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Chairman: Mrs. Halima EMBAREK WARZAZI
(Morocco).

AGENDA ITEM 95

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 (continued) (A/6303, chap. XI, sect. II; A/6442, A/C.3/L.1335-1338)

1. Mr. JATIVA (Ecuador) said that the draft resolution recommended by the Economic and Social Council in its resolution 1164 (XLI) (A/6442, annex I) dealt with two fundamental aspects of the same question—the violation of human rights and fundamental freedoms. It proceeded logically, examining first general problems, and then going on to particular cases, especially violations suffered by the peoples living under the hateful apartheid régime which had made racial discrimination an official doctrine.

2. The ideals, traditions and democratic vocation of the Ecuadorian people explained its profound attachment to the cause of human rights. For more than half a century human rights and fundamental freedoms had been guaranteed by the Constitution and legislation of Ecuador, and even in times of adversity there had been a consistent affirmation of the full exercise of those rights and freedoms, which were the inalienable heritage of the human person. The different ethnic groups of which the population was composed were fully integrated and Ecuador was not only completely free from racial discrimination but had sought to provide a safe refuge to victims of persecution. Its legislation afforded the same protection to all and imposed on them equal obligations. For those reasons and because the great majority of its inhabitants professed the Christian faith and accordingly held that mankind was one and all men were equal, Ecuador condemned all discrimination and therefore all forms of racial discrimination.

3. Working with other Latin American delegations which were guided by the same ideals, the delegation

of Ecuador had helped to secure the adoption of two essential instruments, the Declaration and the Convention on the Elimination of All Forms of Racial Discrimination. Those delegations had insisted on the inclusion in the text of the Convention of two essential principles enunciated by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, namely, that "any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere".

4. Believing that racial discrimination was an offence to human dignity and that each Member of the United Nations had its share of responsibility in that regard, Ecuador had been the first of all the Latin American States to accede on 22 September 1966 to the International Convention on the Elimination of All Forms of Racial Discrimination. Consistent with that position, the Ecuadorian delegation would support the draft resolution recommended by the Economic and Social Council.

5. With reference to the particular case of violations of human rights in southern Africa, his delegation had always vigorously denounced the policy of apartheid and had been greatly disappointed by the decision of the International Court of Justice which, by rejecting the application of Liberia and Ethiopia on purely procedural grounds, had refused to put an end to the oppression suffered by the majority of the population of South West Africa. He would vote in favour of any proposals to make the draft resolution more effective.

6. Mr. WALDRON-RAMSEY (United Republic of Tanzania) recalled that it was on the suggestion of the delegations of the United Republic of Tanzania and of the USSR that the Economic and Social Council had been seized at its forty-first session of the question of the violation of human rights and fundamental freedoms in colonial and other dependent countries and territories. After lengthy discussion the Tanzanian delegation had agreed, at the request of the United Kingdom delegation, supported by a number of other delegations, to the insertion of the words "in all countries" in the title of the item under consideration. However, in the place they occupied, those words were open to various interpretations. Obviously, the Committee's whole attention must be given to violations of human rights and fundamental freedoms in colonial and other dependent countries and territories, for violations of human rights in general were the subject of other items on the Assembly's agenda and were also on the agenda of the Economic and Social Council.

7. He noted that, in her statement at the 1380th meeting, the United States representative had made

no reference whatsoever to the violations of human rights and fundamental freedoms taking place in the British colony of Southern Rhodesia, in the Portuguese colonies, in South West Africa and South Africa, nor to what the United States Government intended to do to help to improve the situation in those countries. The United States delegation had invited all States Members to give their attention to specific cases of violation of human rights in all countries. In view of the urgency and extreme gravity of the very special problems in southern Africa, it was unnecessary to stress how inappropriate such statements were. The United States representative probably did not approve of the specific measures set forth in operative paragraph 5 of the draft resolution recommended by the Economic and Social Council since she had not mentioned at all the application of economic and diplomatic sanctions and had merely indicated that her country would not send arms to the Republic of South Africa—which did not mean that it would not sell them to other States which might then transfer them to South Africa. The United States and United Kingdom Governments had undertaken not to allow the economy of South Africa to be jeopardized and that was why they hedged as soon as the question of economic sanctions was mentioned.

8. The time for declarations was past and it was now necessary to see what practical measures the Assembly might take to improve the lot of the oppressed African populations. It was in that spirit that the joint draft resolution (A/C.3/L.1337), which he read out, had been drawn up. For reasons of a practical nature the draft resolution had been prepared by the Tanzanian and United Arab Republic delegations only, but he believed that the majority of the Afro-Asian countries would wish to join the two co-sponsors.

9. Mrs. BULTRIKOVA (Union of Soviet Socialist Republics) recalled that on 18 June 1965 the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had adopted a resolution^{1/} which drew the attention of the Commission on Human Rights to the evidence submitted by petitioners of large-scale massacres, inhuman treatment, torture and arbitrary arrests in the Territories under Portuguese administration, in South West Africa and in Southern Rhodesia. The petitioners had also protested against the working conditions, the ban on the formation of any political parties, the absence of freedom of speech and freedom to form trade unions, the inadequate standards of living and governmental actions aimed at destroying family ties. In its turn, the Assembly had adopted resolutions 2022 (XX) and 2074 (XX), formally condemning all manifestations of racial discrimination such as segregation and the policy of apartheid and, by a very legitimate comparison with the acts of the Nazi war criminals, describing them as crimes against humanity.

10. However, condemnation of such acts was not enough; firm measures must be taken against their

authors who were creating a reign of despotism and terror and flouting world public opinion. In that connexion, the recent scandalous decision of the International Court of Justice could only be deplored. Her country fully supported the resolutions adopted by the United Nations and had no economic relations with the racist régimes of southern Africa. On the other hand, the Governments of the United Kingdom and the United States, far from terminating their trade with the countries in question, had further increased it. That was why she considered that the amendments submitted by India, Nigeria and Pakistan (A/C.3/L.1335) should list the major Powers which maintained economic relations with those countries. She endorsed the statements of the representatives of African countries who had insisted on the adoption of practical measures. The Soviet delegation, for its part, advocated the complete cessation of economic and commercial relations with countries practising racial segregation and apartheid and considered that the Security Council should adopt economic sanctions against South Africa.

11. She recalled that her country had always advocated the adoption of practical measures and had, with other countries, taken the initiative in bringing the question of violations of human rights in colonial and dependent countries and territories before the Commission on Human Rights and subsequently before the Economic and Social Council. Unfortunately, that initiative had led to the adoption of a draft resolution which was incomplete; the text should mention that colonialism was the source of violations of human rights and fundamental freedoms and that it was necessary to eliminate all its after-effects and to put an end to colonial wars and brutal repression. The benefits of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination should be extended to all colonial peoples; that meant that the Governments concerned should be induced to ratify that Convention without delay. She also proposed that the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples should transmit to the Commission on Human Rights and to the Commission on the Status of Women copies of all the petitions which it received, as well as copies of similar documents concerning violations of human rights committed in the countries of southern Africa which affected millions of people. The United Nations human rights seminar on apartheid, which had been held at Brasilia from 23 August to 4 September 1966, had drawn attention to the fact that 80 per cent of the inhabitants of southern Africa were deprived of all fundamental human rights. Her country fully approved all the conclusions set out in the report (A/6412, para. 138) of the seminar and hoped that the United Nations would take prompt and effective action to remedy that intolerable situation.

12. Mr. RIOS (Panama) commented that, by a curious paradox, all countries were in agreement in condemning racial discrimination, even those which practised it on their territory.

13. His own country defended human rights, which had been embodied in its Constitution since 1946, and

^{1/} Official Records of the General Assembly, Twenty-first Session, Annexes, addendum to agenda item 23 (A/6000/Rev.1, chap. II, para. 463).

guaranteed to all, both nationals and foreigners, absolute equality before the law. His delegation was therefore ready to support any measure aimed at eliminating racial discrimination and emphasized the need for immediate and effective action.

14. Mr. HOVEYDA (Iran) said that the problem of apartheid was a most serious one. He was glad that the representative of the USSR had emphasized that point. In that connexion, he recalled that the official communiqué which had been issued at the conclusion of the recent visit of the Shah of Iran to Poland showed how much those two countries were concerned over the problem of apartheid in the present international situation. In view of the gravity and urgency of the question, members had every reason to be somewhat perplexed on reading the draft resolution recommended by the Economic and Social Council. For instance, repeating a phrase which was too often used, operative paragraph 8 invited "the Economic and Social Council and the Commission on Human Rights to give... consideration to ways and means"; the phrase "invites... to apply" would appear to be much more appropriate, in view of the urgency of the situation. As the representative of the Soviet Union had pointed out, the time for words was past and the time had now come for action. In that connexion, the resolutions adopted by the United Nations over a period of more than twenty years might perhaps well be regarded as of little account in view of the extent of human suffering. Since the Assembly had an opportunity to take effective measures concerning apartheid, it should not miss that opportunity. His delegation therefore approved in general the amendments submitted by India, Nigeria and Pakistan.

15. As for the amendment proposed by the United States (A/C.3/L.1338), his delegation had not fully understood its meaning. The draft resolution submitted by the United Arab Republic and the United Republic of Tanzania (A/C.3/L.1337) appeared to contain many good points, but he would wait until he had studied it more closely before giving his final opinion.

16. Mr. BAZAN (Chile) said that his country had included all the principles of the Universal Declaration of Human Rights in its legislation and unreservedly condemned racial discrimination and the policy of apartheid. At the Second Special Inter-American Conference held at Rio de Janeiro in November 1965, Chile had submitted a draft convention on racial discrimination which the Organization of American States was considering. Furthermore, his country had that very day signed the International Convention on the Elimination of all Forms of Racial Discrimination.

17. With regard to the draft resolution recommended by the Economic and Social Council, he considered that text quite inadequate. The preamble was confused and certain terms in it were misused. For instance, it described South West Africa as a "Trust Territory", whereas it was not covered by the provisions of Chapter XII of the Charter. The expression "dependent territories" was also incorrect since it implied some recognition of a situation which was, in fact, condemned by the United Nations. He therefore proposed that it should be replaced by the phrase "subject" or "oppressed territories".

18. Although the preamble of the Economic and Social Council's draft resolution was reasonably strong, the operative part was very weak: it was too vague and too general and did not sufficiently emphasize the condemnation of racial discrimination. The resolution should make an impression on world public opinion and should therefore insist strongly on that point, as did the draft resolution submitted by Chile (A/C.3/L.1336). Furthermore, the Economic and Social Council's draft did not suggest much in the way of measures to ensure the observance of human rights. The only specific measures it included, in fact, were an invitation to Member States to become parties to various Conventions; a suggestion that Member States should arrange for the celebration of Human Rights Day in 1966 bearing in mind the theme of protection of victims of violations of human rights; and a request to the Special Committee to transmit to the Commission on Human Rights all the information at its disposal.

19. The draft resolution submitted by his delegation was based on that of the Economic and Social Council, but it endeavoured to fill the gaps in that text without, however, exceeding the Third Committee's competence. It also endeavoured to present the ideas in a more logical order. The preamble referred to the United Nations Charter, the Declaration on the Granting of Independence to Colonial Countries and Peoples and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination; it drew attention to the violations of human rights committed in various parts of the world, in particular South Africa, South West Africa, Southern Rhodesia and the Portuguese Territories; and it stressed, in consequence, the need for greater efforts to avoid a repetition of those violations.

20. Following the same logical order as the preamble, the operative part condemned, in paragraph 1, violations of human rights in general and, in paragraph 2, the policy of apartheid in particular; the same symmetry was found in operative paragraphs 3 and 4, which advocated general measures to eliminate all violations of human rights and more specific measures to remedy violations committed in South Africa, South West Africa, Southern Rhodesia and the Portuguese colonies. The other operative paragraphs called for no comment, except operative paragraph 5 to whose universal character he drew attention. The Chilean draft resolution embodied several new ideas, which were contained *inter alia* in operative paragraph 3, sub-paragraphs (b) and (c); with reference to sub-paragraph (c), he pointed out that the adoption of regional conventions, which were necessarily less general and less vague than international conventions, was one of the most effective ways of ensuring the protection of human rights.

21. Mr. DJOUDI (Algeria) was sorry to note that the question before the Committee was far from new but still appeared to be a long way from solution. It was no longer sufficient to condemn violations of human rights; adequate and effective measures must be proposed to put an end to them. Most of the preceding speakers had shown how vain had been the efforts made by the United Nations to put an end to policies of racial discrimination, especially the policy of apartheid, which was one of the most virulent forms

of racism and which perpetuated the domination of a white minority over a black majority. The policy of apartheid had grown out of the ignoble concept of racial superiority, the tragic consequences of which had been revealed by the Second World War. It was perpetuated thanks to the complicity of certain States which were lending active support to the Johannesburg and Pretoria régimes and which did not hesitate to sacrifice human dignity and to violate commitments which they had made to the United Nations in order to protect their own sordid interests.

22. He thought that no compromise was possible and that the United Nations should use all the means provided for in the Charter to put an end to racial discrimination. He would therefore support any proposal which aimed at eliminating violations of human rights and fundamental freedoms, wherever they occurred.

23. Mr. GUDAL (Somalia) said that his country's Constitution was based on respect for human rights and fundamental freedoms and that his Government had always condemned the violation of those rights and freedoms in South Africa, South West Africa, Southern Rhodesia and the Portuguese Territories. Those infringements of the principles of the Charter constituted defiance of the United Nations, and he was glad to observe that they were arousing general indignation. The Somali Government was aware that the United Nations was making earnest efforts to end racial segregation, but the time had come for taking energetic collective action against Governments practising such segregation. The draft resolution of the Economic and Social Council condemning South Africa and Southern Rhodesia and recommending an economic embargo was inadequate. On the other hand, he was prepared to support the draft resolution submitted by the United Arab Republic and the United Republic of Tanzania and the suggestions made by the Saudi Arabian representative, and his Government would endorse any effective measure for the elimination of racial discrimination.

24. Mr. BAROODY (Saudi Arabia) said that the problem at present was not so much to deplore and condemn apartheid as to find a way of enabling the Committee to bring the matter before the Security Council. The best way seemed to be to transmit to the Security Council the resolution of the Economic and Social Council in the version—which should be as concise as possible—to be adopted by the Committee, together with a procedural resolution stressing the urgency of the problem.

25. He hoped that it would be possible for the representatives of the United Republic of Tanzania and the United Arab Republic to withdraw their draft in favour of the Economic and Social Council's text; they could, of course, submit amendments to the latter if they wished, as the delegations of India, Nigeria and Pakistan had done (A/C.3/L.1335). Moreover, it would be better to avoid the impression that the question of apartheid concerned only the African and Asian countries, when in fact all mankind suffered from it.

26. Mr. PAOLINI (France) said that no one could have any doubts concerning his country's position on the subject under consideration. If there was one nation to which the idea of racial discrimination was fundamentally alien, it was France, which, having inherited the Declaration of the Rights of Man of 1789

and a tradition imbued with philosophical humanism and the Christian ethic, could not but reject apartheid, a policy based on discrimination and pursued by South Africa in disregard of Articles 55 and 56 of the Charter of the United Nations.

27. He therefore added his voice to those that had been raised against apartheid. If an expression of international public opinion could emerge from the variety of reactions by the end of the Committee's debate, that would already be a substantial achievement, since the role of the General Assembly was precisely to enable the world community to express its conviction. The more calmly that conviction was manifested and the more fully it was based on international morality, the more truly effective the General Assembly's action would be. But care must be taken not to go too far. He suggested that those who wanted to apply new methods in the campaign against apartheid ran the risk of embarking on a road which was dangerous and contrary to the Charter. It must not be forgotten that the question before the Committee lay within the exclusive competence of a Member State, and the Charter made no provision for any waiver of sovereignty by signatory countries. It was therefore undesirable for the United Nations to become involved in a country's internal affairs and to prescribe mandatory sanctions for other Member States. In stating that view, he was neither evading the issue nor being dogmatic. He was convinced that non-interference in the internal affairs of States was a basic principle and the sine qua non of the proper functioning of the United Nations and an essential guarantee of the independence of the Member States themselves. If it was to be sacrificed, what assurance would any recently independent country have that the existence of different racial or historical communities in its territory would not serve as a pretext for some form of interference that would jeopardize its very independence? That was the question which his delegation put to the other delegations, particularly those that wished to amend the draft resolution recommended by the Economic and Social Council. For its own part, his delegation wished to make clear that its vote would be dictated by two considerations: the need to condemn the policies of apartheid and the importance of avoiding anything that would weaken the authority of the United Nations by urging it to interfere in the internal affairs of States.

28. Mr. WALDRON-RAMSEY (United Republic of Tanzania), referring to the Saudi Arabian representative's observations concerning the draft resolution submitted on behalf of the Afro-Asian group by the delegations of the United Republic of Tanzania and the United Arab Republic (A/C.3/L.1337), said that the sponsors of that draft saw no reason at present for withdrawing it. He believed, moreover, that the draft contained in Economic and Social Council resolution 1164 (XLI), which, in fact, had not been submitted by any country or group of countries and which, in his view, had been transmitted to the Committee only for information, was not formally before the Committee.

29. He saw no objection to the suggestion that the resolution to be submitted to the Security Council should be accompanied by a procedural

resolution; he could not, however, subscribe to the idea that the only possible solution was the one suggested by the Saudi Arabian representative. Actually, only the draft resolution submitted by the United Arab Republic and the United Republic of Tanzania was before the Third Committee, and the amendments proposed by India, Nigeria and Pakistan (A/C.3/L.1335) were pointless. In any case, the Economic and Social Council's resolution did not go far enough; at the time it had been drawn up, the Western countries had raised the problem of the Council's competence in respect of sanctions, and his delegation had been forced to accept the compromise represented by the present text. But now that the problem of competence no longer arose, his delegation intended to submit a text expressing the ideas which it considered important.

30. Mr. ACHKAR (Guinea) thought that the Committee was engaging in a discussion which was irrelevant to the subject under consideration, which was concerned solely with all violations of human rights and fundamental freedoms. The matter of apartheid came within the purview of the Special Political Committee. It was regrettable that the wording of the item under discussion had been changed, since in its present form it gave the false impression that the Committee was to deal with apartheid and not with the violation of human rights and fundamental freedoms.

31. He saw no reason to raise the matter of the non-interference of the United Nations in the internal affairs of countries in that connexion. He asked the Committee not to engage in a debate which, by creating confusion, might do a disservice to the cause it meant to defend.

32. Mr. NABWERA (Kenya) doubted whether it was in order to submit, on behalf of an entire group, a draft on which the various members of the group had not been consulted and which they had not yet had an opportunity to examine. He therefore reserved his delegation's position with regard to the draft resolution submitted by the United Republic of Tanzania and the United Arab Republic (A/C.3/L.1337).

33. Moreover, his delegation believed that it was the Committee's duty to study all draft resolutions submitted to it and that no delegation was justified in adopting a priori an intransigent attitude towards any

particular text presented to the Committee. It should be possible for normal exchanges of views to take place in every case.

34. Mrs. RAMAHOLIMIHASO (Madagascar) asked whether or not Economic and Social Council resolution 1164 (XLI) was before the Committee.

35. Mr. SAKSENA (India) observed that reference to established practice and precedents would show that a draft resolution addressed by an organ of the United Nations to the General Assembly never needed to be reintroduced by a delegation. The Economic and Social Council's report to the General Assembly was one of the documents before the Assembly, and the Committee had before it ipso facto every resolution contained in that part of the report which was submitted to it for consideration.

36. Mr. DAS (Secretary of the Committee), replying to the question raised by the representative of Madagascar, mentioned that draft resolutions and draft texts, such as those of declarations and conventions, submitted or transmitted to the General Assembly by the Economic and Social Council had always been considered by the Third Committee without their being sponsored by any member of the Committee. Such drafts had also been regarded as having been first submitted under rule 132 of the rules of procedure. The question of sponsorship by members of the Committee had arisen in cases where the Council had requested the Secretary-General to submit directly to the General Assembly proposals and texts without the Council itself having considered them. For instance, at its eighteenth session the General Assembly had had before it certain texts submitted by the Secretary-General at the request of the Economic and Social Council relating to the final clauses of the draft Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages and the representative of Ethiopia had, as he would recall, sponsored some of those texts for the consideration of the Committee.

37. Mr. ACHKAR (Guinea) believed that the question should not even be raised. When the Committee received a report, it should examine it in his entirety, including the draft resolutions contained in it.

The meeting rose at 6.15 p.m.