



Chairman: Mrs. Helvi SIPILÄ (Finland).

AGENDA ITEM 54

Elimination of all forms of racial discrimination (*continued*) (A/8367 and Corr.1 and 2 and Add.1 and 2, A/8403, chap. XVII, sects. B and F; A/8418, A/8439, A/C.3/L.1871, A/C.3/L.1872/Rev.2, A/C.3/L.1875):

- (a) International Year for Action to Combat Racism and Racial Discrimination: report of the Secretary-General;
- (b) Report of the Committee on the Elimination of Racial Discrimination;
- (c) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General

CONSIDERATION OF DRAFT RESOLUTIONS
(concluded)

1. Mr. AHOANSOU (Dahomey), referring to draft resolution A/C.3/L.1872/Rev.2, of which his delegation was a sponsor, said that operative paragraph 7 was concerned with facts; it was not an appraisal. A number of delegations had expressed the fear that the paragraph might be construed in such a way as to justify the colonial policy of certain countries. What the paragraph was intended to express was the idea of conducting scientific studies designed to illustrate the reciprocal contributions actually made by different civilizations. It was not in any way attempting to express an opinion on what contributions the various civilizations ought to make or the way in which they should influence one another. The paragraph stated clearly: "the reciprocal contributions made by different civilizations". That could not possibly be interpreted as justifying an attempt to export a civilization to another territory; rather was it a means whereby the victims of racism and those who practised it could find common intellectual ground. While manifestations of racism such as *apartheid* could and should be condemned, it was impossible to condemn subjective and personal racism in the same way, by means of declarations, and much more difficult to expose them publicly.

2. Mrs. DAES (Greece) said that the sponsors of draft resolution A/C.3/L.1872/Rev.2 had tried to draft a positive resolution which incorporated the suggestions made by various delegations, in particular the proposals of the delegation of Somalia.

3. Mr. FASSOU (Guinea) commended the sponsors of draft resolution A/C.3/L.1872/Rev.2 for their flexibility and their understanding in taking account of the various amendments to their original draft resolution. Nevertheless,

his delegation still found it difficult to accept operative paragraph 7. It could not agree to any mention of the alleged contributions of colonialism. His delegation vigorously denied them, for it was common knowledge that all the good things and the progress introduced by the colonial Powers had always been for their own benefit and not for the benefit of the oppressed people. His delegation would therefore be unable to vote in favour of the draft resolution.

4. Moreover, the adoption of three or four different resolutions on the problem of *apartheid* could have undesirable effects, since countries would merely implement the resolution which best suited their interests in each particular case.

5. Mr. FARAH (Somalia) thanked the sponsors of draft resolution A/C.3/L.1872/Rev.2 for their understanding in incorporating the amendments suggested by his delegation.

6. Mrs. BARISH (Costa Rica) suggested that the word "*reparación*" in operative paragraph 4 of the Spanish version of draft resolution A/C.3/L.1872/Rev.2 should be replaced by the word "*reforma*", which would be a better translation of the English word "redress". She also pointed out that in the Spanish version of the draft resolution some words had been omitted which appeared in the original English text and were essential to the meaning of the text.

7. Mr. ARNAUD (Argentina), supported by Mrs. BARISH (Costa Rica), suggested that the missing words should be translated as follows: "*y especialmente exhorta a los gobiernos y a todas las organizaciones del sistema*". The text would then be perfectly clear.

8. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) reiterated his view that draft resolution A/C.3/L.1872/Rev.2 put forward ideas which were feeble and without force and that it lacked the necessary provisions to make it an effective instrument for combating racism and *apartheid*.

9. Mr. SANE (Senegal) regretted that the representative of Guinea had denied the interaction of different civilizations in Africa in speaking of operative paragraph 7(b). Guinea had experienced only 60 years of French domination. Senegal had had three centuries and he could not say that it had all been negative. One positive result was that numerous African delegations could communicate with each other by speaking the same language.

10. Mrs. DAES (Greece) said that the idea of referring to the reciprocal contributions of the different civilizations had not come from the Western countries but had been

proposed by Dahomey. After consultations the sponsors had decided, in view of what the representative of Dahomey had said, to delete the words "as well as through the publication of relevant popularized scientific studies designed to illustrate the reciprocal contributions made by different civilizations and" from operative paragraph 7 (b) and hoped that that would meet his objections.

11. Mr. STILLMAN (United States of America) proposed the suspension of the meeting to enable his delegation to examine draft resolution A/C.3/L.1872/Rev.2, which had just been distributed.

12. The CHAIRMAN put to the vote the proposal to suspend the meeting.

The motion was adopted by 52 votes to 22, with 26 abstentions.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

13. Mrs. WARZAZI (Morocco) moved the closure of the debate in accordance with rule 118 of the rules of procedure and proposed that the Committee should proceed to vote forthwith.

14. The CHAIRMAN put the motion for the closure of the debate to the vote.

The motion was adopted by 73 votes to 2, with 12 abstentions.

15. The CHAIRMAN put draft resolution A/C.3/L.1872/Rev.2, as orally revised, to the vote.

At the request of the representative of Iraq, a separate vote was taken on the words "and non-governmental organizations which have acted in good faith without political motivation and in accordance with the Charter of the United Nations and", in operative paragraph 1.

Those words were adopted by 66 votes to 26, with 19 abstentions.

At the request of the representatives of Algeria and the Ukrainian Soviet Socialist Republic, a separate vote was taken on operative paragraph 1 as a whole.

The paragraph was adopted by 77 votes to 18, with 18 abstentions.

At the request of the representative of the Ukrainian Soviet Socialist Republic, a separate vote was taken on operative paragraph 3.

The paragraph was adopted by 75 votes to 16, with 22 abstentions.

At the request of the representative of Mongolia, a separate vote was taken on the words "all States concerned to implement a programme of political, social, cultural and economic redress to improve the conditions of those suffering from the effects of past and present policies of racial discrimination and in particular appeals to", in operative paragraph 4.

The words were retained by 79 votes to 18, with 16 abstentions.

At the request of the representative of the Byelorussian Soviet Socialist Republic, a separate vote was taken on the words "and non-governmental organization in consultative status, acting in good faith without political motivation and in accordance with the Charter of the United Nations" in operative paragraph 5.

The words were retained by 73 votes to 21, with 19 abstentions.

At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on subparagraph (b) of operative paragraph 5.

The subparagraph was adopted by 73 votes to 21, with 19 abstentions.

At the request of the representative of the Union of Soviet Socialist Republics, a separate vote was taken on the second part of operative paragraph 6, beginning with the words "and also endorses".

The second part of operative paragraph 6 was adopted by 77 votes to 22, with 14 abstentions.

At the request of the representative of the United States of America, a separate vote was taken on subparagraph (a) of operative paragraph 7.

The subparagraph was adopted by 73 votes to none, with 39 abstentions.

At the request of the representatives of Poland and the United Republic of Tanzania, a separate vote was taken on the phrase "as a major feature of action to combat racism and racial discrimination after the International Year" in subparagraph (b) of operative paragraph 7.

The phrase was adopted by 61 votes to 39, with 12 abstentions.

At the request of the representative of Poland, a separate vote was taken on the phrase "with a view to eradicating once and for all false racial beliefs based upon distortion or lack of scientific knowledge and showing how the different races complement one another" in subparagraph (b) of operative paragraph 7.

The phrase was adopted by 65 votes to 23, with 24 abstentions.

At the request of the representative of Cyprus, a recorded vote was taken on draft resolution A/C.3/L.1872/Rev.2 as a whole, as orally revised.

In favour: Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Brazil, Burma, Canada, Chad, Chile, Colombia, Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Ghana, Greece, Guatemala, Guyana, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Lebanon,

Lesotho, Liberia, Luxembourg, Madagascar, Malaysia, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Senegal, Sierra Leone, Singapore, Somalia, Spain, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire.

Against: Byelorussian Soviet Socialist Republic, Iraq, Jordan, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Afghanistan, Algeria, Bulgaria, Burundi, Cameroon, Central African Republic, Ceylon, Cuba, Czechoslovakia, Equatorial Guinea, Guinea, Hungary, Kenya, Kuwait, Libyan Arab Republic, Mali, Mauritania, Mongolia, Niger, People's Democratic Republic of Yemen, Poland, Romania, Rwanda, Saudi Arabia, Sudan, Uganda, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

The draft resolution was adopted by 76 votes to 6, with 31 abstentions.

16. The CHAIRMAN put draft resolution A/C.3/L.1875, as orally revised, to the vote.

At the request of the representative of the United Kingdom, a separate vote was taken on the phrase "as a matter of priority at their twenty-eighth and fifty-second sessions, respectively, and should submit the text of a draft convention on the suppression and punishment of the crime of apartheid to the General Assembly at its twenty-seventh session" in operative paragraph 2.

The phrase was adopted by 62 votes to 12, with 38 abstentions.

At the request of the representatives of Bulgaria and India, a recorded vote was taken on draft resolution A/C.3/L.1875 as a whole, as orally revised.

In favour: Afghanistan, Algeria, Barbados, Bhutan, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Ceylon, Chad, Chile, Colombia, Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Mali, Mauritania, Mexico, Mongolia, Nepal, Niger, Nigeria, Panama, People's Democratic Republic of Yemen, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Canada, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Australia, Austria, Belgium, Central African Republic, Costa Rica, Denmark, Dominican Republic, El Salvador, Fiji, Finland, France, Greece, Guatemala, Honduras, Ireland, Italy, Japan, Luxembourg, Madagascar, New Zealand, Nicaragua, Norway, Spain, Swaziland, Sweden, Zaire.

The draft resolution was adopted by 79 votes to 5, with 27 abstentions.

EXPLANATIONS OF VOTE

17. Mr. AARWIK (Norway) said that his delegation had voted in favour of draft resolution A/C.3/L.1874/Rev.1 so as to demonstrate clearly that the Norwegian people strongly condemned all forms of racism and racial discrimination. It had some reservations, however, about the draft resolution. His delegation did not agree with the call upon the United Kingdom, in section III, paragraph 4, to adopt all necessary measures, including use of force, with a view to ending the racist and illegal régime in Southern Rhodesia, because his country supported the solution of problems by peaceful means, although it had always complied with the decisions of the Security Council concerning the introduction of economic sanctions and even the use of force. On the other hand, as had already been pointed out, unless those measures were endorsed and implemented by South Africa's main trading partners and by the permanent members of the Security Council, they would not produce practical results and might even be counter-productive.

18. Section II, paragraph 1, stated that *apartheid* was a crime against humanity and paragraph 4 referred to crimes against humanity. *Apartheid* clearly conflicted with the norms of contemporary international law, but crimes against humanity had been defined in the Charter of the International Military Tribunal, Nuremberg, and, if the definition was to be changed, the Commission on Human Rights or some other competent body would need to make a detailed study of the matter.

19. His delegation did not associate itself with the criticism of the United Kingdom in section I, subparagraph (c) (i), of the annex to the resolution.

20. In addition, the resolution related almost exclusively to racial discrimination and *apartheid*, both of them matters which were dealt with by other competent bodies of the United Nations, in particular the Special Political Committee and the Fourth Committee. His delegation was concerned that the Third Committee should be tackling questions which in fact fell within the purview of the Special Political Committee, thus complicating its proceedings and even the work of the other committees concerned.

21. Mr. ROSENSTAND HANSEN (Denmark) said that he had voted in favour of draft resolution A/C.3/L.1873/Rev.1 despite the fact that his country was not yet a party to the International Convention on the Elimination of All Forms of Racial Discrimination, because the Danish Parliament had decided to ratify that Convention.

22. His delegation had voted in favour of draft resolution A/C.3/L.1874/Rev.1 to demonstrate its continued support

for international efforts to eliminate all forms of racial discrimination and because the resolution embodied several useful suggestions and proposals—for instance, in section III, paragraph 3. There were, however, parts of the resolution which it could not support, including section III, paragraph 4. Denmark did not recommend that force be used to settle any conflict and had accordingly voted against that paragraph.

23. It had also voted against subparagraph (c) (i) in section I of the annex, because it could not support the unjustified incrimination of the United Kingdom or the implied criticism of the responsible decisions of the Security Council.

24. It had voted against paragraph (e) in section III of the annex, because it did not believe that the termination of all relations with the Government of South Africa and all other racist régimes would help to attain the desired goal. That matter, furthermore, fell within the competence of the Security Council.

25. It had abstained in the vote on subparagraph (d) (i) of section I of the annex, which was arbitrary and too broad in scope and did not take into account the respective spheres of competence of the various principal organs of the United Nations as set forth in the Charter. The provisions of section II, paragraph 5, of the draft resolution and subparagraph (e) (ii) in section I of the annex must be seen in the same perspective; his delegation had therefore abstained on those provisions too.

26. It had abstained in the vote on section II, paragraph 1, although his country had always condemned *apartheid*, because it was inappropriate to characterize it as a “crime against humanity”—the terminology employed by the Nuremberg Charter, which was being studied by the *Ad Hoc* Working Group of Experts established by the Commission on Human Rights under its resolution 2 (XXIII). For the same reason, it had abstained on section II, paragraph 4.

27. His delegation had abstained in the vote on paragraph (f) of section III of the annex, which did not properly reflect the distinction drawn in the Charter between the competence of the Security Council and that of the General Assembly. It had abstained on section III, paragraph 6, of the draft resolution, because that paragraph was at the same time too sweeping and too selective and also because a measure of that sort could easily prove counter-productive. As a general rule, all types of racial discrimination should be treated alike irrespective of their origin, especially as both agenda item 54 and the draft resolution were entitled “Elimination of all forms of racial discrimination”.

28. Miss WILLIAMS (New Zealand) said that her country rejected all forms of racial discrimination, but felt that opinions regarding the methods for combating it could vary. It did not believe that the measures provided for in resolution A/C.3/L.1874/Rev.1 were the most appropriate. Furthermore, the term “crime against humanity” had a clear and precise meaning in international law and some of the statements contained in the draft resolution were illogical and without sound basis.

29. Difficulties such as the foregoing would normally have sufficed to make her delegation cast a negative vote but, in the present instance, in order to demonstrate its condemnation of racism and racial discrimination, it had merely abstained.

30. Mrs. RAKOTOFIRINGA (Madagascar) said that, as her country was a party to the International Convention on the Elimination of All Forms of Racial Discrimination, her delegation had experienced no difficulty in voting in favour of draft resolution A/C.3/L.1873/Rev.1.

31. It had also voted in favour of draft resolutions A/C.3/L.1872/Rev.2 and A/C.3/L.1874/Rev.1. With regard to the latter, however, it wished to express disagreement with section II, paragraph 5, and subparagraph (e) (ii) of section I of the annex. Her country maintained relations with South Africa not out of a desire to encourage that country in its racist policies but, on the contrary, in order to respond to appeals of the kind made in section III, paragraph 3, of the same draft resolution. The same was true of paragraph (e) in section III of the annex.

32. Her delegation’s vote on section II, paragraph 4, of the draft resolution in no way prejudged its future position with regard to the nature and substance of the international instruments proposed therein.

33. Her delegation has abstained in the vote on draft resolution A/C.3/L.1875, because it believed that Governments should first study the text of the draft convention concerned.

34. Miss CAO-PINNA (Italy) said that draft resolution A/C.3/L.1874/Rev.1 was the most important of the texts adopted because it reflected the general condemnation of racial discrimination by all members of the Committee and their common wish to continue to strive for its total elimination. The draft resolution failed, however, to consider all forms of racial discrimination, whether institutionalized or not, whether massive and evident or limited and concealed, whether flagrant or subtle, and concentrated on *apartheid* and other similar forms of racial discrimination in southern Africa which were being considered in the Special Political Committee. In addition, the draft resolution did not reflect all the views expressed in the general debate as to the causes and factors at the origin of the current situation in the area, but mentioned only the views of one group of delegations, which in many cases were not shared by other groups. Finally, the resolution proposed measures, such as the termination of all relations with the Government of South Africa, which some delegations opposed, proposing instead a policy of communication. It also condemned Governments, a practice which should be avoided in order to preserve mutual respect among Member States. The appeal for the use of force contained in the draft resolution was, in her delegation’s opinion, contrary to the provisions of the Charter of the United Nations. For all those reasons, her delegation had had to abstain in the vote on the draft resolution as a whole and had voted against section II, paragraph 5, against section III, paragraph 4, and against subparagraphs (c) (i) and (d) (i) of section I of the annex.

35. Her delegation had voted in favour of draft resolution A/C.3/L.1872/Rev.2; that text was not at variance with draft resolution A/C.3/L.1874/Rev.1, since it was concerned with the International Year and not with a comprehensive review of all aspects of racial discrimination.

36. Her delegation had also voted in favour of draft resolution A/C.3/L.1873/Rev.1, which broadly speaking seemed to be positive, although it had voted against the words "with appreciation" in operative paragraph 2 because of the reservations expressed by some delegations about certain aspects of the work of the Committee on the Elimination of Racial Discrimination at its third and fourth sessions.

37. Her delegation had abstained in the vote on draft resolution A/C.3/L.1875 and had voted against the retention of operative paragraph 2, although the procedure suggested there for dealing with the draft convention prepared by the delegations of Guinea and the USSR seemed sound; the text of the draft resolution went beyond procedural considerations, however, and affirmed convictions and opinions regarding the substance of the matter, thus prejudging the consideration of the draft convention proposed in document A/C.3/L.1871 by the Commission on Human Rights. Furthermore, it had some reservations about defining *apartheid* as a "crime against humanity" and considered that the draft resolution established unrealistic deadlines for the consideration of that important question by the Commission on Human Rights and the Economic and Social Council.

38. Mr. PEACHEY (Australia) said that he had voted in favour of draft resolutions A/C.3/L.1873/Rev.1 and A/C.3/L.1872/Rev.2. He had abstained in the vote on draft resolution A/C.3/L.1875, because he was not convinced that the adoption of a convention of the kind proposed in document A/C.3/L.1871 was the best way of combating *apartheid*.

39. His failure to support draft resolution A/C.3/L.1874/Rev.1 did not signify any weakening in Australia's abhorrence of *apartheid*. It meant that the draft resolution contained provisions which his delegation found objectionable, such as the references to the use of force and the termination of all relations with South Africa. It would have been preferable to adopt a widely acceptable resolution based on a consensus. That had unfortunately proved impossible.

40. Mr. YAÑEZ-BARNUEVO (Spain), observing that his delegation's attitude might seem somewhat paradoxical, said that Spain had voted in favour of section II, paragraph 1, of draft resolution A/C.3/L.1874/Rev.1, which reaffirmed that *apartheid* was a crime against humanity, in conformity with its policy of repudiating racial discrimination and because the term "crime against humanity" had not juridical meaning in Spanish law. It had, however, abstained in the votes on section II, paragraph 4, in which

reference was made to "crimes against humanity", and on draft resolution A/C.3/L.1875, calling for the elaboration of juridical instruments to suppress and punish *apartheid*, because it believed that international instruments on crimes against humanity should not be prepared in a fragmented manner but should be entrusted to the competent bodies of the United Nations and in particular to the International Law Commission.

41. Mr. MARTINEZ DEL SOBRAL (Mexico) said he had voted in favour of draft resolution A/C.3/L.1874/Rev.1 but that he interpreted the reference in section II, paragraph 3, to "moral and material support" in the light of the provisions of the fifth paragraph of the section entitled "The principle of equal rights and self-determination of peoples" of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (see General Assembly resolution 2625 (XXV), annex). He had abstained on section III, paragraph 4, of the same draft resolution because he considered that the "use of force" within the framework of the Charter of the United Nations should be contemplated only within the context of Chapter VII of that instrument, particularly Article 51.

42. Mr. MANI (India) said that he had voted in favour of draft resolution A/C.3/L.1872/Rev.2 for three reasons. First, the changes made in the text had improved it considerably, reflecting as they did the principles basic to the Universal Declaration of Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and other instruments adopted by the General Assembly. Secondly, it took due account of the considered views and strong feelings of a large number of delegations, including those of African countries which were seriously affected by the sinister developments in southern Africa. Thirdly, it committed the United Nations and the specialized agencies to continue the activities undertaken on the occasion of the International Year for Action to Combat Racism and Racial Discrimination. He would have liked the draft to include a reference to the racist régimes in southern Africa, but realized that the text could not be allowed to become too repetitive. His delegation wished to express its appreciation to the representative of Greece for the understanding she had shown in accommodating various viewpoints.

43. There was no need to reiterate his delegation's reasons for supporting draft resolutions A/C.3/L.1873/Rev.1 and A/C.3/L.1875; its attitude on *apartheid*, which it condemned, was a consistent one. In that connexion, he wished only to thank the Finnish representative for accepting his delegation's suggestion. Lastly, he would like to congratulate the Egyptian representative on his activity on behalf of draft resolution A/C.3/L.1874/Rev.1, of which his own delegation had also been a sponsor.

The meeting rose at 1.05 p.m.