

Authority NND 969052  
By CB NARA Date 12-3-04

RS/R

August 9, 1973

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Honorable Donald M. Fraser  
Chairman, Subcommittee on  
International Organization  
and Movements  
House of Representatives

Dear Mr. Chairman:

Thank you for your letter to the Secretary of July 19,  
inquiring about the Department's position on the  
draft program for the United Nations' Decade for  
Action to Combat Racism and Racial Discrimination.

The Department has supported the idea of dedicating  
the coming decade to the fight against racial  
discrimination, and we believe that the inauguration  
of the "Decade" on December 10, 1973 will be an  
appropriate and fitting commemoration of the twenty-  
fifth anniversary of the adoption and proclamation  
of the Universal Declaration of Human Rights.

The answers to your specific questions follow:

1. As I have indicated, the Department supports the  
idea of the Decade to Combat Racism and Racial  
Discrimination, and the United States Representative  
to this year's session of the Human Rights Commission  
voted in favor of the Draft Program. We expect to  
support the Program once again when it is considered  
by the General Assembly this fall. However, we  
have been concerned that at least some elements of the  
Program (especially those portions of the Program  
dealing with proposed international and regional  
measures to combat racism) seem to duplicate ongoing  
United Nations programs. For example, the Program  
calls for the convening of a world conference on  
combating racism and a series of international and  
regional seminars and conferences on this subject.  
In light of the very extensive consideration which  
problems of racial discrimination receive each year  
in the General Assembly, the Security Council, the  
Human Rights Commission, and other UN organs, we felt

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that these additional conferences might not really be necessary and might simply detract from the authority of existing UN bodies. However, the idea for a world conference was enthusiastically supported at the Human Rights Commission session. We indicated our willingness to go along with the idea, but urged that the conference should be so planned and organized as to make a unique, positive contribution, complementing the work of the numerous UN bodies active in the field. Similarly, we feel that the new voluntary "regional funds" proposed in the Program would be redundant, since special funds for these purposes have already been established within the UN (e.g., the Namibia Fund, the Trust Fund for South Africa, and the UN Educational and Training Program for Southern Africa).

2. It is the policy of the United States Government to give no aid to South Africa or to the Portuguese African territories which would help Portugal maintain its policies in those territories. This policy is fully consistent with the Draft Program's provision calling for "the denial to racist regimes of any support or assistance which will enable them to perpetuate racist policies or practices." Specifically, we conscientiously enforce an arms embargo toward both South Africa and the Portuguese territories. The use of the military equipment we supply Portugal is restricted to the NATO area, thus specifically excluding its use in Africa. Moreover, we exercise restraint in our commercial and government financing activities in both areas. As far as permitted by domestic legislation exempting strategic materials, the U.S. has adhered to the UN program of economic sanctions against Rhodesia. In Namibia, we recognize the United Nations' jurisdiction and have taken the position of discouraging any new investment in the territory.

3. Once the draft program has been finally approved, it is intended that it will be brought to the attention of other interested departments and agencies of the Government. As appropriate, these departments and

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agencies may be expected to carry out such provisions for review of legislation and governmental machinery as the Program will propose. We have already sent copies of the Draft Program to the Department of Justice, and we are in communication with them on this subject.

4. Between 1965 and 1968, the United States contributed \$100,000 to the United Nations Educational and Training Program for Southern Africa. The Department submitted to Congress requests for funds for the Program for fiscal years 1969 and 1970. However, the requests were denied by the House Appropriations Committee's Subcommittee on Foreign Operations and Related Agencies. The Department favors resumed contributions to the fund, and would again ask Congress for funds if it appeared likely the request would be approved.

5. Since the Draft Program has not yet been finally approved by the General Assembly, and since the Program, once adopted, will run for a period of ten years, our plans for publicizing the Program are, of necessity, still rather tentative. As specific programs are developed and put into practice under the aegis of the Decade, we will make a vigorous effort to bring these programs to the attention of the American public.

6. As noted above, we are concerned that those portions of the Draft Program calling for regional conferences and seminars may, in some cases, lead to a wasteful duplication of effort. However, if it appears that a program of OAS seminars or conferences could aid in combating racial discrimination in this region, we would, of course, fully support such a program.

7. In the United Nations, the United States consistently supported the International Convention on the Elimination of All Forms of Racial Discrimination. Our representative joined in the unanimous adoption of the Convention by the United Nations General Assembly on December 21, 1965. The Convention was signed for the United States on September 28, 1966.

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Our signature was accompanied by a statement which was considered necessary due to the provisions of Article 4 of the Convention. Article 4 would require the imposition of certain restrictions on expression and dissemination of ideas. The statement was as follows:

"The Constitution of the United States contains provisions for the protection of individual rights, such as the right of free speech, and nothing in the Convention shall be deemed to require or to authorize legislation or other action by the United States of America incompatible with the provisions of the Constitution of the United States of America."

In early 1969 this Administration undertook a comprehensive review of all unratified human rights conventions, including the Racial Discrimination Convention. It was then decided to concentrate upon seeking Senate advice and consent to the ratification of the Genocide Convention, first transmitted to the Senate by President Truman in 1949. To this end President Nixon, in his message to the Senate of February 19, 1970, urged the Senate to consider anew the Genocide Convention and to grant its advice and consent to ratification. Although the Genocide Convention has been reported upon favorably by the Senate Committee on Foreign Relations, it has not yet been acted upon by the Senate. While we remain hopeful of favorable Senate action upon the Genocide Convention during the present session of the 93rd Congress, we intend to await the result of the Senate's consideration before reviewing other human rights conventions, including the Racial Discrimination Convention, with a view to possible submission to the Senate. Such a review will, of course, consider the substance of any reservations which might be deemed to be necessary.

8. The Department, as I noted above, is in favor of giving educational and humanitarian aid to the refugees from Rhodesia, Namibia, South Africa, and

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the Portuguese territories. We believe, though, that the UN High Commissioner for Refugees, the UN Educational and Training Program for Southern Africa, the UN Trust Fund for South Africa, and the UN Fund for Namibia are capable of administering such assistance. We therefore do not believe it is necessary to establish an additional international voluntary fund to help those fighting racial discrimination and apartheid. Moreover, we are concerned that the proposed new regional funds might simply divert resources from the recognized, already functioning special funds.

9. Under the proposed program, as originally forwarded by the Subcommittee on Prevention of Discrimination and Protection of Minorities, the coordination role was assigned to the Economic and Social Council. The U.S. representative at this year's session of the Commission on Human Rights spoke in favor of maintaining the role of ECOSOC in this regard, although a majority of the Commission supported the substitution for ECOSOC of a special committee to be appointed by the General Assembly. The idea of the special committee was included in the Draft Program which was approved by the Commission on the understanding that this feature concerning the proposed coordinating organ would be finally reviewed by the General Assembly. At the General Assembly, the United States will continue to urge that the coordination role be assigned to ECOSOC. Such a role appears to us logically to fall to ECOSOC, without the need and expense of establishing a new special committee. The Department would consequently not favor the establishment of a special Decade coordinator such as is suggested in your question.

10. The United States Government is firmly on record in supporting to the full the proposed United Nations High Commissioner for Human Rights. We expect to continue that support at the next session of the United Nations General Assembly and would be prepared, if the tactical situation so required, to sponsor appropriate resolutions to achieve the establishment of that post.

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If you believe I can be of any further assistance in this or any other matter, please do not hesitate to let me know.

Sincerely yours,

GW

Marshall Wright  
Assistant Secretary for  
Congressional Relations

Clearances:

IO/UNP - Mr. Reis<sup>WT</sup> (in draft)

IO/UNP - Mr. Stull<sup>ST</sup>

L/UNA - Mr. Surena<sup>AS</sup> (in draft)

AF/RA - Mr. Walker<sup>WT</sup> (in draft)

IO - Mr. Popper <sup>APP</sup>

H - Miss Folger <sup>af</sup>

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