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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/4743, paras. 89-145; A/C.3/L.1067, A/C.3/L.1076-1077, A/C.3/L.1085-1086, A/C.3/L.1090 and Add.1, A/C.3/L.1111-1113 and Add.1, A/C.3/L.1114/Rev.1, A/C.3/L.1116/Rev.3, A/C.3/L.1117, A/C.3/L.1124-1126) (continued)

ARTICLE 9 (continued)

1. Mr. PINHEIRO (Brazil) said that, since the 1228th meeting, strenuous efforts had been made by an informal working group of interested delegations to reach agreement on a generally acceptable wording for article 9 of the draft Declaration on the Elimination of All Forms of Racial Discrimination. On the basis of suggestions made by the representative of Spain, agreement in principle had been reached on two sentences of the article but, owing to failure to agree on a third sentence, each delegation had reserved its position with regard to the article as a whole. His delegation therefore felt that, unless the meeting was suspended to allow further negotiations, it would be best to proceed to the vote on article 9 and on the various amendments to it.

2. The CHAIRMAN stated that he would put to the vote the amendments to article 9, beginning with the Austrian amendment (A/C.3/L.1076).

The Austrian amendment (A/C.3/L.1076) was adopted by 60 votes to none, with 9 abstentions.

3. Mr. MEANS (United States of America) recalled that the negotiations, which had been encouraged by the whole Committee, had resulted in agreement on two of the three sentences suggested by the representative of Spain and in substantial agreement on the third sentence. It appeared out of order, in those circumstances, to vote on the existing texts.

4. Mr. KHALIL (United Arab Republic) said that his position with regard to his amendment (A/C.3/L.1124)

would depend on the outcome of the negotiations still in progress.

5. Mr. SHERVANI (India) asked whether it would not be possible to suspend the voting on article 9, in order to allow time for further negotiations while the Committee turned its attention to article 10.

It was so decided.

ARTICLE 10

6. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) proposed that the word "combining" in the amendment of the five Powers, namely Argentina, Bolivia, Ecuador, Mexico and Venezuela, (A/C.3/L.1112), should be replaced by the word "including", in order to make the text less restrictive.

7. Mr. Antonio BELAUNDE (Peru) suggested that the same purpose would be achieved by inserting the word "other" before the word "practical".

8. The CHAIRMAN announced that the sponsors of the amendment were willing to revise the text in accordance with the Peruvian suggestion.

9. Mr. POLYANICHKO (Ukrainian Soviet Socialist Republic) withdrew his oral amendment.

The five-Power amendment (A/C.3/L.1112), as revised, was adopted by 86 votes to none, with 2 abstentions.

10. Mrs. VILLGRATTNER (Austria) said that the adoption of the five-Power amendment did not preclude the addition of the words contained in the Austrian amendment (A/C.3/L.1077), which should be revised in conformity with the United States sub-amendment (A/C.3/L.1086) accepted by her delegation (1217th meeting).

11. The CHAIRMAN suggested that the article as a whole would be improved if the Austrian amendment, if adopted, was drafted as a separate sentence, commencing with the words "In particular, they shall study the causes of such discrimination...".

12. Mrs. VILLGRATTNER (Austria) agreed to that suggestion.

13. Mr. SPERDUTI (Italy) said that he did not quite understand the Austrian amendment. International organizations could reasonably be asked to make studies, and they would submit recommendations to States; but States themselves were also being asked to undertake studies, and he wondered to whom they could make recommendations. The amendment, by introducing somewhat vague ideas into the text, might detract from the strength and clarity of the final article.

14. Mrs. VILLGRATTNER (Austria) replied that the amendment was perfectly in keeping with the spirit of the draft Declaration which, after proclaiming certain principles, should give some guidance to States and

international organizations concerning the application of those principles.

15. Mr. SPERDUTI (Italy) said that he would have welcomed further clarification, since he did not wish to abstain in the voting on an article of such importance.

16. Mr. SARMIENTO CARUNCHO (Bolivia) agreed with the representative of Italy and considered that the five-Power amendment (A/C.3/L.1112) already adopted fulfilled the purposes of the Austrian amendment.

The Austrian amendment (A/C.3/L.1077), as revised, was adopted by 26 votes to 15, with 46 abstentions.

Article 10, as amended, was adopted by 85 votes to none, with 5 abstentions.

17. Mr. GHORBAL (United Arab Republic) said that his delegation, which had no objection to the substance of the amendments just adopted, found the resultant article to be faulty in two respects. First, one sentence used the word "should" while the other used the word "shall". Second, the sentences were not in the logical order: the first sentence spoke of energetic action to abolish all forms of racial discrimination, while the second spoke anti-climactically of efforts to study the causes of racial discrimination. Such editorial and logical lapses, which unfortunately occurred in several places in the draft Declaration, considerably weakened the impact of the text.

18. He accordingly suggested that after all the articles had been adopted, but before the Committee was asked to vote on the draft Declaration as a whole, the Rapporteur should attempt to eliminate all discrepancies of language and all flaws in the logical sequence of ideas. He believed that the Committee would gladly accept any technical improvements which it had itself been unable to make owing to the pressure of work.

19. Miss ADDISON (Ghana) agreed whole-heartedly with the previous speaker. Her delegation had voted against the Austrian amendment because it did not seem, entirely logical or appropriate. For one thing, a number of the specialized agencies were already studying the causes of racial discrimination and had reported on their activities to the Committee.

20. The CHAIRMAN said that he understood that delegations would wish to consider the complete draft Declaration thoroughly before proceeding to adopt it. It might therefore be best, after completing the remaining articles, to pass on to the next item on the Committee's agenda and then return to the draft Declaration and to the draft resolution concerning the publicity to be given to it (A/C.3/L.1126).

21. Mr. LAMANI (Albania) felt that the manner in which the Committee had proceeded with the draft Declaration had not permitted sufficient consideration and discussion of proposals before they were put to the vote.

22. Mr. MONOD (France) remarked that the vote taken on article 10 was proof that the method being used in voting on articles to which there were several amendments was defective and dangerous. It obliged delegations to take decisions on texts whose contents were scattered over many documents. As the Italian representative had pointed out, the addition of one amendment to another in article 10 had resulted in a loss of precision. He hoped that in future, even if it took more time, delegations would be provided with full texts including all amendments.

PROPOSED NEW ARTICLE TO BE ADDED AFTER ARTICLE 10

23. Mr. ATTLEE (United Kingdom) requested a separate vote on the words "and the Declaration on the granting of independence to colonial countries and peoples" in the proposed new article (A/C.3/L.1113 and Add.1). It was well known that the United Kingdom was strongly in favour of rapid and orderly decolonization. His delegation did not believe, however, that the above-mentioned Declaration was relevant to the subject of the present draft Declaration, and would vote against the reference to it.

24. Mr. SHIELDS (Ireland) questioned the wisdom of voting on the proposed new article—which called for the full and faithful observance of the draft Declaration—before the final wording of that text was known. Speed was not the only consideration in the drafting of a document which should endure for ages to come.

25. Mr. WAHLUND (Sweden) stated that his delegation would abstain in all votes on the present article since it could not vote for the observance of the draft Declaration without knowing the terms of article 9, which had not yet been adopted.

26. The CHAIRMAN invited the Committee to proceed to the separate vote requested by the United Kingdom representative.

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

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

In favour: Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Spain, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Afghanistan, Albania, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon.

Against: United Kingdom of Great Britain and Northern Ireland.

Abstaining: Norway, Portugal, Sweden, Australia, Belgium, Canada, Denmark, Finland, France, Iceland, Ireland.

The words "and the Declaration on the granting of independence to colonial countries and peoples" were approved by 88 votes to 1, with 11 abstentions.

At the request of the Swedish representative, the vote on the new article proposed in document A/C.3/L.1113 and Add.1 was taken by roll-call.

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

In favour: Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra

Leone, Spain, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United States of America, Upper Volta, Uruguay, Venezuela, Yugoslavia, Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Cuba, Cyprus, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger.

Against: None.

Abstaining: Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, Australia, Austria, Belgium, Canada, Denmark, Finland, France, Iceland, Ireland.

The new article proposed in document A/C.3/L.1113 and Add.1 was adopted by 87 votes to none, with 13 abstentions.

ARTICLE 9 (continued)

27. Mr. KISUKURUME (Burundi) said that, in the course of prolonged negotiations, the sponsors of the nine-Power amendments (A/C.3/L.1090 and Add.1) had made numerous concessions to the United States delegation, but had not been able to induce it to abandon its opposition to some passages of the amendments. The only course open to the Committee was, therefore, to vote on the nine-Power amendments, and he asked for a roll-call vote.

28. Mr. FINGER (United States of America) pointed out that his delegation, too, had made concessions. Its sub-amendments (A/C.3/L.1116/Rev.3) to the nine-Power proposals—in deference to the wishes of the sponsors of the latter—no longer contained the words "as appropriate". The new text of point 1 of the United States sub-amendments was very close to the wording proposed by the delegation of the United Arab Republic (A/C.3/L.1124), which might accordingly find it possible to withdraw its sub-amendment.

29. While the text drafted by the Spanish representative, on the basis of the informal consultations which had taken place, contained language the United States objected to, its adoption would not make it impossible for his delegation to vote in favour of the draft Declaration as a whole.

30. Mr. KHALIL (United Arab Republic) said that he would be able to withdraw his sub-amendment to the United States proposals, if the United States delegation agreed to change the words "affront to" to the words "offence against".

31. Mr. IVANOV (Union of Soviet Socialist Republics) agreed with the representative of Burundi that further debate would be fruitless. The crucial issue was that, while the sponsors of the nine-Power amendments could not accept any text which did not provide for the prohibition and disbandment of any organization engaged in the promotion of racial discrimination, the United States delegation rejected any such text.

32. Miss WACHUKU (Nigeria) recalled that there had been a substantial measure of agreement on the

Spanish representative's text, which might yet form the basis of a compromise.

33. Mr. ALONSO OLEA (Spain) said that, if the Committee did not object, he would outline the results of the prolonged informal consultations in which he had participated, but it should be understood that he was not submitting an amendment.

34. Article 9, as amended by the nine-Power proposals, raised the problem of the compatibility of freedom of expression and freedom of association with the dissemination of certain ideas and with incitement to violence. With regard to freedom of expression, substantial agreement had been reached, on the basis of which the following two paragraphs had been drafted:

"1. All propaganda and organizations based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin with a view to justifying or promoting racial discrimination in any form shall be severely condemned.

"2. All incitement to or acts of violence, whether by individuals or organizations, against any racial group of persons of another colour or ethnic origin shall be considered an offence against society and punished according to law."

35. With regard to freedom of association, no agreement had been reached, but he had prepared a text which perhaps represented the thinking of the majority of those who had taken part in the consultations:

"3. All States shall take immediate and positive measures to prosecute or outlaw organizations which incite to and use violence to impose ideas or theories of racial discrimination."

36. Mrs. ARIBOT (Guinea) remarked that paragraph 3 of the Spanish representative's text did not correspond to the tenor of paragraphs 1 and 2. As now drafted, it might be used as a pretext for the persecution of nationalist organizations which had no choice but to assert their claims by armed resistance to the State trying to suppress them. As there was no agreed text including a provision for the dissolution of organizations engaged in the promotion of racial discrimination, the Committee should proceed to vote on the nine-Power amendments.

37. Mr. IVANOV (Union of Soviet Socialist Republics) wondered on what grounds the Spanish representative had claimed to speak on behalf of the delegations which had been engaged in consultations. The text which had been prepared merely represented a return to the United States sub-amendments, which had been rejected by the sponsors of the nine-Power proposals. He moved the closure of the debate.

38. Mr. ALONSO OLEA (Spain), exercising his right of reply, said that he had not claimed to speak on behalf of any group, but had merely presented a text on which there appeared to be a large measure of agreement.

39. Mr. GHORBAL (United Arab Republic) strongly opposed closure of the debate. The issues raised had been discussed in many organs of the United Nations for a number of years, and the Committee should display a little more patience in its search for an agreed text. A solution might yet be found which would command unanimous acceptance.

40. Miss WACHUKU (Nigeria) supported those remarks. A strenuous effort had been made to find an

acceptable text, and there appeared to be no objection to the first two paragraphs presented by the Spanish representative. There was a good prospect of agreement on a third paragraph.

41. Mr. GHORBAL (United Arab Republic) moved the adjournment of the meeting. Under rule 120 of the

rules of procedure of the General Assembly his motion had precedence over all other proposals.

The motion for adjournment was adopted by 72 votes to none, with 8 abstentions.

The meeting rose at 1.10 p.m.