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CONTENTS

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.1068/Rev.2 and Add.1, A/C.3/L.1071-1072, A/C.3/L.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/Rev.1, A/C.3/L.1082/Rev.1, A/C.3/L.1084-1086, A/C.3/L.1088/Rev.1, A/C.3/L.1089-1090 and Add.1, A/C.3/L.1092 and Add.1, A/C.3/L.1094-1096, A/C.3/L.1097/Rev.1, A/C.3/L.1098, A/C.3/L.1100 and Add.1, A/C.3/L.1101-1113 and Add.1, A/C.3/L.1114/Rev.1, A/C.3/L.1115/Rev.1, A/C.3/L.1116-1118) (continued)

1. The CHAIRMAN announced that, in accordance with the decision taken at the 1221st meeting, the Committee would vote on the amendments to the draft Declaration on the Elimination of All Forms of Racial Discrimination (Economic and Social Council resolution 958 E (XXXVI), annex), it being understood that any delegation could propose at the appropriate time that a given amendment should not be put to the vote.

2. Mr. MOROZOV (Union of Soviet Socialist Republics), speaking on a point of order, said that the Chairman had rightly decided (1221st meeting) to disallow a proposal which was contrary to the democratic principles of the United Nations and which undermined the very basis of its activities. He feared that the statement now made by the Chairman might lead to further confusion. His delegation had supported the Chairman's ruling on the understanding that the only circumstance in which an amendment could not be voted upon was that referred to in rule 131 of the rules of procedure of the General Assembly, namely, where the adoption of one amendment necessarily implied the rejection of another.

3. Mr. BAROODY (Saudi Arabia) recalled that, when it had been decided to allot seven meetings to consideration of the item under discussion, some delegations had felt that it would be impossible for the Committee to complete its work during that time if a large number of amendments were submitted to the draft Declaration; their fears had been substantiated, and the Committee had found itself deadlocked. The representatives of Mexico, Panama and Saudi Arabia had felt, therefore, that it would be wise to determine whether there might not be a consensus in favour of accepting the original text of the draft Declaration, despite its imperfections; in so doing, they had not contravened the rules of procedure, for they had not suggested at any time that the amendments should not be put to the vote if the delegations sponsoring them so desired, although a majority of the Committee might have opted for the original text.

4. The CHAIRMAN appealed to the Committee not to engage in a sterile discussion of the decision reached at the 1221st meeting, which he intended to respect. He wished to make it clear, however, that in his view the delegations of Mexico, Panama and Saudi Arabia had been fully entitled to submit their proposal.

5. Mr. MOROZOV (Union of Soviet Socialist Republics) remarked that he still viewed the proposal in question as an attempt to distort the democratic principles on which the United Nations operated by circumventing amendments to which the sponsors of the proposal objected.

6. Mr. Antonio BELAUNDE (Peru) explained that his delegation, in appealing against the Chairman's ruling, had sought not to force any point of view on the Committee but to allow it to decide upon its own procedure.

7. Mr. BAROODY (Saudi Arabia) emphasized that the three-Power proposal had been made because of the impossibility of scrutinizing the many amendments—all of which were of course legitimate—with sufficient care to be able to vote on them intelligently. The intention had not been to eliminate the amendments, some of which had been sponsored by the very delegations making the proposal.

PREAMBLE

8. The CHAIRMAN invited the Committee to vote on the preambular paragraphs of the draft Declaration.

First preambular paragraph

The amendment of Nigeria, Paraguay and Peru (A/C.3/L.1065) was adopted unanimously.

The first preambular paragraph, as amended, was adopted unanimously.

Second preambular paragraph

The Australian amendment (A/C.3/L.1066) was adopted unanimously.

The second preambular paragraph, as amended, was adopted unanimously.

Third preambular paragraph

The third preambular paragraph was adopted unanimously.

Fourth preambular paragraph

The amended text of the fourth preambular paragraph proposed in document A/C.3/L.1068/Rev.2 and Add.1 was adopted by 96 votes to none, with 3 abstentions.

Proposed new paragraph to be added after the fourth preambular paragraph

9. Mr. MEANS (United States of America) asked for a separate vote on the words "differentiation or" in the proposed new paragraph (A/C.3/L.1092 and Add.1).

At the request of the Cuban representative, a vote was taken by roll-call.

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

In favour: Niger, Poland, Portugal, Romania, Senegal, Spain, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia, Afghanistan, Albania, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Cuba, Czechoslovakia, Dahomey, Guinea, Haiti, Hungary, Indonesia, Iraq, Ivory Coast, Lebanon, Libya, Mali, Mauritania, Mongolia, Morocco.

Against: Netherlands, New Zealand, Nicaragua, Panama, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Brazil, Canada, China, Colombia, Denmark, Finland, Iceland, Ireland, Italy, Jamaica.

Abstaining: Nigeria, Norway, Pakistan, Peru, Philippines, Saudi Arabia, Sierra Leone, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Tunisia, United Arab Republic, Upper Volta, Venezuela, Yemen, Argentina, Austria, Bolivia, Burma, Burundi, Cambodia, Cameroon, Chile, Costa Rica, Cyprus, Ecuador, France, Gabon, Ghana, Greece, India, Iran, Israel, Japan, Jordan, Kuwait, Laos, Liberia, Madagascar, Malaysia, Mexico, Nepal.

The words "differentiation or" were adopted by 35 votes to 19, with 45 abstentions.

At the request of the Cuban representative, the vote on the proposed new paragraph was taken by roll-call.

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

In favour: Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jordan, Kuwait, Laos, Lebanon, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Pakistan, Peru, Poland, Portugal, Romania, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Yemen, Yugoslavia, Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Gabon, Ghana.

Against: Netherlands.

Abstaining: Iceland, Israel, Italy, Jamaica, Japan, Liberia, Malaysia, Mexico, New Zealand, Nicaragua, Norway, Panama, Philippines, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cambodia, Canada, Chile, China, Colombia, Denmark, Ecuador, Finland, France, Greece.

The proposed new paragraph (A/C.3/L.1092 and Add.1 was adopted by 64 votes to 1, with 34 abstentions.

Fifth preambular paragraph

Point 1 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1) was adopted by 94 votes to none, with 1 abstention.

The fifth preambular paragraph, as amended, was adopted unanimously.

Sixth preambular paragraph

Point 2 of the amendments of the seven Latin-American Powers (A/C.3/L.1073/Rev.1) was adopted by 95 votes to none, with 2 abstentions.

10. Mrs. DEMBINSKA (Poland) asked if she could alter her amendment (A/C.3/L.1096) so that the last words would read "to cause serious concern and tension". That change would make the proposal more generally acceptable.

11. Miss AHY (Iran) supported the request.

12. The CHAIRMAN observed that since the voting had already begun, the Polish representative's request was not strictly in order. If the Committee had no objection, however, he would accept it.

13. Mr. CUEVAS CANCINO (Mexico) objected. If all delegations were allowed to make last-minute changes in their amendments, the Committee would never finish its work.

14. The CHAIRMAN announced that the Polish representative's request was refused.

15. Mr. MEANS (United States of America) proposed that the Committee should not vote on the Polish amendment.

16. Mr. IVANOV (Union of Soviet Socialist Republics) said that the only case in which the Committee could properly decide not to vote on an amendment was that referred to in rule 131 of the General Assembly's rules of procedure—where the adoption of one amendment necessarily implied the rejection of another amendment. The United States proposal should, therefore, not be put to the vote.

17. The CHAIRMAN pointed out that the United States proposal was being made under the ruling given by himself at the 1221st meeting and that the USSR delegation had been among those which had upheld that ruling.

18. Mr. IVANOV (Union of Soviet Socialist Republics) said that his delegation had merely voted for the application of the rules of procedure, under which all delegations had an equal right to submit amendments. He understood the Chairman's ruling at the 1221st meeting to have been merely an assertion of that right.

19. The CHAIRMAN recalled that the ruling which he had made, and which had been supported by the representative of the Office of Legal Affairs of the Secretariat, had been intended as a compromise between two conflicting procedural views. He had rules, first, that the Committee should vote paragraph by paragraph on the amendments which had been submitted, but, second, that any delegation was free to propose

that any particular amendment should not be voted on. The Committee had rejected the appeal lodged by the Peruvian delegation against that ruling, and he accordingly had no choice but to put the United States proposal to the vote.

20. Mr. MEANS (United States of America) asked for a roll-call vote on his proposal that no vote should be taken on the Polish amendment.

21. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) said that he could not understand under what rule of procedure the Chairman could decide to put to the vote a proposal that a particular amendment should not be voted on. If the Chairman adhered to that unprecedented decision, it would be necessary to ask that the Office of Legal Affairs should again be consulted.

22. Mr. BAROODY (Saudi Arabia) also thought that the Office of Legal Affairs should be consulted.

23. Mr. MEANS (United States of America) remarked that, while he had no objection to hearing the Office of Legal Affairs on the matter, the Committee should bear in mind that it had upheld the Chairman's ruling. Under rule 124 of the rules of procedure, a two-thirds majority would be required to reverse that decision.

24. Mr. IVANOV (Union of Soviet Socialist Republics) said that it was essential to deprive no delegation of its right to submit amendments. To do so would amount to discrimination. He asked that the Office of Legal Affairs should be requested to give both an oral and a written opinion. It was relevant to recall a similar procedural situation which had arisen during the General Assembly's seventeenth session, when the draft Convention and draft Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages had been considered in plenary session. In connexion with the inclusion of a so-called territorial or colonial clause, the President had decided (1167th plenary meeting) that it would not be in order for the Assembly to vote on a motion implying that a particular amendment should not be voted on.

25. The CHAIRMAN observed that the Office of Legal Affairs, while it might, of course, give an opinion, had no powers to reverse a ruling upheld by the Committee.

26. Mr. MEANS (United States of America) pointed out that his proposal was fully in accordance with rules 114, 83 and 122 of the rules of procedure.

27. Mr. MINKOVICH (Byelorussian Soviet Socialist Republic) said that under the United Nations Charter and the General Assembly's rules of procedure, every delegation had an equal right to take part in the debates of any United Nations organ and to submit amendments. The United States proposal that the Polish amendment should not be voted on was at variance with that fundamental principle. A precedent for dealing with the procedural situation which had arisen could be found in what had happened at the Committee's 1221st meeting, when the Mexican proposal which would have denied the right of delegations to submit amendments had been ruled out of order by the Chairman. He could not understand why the simple procedure of voting on an amendment and leaving every delegation free to express its objection by a negative vote should be abandoned. His delegation had supported the Chairman's ruling at the 1221st meeting, but it had certainly not intended to support an arrangement under which some amendments would be voted on, while others would not.

28. Mr. BAROODY (Saudi Arabia), replying to the Byelorussian representative, said that the Mexican proposal, which his delegation had supported, had not been intended to deprive any delegation of its right to vote. It had merely been designed to ascertain how many delegations—including those which had submitted amendments—wished to opt for the original draft. His own delegation had submitted amendments and had certainly had no sinister motives in supporting the Mexican proposal.

29. Mr. ELUCHANS (Chile) stated that he could not understand why some delegations thought it would be undemocratic if the United States proposal were put to the vote. On the contrary, it would be undemocratic to deprive the Committee of the right to express itself freely on that proposal. The Chairman's ruling at the 1221st meeting was irreversible. To challenge it now was incompatible with democratic procedure.

30. Mrs. DEMBINSKA (Poland) supported the statements made by the USSR, Ukrainian and Byelorussian delegations. The Third Committee had no right to alter the General Assembly's rules of procedure.

31. Mr. SCHREIBER (Secretariat) said that the procedural situation was clear following the Chairman's ruling at the 1221st meeting. The Chairman had ruled that it was not permissible to alter the order of voting on amendments and proposals which was established by rule 131 of the rules of procedure. He had also indicated that once the Committee had started voting on the amendments, motions might be submitted that no vote should be taken on some particular amendment. The Committee had upheld the Chairman's ruling by a vote and presumably could only reverse it by another vote. On the more general question whether it was possible for the Committee to decide that no vote should be taken on a particular motion, no clear guidance could be found in the General Assembly's rules of procedure, and as far as he was aware, there were not many precedents that would help. It might be of interest, however, to note that, according to rule 66 of the rules of procedure of the Economic and Social Council, motions requiring that no decision should be taken on the substance of certain proposals were to be considered as previous questions and put to the vote first. Parliamentary procedure in some countries also provided for the possibility of a motion that a particular proposal should not be voted on.

32. The CHAIRMAN asked whether the Polish representative would be willing to withdraw her amendment in the interests of ending an unprofitable procedural debate.

33. Mrs. DEMBINSKA (Poland) replied that she was unable to do so, because an important point of principle was at issue. A decision should be taken on whether the Committee could properly vote on a motion that no vote should be taken on an amendment submitted to it.

34. The CHAIRMAN asked whether the United States representative was prepared to withdraw his proposal in order to enable the Committee to proceed with the vote on the Polish amendment.

35. Mr. MEANS (United States of America) felt, like the Polish representative, that an important procedural point should be clarified. He would therefore not withdraw his proposal.

The meeting rose at 1.10 p.m.

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