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Chairman: Mrs. Halima EMBAREK WARZAZI (Morocco).

AGENDA ITEM 58

Manifestations of racial prejudice and national and religious intolerance (concluded) (A/6347 and Add.1 and 2, A/C.3/L.1333)

1. Mrs. DAES (Greece), introducing the draft resolution on manifestations of racial prejudice and national and religious intolerance (A/C.3/L.1333) on behalf of the sponsors—Chile, Cyprus, France, Greece and Nigeria—said that the text had been prepared, as agreed at the preceding meeting, through informal consultations in which the representatives of Bulgaria, Iraq, Pakistan and the USSR, as well as the sponsors, had participated. Bulgaria and Pakistan had asked to be considered co-sponsors of the draft resolution in order to bring the text into line with what had been agreed on at the informal meeting, the words "General Assembly resolution 2019 (XX)" at the end of the operative paragraph should be revised to read "General Assembly resolutions 1779 (XVII) and 2019 (XX)".

2. Mrs. HARRIS (United States of America) said that her delegation wished to join in sponsoring the draft resolution.

Draft resolution A/C.3/L.1333, as orally revised, was adopted unanimously.

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 (A/6303, chap. XI, sect. II; A/6442)

3. Mr. BAROODY (Saudi Arabia) observed that ever since the foundation of the United Nations its Members

had been aware that there were certain States which practised apartheid in Africa and some developed countries where the question of colour was paramount in determining the policies of certain states within the State. The Committee should therefore treat the present item with the importance it deserved and with a devotion that would ultimately lead to practical action.

4. His only criticism—which he hoped would be regarded as constructive—of the draft resolution recommended by the Economic and Social Council and contained in its resolution 1164 (XLI) (A/6442, annex I) was that it should have laid more emphasis on apartheid, as practised in South Africa, South West Africa and Southern Rhodesia, than on colonialism. While it was true that the peoples of the Portuguese colonies still suffered racial discrimination, he had found throughout the years that the Portuguese people did not hold the same view of persons of a different ethnic origin as did the white population of the countries he had mentioned. He was not, of course, condoning colonialism or the racial discrimination which accompanied it and for which there was no excuse in an age when well-developed media of information were making the facts known to peoples throughout the world, including those of the European colonial Powers whose forbears had been kept in ignorance of the maltreatment of colonial peoples and would no doubt have decried it, had they been informed. Denial of the right of self-determination, which was proclaimed in the very first article of each of the draft International Covenants on Human Rights, made the full enjoyment of other rights impossible. The colonial Powers had claimed in the past that freedom of religion, for instance, was not impaired by a lack of self-determination; yet a person subjected to foreign rule might in fact be so frustrated and depressed that he was unable even to worship freely. It was appropriate, therefore, to deal with the question of colonialism in the draft resolution, but he hoped that some members of the Committee would submit amendments to the text recommended for adoption by the General Assembly, with a view to placing more emphasis on apartheid.

5. There remained the question what action the Committee should recommend for dealing with apartheid. Operative paragraph 1 of the draft resolution, as recommended by the Council, would condemn violations of human rights and fundamental freedoms wherever they occurred, but the United Nations had been condemning such violations, without effect, ever since 1945. The International Court of Justice, which had taken six years to pronounce itself on a mere technicality in connexion with the complaint concerning South West Africa submitted to it, had

proved itself unfit to be entrusted with a subject of such importance. Drastic action was called for, and the draft resolution proposed by the Economic and Social Council should be amended in such a way as to recommend that the Security Council should meet, during the twenty-first session of the General Assembly, for the purpose of going into the question of apartheid in the most serious manner. The Security Council should not be seized of a question only when conflict had actually broken out. The fact that the African delegations in the Committee had felt so strongly that agenda item 95 should be discussed early in the session, the fact that the General Assembly was seized of the question of South West Africa, the fact that the rebel régime in Southern Rhodesia was treating the emissaries of the United Kingdom Government so wantonly, the fact that the representatives of South Africa in the General Assembly continued to rationalize their Government's adamant stand and the fact that the General Assembly could only make recommendations rendered it necessary to bring pressure to bear on the Security Council, and on all its members, with a view to the Council's dealing with a subject which, if it was not now, would be in the future a question of peace or war.

6. Mr. N'GALLI-MARSALA (Congo, Brazzaville) said that the problem under discussion was world-wide in scope but assumed its most acute form in South Africa. Racial discrimination had a long history in that country, and the Government fostered it in direct violation of the United Nations Charter and the Universal Declaration of Human Rights. Discrimination was officially practised not only against Africans but also against people of Indian and Indo-Pakistan origin. In 1946 the Indian Government had complained to the United Nations that the South African Government, in violation of treaty obligations and of the Charter, had enacted discriminatory legislation against Indians. Thereafter South Africa had refused to comply with General Assembly resolutions on the subject and to enter into negotiations with India and Pakistan, realizing that to do so would be to expose its breach of treaty commitments and the Charter. At the tenth session, in 1955, the South African Government had withdrawn its delegation from the General Assembly so as to avoid the debate on the issue.

7. In the fight against racial discrimination, the small countries found their efforts frustrated by the big Powers. In the case of Southern Rhodesia, for instance, the Organization of African Unity had been prepared to take action, but the big Powers had declined to co-operate. It was essential that those Powers should take an active stand, and do so without delay.

8. Mr. RODRIGUEZ FABREGAT (Uruguay) said that as Chairman of the former Committee on South West Africa he had been able to study very closely the situation in dependent African territories, and particularly in the Mandated Territory of South West Africa. That Committee had considered problems connected with the Mandate and the practices of apartheid in the Territory, and it had come to the conclusion that the Mandatory Power, which South Africa continued to be, could not do with the

Territory as it liked but must lead it to independence and national sovereignty. However, despite the Committee's efforts and those of other United Nations bodies, the situation remained unchanged.

9. The power to deal with violations of human rights, and in particular apartheid, emanated from the Charter, whose Preamble for the first time recognized the peoples as the masters of the world's destiny. The peoples overwhelmingly condemned apartheid and demanded its abolition. It was only the few that enforced apartheid and sought to implant it elsewhere, as in Southern Rhodesia. The peoples, working through the United Nations, must use their Charter powers to bring it to an end.

10. A blow had been dealt by the decision of the International Court of Justice, which, ignoring the wishes of the peoples as expressed through the Governments of two African nations, had taken years to reach a negative verdict on a procedural issue and was bound to take many more years before pronouncing on the substance of the issue. A solution must obviously be sought elsewhere.

11. He came from a continent settled by people of all races who had come from all corners of the earth, often to escape persecution. Discrimination was fundamentally alien to them, and although some traces of discrimination against the indigenous Indians still existed, the tradition of tolerance which had led the conquistadores to make wives and not concubines of native women largely prevailed. The people of America were determined to root out the last vestiges of racial discrimination in their continent and to combat it in places where, because of its nature and extension, it threatened the peace and welfare of society.

12. His delegation was prepared to support any action which would demonstrate once again the Organization's abhorrence of discrimination and apartheid and its resolve to bring them to an end, under the new world law—the United Nations Charter.

13. Mr. DAS (Malaysia) said that in spite of all the efforts made by the United Nations since its inception, there were still countries which practised apartheid or similar forms of discrimination, in violation of the United Nations Charter. In some cases, the measures taken posed a threat to peace in the countries affected. The crux of the problem was the attitude of the industrial Western States which continued to trade with and in some cases even give military assistance to South Africa, Southern Rhodesia and Portugal. Their actions helped the violators to pursue their nefarious activities and had deepened the suspicions of the non-white people regarding the good faith and intentions of the white nations. In the existing circumstances, moral condemnations, appeals for patience and reminders of the difficulties of any concerted international action carried no conviction. The Secretary-General had drawn attention to the danger of a vastly destructive racial conflict, and that danger seemed to be growing.

14. Malaysia was a small nation made up of three ethnic groups which lived together in peace and

harmony. It strongly resented racial discrimination and violations of human rights in any form anywhere in the world. Its Prime Minister had been vehement in his condemnation of the racial policy in South Africa and had been mainly responsible for the withdrawal of that country from the Commonwealth. The Malaysian Government had fully implemented all the provisions of General Assembly resolution 1761 (XVII), which had resulted in a loss to the country of nearly \$M30 million a year in export earnings. In response to General Assembly resolution 1978 B (XVIII), Malaysia had decided to contribute a sum of \$US5,000 for relief and assistance to the families of persons persecuted by the South African authorities for their opposition to the policies of apartheid. Many countries which were in a far better position to contribute had not done so.

15. At the United Nations human rights seminar on apartheid held at Brasilia from 23 August to 4 September 1966, the Malaysian Minister of Education had stressed the need to promote public awareness of the horrors and dangers of racial discrimination and had suggested steps for the dissemination of information to enlighten and alert public opinion throughout the world on the subject of the racist policy of some Governments. His delegation would like to see the major Powers help the anti-apartheid movement so that its goal might be achieved.

16. Procedures for the enforcement of instruments were fortunately receiving increasing attention in the United Nations system. Such procedures had been adopted by the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization. In addition, General Assembly resolution 1960 (XVIII), on the draft International Covenants on Human Rights, referred to "the measures of implementation, which are vital for the adoption and effectiveness of the Covenants". The Third Committee had adopted most of the general and substantive articles of the draft Covenants, and it was time that it considered the enforcement of the articles, completing the Covenants at the present session if possible.

17. Mr. ABOUL NASR (United Arab Republic) said that, despite the many resolutions on apartheid adopted by the General Assembly and the Security Council since the establishment of the United Nations, the burden of oppression borne by the South African people had become ever heavier as they struggled by every possible peaceful means to safeguard their inalienable human rights. As long as the United Nations failed to persuade the South African régime to abandon its criminal policy of apartheid and its absurd theory of "separate development", those resolutions would remain mere dead letters. The lesson to be drawn from the United Nations twenty years of experience in dealing with the question of apartheid was that the racists could never be persuaded by words, resolutions or appeals and that the decisions of United Nations organs were doomed to failure as long as some countries condemned apartheid in words but supported it in deeds. His Government entirely endorsed the conclusion reached unanimously by the Special Committee on the Policies of Apartheid

of the Government of the Republic of South Africa in paragraph 135 of its report of 16 August 1965.^{1/}

18. His country did not maintain diplomatic, economic or any other kind of relations with either South Africa or Portugal. It called upon all members of the Committee to support operative paragraph 5 of the draft resolution recommended by the Economic and Social Council (A/6442, annex I) and urged that the measures to which it referred should also be applied to Portugal and the rebellious racist Government of Southern Rhodesia.

19. Despite the advisory opinions of the International Court of Justice of 11 July 1950,^{2/} 7 June 1955^{3/} and 1 June 1956,^{4/} as well as the Court's judgement of 21 December 1962,^{5/} which had established the fact that South Africa continued to have obligations under the Mandate and that the United Nations, as the successor to the League of Nations, had supervisory powers in respect of South West Africa, South Africa was administering the Territory in a manner contrary to the Mandate, the Charter and the Universal Declaration of Human Rights, especially by extending to it the policy of apartheid and racial discrimination. In that connexion, his delegation was a co-sponsor of draft resolution A/L.483 submitted under agenda item 65 (Question of South West Africa: report 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), which proposed effective measures to ensure the immediate implementation of the South West African people's right to freedom, human dignity and self-determination.

20. In the African territories under its domination, the Government of Portugal was intensifying its repressive measures and military operations against the African people and, despite the many resolutions adopted by the United Nations on the subject, was continuing to wage a colonial war against the indigenous population, to deny them all fundamental freedoms, to practise racial discrimination, and to base the economic life of the territories on forced labour. In pursuing their criminal policy, the Portuguese authorities were still depending to a great extent on the support they were receiving from certain Member States.

21. The attempt by the authorities of Southern Rhodesia to seize independence by illegal means in order to perpetuate white minority rule was another flagrant violation of the principle of equal rights and the self-determination of peoples. He doubted whether the Ian Smith clique would have dared to defy the world if it had not been sure of the support

^{1/} Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 36, document A/5957.

^{2/} International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950, p. 128.

^{3/} South West Africa—Voting procedure, Advisory Opinion of June 7th, 1955: I.C.J. Reports 1955, p. 67.

^{4/} Admissibility of hearings of petitioners by the Committee on South West Africa, Advisory Opinion of June 1st, 1956: I.C.J. Reports 1956, p. 23.

^{5/} South West Africa Cases (Ethiopia v. South Africa; Liberia v. South Africa), Preliminary Objections, Judgement of 21 December 1962: I.C.J. Reports 1962, p. 319.

of its instigators in Pretoria, Lisbon and other capitals. The United Kingdom, as the administering Power for Southern Rhodesia, had the primary responsibility for putting an end to the racist minority rule. Since the negotiations with Ian Smith had proved to be a waste of time, the United Kingdom was in duty bound to take all measures, including the use of force, to put an end to that new crime against humanity, to repeal all repressive and discriminatory legislation and to transfer power to a representative Government reflecting the aspirations of the majority of the people.

22. The violation of human rights and fundamental freedoms had also reached the danger point in southern Arabia. Since little had been known about the conditions prevailing in Aden at the time the question had first been brought before the United Nations, the Sub-Committee on Aden 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 had been established to gather information about the Territory. Although the Sub-Committee had not been allowed to enter the Territory itself, it had travelled extensively in neighbouring countries and had met hundreds of petitioners. The Administering Power, the United Kingdom, had not only prevented the Sub-Committee on Aden from seeing conditions at first hand, but had also resolutely refused to accept or implement the resolutions adopted on the subject. It had not lifted the state of emergency in force since 1963; it had not abolished the repressive laws and practices which the United Nations had repeatedly condemned; and it had continued military action, with great loss of life and property.

23. The situation in Oman arising from the colonial policies pursued by the United Kingdom in the Territory was also very serious. General Assembly resolution 2073 (XX) had called upon the United Kingdom to cease all repressive actions against the people of the Territory, to release political prisoners and political detainees and to return political exiles to the Territory, and to eliminate British domination in any form. A year had passed, but the United Kingdom was still occupying the Territory and conditions were going from bad to worse. The Third Committee should unanimously urge the United Kingdom to announce, without delay, its acceptance of all the United Nations resolutions on South Arabia and to take immediate steps towards giving effect to the right of the people to self-determination and freedom.

24. There was an obvious similarity between those problems and the problem of the Arab refugees. The same tactics had been used to deprive them of their fundamental freedoms and human rights; foreign settlers had established their shameful rule based on racial discrimination and had disregarded the repeated calls of international public opinion demanding the restoration of the legitimate rights of the refugees. He hoped that that problem, too, would be effectively dealt with in connexion with the item under consideration.

25. Mrs. ASIYO (Kenya) said that her country, which had for many years been the victim of injustice, supported the taking of drastic and effective action

to bring to an end the evils of apartheid, racial discrimination and other violations of human rights and fundamental freedoms prevailing in some countries.

26. Mr. KOITÉ (Mali) said that the question under discussion was one of the most burning issues before the United Nations and must be resolved as a matter of priority. His delegation strongly supported the views expressed by the previous speakers, who had put the problem in its proper perspective.

27. Mr. MWALE (Zambia) said that his delegation regarded apartheid and similar racial practices as a moral cancer eating away the base of human rights and dignity on which the United Nations rested and which offered the world hope for global security, peaceful coexistence and international harmony. Accordingly, it strongly supported the elimination of all forms of racial discrimination, and especially its most evil manifestation, apartheid, which could not be disassociated from the broader evil of colonialism. His country felt insecure, not only because of its proximity to South Africa, but also because of its concern for human dignity throughout the world. South Africa had been enabled to survive, and to continue violating the many Security Council and General Assembly resolutions addressed to it, because of the help it received from certain foreign Powers. He had doubts regarding the sincerity of Powers which voted for punishing South Africa but at the same time expanded their industrial and commercial dealings with it and even gave it the military supplies and equipment it needed. Unless drastic measures were taken to curb the spread of apartheid, the African continent and the world might be divided into two warring racial factions. He therefore urged the Committee to take sterner measures to cope with the problem. His delegation would support any resolution which would have binding effect and would have the practical support of all Member States.

28. Mr. CARPIO (Guatemala) observed that the case of South West Africa represented one of last vestiges of colonialism remaining in the modern world. The segregationist policy of apartheid, to which that Territory was subject, was based on two types of discrimination: racial on the one hand, and economic and cultural on the other, and the second might even be more significant than the first. Portugal's position, in his view, was based on the second type of discrimination, while that of South Africa was based on both.

29. Virtually all Members of the United Nations had condemned the segregationist policy of the Government of South Africa with the exception of a handful of States who supported the political and economic status quo of the nineteenth century, which was fast disappearing from that region and from the world. Despite the condemnation of its policy expressed by the overwhelming majority of Members, despite embargoes and sanctions, and despite world public opinion, which unquestionably supported the indigenous majority and condemned those who practised segregation for their own political and economic benefit, South Africa continued to exercise the Mandate over South West Africa which economic pressures and vested interests conspired to uphold. Only decisive action by the United Nations could accelerate the

inevitable march of events. Unless such action was taken and unless the countries involved in the South African drama submitted to the authority of the United Nations, the situation would become increasingly explosive and increasingly dangerous to peace.

30. Mr. EGAS (Chile) said that any enlightened person was disgusted and repelled by any form of racial discrimination, especially when it was institutionalized to perpetuate a system of segregation. It was particularly painful, at a time when man was embarking on the conquest of outer space, to see such cruel phenomena still persisting on earth. The long history of sacrifice and suffering involved in human progress from slavery, not only institutional-

ized but also recognized in law, and other systems whereby States discriminated against other States and even among their own nationals had led to the establishment of a highly important and significant moral imperative that now impelled the conscience of all peoples to defend the principles of the equality of all persons irrespective of their race, colour, creed or national origin. His delegation considered apartheid one of the most inhuman practices of modern history and hoped that the great values to which the United Nations was sworn would bring about its early disappearance.

The meeting rose at 12.55 p.m.