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Chairman: Mr. Salvador P. LOPEZ (Philippines).

AGENDA ITEM 35

Draft International Covenants on Human Rights (E/2573, annexes I-III, A/2907 and Add.1-2, A/2910 and Add.1-6, A/2929, A/4789 and Corr.1, A/C.3/L.930/Rev.2, A/C.3/L.932) (continued)

ARTICLE 26 OF THE DRAFT COVENANT ON CIVIL AND POLITICAL RIGHTS (E/2573, ANNEX I B) (continued)

1. Mr. HENDRANINGRAT (Indonesia) said that peace—meaning not merely the absence of war, but also the absence of any propaganda likely to lead to an arms race—was essential for the economic development of Indonesia and many countries of Asia, Africa and Latin America. At a time when other organs of the United Nations were working for general and complete disarmament so that the resources currently devoted to military ends could be used for developing the under-developed countries, the Third Committee should help actively to create the conditions under which the world could live in peace.

2. Article 26 was a step in that direction. The aim was not to suppress freedom of expression, quite the contrary; but one must also remember that such freedom was merely a means to an end, and it was that end with which article 26 was concerned. The principle of freedom of information could not be regarded as so untouchable as to make it, possibly, immoral.

3. So far as the amendments before the Committee were concerned, there was no basic difference between them. The nine-Power draft (A/C.3/L.930/Rev.2) was very clear and very precise. The four-Power draft (A/C.3/L.932) was more concise, but left out certain elements which were mentioned explicitly in the first amendment. The Indonesian delegation hoped that the sponsors of the two drafts would be able to agree on a single text and so facilitate the Committee's work.

4. Mr. KASLIWAL (India) said he believed that in French and Spanish the words "advocacy" and "propaganda" were translated by the same word, so that the four-Power amendment might be somewhat confusing. He therefore preferred the nine-Power text.

5. It was true, as some delegations had remarked, that article 24 dealt with discrimination, but it did so from a standpoint rather different from that of article 26 (A/2929, para. 180).

6. With regard to the United Kingdom delegation's position, he noted that the United Kingdom representative still found it impossible to vote for article 26.

7. As for those who considered that article 26 might limit the scope of article 19, he would say that in order to prevent such serious abuses it was obviously necessary to place some restriction on freedom of expression.

8. The CHAIRMAN drew attention to the fact that, in the French and Spanish versions of the four-Power text, two different words were used to translate "advocacy" and "propaganda".

9. Mr. KARAPANDZA (Yugoslavia) said that the English and Spanish translations of the nine-Power amendment should be brought into line with the French version—the original version—which read "à la discrimination ou à la violence" (discrimination or violence) and not "à la discrimination et à la violence" (discrimination and violence).

10. The CHAIRMAN suggested that the nine Powers should submit a revised text to the Committee.

11. Mr. ZULOAGA (Venezuela) felt that a considerable amount of time would be wasted if the Committee had to listen to comments, sometimes very limited in scope, on each of the two amendments tabled. Since the United Kingdom delegation had said that it would not vote against article 26 and the United States representative had also modified her stand, members of the Committee should be able to reach a speedy agreement.

12. The Venezuelan delegation preferred in some respects the nine-Power text and hoped that it would be adopted; it particularly liked the provision: "This prohibition shall be incorporated in the law of the State", which was in line with the provisions of article 2. But it also appreciated the brevity and elegance of the four-Power amendment—the somewhat vague wording of which seemed to have the preference of the United Kingdom and United States delegations—although it regretted the inclusion of the words "shall be prohibited by law".

13. He hoped that the sponsors of the two amendments would, with the Chairman's help, be able to agree on a single text.

14. Mr. BEAUFORT (Netherlands) recalled that his delegation drew a clear distinction between the draft covenants—which were of a very general nature—and the conventions on specific human rights.

15. It was certainly not opposed to the principle set forth in article 26 but it did not believe that such a provision really had a place in the draft Covenant.

However, if a majority of the Committee wished to retain article 26, the Netherlands delegation was prepared to co-operate by not opposing it.

16. Regarding the wording of the article, he felt that, while the original text was quite satisfactory, the four-Power amendment had undeniable merits. However, the words "inciting to violence" were not merely unnecessary but even dangerous, in that they limited unduly the article's scope; they might suggest that any advocacy of national, racial or religious hatred which did not incite to violence would not come under the proposed ban, a suggestion that certainly did not reflect the intentions of the amendment's sponsors. He therefore proposed that the words "inciting to" should be replaced by the word "and".

17. Mr. SITA (Congo, Leopoldville) said that, although article 26 could obviously not be deleted, it should at least be made as effective as possible. The amendments before the Committee represented an unquestionable improvement upon the original text, although they presupposed a great deal of good faith on the part of States.

18. The nine-Power text would be entirely satisfactory to the Congolese delegation if it did not contain the expression "incitement to hatred", the meaning of which was difficult to define. It was not easy to decide when there was incitement to hatred, and care must be taken not to include in a text of that nature expressions which were so liable to give rise to doubt or abuse. The word "discrimination" seemed superfluous, since any advocacy of national, racial or religious hostility generally involved discriminatory measures.

19. The text of article 26 should be brief, clear, precise and comprehensive; the four-Power amendment was of an almost mathematical precision and was remarkably concise. Through the addition of the words "inciting to violence" immediately after the phrase "advocacy of national, racial and religious hatred", the concept of advocacy of hatred acquired a much more specific meaning, which was all the more desirable in that article 26 formed part of a draft covenant—in other words, of a document designed to ensure that human rights were implemented and respected—and not of a declaration or recommendation.

20. In those circumstances the Congolese delegation felt that it should support the four-Power amendment. It hoped that the sponsors of the nine-Power amendment would reconsider their position, so that the text of article 26 might be adopted unanimously. If their text was none the less put to the vote, the Congolese delegation would have to abstain.

21. Mr. ESPEJO (Philippines), one of the sponsors of the four-Power amendment, recalled that the representative of Saudi Arabia had drawn the Committee's attention (1079th meeting) to the conciseness of that amendment and had rightly pointed out that the initial concept of "incitement to hatred", which was subjective by nature and difficult to define, had been replaced by the concept of "hatred inciting to violence", which was a legally valid one. Moreover, it was not necessary that violence itself should take place: any propaganda likely to lead to violence was prohibited.

22. The Philippine delegation understood the concern of those who feared that the adoption of article 26 might lead to a negation of the principle of freedom of information. The danger was a real one,

and arose, indeed, in regard to all the rights and freedoms which the draft Covenants were designed to guarantee.

23. But the question was whether propaganda in favour of violence and war should be tolerated merely in order to ensure that there should be no encroachment on freedom of expression, or whether States should draw a line beyond which no one could indulge in such propaganda with impunity. The destructive power of modern armaments was so great that it was no longer possible to accept the risk of a war merely in order to safeguard freedom of expression. What would be the use of guaranteeing fundamental rights if nobody was to be there to enjoy them? It had been said that article 26 was out of place in the draft Covenant because it did not enshrine any right: but that was an untenable position, since article 26 in fact sanctioned the right to life and the right to live in peace with one's neighbours.

24. So far as the two amendments before the Committee were concerned, the four-Power amendment differed in one important respect from the nine-Power amendment: it made no mention of discrimination. But article 26 related primarily to the prohibition of violence and war, while discrimination was condemned by article 24, which supplemented and strengthened the relevant provisions of article 2. The representative of Chile had stressed the need (1078th meeting) for particular attention to the structure of the draft Covenant and the need to ensure balance and co-ordination between its various provisions. Article 26 had a definite connexion, not only with article 19 but also with article 24, which forbade all discrimination, and with article 25, which protected minorities. Those four articles formed a harmonious and integrated whole and the members of the Committee should be very careful not to destroy its balance.

25. The last part of the nine-Power amendment also differed from that of the four-Power amendment, the concluding phrase of which appeared redundant, since the idea it expressed had already been enunciated in paragraph 2 of article 2 of the draft Covenant. Another important difference was that war propaganda was mentioned at the very beginning of the four-Power amendment; that would seem entirely logical, for it was war and above all nuclear war, that had to be forbidden.

26. During its consideration of the draft Covenant the Third Committee had encountered certain difficulties because it had not always been able to view the several articles in their reciprocal relationship and as a single composite structure. The Commission on Human Rights, on the other hand, had successfully adopted such an over-all viewpoint and had thus avoided duplication. The Third Committee should try to follow that example. In that connexion, he repeated that article 26 related to the prohibition of violence and war, article 24 to the condemnation of racial and religious discrimination, and article 25 to the protection of minorities. In the interests of consistency and logic, therefore, those articles should all retain their specific character.

27. In conclusion, he hoped that the four-Power amendment, which was precise and brief and which respected the inner logic of the draft Covenant, would receive the approval of the members of the Committee.

28. Mr. PEREZ QUESADA (Argentina) said that he had listened with great interest to the Chilean repre-

sentative's analysis of the propaganda problem in the modern world. For his part, his approach to that problem was devoid of passion and entirely objective, for his country was attached to freedom in all its forms; Argentine constitutional law had, since 1853, recognized the principle of freedom of expression, banned prior censorship and condemned privilege founded on birth or race. Three ethnic groups lived on Argentine soil, but racial and religious hatred was unknown there. In those circumstances, article 26 was not of vital concern to Argentina.

29. He would nevertheless like to say that, while he fully appreciated the motives that had led the Commission on Human Rights to adopt article 26, he was not sure that a provision so restrictive and negative in character should be included in a Covenant designed to proclaim human rights and freedoms. He also thought that the meaning of the word "propaganda" was very vague. Moreover, the Committee having established a direct relationship between articles 19 and 26, there was a danger that the provisions of article 26 might seriously impair the freedoms proclaimed by article 19.

30. In conclusion, he pointed out that propaganda advocating national hostility was a consequence, and not a cause, of international tension. Argentina, for one, respected neighbouring countries and endeavoured to live in peace with all the nations of the world, great or small.

31. Mrs. DEMBINSKA (Poland) strongly supported the nine-Power amendment; it was completely in conformity with the views of her delegation and had the merit of going to the roots of the problem, for it related to the three principal forms assumed by national, racial or religious hostility, namely, hatred, discrimination and violence.

32. Hatred, especially racial hatred, certainly existed in the world, as the representative of Ghana had demonstrated (1079th meeting), and propaganda aimed at arousing it should be forbidden.

33. Discrimination, which unfortunately also existed, did not necessarily manifest itself in acts of violence. The authorities might, for instance, order racial segregation in means of transport by a simple regulation, and it could then be reasonably asserted that no violence was involved in such a case. Discrimination, whether racial or other, should therefore be explicitly mentioned in article 26, for it was the most wide-spread form of national, racial or religious hostility, standing halfway between hatred and violence. It was all the more necessary to do that since, if it were not done, all the work and resolutions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had been approved by the Economic and Social Council and by the Third Committee, would, in a sense, be bereft of their foundation.

34. Finally, as far as violence was concerned, everyone was in agreement regarding the need for its prohibition, but some delegations wished to restrict that prohibition to violence in the strict sense of the word and refused to extend it to the other forms of hostility, although the latter were the most prevalent.

35. That was the attitude of the sponsors of the four-Power amendment and of the authors of the original text. According to the latter, indeed, only a combination of hatred and violence came within the prohibition; if one of those two elements were lacking, the

prohibition could no longer apply. There was thus little or no difference between the original text and the four-Power amendment, which only prohibited violence linked with national, racial or religious hostility.

36. The nine-Power amendment was free from those defects, for it mentioned discrimination and, in enumerating the several elements, it employed the conjunction "or". Thus the existence of any single one of those elements, all of which were very serious, would bring into play the ban on propaganda inciting to national, racial or religious hostility. The Polish delegation could not but approve such a formula without reservation.

37. In concluding, she called the attention of the Committee to resolution 826 B (XXXII) of the Economic and Social Council, which had been unanimously adopted and which recommended that the Governments of all States discourage in every possible way the creation, propagation and dissemination, in whatever form, of racial prejudice and of national or religious intolerance.

38. Mr. DIAZ CASANUEVA (Chile) thought, first, that article 26 should be included in the draft Covenant, second, that it should mention the prohibition of war propaganda and, finally, that it should be drafted in clear language which would preclude any State availing itself of those provisions to restrict the freedom of expression.

39. There were no differences of substance between the two amendments before the Committee. They differed, rather, in subtle shades of meaning, and it would be regrettable if the article's chances of unanimous adoption were sacrificed for the sake of such nuances. He therefore appealed to the sponsors of the amendments to attempt to reach agreement on a single text that could be approved by all the members of the Committee.

40. The nine-Power amendment enumerated a number of prohibited acts, besides war propaganda, which could all be reduced to a few basic concepts. But propaganda was difficult to define in legal terms. The law could intervene only when that propaganda became unlawful under the provisions of domestic legislation or of certain international agreements, such as the conventions on telecommunications. It was thus the incitement to violence that introduced a juridical element into propaganda and such incitement should be duly condemned, as in the four-Power amendment. He considered that amendment more logical and more likely to rally unanimous support.

41. The nine-Power amendment explicitly introduced the idea of preventing discrimination, but the prohibition therein was weakened by its subordination to the idea of advocacy; both the Charter of the United Nations and the Universal Declaration of Human Rights (General Assembly resolution 217 (III)) prohibited discrimination with no reservations whatever. Of the three words "hatred", "discrimination" and "hostility", the speaker would prefer the word "hatred", but hatred was a moral concept and had to be defined before it could acquire a legal connotation; its legal definition could be based only on the idea of incitement to violence.

42. His delegation did not believe that the Spanish text of the four-Power amendment was satisfactory, for it appeared to condemn war propaganda only if it incited to violence. That was entirely redundant, for

such propaganda itself constituted an incitement to violence; an appeal to national, racial or religious hatred, on the other hand, could only be punishable if it was coupled with incitement to violence. The first part of the amendment, therefore, should preferably read as follows: "Toda propaganda en favor de la guerra como también toda propaganda que fomenta ...". He also urged, as he had done before (1079th meeting), that a satisfactory Spanish translation be found of the English word "advocacy".

43. Mr. ALCIVAR (Ecuador) considered that some of the points in the article, as also in the amendments, were expressed too vaguely. Propaganda, which to begin with had been only a method of boosting sales and had later moved on from the sphere of trade to the more dangerous one of politics, was neither good nor bad in itself and could not be prohibited except in so far as it constituted an incitement. Even so, the object of the incitement must be specified; while the term "racial or religious hostility" was definable in practice, the term "national hostility" had no specific meaning. Similarly, it seemed very difficult to define the scope of the expression "war propaganda", especially if the idea was extended to cover the cold war.

44. His delegation fervently hoped, therefore, that the sponsors of the amendments would be able to agree upon a text which, while incorporating the points that were common to their proposals, would be sufficiently specific to obviate the danger that the net result of the Covenant, an international instrument founded on the principles of the Charter, might be to sanction the restrictions that some States would like to impose on freedom of opinion. That would be deplorable in view of the fact that, after two centuries of struggle, democracy and freedom had not yet been finally established.

45. Begum Aziz AHMED (Pakistan) felt that the provisions of article 26 were of the utmost importance, for, as the representative of Poland had said (1079th meeting), good understanding among nations and peoples was indeed a basic human right, especially at a time when the whole world was suffering from the tension brought about by the lack of international understanding.

46. She agreed with the Liberian representative (1078th meeting) that any failure on the part of the Committee to adopt that article would imply approval of racial and religious hostility and discrimination. Moreover, any advocacy of national hostility, which was an outcome of hatred, could not fail to lead to violence and ultimately to war, which, if it became global, might well result in the destruction of humanity.

47. Her delegation therefore fully supported the text of article 26, as also the principle of the two amendments which were designed to introduce provisions relating to war propaganda.

48. The four-Power amendment seemed to her the better of the two, for in one short and precise phrase it summed up all the ideas that the members of the Committee wanted the article to express, and it rightly laid emphasis on propaganda for war. Moreover, the expression "propaganda for war" which appeared in that text seemed to her to be preferable to the vaguer term "war propaganda" which was used in the nine-Power amendment.

49. She would accordingly vote in favour of the four-Power amendment, but she was prepared to examine any new text incorporating the two amendments which was likely to satisfy the majority of the delegations.

50. Mr. MAHAROOFF (Ceylon) said that he was very glad that the delegations of the United States and the United Kingdom had found it possible to reconsider their position with regard to article 26. It seemed to him that the provisions of that article were of particular importance in a world in which the progress made in communication and information media had reduced distances and in which any expression of an opinion might have considerable influence at the international level. Article 26 was therefore the essential corollary of article 19.

51. His delegation endorsed the substance of the two amendments and hoped that it would be possible to combine them in one single text; if, however, a choice was necessary, it would vote in favour of the four-Power amendment, which had the advantage of brevity while at the same time embodying implicitly all the elements of the other amendment.

52. Mrs. AFNAN (Iraq) said that, while she did not think it impossible to harmonize the two amendments, she did not agree with the representatives who felt that the two texts were very close. It seemed to her, on the contrary, that there were very clear differences between them, not only of concept but also in their way of approaching the problem.

53. The four-Power amendment laid the emphasis on incitement to violence. Although the representative of Saudi Arabia had pointed out (1080th meeting) in that connexion that propaganda could be prohibited by law before there was any incitement to violence, other delegations had on the contrary qualified incitement as the legal element whereby propaganda could be defined.

54. Some delegations had asserted that the nine-Power amendment was drafted in vague terms and was lacking in legal validity. Nevertheless, although the word "hatred", for example, might at the present time be very difficult to define in legal terms, it had a moral validity, and any article dealing with human rights must of necessity embody elements which belonged to the moral sphere rather than the legal. It would be the responsibility of the courts to give those terms a legal definition later.

55. Nor could it be claimed that propaganda for war was impossible to define, for world public opinion was sufficiently conscious and sufficiently developed to recognize such propaganda when it appeared.

56. With regard to discrimination, it was mentioned in article 24 of the draft Covenant, which prohibited discrimination, but that was in an entirely different context. Dissemination should therefore be given a place in article 26, which was intended to impose certain restrictions on the freedoms set forth in article 19. While every Government could suppress abuses in order to ensure respect for national law and order, the measures which would ensure respect for international law and order must also be defined, and that was the specific purpose of article 26. It was essential that that article should prohibit incitement to discrimination, which was a perfectly clear concept.

57. As the representative of Ghana had so wisely observed, to prohibit incitement to violence did not

represent any progress in international legislation. It was hatred and discrimination, which were the factors leading to violence, that must be prohibited.

58. The Iraqi delegation shared the Saudi Arabian representative's hope that it would be possible to adopt article 26 unanimously. The delegation of the United States and the United Kingdom had already seen fit, in the present circumstances, to reconsider their original position and she was most grateful to them for that. Not a single delegation had spoken against the principles set forth in article 26 and in the amendments, and the points of disagreement lay exclusively in the differences between the legal concepts of the various countries. Those concepts would necessarily evolve, so that the States whose delegations were unable to endorse article 26 at the present time would no doubt be able to accept its terms by the time the Covenants were open for ratification.

59. Mr. CHAU SENG (Cambodia) said that he would have no objection to a redrafting of the nine-Power amendment, of which he was a sponsor, provided that the substance remained unchanged.

60. Some representatives had expressed their pleasure that the delegations of the United States and the United Kingdom had reconsidered their position with regard to article 26. Cambodia was not at all surprised at that change of position, which had come about because those delegations had realized that there was no possibility of their point of view being accepted and that it was in their own interest to support the text that was closest to it.

61. The clarity and other merits of the four-Power amendment had been the subject of much praise, and it had been claimed that the amendment gave the requisite importance to one of the key elements in article 26, namely, prohibition of "propaganda for war". In the opinion of his delegation, that term had no real meaning except in a precise context; the place where it appeared was of little importance.

62. The Cambodian delegation had from the outset supported the Brazilian amendment (A/C.3/L.930 and Rev.1), which formed the basis of the nine-Power amendment, because the text was complete and stressed the basic object of the article, which was to ensure that the evils which it set forth should be proscribed by national legislations. The problems of racial discrimination and of war or peace were of too much importance to be a matter for the courts alone; they also concerned the political authorities.

63. The text that was now being proposed by the nine Powers was perfectly lucid and comprehensive. It clearly prohibited not all propaganda, but propaganda which incited to hatred, discrimination and violence. It was not only in form that it differed from the four-Power text: it went farther than the latter, for it embodied the same ideas together with other important concepts, such as that of racial discrimination—an affront to humanity and perhaps the chief cause of war. It had the further merit of indicating, in the second sentence, how the prohibition was to be formulated. Such a statement was essential if the Committee was to adopt a really useful text.

64. He did not think it could be said that the word "hatred" was too vague, for in that case the same criticism could be applied to such words as "freedom", "justice" or "equality". Hatred could not perhaps be defined, but it made itself understood and felt. Its manifestations had always been recognized,

and no one could deny that it should be banished in relations between human beings and above all between racial and religious groups.

65. Mrs. DELLA GHERARDESCA (Italy) said that the doubts and reservations expressed with regard to article 26 arose from the form of that text rather than from the principle enunciated in it. That principle should become a rule of law in every State, and it should therefore be defined clearly and with the necessary care, so that its application should not prejudice the freedom of expression which it was the Committee's task to safeguard. The amendments submitted represented an effort in that direction.

66. The Italian delegation appreciated the brevity of the text proposed by the four Powers. It doubted, however, the desirability of using so vague a term as "propaganda". The sponsors of both amendments might perhaps meet, if necessary, with the representatives of other delegations, to work out jointly a wording for article 26 which would be acceptable to all and would therefore possess a moral force that would augur well for the article's implementation. The Italian delegation wondered whether they might not find a basis for discussion in the following text: "Any advocacy of national, racial and religious hatred that constitutes incitement to violence and war shall be prohibited by law".

67. Mr. O HEIDEAIN (Ireland) said that his delegation fully acknowledged that the spirit inspiring article 26 was admirable. He wondered, however, what would be the exact effect of its imprecise provisions on the other articles of the draft Covenant, and particularly on article 19.

68. Ireland attached fundamental importance to freedom of expression, which was guaranteed by its Constitution, as well as by the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950,^{1/} to which it was a party. If the draft Covenant contained an article as vague as article 26, the way would be opened to derogations from that fundamental principle, whose safeguarding was essential not only for individual citizens and all persons engaged in the gathering and dissemination of news but also for Governments themselves. A free Press and free communication media reflected public opinion from day to day and so helped Governments in their work for the common good.

69. Recalling that each country signing the Covenants would be obliged to incorporate the relevant provisions into its statute law, he pointed out that the vagueness and subjectiveness of article 26 would create grave difficulties for the parliamentary draftsman. He asked what specific acts not already prohibited by national law were to be forbidden under the article, since, of the concepts which it embodied, only violence could be clearly proved in court by evidence.

70. Moreover, as the draft Covenant under discussion was a covenant on human rights, it might be asked whether article 26, which did not in fact deal with individual or group rights, was not out of place in it.

71. For those various reasons, the Irish delegation could not support the text proposed by the Commis-

^{1/} See the *Human Rights Yearbook* for 1950 (United Nations publication, Sales No.: 52.XIV.1).

sion on Human Rights; nor could it support the two amendments which it considered to be open to the same objections.

72. Mrs. TSIMBOUKIS (Greece) thought that hatred was too abstract a concept—a feeling which meant something too different to each individual—for incitement to it to be defined in any way that was legally satisfactory. Her delegation could therefore support neither the original text of article 26, nor the nine-Power amendment.

73. The text submitted by the four Powers was brief, clear and well drafted. The Greek delegation regretted, nevertheless, that it mentioned "propaganda for war". That formula, despite the concrete explanations which various representatives had tried to give, was too abstract to be definable in law. It might, moreover, unnecessarily open the way to abuses, since propaganda for war was really only a form of incitement to violence.

74. The Greek delegation could not, therefore, vote in favour of the four-Power amendment if the words in question were retained.

75. Mr. SAPOZHNIKOV (Union of Soviet Socialist Republics) said that article 26 was so important that each delegation should define its position very clearly in regard to it.

76. In the Soviet delegation's view, it was absolutely necessary, in the interests of all States and all peoples, that serious steps should be taken to put an end both to propaganda for war and to national, racial and religious discrimination, hatred and enmity. That view seemed to be shared by all members of the Committee. It was not enough, however, to be in agreement as to the principle; the way in which the principle was expressed was also important, and article 26 should be drafted with the greatest care in order that it should really have the force which was desired for it.

77. The Committee's main concern should be to avoid being overtaken by events and, indeed, to recommend without delay the concrete measures required for the total abolition of the evils indicated in the article under discussion.

78. From that point of view, the four-Power amendment was not satisfactory, and was even a step backwards in relation to the article's original text and to most if not all systems of national law, under which incitement to violence was already prohibited and punished. Such grounds had, for example, been adduced in order to prohibit demonstrations against racial discrimination, one of the evils against which article 26 was directed. It was not enough to prohibit everything that constituted incitement to violence. Discrimination, racial hatred and any form of racialism did not necessarily lead to violence; but they had

all been very rightly condemned by the Nürnberg Tribunal in the name of the community of nations. The four-Power amendment, therefore, did not go far enough and would enable certain quarters to avoid condemning propaganda for war and advocacy of national, racial and religious hatred on the pretext that they did not constitute incitement to violence.

79. On the other hand, the nine-Power amendment was more satisfactory than the original text of the article and provided a good basis for discussion.

80. Mr. HENDRANINGRAT (Indonesia), taking into account the ideas expressed by the two amendments, as well as the various proposals and objections made in regard to them during the discussion, suggested that article 26 should be drafted as follows: "Any propaganda for war, and any advocacy of national, racial or religious hostility inciting to intolerance, discrimination or violence shall be prohibited by law". He expressed the hope that the sponsors of the amendments would take that suggestion into consideration in their efforts to reach an agreement.

81. Mr. TOMEH (Syrian Arab Republic) thought, like the Soviet Union representative, that each delegation should adopt an unambiguous attitude with regard to the very important article 26.

82. The amendments submitted to the Committee constituted no substantial improvement on the original text of that article and affected the article's form rather than its substance. The nine-Power proposal erred in an attempt to be too specific, and in that way weakened article 26. If certain negative attitudes were enumerated in too much detail, there was a risk of overlooking others which might be of more than minor importance and which, if omitted from article 26, would not be prohibited.

83. The four-Power amendment, which was shorter, was also clearer; the word "violence" covered all the evils indicated in the nine-Power text, and the necessary prominence was given to propaganda for war. Violence was admittedly not a juridical concept, but in an instrument like the Covenant it seemed difficult to separate moral concepts from strictly juridical concepts.

84. In regard to a remark made by the Soviet Union representative, he emphasized that violence, although prohibited by the laws of every country, did exist. The only safeguard against it was to be found, not in the laws, but in the spirit governing the interpretation and application of those laws.

85. The CHAIRMAN, referring to the wishes expressed by several delegations, invited the co-sponsors of amendments to article 26 to meet, as a working group, during the morning of Tuesday, 24 October.

The meeting rose at 5.55 p.m.