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COMMISSION ON HUMAN RIGHTS
Twenty-third Session
SUMMARY RECORD OF THE EIGHT HUNDRED AND NINETY-EIGHTH MEETING
held at the Palais des Nations, Geneva,
on Wednesday, 22 February 1967, at 3.10 p.m.

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(13 p.)

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PRESENT:

<u>Chairman:</u>	Mr. NEDBALLO	(Ukrainian Soviet Socialist Republic)
<u>Rapporteur:</u>	Mr. ERMACORA	Austria
<u>Members:</u>	Mr. GARCIA PINEIRO	Argentina
	Mr. MIQUEL	Chile
	Mr. TINOCO	Costa Rica
	Mr. ZOLLNER	Dahomey
	Mr. CASSIN	France
	Mr. PAPADATOS	Greece
	Miss NATH	India
	H.I.H. Princess Ashraf) PAHLAVI	Iran
	Mr. GANJI	
	Mrs. AFNAN	Iraq
	Mr. COHN	Israel
	Mr. SPERDUTI	Italy
	Mr. RICHARDSON	Jamaica
	Mr. KETTANI	Morocco
	Mr. QUENTIN-BAXTER	New Zealand
	Mr. ADEBIYI) Mr. MOHAMMED)	Nigeria
	Mr. RAHMAN KHAN	Pakistan
	Mr. MARCHAND	Peru
	Mr. LOPEZ	Philippines
	Mr. RESICH	Poland
	Mr. BOYE	Senegal
	Mr. KELLBERG	Sweden
	Mr. KACHURENKO	Ukrainian Soviet Socialist Republic
	Mr. OSTROVSKY	Union of Soviet Socialist Republics
	Mr. HUZAYYIN	United Arab Republic
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mr. WALDRON-RAMSEY	United Republic of Tanzania
	Mr. ABRAM) Mr. HEWITT)	United States of America
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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES (agenda item 9) (E/4226); (E/CN.4/922, E/CN.4/923, E/CN.4/930, Chapter VI)

Mr. ERMACORA (Austria) suggested that the Commission should consider the recommendations in paragraphs 4, 5 and 7 of resolution 5 (XIX) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/930, para. 298), which related to item 9 of the Commission's agenda.

Mr. HUZAYYIN (United Arab Republic) said that the Commission should decide what aspects of the subject it intended to deal with at the current session. His view was that the Commission should consider ways and means of improving the capacity of the United Nations to put a stop to violations of human rights in accordance with paragraph 12 of resolution 2144 A (XXI) adopted on that subject by the General Assembly; the Commission might ask its officers or certain members to draft a recommendation. The Commission might also bear in mind in its debate the General Assembly's appeal in paragraph 1 of its resolution 2144 B (XXI) to the Security Council urgently to take effective measures with a view to eradicating apartheid in South Africa and other adjacent territories.

Mr. RICHARDSON (Jamaica) said that when the Commission considered the steps to be taken to combat the policy of apartheid, it should place the emphasis on methods proper to the sphere of human rights, which differed from political or economic measures. By methods proper to the sphere of human rights he meant those employed by the Commission on Human Rights and kindred bodies. They comprised: first, legislative measures, such as conventions or other international instruments which were binding on States; secondly, educational methods such as publications and other information media on ways and means of achieving aims relating to human rights; thirdly, a practical programme designed to induce Member States to fulfil their obligations either under international instruments or under municipal law (in which connexion he pointed out that the institution of the office of United Nations High Commissioner for Human Rights would make such a programme more effective); and, fourthly, a programme of advisory services (meetings, seminars, fellowships) to promote better understanding of human rights and measures to ensure respect for those rights. Those methods proper to the sphere of human rights were not methods that produced immediate results: their effect was to be seen in the long term. With regard to the programme of advisory services and fellowships, the Commission might adopt a recommendation requesting additional funds

for that programme; in particular, more fellowships might be granted to South African citizens of all races to enable them to study abroad, to familiarize themselves with an outlook differing from that of their Government, and thus to exert an influence on the society around them on their return. As for educational methods, Member States and the Organization itself could act in various ways; in particular, they might bring home to the privileged groups in South Africa the fact that their Government's policies and laws and the methods employed to enforce those policies would not have to be changed in order to be used to deprive them of their fundamental freedoms and rights; to that end, Member States might disseminate not only the studies made by the United Nations, but also, and more especially, the writings of their own citizens, such as Nelson Mandela and Abraham Fischer. University teachers and students could also play their part and might try to make contact with their colleagues in the South African Universities who must be suffering from their cultural isolation. Such contacts would help to imbue the teachers and students of South African Universities with the courage to oppose their Government's apartheid policy. He intended to draft a recommendation on the application of methods proper to the sphere of human rights to the question of the apartheid policy of the Government of South Africa.

Mr. MOHAMMED (Nigeria) stated that apartheid was the most serious form of the violation of human rights since Nazism had been unleashed on the world. All States had condemned that scourge, they all concurred in acknowledging the need to take vigorous measures to bring it to an end, yet it had to be admitted that the United Nations resolutions remained a dead letter and that nothing positive had been achieved. The Commission on Human Rights itself, the organ most competent to act, was powerless to settle that problem satisfactorily.

That state of affairs was due to the bad faith of certain States which gave their economic interests preference over respect for human rights. Those States had refused to take part in the General Assembly's Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa. At the United Nations Seminar on Apartheid held at Brasilia in 1966, Argentina, Japan, New Zealand, the United Kingdom and the United States of America had refused to endorse the view of the overwhelming majority of the participants that apartheid was a threat to international peace and security. Similarly, whereas the overwhelming majority of the participants had adopted the view stated in Conclusion V of the Seminar (ST/TAO/HR/27, para. 138) that mandatory, universal sanctions under Article 41 of the Charter were indispensable,

urgent and feasible, Argentina, Italy and Mexico had reserved their position, Denmark and Sweden had recommended the deletion of the word "feasible", and Japan, the United Kingdom and the United States of America had disagreed with the views contained in the Conclusion. Thus, it was obvious that none of South Africa's principal trading partners was willing to break with it, for fear of the possible economic repercussions of such a step. If they wished to do so, however, those countries could open up other substitute markets. It should not be forgotten that Africa and Asia accounted for about half the world's resources, but their potential still remained largely unexploited.

The members of the Commission were in duty bound, not merely as representatives of States, but more especially in their personal capacity, to undertake the defence of the rights of mankind. The Commission should have the courage to act. Something could be done. The Commission might, for example, set up a special committee to co-ordinate all the measures taken by the United Nations relating to apartheid, as the representative of Iran had suggested.

Africans believed that democracy was the political system which ensured the greatest possible freedom for man and best safeguarded his rights. When, however, they saw the very persons who claimed to uphold democratic principles support apartheid, they began to feel some doubts. They had so far waited patiently for an end to be put to apartheid, but human patience had its limits, and in the present case it was beginning to run out. Besides, new trends might emerge even in South Africa. The South African Government had resorted to immigration in order to strengthen its control over the native population; now it was beginning to fear that immigrants from the United Kingdom and the United States were in favour of a more liberal policy. The South African Government was anxious to keep its black slaves, whom it needed for its gold and diamond mines.

If it was to live up to its mandate, the Commission on Human Rights must act promptly. The whole Nigerian people was impatiently awaiting some proof that human rights were being respected not in words, but in deeds; it expected the international community, which had committed itself to putting an end to the evils afflicting the world to be capable of upholding the rights of mankind. He reserved the right to speak again on that item later in the debate.

Sir Samuel HOARE (United Kingdom) said that he would not seek to match the eloquence of the two preceding speakers on the question of apartheid, but to direct his remarks at that stage to a more general issue. In its resolution 1102 (XL), the Economic and Social Council had asked the Commission on Human Rights to consider, as a

matter of importance and urgency, the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries. In implementation of that resolution, the Commission on Human Rights had adopted resolution 2 (XXII) in which the Commission had informed the Council that, in order to deal completely with the question of violations of human rights and fundamental freedoms in all countries, it would be necessary for the Commission to consider fully the means by which it might be more fully informed of violations of human rights, with a view to devising recommendations for measures to halt them, and that the Commission had decided to consider at its twenty-third session the question of its tasks and functions and its role in relation to violations of human rights in all countries.

He pointed out that the question thus defined covered a large area and that it was necessary to obtain a clear idea of the work to be done and the methods to be employed. Up to the present, the Commission's activities had been restricted to certain types of activity, as the representative of Jamaica had indicated, namely the preparation of international instruments such as covenants on civil and political rights, and economic, social and cultural rights, and declarations and conventions such as those dealing with racial discrimination and religious intolerance. The Commission had also encouraged and approved certain work undertaken by its Sub-Commission which had resulted in the adoption of instruments or by specialized agencies like the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO). It was open to question, however, whether those activities were sufficient and whether it was not necessary to seek further means of ensuring respect for human rights. Obviously the Commission should first of all have at its disposal means of obtaining adequate information on violations of human rights wherever they occurred. In point of fact, the sources of information on which it could draw at present were too few and too scanty. There were the periodic reports of States, but the latter would most certainly avoid drawing attention to the violations which they themselves committed; further, the information supplied by non-governmental organizations and specialized agencies was limited, as was that supplied by regional inter-governmental organizations. The reports of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples related only to colonial territories. Books and articles might be of interest, provided that they were written by authors whose impartiality was beyond question. However, the

most useful source of information was probably the communications, whether confidential or not, which were brought to the knowledge of the Commission. The Commission's terms of reference did not authorize it to consider individual cases, but it could and should draw attention to violations of human rights when they kept on recurring and became a policy, as in the case of apartheid. In that field, it could play a useful part without contravening the provisions of the Charter. The Commission should submit a report to the Economic and Social Council each year based on the information in its possession. It would then be for the Council to take any action appropriate, for example, by bringing the matter before the General Assembly. It would be for the Council to lay down the procedure to be followed. In that way the Commission could make a valuable contribution to respect for human rights and would supplement the operation of international instruments so as to make them more effective.

Mr. GANJI (Iran) pointed out that the policy of apartheid applied by the Government of the Republic of South Africa was an obvious case of violation of human rights. In the circumstances, no one could question the Commission's competence. It was only necessary to mention in that connexion the terms of reference which the Economic and Social Council had given it in its resolution 5 (I) of 16 February 1946 establishing the Commission on Human Rights, where it was laid down, inter alia, that the work of the Commission should be directed towards submitting proposals, recommendations and reports to the Council regarding the prevention of discrimination on grounds of race, sex, language or religion. It was all the more incumbent on the Commission to act inasmuch as a policy which limited the freedom of movement of millions of Africans and prevented them from taking part in the administration of countries which were theirs by right, as was the case in South Africa, the Territory of South West Africa, Southern Rhodesia, and the territories under Portuguese administration, was a constant defiance of the principles of the Charter, which provided in Article 1, paragraph 3, that the purpose of the United Nations was to encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion". It was obvious that South Africa, a Member of the United Nations, was disregarding those fundamental obligations and that the Commission on Human Rights was quite entitled to take any decisions which would make it possible to put an end to that state of affairs. It was incumbent on it to provide for intervention of a humanitarian nature against a Member State whose policy shocked the entire community of nations.

In the statement that she had made to the Commission at its 894th meeting, H.I.H. Princess Ashraf Pahlavi, representative of Iran, had also said that it was high time for the Commission to work out practical measures to ensure the implementation of the innumerable resolutions so far adopted against the policy of apartheid. It would certainly be pointless to celebrate in 1968 the twentieth anniversary of the adoption of the Universal Declaration of Human Rights, if it were still impossible by that time to record any tangible results. The Commission should give the highest priority to that problem.

Those were merely his preliminary observations; his delegation might wish to revert to the question in greater detail later.

Mr. ABRAM (United States of America) deplored the fact that the Commission was incapable of putting an end to acts of flagrant violation of human rights, simply because it came up against the exercise of the right of national sovereignty and could not prevent a State from acting in a way which was prejudicial to the fundamental freedoms of its own citizens.

The members of the Commission, however, showed by their eloquence in that field that they could mobilize public opinion and exert increasing moral pressure. That pressure would be all the greater if the Commission could count on receiving accurate information and more and more of it. In order to collect the information in question, it was not so much the States themselves that should be approached, since it was obvious that countries would not publicize the violations of which they were guilty; it was the non-governmental organizations (even those which were not in consultative status with the Economic and Social Council) and individuals that could act most effectively as informants.

It was for the Commission to collect that information and give it the widest possible circulation. As most States prided themselves on respecting the law, it would be worth while to be able to confront them with facts proving them guilty of bad faith. The representative of Jamaica had advocated the establishment of an Office of High Commissioner responsible for promoting respect for human rights; the United States delegation was of the opinion that such a measure would provide the United Nations with the means to exert effective moral pressure, as the principles governing the Organization gave it, by definition the power to do.

His delegation intended to submit to the Commission a draft resolution which would reproduce in substance the draft submitted by Mr. Ferguson, the United States member on the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and annexed to resolution 5 (XIX) of the Sub-Commission. If States were asked to submit observations and recommendations on all the information which came to the Commission's knowledge, the public confrontation could then, in the moral sphere, produce a much greater effect than the Commission's conclusions or recommendations had so far had, and at last it should be possible to make some real progress. He was aware that progress had hitherto unfortunately been very slight and he deplored that fact.

Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that he endorsed some of the comments made at the 894th meeting by the representative of Iran which he considered extremely pertinent. With regard to the outrageous violations of human rights resulting from the apartheid policy practised in the countries of southern Africa, it was high time for the Commission to take stock of what had been done and what remained to be done. It was essential to discard the passive attitude adopted hitherto, to stop adopting resolutions which remained ineffectual and to take practical measures. The setting up of an ad hoc sub-committee of the Commission to take stock of the situation and prepare recommendations for the Economic and Social Council had been proposed. He supported that proposal and would submit a draft resolution along those lines.

He had hoped that the statement by the United Kingdom representative would be constructive, but he had been disappointed. The United Kingdom was the State best placed to exert a direct influence on South Africa and induce it to put an end to its apartheid policy. Opportunistic considerations of an essentially economic nature appeared once again to be preventing the United Kingdom Government from taking a firm stand. The United States representative, although he had not gone as far as might have been wished, had adopted a more realistic and constructive attitude.

It was regrettable that the United Kingdom and the United States of America were still paying so much attention to procedural details by studying the question solely from the point of view of the Commission's competence, instead of coming to grips with the problem. As the representative of Iran had said, there was no need to prove that the Commission had powers to deal with the apartheid policy - those powers were beyond dispute. The United Kingdom representative had chosen to evade the issue once again and had refused to speak of the way human rights were flouted in South Africa, South West Africa, Rhodesia or the Portuguese colonies.

Obviously the Commission had no need to concern itself with any regrettable violation of human rights in the United Kingdom itself, or in the United States, since those were attributable to individuals and did not stem from the official policy of the government in power. In the United States, for example, where racial discrimination was still deeply-rooted, President Johnson's Government was undoubtedly doing everything possible to eradicate it. The position was quite different in South Africa, South West Africa or Rhodesia, where racial discrimination was one of the actual principles of official State policy.

In those countries, apartheid was a legacy of British imperialism. The disastrous effects of imperialism, wicked in itself, had spared no one. The many white people who dared to rebel against apartheid were fighting on two fronts: they wanted to uphold respect for human dignity, but they also wanted to keep a country they thought of as their own, whereas it rightly belonged to the Bantus and Zulus.

The reason this two-fold struggle was still doomed to fail was because South Africa enjoyed the support of powerful and influential friends. He wished to make it clear that he was not accusing those powerful friends, in particular the United Kingdom and the United States of America, of supporting the South African Government's apartheid policy. He believed, however, that those countries put their own economic interests before the fight to uphold human dignity. The charge he was making was more serious in the United Kingdom's case than in that of the United States. South Africa had been a British colony and had consequently been exploited by the United Kingdom which, although it had not created apartheid, had laid the foundations for it. Imperialist policy was bound to lead to that abominable practice and the United Kingdom should have foreseen the danger.

Moreover, apartheid had spread beyond the South African frontiers. Its tentacles already extended into South West Africa. That was why it was vital to set up effective machinery and ensure the presence of the United Nations in that territory so that respect for human values and the dignity of the Africans might be restored. South West Africa had been placed under British mandate by the League of Nations and the United Kingdom had transferred that mandate to South Africa. When at the twenty-first session of the General Assembly an attempt had been made to withdraw that mandate from South Africa, the United Kingdom had adopted a very unhelpful attitude.

Apartheid had even reached Rhodesia. There too, the United Kingdom's responsibility could not be denied. As a great imperialist Power, the United Kingdom had seized possession of as many African territories as possible, not only by military means but also through its explorers and adventurers. Rhodesia had existed as Zimbabwe long before it was discovered by Cecil Rhodes, who had first given it his own name and then invited his compatriots to emigrate to that new country. That was a typical procedure in imperialist colonial policy, which was at the root of the problems today faced by Africans living in Rhodesia. The Socialist Government of the United Kingdom said it could do nothing to call to order Mr. Smith's Government, which had usurped power and authority. Could the celebrated system of selective sanctions be effective?

As the Nigerian representative had observed, Africa was said to be too weak militarily to put a stop to all those atrocities. However, history showed that men who were resolutely determined to fight for freedom and their rights always won in the end. The French had been much stronger than the Algerians, but after seven years of fighting the latter had nevertheless emerged victorious. Temporary setbacks did not discourage the Africans, who would not be afraid to take up arms when the time came.

In conclusion, he stated that his delegation would submit a draft resolution on the subject. The Commission had to shake off its lethargy. It had to act or cease to exist.

Sir Samuel HOARE (United Kingdom) regretted that once again his words had been misinterpreted. The representative of the United Republic of Tanzania had accused him of not speaking about apartheid and had concluded that his delegation and the British Government were not interested in that subject. He pointed out that he had begun by saying that he could not hope to match the eloquence of the two preceding speakers on the subject of apartheid, and he would limit himself to another aspect of the item on the agenda. He had therefore referred to the resolutions adopted by the Commission, the Economic and Social Council and the General Assembly. The representative of the United Republic of Tanzania had interpreted those texts in such a way as to limit their application to apartheid and to colonial territories. For his part, he preferred to adhere to the literal meaning of the actual texts which referred to violations of human rights throughout the world. Probably the misinterpretation had occurred because the representative of the United Republic of Tanzania refused to believe that many violations of human rights in the world did not come under the heading of apartheid.

He had never said that the Commission was not competent to consider the subject of apartheid, but had merely raised the general question of the Commission's powers with regard to the violation of human rights. The charge that the United Kingdom's attitude to apartheid was based solely on economic grounds could easily be refuted by looking at the list of Member States which had abstained from voting on various resolutions. Several of those Member States had no economic interests in South Africa yet they had abstained because they did not think that the proposed measures were either practicable or desirable. Finally, while acknowledging that the representative of the United Republic of Tanzania had acquired a better perspective of history since he had stated, when speaking of the Boers, that all that belonged to the past, he himself ventured to remind him that Cecil Rhodes' actions also belonged to the past.

The meeting rose at 6.10 p.m.