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CONTENTS

Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 66

Draft Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples (continued) (A/5738 and Add.1 and 2, A/5789 and Add.1, A/5930; A/C.3/L.1232 to L.1235, L.1240)

PREAMBLE (concluded)

1. Miss TABBARA (Lebanon) said that the United States amendment to the preamble (A/C.3/L.1233, first amendment) had made the sponsors of the draft Declaration realize that a preambular paragraph on the work of UNESCO was desirable. The sponsors and the United States delegation had agreed on the following wording:

> "Recalling that the purpose of the United Nations Educational, Scientific and Cultural Organization is to promote collaboration among nations through education, science and culture, and recognizing the role and contributions of that organization towards the education of young people in the spirit of international understanding, co-operation and peace,".

2. The first part of the proposed paragraph was drawn from article 1, paragraph 1, of the Constitution of UNESCO, and the second part from a recommendation of the International Conference on Youth, held at Grenoble in 1964.

3. Mr. SALSAMENDI (United Nations Educational, Scientific and Cultural Organization) thanked the sponsors of the proposed new paragraph and suggested that, to bring it closer to the wording of article 1, paragraph 1, of the Constitution of UNESCO, the paragraph should begin: "Recalling that the purpose of the United Nations Educational, Scientific and Cultural Organization is to contribute to peace and security by promoting collaboration ...".

4. Miss TABBARA (Lebanon), Mr. SANON (Upper Volta), Miss GROZA (Romania), Miss ADDISON (Ghana), Miss WILLIS (United States of America), Mr. A. A. MOHAMMED (Nigeria), Mrs. HAMILTON (Sierra Leone), Miss RANDOLPH (Togo) and Mrs. KEUTCHA (Cameroon) accepted the UNESCO representative's suggestion.

5. The CHAIRMAN invited the Committee to vote on the preamble and on the amendments thereto.

The first United Kingdom amendment (A/C.3/L.1234) was rejected by 38 votes to 25, with 22 abstentions.

The new preambular paragraph, proposed orally by the Lebanese representative and incorporating the suggested amendment of the representative of UNESCO, was adopted unanimously.

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

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1221, L.1223, L.1237, L.1239, L.1241, L.1249, L.1250, L.1253)

PROPOSED NEW ARTICLE TO FOLLOW ARTICLE VII (concluded)

6. Miss KING (Jamaica) recalled that her delegation had proposed a new article (A/C.3/L.1223) for insertion in the draft after article VII. After consultation with other delegations, and in the light of the discussion at the 1316th meeting, her delegation had decided to withdraw its proposal. It welcomed the support given to the idea behind the proposal, but it also saw the force of the argument that ideas already stated in the draft Convention should not be reiterated. In withdrawing the proposal, her delegation had in mind also the changes already made in the draft Convention, particularly the third Bulgarian amendment relating to article VI (A/C.3/L.1218) which met her delegation's main concern that emphasis should be placed on local institutions in the implementation of the Convention and that the individual citizen should be in no doubt as to the organ to which he could turn for redress in case of racial discrimination.

ARTICLE IV (concluded)

7. Mr. BELTRAMINO (Argentina), introducing his delegation's sub-amendment (A/C.3/L.1253) to the

Nigerian amendment to article IV (A/C.3/L.1250), recalled that his delegation had been and still was prepared to support article IV as adopted by the Commission on Human Rights (A/5921, annex). It nevertheless appreciated the difficulties of some delegations which had led to the submission of the Nigerian compromise text.

8. Because a convention, unlike a resolution or declaration, was a binding instrument, its terms had to be weighed very carefully. In his view, paragraphs (a) and (b) of the Nigerian amendment had neither the strength nor the legal consistency appropriate to a convention. The object of his delegation's sub-amendment was to strengthen the text of the draft Convention and make it more legally precise. Paragraph (a) in the sub-amendment covered all the ideas expressed in paragraph (a) of the Nigerian amendment. Thus, the words "all promotion of racial discrimination" were broad enough to cover both the phrase "all dissemination of ideas based on racial superiority or hatred" and the phrase "the provision of any assistance to racist activities, including the financing thereof". Paragraph (b) of the sub-amendment was taken largely from article 9, paragraph 1, of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, the latter being strengthened by the words: "Shall declare illegal, prohibit and declare an offence punishable by law ...". Both paragraphs referred to "national origin", in keeping with article I already adopted by the Committee.

9. Mr. A. A. MOHAMMED (Nigeria) observed that his delegation's amendment (A/C.3/L.1250), which incorporated all the earlier amendments to article IV, was the result of protracted negotiations with all the delegations concerned. Despite the merits of the Argentine sub-amendment from the standpoint of legal drafting, it would be inadvisable to reopen the debate on the basis of that text, which he understood to be unacceptable to a large number of delegations. He suggested that the Committee should proceed to vote on the proposals before it.

10. Mr. SANON (Upper Volta) said that his country's legislation was in conformity with the provisions of paragraphs (a) and (b) of the Nigerian amendment. The elimination of all discrimination was of the utmost importance in his country's efforts to achieve internal unity and stability. He welcomed the reference to the Universal Declaration of Human Rights in the Nigerian amendment, which would have his delegation's support.

11. Miss VALVERDE KOPPER (Costa Rica) recalled that at the eighteenth session the Third Committee had discussed article 9 of the draft Declaration on the Elimination of All Forms of Racial Discrimination at very great length. The Commission on Human Rights, in drafting article IV of the draft Convention, had borne that discussion in mind, and it had produced a text which her delegation thought entirely acceptable. To avoid an interminable debate on article IV, she urged the Committee to revert to the Commission's text and appealed to the Nigerian representative to withdraw his delegation's amendment. Only the introductory paragraph of that amendment was acceptable to her delegation.

12. Mrs. DABCEVIC-KUCAR (Yugoslavia) endorsed the Nigerian representative's remarks and expressed support for the Nigerian amendment.

13. Mrs. VILLGRATTNER (Austria) said that it was often difficult to defend one human right without threatening others. In that regard the reference to the Universal Declaration of Human Rights and to the rights specified in article V was most helpful. The problem of non-infringement had already arisen during the deliberations on the Universal Declaration of Human Rights and at that time it had been thought necessary to lay down in article 30 of that fundamental instrument the principle that one right should not be exercised to the detriment of another. Furthermore, the problem of safe guarding all human rights and fundamental freedoms had been very thoroughly examined when the European Convention on Human Rights had been drawn up and was always taken into account in the implementation of that Convention. An insertion of the principle of non-infringement by a reference to the Universal Declaration of Human Rights was therefore welcomed and supported by the Austrian delegation. Nevertheless, her delegation was still not entirely satisfied with the Nigerian amendment, which spelt out punishable offences in greater detail than was necessary or desirable. All systems of criminal law provided penalties for acts of instigation or complicity. To specify those acts in the Convention would only complicate matters for national authorities, not all of which, she believed, would find the terminology used in the Nigerian amendment sufficiently precise. She also felt that the Committee should avoid condemning as a crime a particular way of thinking or the rather vague act of disseminating discriminatory ideas. Provisions on those lines might be used in order to curb the legitimate exercise of freedom of expression or association. The Argentine sub-amendment seemed to avert those dangers, and she thought that it might offer a basis for agreement.

14. Mr. SAKSENA (India), reintroducing a suggestion he had made at the 1316th meeting, observed that if the words "which promote and incite racial discrimination" in paragraph (b) of the Nigerian amendment were changed to "which promote or incite racial discrimination", the text of the article would be considerably strengthened. In the absence of such a change the competent authorities would not be able to take action in cases where discrimination was promoted, but there was no direct incitement. The question was whether the Committee wished to put an end to promotion of racial discrimination or merely to incitement. His delegation held the view that both "promotion" as well as "incitement" should be condemned. He therefore moved that the word "and" in the phrase should be changed to "or". The change would also bring the wording of paragraph (b) into line with that of paragraph (c).

15. Mr. A. A. MOHAMMED (Nigeria) drew attention to an error in document A/C.3/L.1250 where at the end of the introductory paragraph the words "the rights" should be inserted before the words "expressly set forth".

16. Mr. LAMPTEY (Ghana) said that his delegation would have supported the original text of article IV

as amended by the fourth Polish amendment (A/C.3/L.1210) and the second Czechoslovak amendment (A/C.3/L.1220). However, during the discussion, he had learned that those amendments raised major constitutional problems for some delegations. While his delegation was aware that many evil practices found shelter under the rights of freedom of speech and assembly, it wished to see the Convention ratified by as many States as possible and had therefore agreed to the Nigerian compromise text (A/C.3/L.1250). That was why his delegation would oppose the Argentine amendment (A/C.3/L.1253). If separate votes were taken on the various paragraphs of the Nigerian amendment, his delegation would abstain on the introductory part and vote in favour of the remainder.

17. Mr. SABEV (Bulgaria) said that his delegation would support the Nigerian amendment which it welcomed in view of the wide measure of agreement upon it.

18. Mr. SPERDUTI (Italy) said that his delegation preferred the wording of article IV as proposed by the Commission on Human Rights and would have voted in favour of that text. However, it could accept the deletion of the words "resulting in acts of violence", which might prove unduly restrictive in the context.

19. The reference to the Universal Declaration of Human Rights and the rights set forth in article V of the draft Convention was a positive feature of the Nigerian amendment. While his delegation supported the condemnation of "acts of violence" in that amendment, he wished to point out that it was the purpose of articles II and V of the draft Convention to combat such acts, while the purpose of article IV was to combat any incitement to racial discrimination by individuals or groups. He therefore doubted whether the inclusion of that phrase constituted an improvement.

20. The application of penal law to the dissemination of ideas of racial superiority, called for in paragraph (a) of that amendment, was not the best way of combating such ideas, negative and harmful though they were. The best approach was through education. While his delegation could agree that States should be asked to prohibit racial discrimination, it doubted whether it was desirable to provide that ideas, however regrettable they might be, should be punished by law.

21. Paragraph (c) of article IV had changed in character in the Nigerian amendment. Under the original text, which called for the punishment under the penal law not of all incitement to racial discrimination but only of such incitement as resulted in acts of violence, officials were prohibited from inciting racial discrimination even if not resulting in acts of violence. However, if paragraphs (a) and (b) as proposed in the Nigerian amendment stated that incitement to racial discrimination was punishable by law, he saw no need for any mention of public officials, for he doubted that any country allowed its authorities to incite to acts punishable by law. While he commended the efforts made in order to reach a compromise, he doubted whether the Nigerian text was an improvement on the original.

22. He considered the wording proposed by Argentina preferable in that it did not refer specifically to ideas.

23. Mr. RODRIGUEZ FABREGAT (Uruguay) said that his delegation would support the Nigerian amendment. After the holocaust of the Second World War and in the interest of human progress, any incitement to racial discrimination should be declared a crime because racial discrimination constituted in fact an act of violence against a race.

24. He agreed with the Italian representative that human beings, and especially children, should be educated in social solidarity. However, until such broad education existed, the United Nations, under its Charter, must actively combat racial discrimination.

25. The inclusion of the words "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article V of this Convention" in the Nigerian amendment might weaken the text because individuals or groups practising racial discrimination could use those rights as a shield behind which they could continue to exercise their activities.

26. He asked the Argentine representative for an explanation of the word "promotion" as used in his delegation's amendment.

27. Mr. BELTRAMINO (Argentina) said that, whereas the word "incitement" implied moral coercion, the word "promotion" had a broader meaning and included all propaganda and all efforts in favour of discrimination, even without the element of moral coercion. The same word had been used in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

28. Mr. KOCHMAN (Mauritania) suggested the deletion of the words "of violence or incitement to such acts" in paragraph (a) of the Nigerian amendment (A/C.3/L.1250). His suggestion related only to the form and did not concern the substance of the Nigerian text, which his delegation supported.

29. Mrs. IDER (Mongolia) said that, since the Nigerian amendment incorporated all the earlier amendments to article IV, which had now been withdrawn, the submission of any new amendments would mean the reopening of the debate on the article, which could lead nowhere. Her delegation would support the Nigerian amendment in preference to the text proposed by Argentina.

30. Mr. TEKLE (Ethiopia) wondered whether the words "with due regard ... article V of this Convention" in the Nigerian amendment had been included with a view to preventing abuse by an individual or group of the right of free speech or whether those words implied that even ideas of racial superiority could be disseminated freely under the cloak of the exercise of the right of freedom of speech. He could support their inclusion if the first hypothesis was correct. He therefore asked for a separate vote on those words. His delegation would abstain in that vote.

31. Mr. DELGADO (Senegal) said that the text proposed by the Commission on Human Rights was unsatisfactory because it took too timid an approach

on the very important question of the dissemination of racist ideas. The Argentine text was an improvement, but his delegation preferred and would support the Nigerian amendment and would abstain on the Argentine sub-amendment.

32. Mr. AL-RAWI (Iraq) said that his delegation could have voted in favour of the original text as amended by Poland (A/C.3/L.1210) and the Ukrainian SSR (A/C.3/L.1208). It had reservations concerning the words "with due regard ... article V of this Convention" in the Nigerian amendment, which it found confusing.

33. Mrs. VILLGRATTNER (Austria), noting that much disagreement persisted, suggested that the Committee should defer the vote on article IV and proceed to discuss the other articles before it.

34. Mr. MUMBU (Democratic Republic of the Congo) said that his delegation would vote in favour of the compromise Nigerian amendment, which was clearer than the original text. It would abstain on the Argentine sub-amendment.

35. Mr. LEA PLAZA (Chile) said that his delegation could have approved the text proposed by the Commission on Human Rights, which had been drafted after thorough and expert study by jurists. However, some of the amendments, particularly those of the sixteen Powers (A/C.3/L.1226 and Corr.1), the five Powers (A/C.3/L.1245) and the United States (A/C.3/L.1242, L.1243), made significant contributions to that text and his delegation would have supported them.

36. With regard to the text proposed by Nigeria (A/C.3/L.1250), his delegation could accept the introductory paragraph but preferred paragraphs (a) and (b) of the Argentine text, because they were more generally acceptable.

37. The CHAIRMAN suggested that the Committee should vote on article IV at the present meeting, first, because the Nigerian representative had requested a vote on his amendment; secondly, because he doubted whether there was any possibility of further compromise and the matter would have to be settled by a vote in any case; and, thirdly, because the Committee could not proceed to consider the articles relating to measures of implementation until it had before it the final text of the substantive articles.

38. Mr. BECK (Hungary), Mr. RIOS (Panama) and Miss LUMA (Cameroon) supported the Chairman's suggestion.

39. Mr. SAKSENA (India) said that, although his delegation attached importance to the oral sub-amendment it had proposed earlier, it would withdraw it in order to support the compromise achieved in the Nigerian amendment. His delegation would consequently abstain on paragraph (b), but that abstention would not affect its position on article IV as a whole.

40. Mrs. STEVENSON (Liberia) said that her delegation would vote in favour of the Nigerian amendment with the exception of the introductory paragraph. She would prefer the vote to be taken at the present meeting.

41. Miss TABBARA (Lebanon) said that her delegation accepted the compromise which had been reached and, because such compromises were always delicate and could be harmed by any changes, would vote in favour of every paragraph of the Nigerian amendment and against any other amendments.

42. Mr. LAMPTEY (Ghana), replying to the question asked by the Ethiopian representative, said that his delegation considered the final phrase of the introductory paragraph proposed in document A/C.3/L.1250 a fair compromise. Although it had certain reservations concerning the words used, it had deemed it essential to find a wording which would meet the constitutional difficulties experienced by some countries. Moreover, since the articles of implementation would probably provide that a dispute over the interpretation of that phrase could be referred to the International Court of Justice, he doubted whether any State Party could, under the protection of the right of freedom of speech, commit acts prohibited by the Convention. He hoped that the Ethiopian representative's request for a separate vote on those words would not be pressed. Should it not be, his delegation would be able to vote in favour of the compromise proposal (A/C.3/L.1250) as a whole.

43. Mr. ABDEL-HAMID (United Arab Republic) opposed postponement of the vote, because the Nigerian amendment represented the best possible compromise that could be reached. He also felt that the amendment should be voted on as a whole.

44. Mrs. BANGOURA (Guinea) requested a separate vote on the various paragraphs of the Nigerian amendment because her delegation could not support the introductory paragraph.

45. Mrs. PONCE DE LEON (Colombia) requested a separate vote on the words "all dissemination of ideas based on racial superiority or hatred" in paragraph (a) of the Nigerian amendment (A/C.3/L.1250).

46. Mrs. VILLGRATTNER (Austria) requested a separate vote on the words "and also the provision of any assistance to racist activities, including the financing thereof" in paragraph (a), since the reference to racist activities lacked the precision which was desirable in any penal law.

The words "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article V of this Convention" in the introductory paragraph of the Nigerian amendment (A/C.3/L.1250) were adopted by 76 votes to 1, with 14 abstentions.

The introductory paragraph of the Nigerian amendment, as a whole, was adopted by 93 votes to none, with 3 abstentions.

The Argentine sub-amendment (A/C.3/L.1253) to paragraph (a) of the Nigerian amendment was rejected by 47 votes to 20, with 27 abstentions.

The words "all dissemination of ideas based on racial superiority or hatred" in paragraph (a) of the Nigerian amendment were adopted by 57 votes to none, with 35 abstentions.

The words "and also the provision of any assistance to racist activities, including the financing thereof" in paragraph (a) of the Nigerian amendment were adopted by 57 votes to 1, with 33 abstentions.

Paragraph (a) of the Nigerian amendment, as a whole, was adopted by 63 votes to 1, with 25 abstentions.

The Argentine sub-amendment to paragraph (b) of the Nigerian amendment was rejected by 45 votes to 16, with 30 abstentions.

Paragraph (b) of the Nigerian amendment was adopted by 66 votes to 1, with 16 abstentions.

Paragraph (c) of the Nigerian amendment was adopted unanimously.

Article IV of the draft International Convention on the Elimination of All Forms of Racial Discrimination, as a whole, as amended, was adopted by 88 votes to none, with 5 abstentions.

47. Mr. MOMMERSTEEG (Netherlands) said, in explanation of his vote, that his delegation had greatly preferred the text of article IV as prepared by the Commission on Human Rights (A/5921, annex); in particular, the original wording of paragraphs (a) and (b) paid due attention to the problem of protecting the right to freedom of expression and freedom of association. His delegation had therefore abstained in the votes on paragraphs (a) and (b) of the Nigerian amendment, and, although the Argentine sub-amendment would have improved the text, it had abstained on the sub-amendment also, as it had not wished to upset the precarious compromise achieved in document A/C.3/L.1250; it had taken the same view with respect to the requests for separate votes. The inclusion of a reference to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article V of the Convention had enabled the Netherlands to vote in favour of the Nigerian text as a whole, and it was happy to note that the increasing respect which the norms of the Universal Declaration commanded in international juridical thinking was reflected in the unprecedented mention made of them in such an instrument, and also in the support for that clause expressed by delegations which in 1948 had abstained from voting on the Universal Declaration itself.

48. Mrs. BEN-ITO (Israel) recalled that her delegation had made it quite clear in the past that, in its view, any act leading to racial discrimination, including incitement, the dissemination of racist ideas and participation in racist organizations, should be outlawed. It had therefore been able to support amendments which would have strengthened the provisions of article IV, while at the same time appreciating that some countries—paradoxically, the most law-abiding—were bound by their constitutions and laws to protect freedom of speech and freedom of association. While Israel did not believe that freedom of speech should be invoked in order to protect its very negation, it respected the concern of the democracies and looked to them to find ways of reconciling that concern with the adoption of effective measures to combat racial discrimination. Her delegation had abstained from voting on the words "with due regard ... this Convention" in the introductory paragraph, but had voted in favour of the rest of the Nigerian amendment.

49. Mr. LEA PLAZA (Chile) explained that, while his delegation supported the spirit of article IV, the text adopted expounded a principle which might be incompatible with Chile's legal system, by declaring an offence punishable by law the dissemination of ideas based on differences of condition. He hoped that the inclusion of the "due regard" clause in the introductory paragraph would make it possible for many States to ratify the Convention, despite the difficulty which he had mentioned. His delegation, having supported the rest of the draft Convention, had felt that it could not vote against article IV, and it had therefore abstained.

50. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that his delegation had voted in favour of the various parts of the Nigerian amendment and of the amendment as a whole, although it would have preferred a stronger condemnation of racism in its various manifestations. It had accepted the compromise text in the interest of the unanimous adoption of the draft Convention as a whole and in order to emphasize its special respect for the Afro-Asian countries, which were so vitally interested in its rapid adoption.

51. Lady GAITSKELL (United Kingdom) recalled that her delegation had opposed the amendments to article IV submitted by the Ukrainian SSR (A/C.3/L.1208), Poland (A/C.3/L.1210, fourth amendment) and Czechoslovakia (A/C.3/L.1220, second amendment), because it objected to anything which would infringe the most fundamental human right, namely, freedom of speech. It had however merely abstained in the vote on the paragraphs containing those amendments, because it believed that the use in the introductory paragraph of the wording originally proposed by the five Powers (A/C.3/L.1245) sufficiently safeguarded freedom of speech and freedom of association, and it was in that spirit that the United Kingdom would interpret the article as a whole.

52. Mr. MACDONALD (Canada) said that his delegation had voted in favour of the introductory paragraph in the Nigerian amendment because the inclusion of a reference to the principles embodied in the Universal Declaration and the rights expressly set forth in article V of the draft Convention represented a reasonable accommodation between the requirement to create a new offence and the fundamental right to freedom of association. It had abstained from voting on paragraphs (a) and (b) because they went considerably beyond the existing provisions of Canadian criminal law; the latter was undergoing review by a Royal Commission, which was about to issue its report, and, while the adoption of the article would help his Government in its search for more satisfactory ways of coping with the particular problem of racial discrimination, it had been thought premature to accept the measures prescribed in those paragraphs before the views of the Royal Commission were known.

53. Mr. CARANAS (Spain) said that his delegation had favoured the text of article IV prepared by the Commission on Human Rights (A/5921, annex), but had

been able to support the introductory paragraph of the Nigerian amendment because of the inclusion of the "due regard" clause. Under Spanish law, and more specifically under the Penal Code, it was a punishable offence to prevent by violence the exercise by any person of his civil rights. His delegation therefore considered that the object sought by article IV of the Convention was already adequately provided for in Spanish legislation, and for that reason it had abstained in the vote on the corresponding paragraphs of the Nigerian amendment.

54. Mr. COMBAL (France) said that the introductory paragraph in the Nigerian amendment, with the inclusion of the "due regard" clause originally suggested by his delegation, represented an acceptable compromise. The measures to be adopted were, however, better defined in the Argentine sub-amendment (A/C.3/L.1253), and as that text had been rejected his delegation had been obliged to abstain on paragraphs (a) and (b) of the Nigerian amendment. France could not agree that the mere expression of an opinion should be declared, in principle, an offence punishable by law, and his Government would not subscribe to any systematic restriction of freedom of expression, even in connexion with racial discrimination. That did not mean that it excluded the possibility of imposing such a restriction, for it would not hesitate to take whatever measures might prove necessary, but it felt that penal sanctions should not be prescribed in an international convention. Despite those reservations, his delegation had been able to vote in favour of article IV, as amended, as a whole, because paragraphs (a) and (b) would have to be interpreted in the light of the introductory paragraph, and it appeared that States, by ratifying the Convention, would not be undertaking to adopt measures contrary to the fundamental right to freedom of expression and freedom of association.

55. Mr. BELTRAMINO (Argentina) regretted that the sub-amendment submitted by his delegation had not been adopted. However, his delegation, bearing in mind the intentions of the Nigerian delegation and others which had co-operated in producing the text contained in document A/C.3/L.1250, had simply abstained on paragraphs (a) and (b) of that text.

56. Mr. KIRWAN (Ireland) explained that his delegation had voted in favour of article IV, as amended, as a whole, with reservations, since even in its final form the text did not wholly solve the problem of making one basic right secure without jeopardizing the further right to freedom of expression and freedom of association. Its vote reflected the great importance Ireland attached to the underlying aims of the Convention and its desire for its unanimous adoption.

57. Mrs. VILLGRATTNER (Austria) observed that her country, having no racial problems, was able to approach the text of the draft Convention from a detached and juridical point of view. Since there was a danger that paragraphs (a) and (b) of article IV, as amended, might be interpreted in a manner not in harmony with the spirit of the Convention, her delegation had voted against paragraph (a) and had abstained on paragraph (b) and on the article, as amended, as a whole. It welcomed the inclusion of the "due regard" clause in the introductory paragraph.

58. Mr. KABBANI (Syria) said that his delegation had found no great difference between the Nigerian amendment and the Argentine sub-amendment, but had voted in favour of the former, which was the result of lengthy negotiations and was the clearest expression of the views of the majority.

59. Miss WILLIS (United States of America) said that the importance her Government attached to the questions dealt with in article IV was indicated by the fact that it had submitted sub-amendments (A/C.3/L.1242, L.1243) to the Polish and Czechoslovak amendments. Her delegation was happy to have been able to withdraw its amendments in favour of the compromise text submitted by Nigeria. She emphasized that her delegation had been able to support the text only on the understanding that, in view of the incorporation of the language proposed by the five Powers, referring specifically to the rights set forth in article V of the Convention, article IV did not impose on a State Party the obligation to take any action impairing the right to freedom of speech and freedom of association.

60. Miss HART (New Zealand) explained that her delegation had abstained from voting on paragraphs (a) and (b) of the Nigerian amendment because they included expressions taken from the Ukrainian, Polish and Czech amendments, which taken by themselves would require States Parties to the Convention to legislate against racial discrimination without any regard to other fundamental freedoms. Although the text of the article as a whole, as adopted, was not ideal and lacked precision, New Zealand had voted in favour of it, on the understanding that the insertion of the "due regard" clause would allow the application of its terms with proper regard to the rights set forth in article V of the Convention and in the Universal Declaration of Human Rights.

61. Miss KING (Jamaica) said that her delegation had voted in favour of the Nigerian text in the interest of a stronger and universally acceptable draft Convention. It was important to mention the balance between the various freedoms set out in the Universal Declaration, and the Nigerian text was satisfactory in that sense. She agreed that racial discrimination must be opposed in all its manifestations, including the dissemination of racist ideas, incitement to racial discrimination and the financing of racist activities, and Jamaica had voted accordingly on the separate portions of the text. It had been unable to support the Argentine sub-amendment, which, in its view, was not entirely satisfactory.

62. Mrs. MANTZOULINOS (Greece) recalled that her delegation had expressed approval of the text of article IV as prepared by the Commission on Human Rights. However, the inclusion in the Nigerian amendment of a clause allowing some flexibility on the question what was punishable by law had made it possible for Greece to vote in favour of the article, as amended, as a whole. However, it had abstained on paragraphs (a) and (b) of the Nigerian amendment, and also on the Argentine sub-amendment, which it felt would not have restored the approach adopted in the Commission's text.

The meeting rose at 6.10 p.m.

Litho in U.N. 77301—March 1966—2,175