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*Chairman:* Mr. Francisco CUEVAS CANCINO  
(Mexico).

## 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.1208 to L.1212, L.1216 to L.1225, L.1226 and Corr.1, A/C.3/L.1228, L.1231 and Corr.1)

1. Mr. COMBAL (France) said that a number of delegations had met and had succeeded in drafting a text for article I which seemed to be generally acceptable. However, some delegations had not yet been consulted.

2. The CHAIRMAN proposed that the meeting should be suspended so that the delegations concerned could continue their negotiations.

*The meeting was suspended at 3.15 p.m. and resumed at 3.30 p.m.*

3. The CHAIRMAN announced that agreement had not yet been reached on the preamble and the Committee could not proceed to vote. The Committee had begun its work with much enthusiasm, but so far it had only settled questions of secondary importance. He urged representatives to make every effort to reach agreement and reminded them that, the best often being the enemy of the good, the original text might be the one most suited to the Committee's purposes.

4. The Committee would now continue its consideration of articles I to VII of the draft convention prepared by the Commission on Human Rights, submitted by the Economic and Social Council in its resolution 1015 B (XXXVII) and set out as an annex to the note by the Secretary-General (A/5921).

## ARTICLES I TO VII

5. Mr. BELTRAMINO (Argentina), referring to the amendments submitted by the sixteen Latin American countries (A/C.3/L.1226 and Corr.1), said that the text proposed for article II, paragraph 2, in the seventh

amendment, was based on the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (General Assembly resolution 1904 (XVIII)), but was more precise and more satisfactory from the legal standpoint. The sponsors of the amendment considered that the expression "under-developed racial groups" should be avoided. Article I, paragraph 2, was almost identical with article II, paragraph 2. There was no reason to have two paragraphs which duplicated each other and article II, paragraph 2 was the one to be kept, since it mentioned certain special concrete measures that should be taken to protect groups in a particular situation.

6. As regards the sixth amendment of the sixteen Powers, the expression "other public policies" in article II, sub-paragraph 1 (b), was inappropriate, as a policy could not be private. It was therefore proposed that the words "and other public" be replaced by "national and local". With respect to sub-paragraph 1 (c), the expression "groups or organizations of any kind" was preferable to the expression "group or national organization", since foreign organizations might also be concerned in certain cases. The purpose of the proposed new sub-paragraph (d) was to summarize all the measures to be taken.

7. The ninth amendment, which concerned article IV, was based on the idea that racial discrimination could in no case be justified. The expression "which attempt to justify" was therefore more appropriate.

8. The tenth amendment called for the deletion of the word "Other" in article V, sub-paragraph (d), because the preceding sub-paragraph was not concerned with similar rights but with political rights.

9. Miss LUMA (Cameroon) said that she could accept the original text but would support any change that would make it more precise. There were a large number of amendments to article I, paragraph 1, and it was the expression "national origin" that was the most controversial. She wondered why the word "national" had been placed in square brackets and what exactly it meant. The way it was defined was essentially negative. Her delegation would prefer the word to be deleted, considering that when a person was subjected to racial discrimination, he suffered from a situation for which he was in no way responsible and from which he usually had no escape, since he had not chosen his colour, race or origin. The idea of nationality, on the other hand, did not imply that element of non-responsibility which made racial discrimination particularly odious. Furthermore, since the word "national" did not appear in articles IV, V, and VII, she felt that it could be deleted without any difficulty in article I, paragraph 1.

10. Her delegation would support the first and second amendments of Mauritania, Nigeria and Uganda (A/C.3/L.1225) which called for the replacement of the word "under-developed" by the word "under-privileged" in article I, paragraph 2, and in article II, paragraph 2. Her delegation would even favour the deletion of the word "under-developed" in those two paragraphs.

11. Mrs. MANTZOULINOS (Greece) said that she would like to see the word "national" deleted in article I, paragraph 1, but for linguistic reasons. In Greek the words "national" and "ethnic" had the same meaning and one of them would have to be deleted.

12. Her delegation, like some others, would find it difficult to agree to the fifth amendment submitted by the sixteen Powers (A/C.3/L.1226 and Corr.1) which called for the insertion in parentheses, in article I, paragraph 1, of the phrase "and in the case of States composed of different nationalities, discrimination based on such differences", because of the word "nationalities", which introduced an element of confusion. In United Nations terminology the term "nationality" was connected with citizenship, as for example in the Convention on the Nationality of Married Women. It was not possible to have individuals of different nationalities living together in the same State unless one of the nationalities was foreign. She suggested that the expression "different nationalities" should be replaced by "different cultural or ethnic communities". She could vote in favour of the second part of the amendment which called for the addition of the words "laid down in the Universal Declaration of Human Rights and other instruments". She could also vote in favour of the first Czechoslovak amendment (A/C.3/L.1220) and the first amendment proposed by Mauritania, Nigeria and Uganda (A/C.3/L.1225) which called for the replacement of the word "under-developed" by the word "underprivileged".

13. Mr. ABDEL-HAMID (United Arab Republic), referring to article I, paragraph 2, of the draft Convention, observed that in the English text the conjunction "or" had been used in the phrase "securing adequate development or protection", whereas in the French text the word "et" ("and") had been used, which, in his opinion, was more appropriate.

14. On the question of the use of the word "under-developed" in the same paragraph, his delegation shared the view of the representatives of Mauritania, Guinea and the United Republic of Tanzania and hoped that a better term would be found to replace it.

15. Mrs. HAMILTON (Sierra Leone) wished to see vigorous measures taken against the scourge of racial discrimination. She therefore warmly welcomed the draft Convention under consideration.

16. Her delegation supported the amendments of Mauritania, Nigeria and Uganda which called for the replacement of the word "under-developed" by the word "underprivileged", although she did not consider the latter entirely satisfactory.

17. She also shared the view of the Cameroonian delegation concerning the expression "national origin", which she too would like to see deleted.

18. Princess NAKATINDI (Zambia) shared the view of the Tanzanian delegation and supported the first

amendment of Mauritania, Nigeria and Uganda proposing the substitution of the word "underprivileged" for the word "under-developed". If some countries were under-developed, the reason was to be sought in colonialism or in policies such as apartheid by which indigenous peoples were denied the vote.

19. Mr. KIRWAN (Ireland), referring to article II of the draft Convention, said that, although his delegation had some reservations concerning the wording of its provisions, it appreciated the effort made by the Commission on Human Rights to produce a text which would win the widest possible acceptance without, at the same time, undermining what the Convention set out to achieve.

20. With respect to article II, sub-paragraph 1 (c), he understood the third Polish amendment (A/C.3/L.1210) was requiring States to introduce legislation, even where that was not necessary, in order to ensure observance of the principles of the Convention. However, his delegation took the view that States should be allowed appropriate latitude in the matter and that they should not be committed to enacting new laws unless such a course was found to be necessary. Circumstances could be envisaged in which discrimination in public life could be effectively ended without resort to legislation.

21. In conclusion, he wished to state that under article 40 of his country's Constitution, the State guaranteed respect for the personal rights of the citizen, protected him from unjust attack and defended his life, person, good name and property rights.

22. Mr. OLCAY (Turkey) said that his Government endorsed the principles contained in the draft Convention before the Committee, for it was by such principles that Turkey's policies had always been guided.

23. An essential requirement for any convention was that it should be effective, which meant that it must be clearly drafted; thus, in the case of article I, the essential point was to know what distinction was made between a national and a non-national, and in that regard his delegation fully agreed with and endorsed the view expressed by the Greek representative.

24. His delegation supported the first amendment proposed by Mauritania, Nigeria and Uganda concerning article I, paragraph 2.

25. Miss AGUTA (Nigeria) maintained the amendment to article I, paragraph 2; the expression "under-privileged" was not perfect, it was true, but it was broader than the expression "under-developed" and could be kept for want of a better one. In any event, it would not be possible to accept the suggestion that the word "under-developed" be omitted altogether, for that would not solve the problem and would make the text meaningless.

26. Miss KING (Jamaica), referring to article I, paragraph 1, said that she was in favour of deleting the expression "national origin", which raised drafting problems and diverted attention somewhat from the true target of the text, namely, discrimination based upon race. The question of nationality was a separate one which could itself be made the subject of a declaration.

27. Her delegation approved the first Indian amendment (A/C.3/L.1216), the first Czechoslovak amendment (A/C.3/L.1220) and the first Mauritanian, Nigerian and Ugandan amendment (A/C.3/L.1225).

28. She appreciated the difficulties of the Indian delegation, but asked it not to press its objections.

29. Mr. TEKLE (Ethiopia) feared that any attempt to distinguish between nationals and non-nationals might possibly expose persons of different national origin to discrimination; the expression "national origin" did not seem likely to be misinterpreted; it referred to persons coming from different nations. As far as the seventh sixteen-Power amendment (A/C.3/L.1226 and Corr.1) was concerned, he did not much care for the term "development", since it gave the impression that the persons or groups in question considered themselves under-developed; he accordingly suggested the word "advancement".

30. Mr. KAJUMBULA (Uganda) supported the amendment submitted in document A/C.3/L.1224, which called for the inclusion in article I of a statement that the Convention did not apply to distinctions made by a State Party between citizens and non-citizens. For example, it was natural that a country which had just become independent should wish to give its own nationals the key posts in the economy hitherto largely held by nationals of the metropolitan country or other developed countries.

31. Mr. MUMBU (Democratic Republic of the Congo) shared the view of those delegations which had asked for the deletion of the words in square brackets in article I, paragraph 1, for the reasons given by the representative of Cameroon.

32. In his view, article I, paragraph 2, should be deleted. The ideas contained in that paragraph should be expressed in article II, paragraph 2, which was similar to it.

33. Mr. K. C. PANT (India) said that while he understood the objection of certain delegations to the word "under-developed", he was not entirely satisfied with the word "underprivileged" which had been proposed as a substitute for it. He had no marked preference for either of the terms suggested which, in a legal instrument such as the Convention, were merely intended to record an objective fact. To characterize the groups alluded to in article I, paragraph 2, of the draft Convention, the Indian Constitution used the word "backward".

34. He suggested that, at the beginning of the paragraph in question, reference should be made to special measures taken for the sole purpose of securing adequate development or protection of certain racial groups deserving such protection.

35. Mr. ZOUPANOS (Cyprus) approved the Indian representative's suggestion; in his view, however, it would be preferable to speak of groups "needing" rather than "deserving" such protection.

36. Mr. ANDRE (Dahomey) approved the Cypriot representative's suggestion. As to which of the two words "underprivileged" and "under-developed" was better, that was rather a question of semantics.

37. Mr. K. C. PANT (India) accepted the Cypriot representative's suggestion.

38. The CHAIRMAN suggested that the Indian proposal, amended by the Cypriot delegation and supported by that of Dahomey, should be adopted pending final drafting of the text.

39. Mr. KOCHMAN (Mauritania) said that, in his opinion, since—as the Indian representative had pointed out—it was a convention that the Third Committee was in the process of drafting, things should be called by their name and left in their proper place. That was why his delegation had originally suggested, after consultations, that the word "défavorisés" should be used to translate the English word "underprivileged".

40. Mr. AL-HADDAD (Yemen) said that his country condemned all forms of racial discrimination, including apartheid and Zionism. The 1962 Constitution, amended in 1963, provided in article 22 that all citizens were equal, without distinction as to race, colour or creed and, in article 23, that everyone had a right to freedom of conscience and assembly provided that such freedom was not exercised in a manner prejudicial to public order.

41. His delegation congratulated the Commission on Human Rights on the work it had done on the draft Convention. It supported the amendment in document A/C.3/L.1224 and agreed with those delegations which preferred the expression "underprivileged" to "under-developed".

42. Mr. ABDEL-RAHIM (Sudan) expressed support for the amendment in document A/C.3/L.1225. In his view, the word "under-developed" had a purely economic meaning. If the economy itself was under-developed, no one group was underprivileged in relation to others and none, therefore, could lay claim to the special measures provided for in article I, paragraph 2, which made the provision in question pointless.

43. In the same paragraph he would prefer the expression "living in the same State" to the expression "belonging to them".

44. Mr. ABDEL-HAMID (United Arab Republic) said he failed to see why the expression "national origin" should not be used in article I, paragraph 1, since it appeared in article 2 of the Universal Declaration of Human Rights.

45. The CHAIRMAN suggested that it would be preferable to suspend the discussion pending the drafting of a precise wording for article I.

#### Organization of work (continued)\* (A/C.3/L.1192/Rev.1)

46. Mr. LEA PLAZA (Chile) asked whether it would be possible to extend the time-limit set for the submission of amendments relating to the item on the motion among youth of the ideals of peace, mutual respect and understanding between peoples.

47. The CHAIRMAN recalled that the Committee had agreed upon a programme of work (A/C.3/L.1192/Rev.1) which could be amended only by a two-thirds majority vote.

The meeting rose at 4.50 p.m.

\* Resumed from the 1298th meeting.