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*Chairman:* Mr. Humberto DIAZ CASANUEVA  
(Chile).

AGENDA ITEM 43

Draft Declaration on the Elimination of All Forms of Racial Discrimination (A/5459, A/5503, chap. X, sect. II; E/3743, paras. 89-145; A/C.3/L.1065-1067, A/C.3/L.1071-1073/Rev.1, A/C.3/L.1074, A/C.3/L.1075/Rev.1, A/C.3/L.1076-1077, A/C.3/L.1079/Rev.1, A/C.3/L.1080 and Rev.1, A/C.3/L.1082, A/C.3/L.1084-1090 and Add.1, A/C.3/L.1092-1100 and Add.1, A/C.3/L.1101-1114, A/C.3/L.1115/Rev.1, A/C.3/L.1116) (continued)

1. Mrs. LEFLEROVA (Czechoslovakia) announced that her delegation was withdrawing its amendment (A/C.3/L.1069) and had become a co-sponsor of the Brazilian amendment on the same subject (A/C.3/L.1090 and Add.1).

2. Mr. SALSAMENDI (UNESCO) said that since its founding, UNESCO had engaged in broad and unceasing activities to further human rights, and within that context to promote racial equality. Justification for the concept of racial or national supremacy had in the past been sought in religion or civilization; today racial prejudice was defended largely on scientific grounds. UNESCO had called upon scientists to investigate that question, and in 1951, with their help, the first definition of "race" had been produced. The definition had been circulated in a series of publications which presented the views of anthropologists, sociologists, biologists and philosophers. UNESCO was continuing its studies of the attitudes of young persons on the race question, and it had contracted the London Institute of Race Relations to prepare a study of the effects of industrialization on racial questions.

3. At the twelfth General Conference of UNESCO, held in 1962, the member States had unanimously adopted a Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the amicable settlement of any disputes which might arise between States Parties to the Convention against Discrimination in Education.<sup>1/</sup> The Convention itself had now been ratified by seventeen States. The twelfth General Conference had also adopted two resolutions on the promotion of human rights and racial equality.<sup>2/</sup>

<sup>1/</sup> For the text of the Protocol, see UNESCO, Records of the General Conference, Twelfth Session, Paris, 1962, Resolutions, part B.

<sup>2/</sup> For the text of the two resolutions, see ibid., part A, chap. II, 3.6.

The first (resolution 3.61) invited member States to take all possible measures against racial and other forms of discrimination and the second (resolution 3.62) authorized the Director-General of UNESCO to promote the establishment of an information centre on race relations, to make suitable publications on the question available to the general public, teachers and information services, to conduct studies on race relations and disseminate the results, to consider the possibility of setting up an international association of experts on race relations, to convene in 1964 an international conference of specialists to consider the present status of scientific thought on the race concept, and to contribute to action against discrimination taken by member States. UNESCO was now preparing for the 1964 international conference of specialists, who would represent a large number of disciplines.

4. UNESCO whole-heartedly supported the draft Declaration on the Elimination of All Forms of Racial Discrimination (Economic and Social Council resolution 958 E (XXXVI), annex).

5. Miss WACHUKU (Nigeria) welcomed the participation of the South African delegation in the present debate. She hoped that South Africa would be influenced by the overwhelming consensus in the Committee that racial discrimination must be speedily eliminated throughout the world. Her delegation and many others would not let the matter rest until that goal was achieved.

6. Replying to the arguments raised by the South African delegation (1218th meeting), she agreed with the Ghanaian representative that contemporary politics could not be separated from the question of racial discrimination. If it were not for the political encouragement of discrimination, the Committee would not have the item before it. Apartheid was perhaps a political phenomenon, but it was also social, and the Committee must go on fighting it.

7. The South African representative had also contended that the arms that were being manufactured or imported by South Africa were for self-defence and not for use against the indigenous Africans. But it was hard to imagine that South Africa needed to be so heavily armed against its neighbours, newly independent and under-developed countries which were devoting all their energies to their economic improvement, or countries like Southern Rhodesia and the Portuguese and British colonies.

8. She hoped that all delegations, in considering the amendments presented, would keep in mind that the Committee was drafting a statement of general principles, and not a convention, containing binding rules. Her delegation would give serious consideration to the Tunisian amendment to article 1, (A/C.3/L.1080) and the amendment of Algeria, Guinea and Senegal to article 3 (A/C.3/L.1101), although it was not sure whether the latter was appropriate to a declaration

or to a convention. Her delegation was a sponsor of amendments to article 4 (A/C.3/L.1098) and to article 5 (A/C.3/L.1082), which were intended to strengthen the text and widen its scope, and a co-sponsor, together with Chile, the Ukrainian SSR, the United States of America and Yugoslavia of an amendment (A/C.3/L.1113), which it believed should be included as the final article of the Declaration.

9. Mr. ZALAMEA (Colombia) announced the withdrawal of his delegation's amendment (A/C.3/L.1093) in favour of point 5 of the revised amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1).

10. Mr. WAHLUND (Sweden) said that there had always been a mixing of ethnic elements in Sweden, the immigrant peoples being absorbed into the native population, which was today homogeneous in every respect. Sweden had no race problems and public opinion was uniform in condemning racial discrimination and theories of racial supremacy.

11. His delegation could have accepted the draft Declaration in the form in which it had been submitted to the Committee. It felt, however, that many of the amendments either strengthened the text or improved the wording. Confining himself to the preamble, and following the listing given in the working document (A/C.3/L.1114), he expressed his delegation's support for the amendments still before the Committee on the first, second, fourth and fifth preambular paragraphs of the draft Declaration and for document A/C.3/L.1073/Rev.1 where it related to the sixth, seventh and eighth preambular paragraphs. In the ninth preambular paragraph he would prefer the original text. He would vote for amendments A/C.3/L.1084 and A/C.3/L.1071 and for point 6 of amendment A/C.3/L.1073/Rev.1, but he had difficulty in understanding the exact implication of amendment A/C.3/L.1092. He could not support amendment A/C.3/L.1095 or A/C.3/L.1096.

12. Mr. NYOUNDOU (Gabon) observed that no statement favouring any form of discrimination or segregation had been made in the Committee, and he trusted therefore that the Committee would take decisive action to wipe out the scourge of discrimination for all time. It was not enough to make verbal pronouncements. The United Nations was gradually changing from a centre for deliberations to a practical tool for the establishment and maintenance of the international rule of law and justice, and the Committee should not lag behind in that process.

13. The draft Declaration should be directed against racial discrimination no matter where practised. It should seek, in particular, the immediate abolition of the policy of apartheid and the practice of racial segregation in South Africa. His own country, which was unconditionally opposed to racial segregation and in which the different communities lived in perfect harmony, would vote for the draft Declaration and all amendments strengthening it.

14. Miss ADDISON (Ghana), presented the amendments contained in document A/C.3/L.1100 and Add.1 and said that the proposal to change "may" to "shall" was calculated to make the statement more categorical. She pointed out that the article following the one to which her amendment applied used the word "shall". Her amendment also called for the deletion of a sentence which some countries might use as a pretext for discontinuing measures undertaken on behalf of a racial group. The amendment of Argentina,

Bolivia, Ecuador, Mexico and Venezuela (A/C.3/L.1104) was similar to her own, but stated the question in a negative way; a positive statement was in her opinion more appropriate.

15. Her delegation would support all amendments that improved and strengthened the provisions of the draft Declaration.

16. Mrs. DEMBINSKA (Poland), observing that some delegations opposed proposals for the prohibition of racist and neo-fascist organizations on the ground that the right of association would be impaired thereby, said that provisions of that kind had been embodied in a number of international instruments, including several of the peace treaties signed after the Second World War. The inclusion of such a provision in the draft Declaration was therefore entirely possible. In addition, article 20 of the Universal Declaration of Human Rights and also article 20 of the draft Covenant on Civil and Political Rights—an article which the Committee had already adopted (see A/5000, annex)—referred to the right of peaceful assembly and association. Racist and neo-fascist organizations were by definition not peaceful and thus did not come under the protection of those articles.

17. Her delegation had submitted its amendment (A/C.3/L.1096) to the sixth preambular paragraph because discrimination was a source of serious tension in many parts of the world. The word "concern" as used in the original was ambiguous; it was not made clear by whom the concern was felt. Some had objected that the word "tension" could not be introduced because it raised questions which came within the purview of the Security Council. A refutation of that argument was to be found in Article 11 of the United Nations Charter.

18. Her delegation co-sponsored with Yugoslavia, the amendment contained in document A/C.3/L.1097, which rearranged the wording of the eighth preambular paragraph in order to give prominence to the question of international peace and security, the basic determinant of relations between countries.

19. Miss MALLA (Nepal) said that her country had been a meeting ground of many races, and its people had lived in peace and harmony among themselves and with their neighbours. Discrimination based on race, colour or religion had no place in Nepalese society; even the caste system, a legacy of the country's Hindu tradition, had been prohibited by legislation. The constitution emphatically proclaimed, as fundamental rights, equality before the law and freedom from discrimination on grounds of race, religion or caste in the application of the law; it also guaranteed that the public service should be open to all on the basis of talent and qualification.

20. The problem of racial discrimination could not be solved by the passage of time or by socio-political development, for inhuman forms of it were encountered even in the most advanced nations. Such practices would continue unless pressure were exerted in the form of enlightened international opinion, and the draft Declaration would establish a framework that made it easier to enforce the principle of the equality of all human beings and to make the Universal Declaration of Human Rights a living and meaningful instrument.

21. Her delegation would support the draft Declaration, which was wide in scope and comprehensive in content, and also any amendments that would improve

the text, including those of Nigeria, Paraguay and Peru (A/C.3/L.1065), Australia (A/C.3/L.1066), Algeria, Guinea, Mauritania and Senegal (A/C.3/L.1068/Rev.2) and those contained in documents A/C.3/L.1071 and A/C.3/L.1074.

22. Mrs. DICK (United States of America), commenting on the amendments to the articles of the draft Declaration, observed that the Committee's task was to construct a document of enduring value which would be a guide to the ages. Consequently, its provisions must be addressed to fundamentals and not to temporary phenomena, and the inclusion of statements intended to promote particular political opinions must be avoided.

23. Her Government believed that three basic principles must be kept in mind in examining the amendments. First, a clear distinction must be maintained between declarations and conventions. The draft Declaration was concerned with the articulation of general principles and moral precepts which ought to guide the conduct of Member States in the matter of racial discrimination; the spelling-out of specific legal obligations would come later with the drafting of a convention. It would then be necessary to consider varying legal and political systems in order to determine appropriate remedies or sanctions, but to do so at the present stage was inappropriate and needlessly complicated the Committee's work. There were some amendments which her Government would be obliged to oppose for that reason. Second, it was necessary, in the interest of clarity, to recognize that the principles to be enunciated were not all of the same order, but fell into three natural groups, dealing with the rights of the person, limitations on the State, and obligations of the State respectively. Her delegation was unable to determine whether some of the amendments sought to establish rights or to impose limitations or obligations. Third, while the draft Declaration was concerned with freedom from racial discrimination, there were other basic freedoms—freedom of expression, freedom of association, and the right to differ from the majority opinion—which must be preserved. The United States had detected in several amendments a tendency to sanction censorship and repress ideas. Many protests against racial discrimination had been—and in some States still were—made against the will of governmental authority, and in her own country peaceful street demonstrations in areas where the cause they espoused was unpopular had helped to make inroads on discriminatory practices.

24. Her delegation would support amendments which in its view improved the text, including those of Tunisia (A/C.3/L.1072), Austria (A/C.3/L.1075/Rev.1 and A/C.3/L.1076) and those contained in documents A/C.3/L.1082 and A/C.3/L.1101. The amendment of Austria and Nigeria (A/C.3/L.1074) would have been perfectly acceptable to her delegation if the latter had agreed with the substance of the original text of article 2, paragraph 1; but since, for the reasons stated in the Commission on Human Rights, it did not so agree, her delegation would request a separate vote on that paragraph. It would support the amendment to article 8 submitted by Chad and Nigeria (A/C.3/L.1115/Rev.1), although it would have preferred the language used by Chad in document A/C.3/L.1081.

25. There were certain amendments to which the United States were so strongly opposed that, if they were adopted, there was serious doubt whether her

delegation would vote in favour of the draft Declaration as a whole. Such an eventuality would be most regrettable, as the instrument was one, the essentials of which the United States warmly supported.

26. The amendments in question raised two distinct problems. The USSR amendment (A/C.3/L.1067) ran counter to the first and the third of the basic principles to which she had previously referred. The United States Constitution and the Bill of Rights debarred her Government from prohibiting and disbanding organizations of the kind referred to in the amendment, for freedom of speech and association were protected in the United States even when the persons claiming such protection espoused causes or opinions abhorrent to the majority, provided that they did not engage in libel or slander and did not advocate violence. In many cases, the best hope of eliminating the underlying causes of discrimination rested in the exercise of the right of free speech, and the United Nations itself had embraced the fundamental principle that the expression of even the most unpopular ideas must be permitted. Moreover, the use of the propagandistic term "neo-fascist" was not in keeping with the dignity and lasting importance of the draft Declaration. Her delegation's opposition to the USSR amendment did not of course mean that it did not join in moral condemnation of organizations advocating racial discrimination, and it was for that reason that it had submitted the amendments in document A/C.3/L.1085.

27. By reason of the same considerations, her delegations opposed the amendment to article 9 originally submitted by Brazil (A/C.3/L.1090 and Add.1). In order to remove the objectionable features of that text, the United States had proposed amendment A/C.3/L.1116; nevertheless, it would continue to oppose point 1 of the Brazilian amendment in favour of the original wording. She earnestly hoped that the Committee would reject the USSR and Brazilian amendments, which were unsound in substance and undesirable in that they would reduce support for a draft Declaration now unanimously favoured.

28. Moreover, the United States would be compelled to refrain from supporting the draft Declaration if the Tunisian amendment (A/C.3/L.1080) was adopted. To characterize situations involving racial discrimination as threats to international peace and security was inaccurate and served no useful purpose. Such situations obviously differed from case to case, and the United States would strongly reject any notion that racial relations in its own country, to which its representative had referred (1217th meeting), constituted a threat to international peace. Moreover, the General Assembly should not prejudge, or appear to prejudge, in a declaration on racial discrimination the decision which it must make in the light of the facts of a particular situation. For the same reason, her delegation would oppose the amendment to the preamble submitted by Poland and Yugoslavia (A/C.3/L.1097).

29. She had no objection to point 1 of the Nigerian amendments to article 4 (A/C.3/L.1098) but could not accept point 2, since the deletion of the words "if necessary" would suggest that all States should pass legislation prohibiting discrimination, even if such legislation was not necessary. She would request a separate vote on that part of the amendment. She would not oppose point 1 of the amendments in document A/C.3/L.1100 and Add.1, but she was strongly against point 2, which would simply establish the principle of discrimination in reverse.

30. With regard to the amendments proposed by her own delegation, the purpose of amendment A/C.3/L.1079/Rev.1 was to state expressly a limitation of the use of State power to perpetuate discriminatory practices, and to make it clear that the limitation applied to cases in which State power was used to suppress protests against discriminatory activities. The defect of the original text of article 2 was that it seriously impaired the exercise of the right of free speech by institutions, groups, or individuals, and she believed that the amendment best preserved the balance between the right not to be discriminated against on the grounds stated and the right to express views and opinions, even if they were unpopular or unprincipled. Amendment A/C.3/L.1088/Rev.1 would remedy a further defect in the draft Declaration by providing that the State should not discriminate against its citizens on the grounds of race, colour, or ethnic origin. Amendment A/C.3/L.1089 sought to ensure the basic right of bodily protection and security of the person against violence because of race or colour, and to prohibit unlawful activities of police and other government officials, individuals, groups or institutions. In order to make it clear that the police could still exercise its normal function of suppressing violence, mobs and riots, her delegation was prepared to insert the word "unlawful" before the word "violence" in the amendment.

31. Mr. SOLODOVNIKOV (Union of Soviet Socialist Republics) felt that the Austrian amendment to article 6 (A/C.3/L.1075/Rev.1) was much less satisfactory than the original wording, since it merely proclaimed a right instead of prohibiting discrimination. He could, however, vote for the amendment if mention was made of the fact that the right in question was one set forth in the Universal Declaration of Human Rights. He could support the United States amendment to article 7 (A/C.3/L.1089) as it merely supplemented the original text. He welcomed the Cuban amendment to the preamble (A/C.3/L.1092) and the proposal of Argentina, Bolivia, Ecuador, Mexico and Venezuela to insert a new article before article 1 (A/C.3/L.1102). The idea embodied in amendment A/C.3/L.1097 ought to appear in the text, and he failed to understand why the United States was so alarmed at the thought of referring to threats to international peace and security. The validity of the terms of the amendment were amply proved by history—he need only refer to nazism and to the current situation in South Africa—and no reference to the United States was intended. Amendments A/C.3/L.1100 and Add.1 and A/C.3/L.1104, to article 2, paragraph 2, should be adopted. With regard to amendment A/C.3/L.1095, he would not wish to see the words "in all its forms and manifestations" deleted from point 6 of the amendment of the seven Latin-American Powers (A/C.3/L.1073/Rev.1), and he wondered whether the Ugandan delegation would consider retaining those words, so that the passage in question would read "in all its forms and manifestations, in particular either directly ...".

32. He was surprised that the United States representative had threatened not to vote for the draft Declaration if certain amendments were adopted. The USSR delegation, in its concern not to complicate the Committee's work, had introduced only one amendment (A/C.3/L.1067), which had been supported by a number of speakers, and in order to accelerate the adoption of the draft Declaration it had agreed to the amendment originally submitted by Brazil (A/C.3/L.1090 and Add.1). The activities of racist organiza-

tions must be halted from the outset, for the failure of the League of Nations to repress nazism and fascism had eventually plunged the world into war. The amendments to which the United States objected were no more an encroachment on freedom of speech and of association than were international conventions on the suppression of pornographic literature which, like fascism, exerted a corrupting influence on youth. The amendments could hardly be opposed on the grounds of democracy, since a country which had not rid itself of racist organizations would have no right to speak of democracy. Racism could not be eradicated through education alone; practical measures of a legislative and administrative nature must be taken. The United Nations must show its concern, not in words, but in deeds which would put an end to racist activities.

33. Mr. DELGADO (Senegal) said that his delegation supported the amendments in documents A/C.3/L.1065, A/C.3/L.1066, A/C.3/L.1069, A/C.3/L.1072, A/C.3/L.1073/Rev.1, A/C.3/L.1074, A/C.3/L.1075, A/C.3/L.1077, A/C.3/L.1078/Rev.1 and A/C.3/L.1079/Rev.1. It also strongly endorsed the Tunisian amendment (A/C.3/L.1080) and it could not understand why objections had been raised to the description of racial discrimination as a "threat to peace and international security". The shadow of apartheid had lain across the whole debate on the draft Declaration, and the Tunisian delegation must have had that policy in mind when it had framed its text. Perhaps the amendment could be redrafted in language satisfactory to all delegations.

34. He also supported amendments A/C.3/L.1081, A/C.3/L.1083, A/C.3/L.1084, A/C.3/L.1085 and A/C.3/L.1090 and Add.1. The last-named text raised two fundamental points: (a) the punishability of racial propaganda and incitement to race hatred and (b) the prohibition of organizations engaged in such activities. With regard to the first point, it was of secondary importance whether punishment was to be administered under criminal law, by the police or as an administrative measure. If there was general agreement that some form of punishment was necessary, the choice of method could be left open. Concerning the prohibition of racist organizations, he could not see that it would conflict with the freedom of association set forth in article 20 of the Universal Declaration of Human Rights. His delegation further supported amendments A/C.3/L.1093 and A/C.3/L.1094. The drafting of the Ugandan amendment (A/C.3/L.1095) could perhaps be improved, but the substance was acceptable. The amendments in documents A/C.3/L.1100 and Add.1 and A/C.3/L.1115/Rev.1, too, commended themselves to his delegation. The proposal which his own delegation had submitted jointly with Algeria, Guinea and Mauritania with respect to the fourth preambular paragraph of the draft Declaration had been reworded (A/C.3/L.1068/Rev.2) in the light of suggestions made by other delegations.

35. It would be tragic if the United States, whose efforts to end racial discrimination had been so eloquently described (1217th meeting), should find it necessary to abstain in the final vote on the draft Declaration. The United States delegation had contributed much to the preparation of the text and would, he hoped, yet find it possible to reconsider its position.

36. Mr. LAMANI (Albania) strongly supported the Cuban amendment (A/C.3/L.1092). He favoured all amendments which reinforced or improved the draft

Declaration. The amendment originally introduced by Brazil (A/C.3/L.1090 and Add.1), which represented a compromise between different views that had been expressed, was also commendable. The United States had taken the astonishing course of reintroducing as a sub-amendment (A/C.3/L.1116) to it, a text originally submitted as sub-amendment to a USSR proposal. It was now rejecting the Brazilian text altogether and trying to exert pressure upon the other delegations by threatening that it would abstain in the final vote on the draft, if certain amendments were adopted. The United States delegation seemed determined to rob the draft Declaration of all effectiveness. Racist organizations existed in several countries, including the United States, as was proved by the racial disturbances which had occurred there. If the Committee failed to agree on a recommendation that such organizations should be disbanded, those who propagated race hatred would be greatly encouraged. While supporting the Brazilian amendment, his delegation would like the following words to be added after the words "racial discrimination" in article 9: "and all racist, fascist and other organizations engaging in racist propaganda". It rejected the United States amendments in document A/C.3/L.1085.

37. Mr. RAZGALLAH (Tunisia) announced that, to meet the wishes of some of his colleagues, he had re-drafted his proposal. The new text would be found in document A/C.3/L.1080/Rev.1.

38. Mr. SHERVANI (India) strongly urged the United States and the USSR delegations to consult together with a view to reaching agreement on disputed passages in the draft Declaration.

39. Mrs. DE BARY (Panama) said that racial discrimination was not practised in her country and was viewed with the utmost repugnance. Her delegation would have been prepared to vote in favour of the text submitted by the Commission on Human Rights, but would support all amendments which did not weaken the text or introduce ideas going beyond the scope of the declaration.

40. The CHAIRMAN urgently appealed to those delegations which objected to some of the amendments to consult with the sponsors in order to prepare an agreed text.

41. Mr. BAROODY (Saudi Arabia) concurred. It was essential that the Committee should take speedy action on the draft Declaration. If the text were to be so altered as to incorporate elements of a convention, it might not command acceptance and hold up work on the draft convention, which was to be submitted to the Assembly, if possible, at its nineteenth session. Unanimous agreement on the very satisfactory text of the draft Declaration submitted by the Commission on Human Rights might yet be possible.

42. The CHAIRMAN proposed that the Committee should not meet until the afternoon of 4 October, so as to leave time for consultation.

*The proposal was adopted by 67 votes to none, with 17 abstentions.*

The meeting rose at 6.5 p.m.