proposed the amendment, then I do not think there is ground for complaint by any country that the Declaration is in any way watered down. It is not. It contains the same legal terms and has the same effect as the original draft resolution. My delegation would therefore support the proposed amendment as formulated by the representative of Argentina.<sup>2/</sup>

47. Miss GROZA (Romania) (translated from French): The draft Declaration on the elimination of all forms of racial discrimination, approved by the Third Committee and today submitted to the General Assembly for consideration [A/5603, para. 183], is a document of great international importance which we are convinced will contribute, through the strength of the principles underlying it, to the elimination of a practice irreconcilable with human dignity, and to the elimination of that racial discrimination which still

subsists in certain parts of the world. For this reason we consider that the adoption of this important document can be regarded not as an action due to circumstances but as an imperative necessity imposed by the historical evolution of mankind itself.

48. For the same reasons, we consider that there can be no compromise with the high principles which are at the basis of this Declaration. To distort the meaning of certain ideas included in the Declaration would be tantamount to reducing the value of this document, which is destined to take its place in the edifice of humanity as an important historic act that not only will contribute to the re-establishment of fundamental human rights but will represent an additional means of strengthening friendship between peoples and of reinforcing international peace and security.

49. We must also bear in mind the fact that at its next session the United Nations General Assembly will vote on the adoption, with these ends in view, of an international convention whose clauses will create legal obligations for the signatory States.

50. The contents of the convention which will ultimately be adopted on the measure of our success in now adopting a document which expresses, in the best possible way, the object at which we are aiming. For this reason we consider that the draft Declaration concerning the elimination of all forms of racial discrimination should be adopted in the form in which it was approved by the Third Committee.

51. The Romanian delegation, which intends once again to vote in favour of this Declaration, hopes that the General Assembly, showing its understanding and analysing the task before it with the necessary sense of responsibility, will unanimously adopt this important document.

52. The PRESIDENT (translated from Spanish): The representative of Guinea has the floor on a point of order.

53. Mr. DIALLO Telli (Guinea) (translated from French): New factors have come to light during the discussion of the question now before the General Assembly. In view of the consultations we have had with the African delegations in particular, and with the Asian and other delegations, I should like to ask you, Mr. President, in the event of your accepting the submission of the Greek and the Argentine amendments, to suspend the meeting in order to enable us to hold further consultations and to return here, and take part in the vote, with a full knowledge of the facts.

54. In view of the late hour, I think it would be desirable to request a suspension of the meeting for the rest of the morning. It is an undoubted fact that the delegations of the peoples of Africa and Asia, who throughout history and in all continents have suffered the most from racial discrimination, attach the greatest importance to the question under discussion. That is why we should like to speak here with a unanimous voice. For that purpose there must be consultations. Therefore, Mr. President, if you have accepted the submission of these amendments I should like to move the suspension of the meeting for the rest of the morning.

55. The PRESIDENT (translated from Spanish): The representative of Guinea has asked whether the Greek and Argentine amendments are regarded as officially before the Assembly.

<sup>2/</sup> Subsequently circulated as document A/L.435.

56. In opening this debate I pointed out that normally, under rule 80 of the rules of procedure, amendments should be submitted in writing twenty-four hours in advance. Nevertheless, under the same rule, the President may accept the submission of amendments orally introduced at a meeting. For this reason, and in order not to make a decision on such an important matter, I said to the Assembly that if there was no objection it might consider the submission of the Greek amendment as accepted; and I intended to do the same in regard to the Argentine amendment. This was implicitly agreed, since various delegations spoke either in favour of or against those amendments.

57. That is my reply to the first point raised by the representative of Guinea. Both the Greek and the

Argentine amendments are now before the Assembly for discussion.

58. Having clarified that point, I shall now put to the vote the motion just made by the representative of Guinea, under rule 78 of the rules of procedure, for suspension of the meeting for the rest of the morning in order to enable delegations to continue consultations with regard to the amendments proposed.

59. I shall therefore immediately put to the vote the Guinean representative's motion for a suspension of the meeting.

*The motion was adopted by 106 votes to none, with 1 abstention.*

*The meeting rose at 11.35 a.m.*