

United Nations GENERAL ASSEMBLY

TWENTY-FIRST SESSION

Official Records



THIRD COMMITTEE, 1386th
MEETING

Friday, 7 October 1966,
at 10.55 a.m.

NEW YORK

CONTENTS

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) 55

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, A/C.3/L.1339/Rev.1, A/C.3/L.1340, A/C.3/L.1342)

1. Begum HASHIMUDDIN (Pakistan), introducing the eleven-Power draft resolution (A/C.3/L.1342), said that the text listed as sponsors only those representatives who had been actively engaged in consultations on its text because there had been no time to seek the approval of the Afro-Asian group as a whole. She hoped, however, that the other members of the Afro-Asian group, as well as the members of other groups, would support the draft resolution now before them.

2. In response to the Chairman's suggestion that the sponsors of the various draft resolutions and amendments before the Committee should seek to agree upon a consolidated text, the sponsors of the eleven-Power draft resolution had held extensive consultations with other groups, using the sixty-one-Power draft resolution (A/C.3/L.1340) as a basis for their discussions, during which many valuable views and suggestions had been exchanged. The sponsors naturally realized that, in a subject of the nature of the one under discussion, unanimity was probably too much to hope for. In order to win maximum support for their draft, therefore, they had endeavoured to accommodate a number of the ideas and suggestions made, and comparison of the sixty-one-Power draft with the new draft showed that there had been an enlargement of the area of agreement. For that reason, some would regard the eleven-Power text as too weak and others as too strong.

3. The first two preambular paragraphs of the preamble of the eleven-Power text (A/C.3/L.1342) were the same as the corresponding paragraphs of the

sixty-one-Power text. The third paragraph of the preamble was very close to the wording of the second preambular paragraph of the Chilean draft resolution (A/C.3/L.1336). The fourth, fifth and sixth preambular paragraphs were also practically the same as the corresponding paragraphs in the sixty-one-Power text. In the fourth and fifth preambular paragraphs, the word "further" should be deleted, and the word "so-called" should be deleted in the sixth preambular paragraph. In the seventh preambular paragraph, the sponsors took note of the conclusions and recommendations of the United Nations human rights seminar on apartheid (A/6412, para. 138), instead of endorsing them, in order to accommodate the views of some representatives belonging to other groups and in order to be formally correct.

4. Operative paragraph 1 had been drafted in such a manner as to emphasize the general nature of the question under consideration. In deference to the opinion of many representatives, the sponsors had omitted operative paragraph 2 of the sixty-one-Power draft. Operative paragraphs 2 and 3 of their text corresponded to operative paragraphs 3 and 4 of the sixty-one-Power text and operative paragraph 4 to operative paragraph 5 of the draft resolution recommended by the Economic and Social Council (A/6442, annex I). Operative paragraphs 5 to 8 were, with the exception of a drafting change in operative paragraph 6, identical with the corresponding paragraphs of the sixty-one-Power text. In operative paragraph 9, the word "all" before "States" had been omitted to accommodate the opposite view. Operative paragraph 10 was identical with operative paragraph 10 of the sixty-one-Power draft, and operative paragraph 11 was the same as operative paragraph 8 of the draft resolution recommended by the Economic and Social Council. Operative paragraph 12 should be revised to read as follows:

"Decides to establish a unit within the Secretariat of the United Nations to deal exclusively with the policies of apartheid, in consultation with the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, in order that maximum publicity may be given to the evils of those policies".

Operative paragraph 13 was the same as operative paragraph 12 of the sixty-one-Power draft.

5. She requested that the eleven-Power draft should be voted upon first. If that draft received priority, there would then be no need to vote on the amendments submitted by India, Nigeria and Pakistan (A/C.3/L.1335) or on the sixty-one-Power draft resolution (A/C.3/L.1340).

6. Mrs. SOUMAH (Guinea) said that her delegation had been pleased to note the spirit of co-operation that had resulted in general agreement on draft resolution A/C.3/L.1342. Her delegation had joined in sponsoring that text, in the hope that it would be adopted unanimously or by a very large majority.

7. Mr. KOITE (Mali) said that his delegation wished to be considered a co-sponsor of the new text and urged the Committee to support it.

8. Mrs. HARRIS (United States of America) said that her delegation had understood, at the close of the 1384th meeting, that there would be negotiations among all groups represented in the Committee with a view to arriving at a text which might command the broadest possible unity. What had actually taken place, however, could not be described as negotiation; rather, her delegation's part had consisted of testifying to a body which wanted to learn its views. Her delegation had been prepared to vote in favour of the draft resolution recommended by the Economic and Social Council (A/6442, annex I) or any text which might have emerged from meaningful negotiation among all delegations. The United States still sought an opportunity to demonstrate in the vote its strong opposition to policies of racial discrimination and apartheid, but the new text (A/C.3/L.1342) incorporated so many different ideas that it was not clear what it would achieve. Her delegation wished to indicate its support for the Council's draft, which expressed nearly all that was in the new text rather better and more succinctly. She would like the record to make it clear that as far as her delegation was concerned no real negotiations had taken place and that the new text did not reflect the views she had expressed during the consultations.

9. Mr. A. A. MOHAMMED (Nigeria) expressed strong disagreement with the assertion that the United States delegation had not been allowed to take part in the negotiations. Those who had taken on the arduous task of negotiating had decided that the sixty-one-Power draft resolution (A/C.3/L.1340), on which there had been a large measure of agreement, should be taken as the basis for the negotiations. Consequently, they had first consulted the Afro-Asian members of the Committee, as sponsors of that text, and then the Latin American group, particularly the representative of Chile, who had also submitted a draft resolution (A/C.3/L.1336). The views of the Latin American delegations and of the Eastern group, which had been consulted next, had been taken into account so far as possible. In view of the decision to consult one group at a time, which had seemed to be the most expeditious procedure, the United States delegation had not been allowed to participate in the negotiations with the first three groups. When the time had come for consultations with the Western group, the United States delegation had requested the negotiators to take the Economic and Social Council's text as its basis. That had not been considered possible, because the negotiations were too far advanced and a very wide area of agreement had been achieved on the basis of the sixty-one-Power draft resolution; an attempt had therefore been made to incorporate as much as possible of the Council's text into the latter. He regretted that the United States delegation disagreed with the procedure fol-

lowed, but felt that it was too late to reopen the negotiations and return to the Council's draft as a basis.

10. Mr. RIOS (Panama) asked whether the sponsors of the new text (A/C.3/L.1342) would explain on what evidence operative paragraph 2, which levelled a very serious accusation against colonial Powers, was based.

11. Mr. WALDRON-RAMSEY (United Republic of Tanzania) said he was authorized to announce that the delegations of Afghanistan, Algeria, Burundi, Chad, Congo (Brazzaville), the Democratic Republic of the Congo, Cyprus, Dahomey, Ethiopia, Indonesia, Jordan, Kenya, Kuwait, Libya, Malaysia, Morocco, the Niger, the Philippines, Saudi Arabia, Senegal, Syria, Thailand, Togo, Tunisia, Uganda, and Zambia, as well as the delegation of Mali, had become co-sponsors of draft resolution A/C.3/L.1342.

12. He wished to support the Nigerian representative's rebuttal of the allegations levelled against the sponsors of the new text by the United States representative. In accordance with the usual practice, the various regional groups had held meetings to which the other groups had not been admitted. Subsequently, the Afro-Asian group had invited the Latin American group to send representatives to state their positions, which had been carefully considered by the Afro-Asian members. The members of the Western group, however, had felt that the Afro-Asian members should come to them, and when they had received an invitation similar to that issued to the Latin American group the United States delegation had pointedly absented itself. One might have expected that that delegation, as the one most strongly opposed to the sixty-one-Power draft resolution, would have wished to express its views on that text; instead, it had not even been willing to join in the discussions on that basis. Such an attitude was clearly inadmissible, since no one could dictate to the Afro-Asian group concerning the basis for its discussions. The new draft resolution would provide ample opportunity for the United States to demonstrate its opposition to apartheid in concrete terms, not in pious platitudes, by agreeing to the application of economic and diplomatic sanctions against South Africa and an arms embargo against South Africa and Portugal.

13. In reply to the question put by the representative of Panama, he pointed out that the wording of operative paragraph 2 of draft resolution A/C.3/L.1342 was almost identical with that of operative paragraph 5 of General Assembly resolution 2105 (XX). It was the colonial Powers that engaged in the odious practices referred to, and everyone knew which were the colonial Powers—the United Kingdom, first and foremost, and France and Belgium. South Africa pursued the same policies through such measures as the establishment of Bantustans. In Southern Rhodesia and all its other colonies, the United Kingdom had systematically brought in foreign immigrants to settle the land and dispossess the indigenous inhabitants; that had been the whole cause of the first national uprising in Kenya in the early 1950's. The original inhabitants of Australia and North America had been victims of the same practices. The language of the paragraph was so simple and clear that there should be no difficulty in comprehending its meaning.

14. Mr. RIOS (Panama) remarked that his delegation was well aware of the historical facts recited by the Tanzanian representative. What it had sought to learn was whether there was factual evidence to show that such atrocities were still being perpetrated at the present time.

15. Mr. BAZAN (Chile) noted that some of the views expressed by his delegation and those of other Latin American countries were reflected in draft resolution A/C.3/L.1342. During the informal consultations, his delegation had pressed for the inclusion of a condemnation of violations of human rights in general, including, of course, policies of racial discrimination and segregation and of apartheid; while that idea had been expressed to some extent, he would have wished to see some proposals for specific action to prevent and eliminate violations of human rights in general. Although he believed that the new text did not fully reflect the feelings expressed in the Committee on that point, his delegation would vote in favour of that text and was withdrawing its own draft resolution (A/C.3/L.1336).

16. Mr. BAHNEV (Bulgaria) said that his delegation was prepared to support draft resolution A/C.3/L.1342. It considered the Polish and Saudi Arabian draft resolution (A/C.3/L.1339/Rev.1) complementary to that text. In order to reflect the Committee's discussion, he proposed that the words "in particular economic and diplomatic sanctions in accordance with Chapter VII of the United Nations Charter" should be inserted in operative paragraph 1 of the Polish and Saudi Arabian draft resolution, between the words "effective measures" and "with a view to".

17. Mr. HOVEYDA (Iran) said that he would have been interested to hear what particular points in draft resolution A/C.3/L.1342 the United States delegation found objectionable. That draft appeared to contain nothing new compared with the draft resolution recommended by the Economic and Social Council (A/6442, annex I), the other proposals submitted to the Committee and past resolutions of the General Assembly. If the objections related to matters of form or drafting, he hoped that they would not be maintained. His delegation was a sponsor of draft resolution A/C.3/L.1342, but it considered that it was sponsoring the substance of that text, not its drafting. It could do no less in the light of the anguish of those who suffered apartheid and other grave forms of discrimination and who felt that their cries were going unheard.

18. The draft resolution sought to identify those factors that were essential for effective action. It was not rash, however. In operative paragraph 2, concerning which the Panamanian representative had voiced misgivings, the opening word was "Regrets", and not "Condemns" as he personally would have preferred. Operative paragraph 3 also merely "regretted". His delegation would have welcomed a stronger resolution proposing new measures, and it hoped that the draft, if adopted, would be complemented by other Assembly action. He could see no reason for objection to it on grounds of substance and trusted that the Committee would refrain from arguing over drafting and adopt the draft resolution in the hope that

it would be of some help in the fight against violations of human rights.

19. He had no objection to the Bulgarian representative's proposal, although he would prefer the Polish and Saudi Arabian draft resolution (A/C.3/L.1339/Rev.1) in its present form.

20. Mr. RODRIGUEZ FABREGAT (Uruguay) said that draft resolution A/C.3/L.1342 was acceptable to his delegation, although he agreed with the Chilean representative that more emphasis might have been placed on the general question of violations of human rights. The draft had the merit, however, of focusing attention on racial discrimination and, within it, on apartheid—the quintessence of human rights violations.

21. He could assure the Panamanian representative that the terms of operative paragraph 2 of the draft resolution were applicable to colonial territories with which he was familiar. As a former Chairman of the Committee on South West Africa, which had studied the situation in that territory practically *in situ*, he could say without hesitation that the Hereros, like the Mau Mau and Bantus, had been subjected to "dislocation, dispossession, deportation and eviction".

22. No doubt every delegation would draft the resolution differently if it were asked to undertake the task. But, despite the possible shortcomings of the text, including its tendency towards over-generalization, he agreed with the Iranian representative that it deserved support because of its substance. General Assembly resolutions were but recommendations. The Charter on the other hand was law. South Africa and Southern Rhodesia were flagrantly violating that law drafted by the peoples of the United Nations. To the extent that the Committee's action promoted the implementation of the Charter, it was serving the right end.

23. His delegation wholeheartedly endorsed the Polish and Saudi Arabian draft resolution (A/C.3/L.1339/Rev.1), of which it wished to become a sponsor. Uruguay, at present a member of the Security Council, believed that apartheid, whose victims are understandably reaching the end of their patience, posed a threat to peace. He opposed the Bulgarian representative's proposal, however, as it would prejudge the discussions and decisions of the Security Council.

24. Mr. GILLET (Belgium), exercising his right of reply, said that the statement of the representative of the United Republic of Tanzania had been inaccurate in one respect: Belgium had, on its own initiative, ceased to be a colonial Power six years before.

25. Mrs. DAES (Greece) said that, in her delegation's view, the eleven-Power draft resolution (A/C.3/L.1342), though based on the sixty-one-Power text (A/C.3/L.1340), was sufficiently different from it to constitute a new proposal. While her delegation did not oppose the new text—because it shared the sponsors' desire for a speedy solution of the problem under discussion—it wished to have sufficient time to study that text before voting on it.

26. After a short procedural discussion, in which Mrs. SOUMAH (Guinea), Mr. HOVEYDA (Iran), Mr. WAHLUND (Sweden), Mr. RIOS (Panama) and Mrs.

AFNAN took part, the CHAIRMAN proposed that the Committee should close the list of speakers on agenda item 95 at the end of the present meeting, conclude its discussion on the item at the next meeting, and proceed to vote on the various proposals

and amendments before it and hear explanations of vote at its morning meeting on Monday, 10 October.

It was so decided.

The meeting rose at 12.50 p.m.