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CSCE NEWS RELEASE

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

U.S. Congress • Washington, D.C. 20515
Dante B. Fascell, Chairman
Robert Dole, Co-chairman

202/225-1901

FOR IMMEDIATE RELEASE

MAY 12, 1982

SIXTH ANNIVERSARY OF MOSCOW HELSINKI GROUP

On May 12, 1976, a small group of Soviet citizens announced the formation of the Moscow Helsinki Group. Under the leadership of Professor Yuri Orlov, ten Soviet citizens in Moscow declared their intention to monitor Soviet governmental compliance with the human rights provisions of the Helsinki CSCE Final Act. Inspired by the courageous example of this citizens' group in Moscow, people in other Soviet-controlled areas formed their own Helsinki groups in Ukraine, Lithuania, Armenia and Georgia; other groups were formed to advocate the rights of religious believers, the handicapped and political prisoners in psychiatric detention.

The Soviet Government responded with reprisals to this expression of genuine civic concern: 48 of the 71 men and women who joined the Helsinki Watch Groups are serving a total of 443 years of imprisonment. Such repression is the hallmark of the Soviet Government's non-adherence to its Helsinki human rights pledges. Helsinki Monitors in prison in the USSR:

Moscow Group: Ivan Kovalev, Malva Landa, Anatoly Marchenko, Viktor Nekipelov, Yuri Orlov, Tatiana Osipova, Feliks Serebrov, Anatoly Shcharansky, Vladimir Slepak, Leonard Ternovsky

Ukrainian Group: Oksana Meshko, Olha Heyko, Vasyl Stus, Vitaly Kalynychenko, Yaroslav Lesiv, Vyacheslav Chornovil, Ivan Kandyba, Zinoviy Krasivsky, Mykola Horbal, Oles Berdnyk, Yuri Lytvyn, Petro Sichko, Vasyl Sichko, Vasyl Strilitsiv, Levko Luykyanenko, Myroslav Marynovych, Mykola Matusevych, Mykola Rudenko, Danylo Shumuk, Oleksy Tykhy, Vasyl Ovsienko, Oksana Popovych, Bohdan Rebryk, Irina Senyk, Yuri Shukhevych

Lithuanian Group: Mécislovas Jurevicius, Vytautas Vaiciunas, Vytautas Skuodys, Algirdas Statkevicius, Viktoras Petkus, Balys Gajauskas

Georgian Group: Merab Kostava Armenian Group: Robert Nazaryan

Christian Committee: Father Gleb Yakunin

Commission on Psychiatric Abuse: Irina Grivnina, Anatoly Koryagin, Vyacheslav Bakhmin, Aleksandr Podrabinek

To date, the Moscow Helsinki Group has issued over 200 reports on the human rights situation in the Soviet Union; currently, the CSCE Commission is preparing its fourth English language compilation of these reports. These documents provide uniquely valuable insights into the way Soviet citizens perceive their own human rights dilemma: the problems of religious believers; the plight of prisoners of conscience; psychiatric repression; free movement of people and ideas; and socio-economic shortfalls.

Despite continuing persecution -- as in the 10-year term recently meted out to Moscow Helsinki Group member, Ivan Kovalev -- these reports still arrive. Despite brutal treatment -- as in reports that Moscow Helsinki Group leader, Yuri Orlov, is near death in prison camp -- the human rights movement in the USSR perseveres and continues its work.

The U.S. Commission on Security and Cooperation in Europe (CSCE) is an independent agency with a mandate to study and encourage progress for implementing the provisions of the CSCE Final Act, consistent with the Helsinki accords. The Commission, created in 1976, is made up of six Senators, six Representatives and one official each from the Departments of State, Commerce and Defense.

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MAY 12, 1982

FOR IMMEDIATE RELEASE

MOSCOW RELIGIOUS CONFERENCE ON NUCLEAR DISARMAMENT

On April 29, 1982, the Commission on Security and Cooperation in Europe issued a press release on the disarmament conference of world religious leaders being held this week in Moscow. In that release (copy attached), it was indicated that the conference was organized by the Soviet government. In fact, the nominal organizer was Filaret, Metropolitan of Minsk and Belorussia, who issued the invitations and who was the Chairman of the International Preparatory Committee. Of the 37 members of this Committee, 22 were representatives of religious organizations in Soviet bloc countries.

However, as with all official activities in the Soviet Union, the Soviet government played a decisive role in the organization of this meeting since the Council on Religious Affairs (CRA) -- which is under the Soviet Council of Ministers -- is the oversight body for all Soviet religious groups. No local or national -- much less international -- religious congresses can be organized without CRA permission. Furthermore, a secret 1975 CRA report to the Communist Party Central Committee reveals its full control over the Russian Orthodox Church.

GRAHAM URGES OBEDIENCE TO AUTHORITIES

According to media reports, Dr. Billy Graham startled many listeners in a Moscow Baptist Church on May 9 when he called on each Soviet believer to be a "more loyal citizen because in Romans 13 we are told to obey the authorities."

In quoting from Romans 13, Dr. Graham used the same Biblical quotation as did noted Russian Orthodox dissident, Father Dmitri Dudko. During his June 20, 1980 nationally televised renunciation of his public criticisms of the subservient role of the Orthodox Church in the Soviet Union, Dudko cited the Romans 13 verse as the justification for his abandonment of his "seditious" views. Dudko's confession is well-remembered by most Soviet believers.

This month the State Department issued a Foreign Affairs Note, "Religion in the USSR: Laws, Policy and Propaganda," based solely on official Soviet sources. This publication, which shows the Soviet authorities' real view of religion, cites the following examples of recent anti-religious propaganda in the Soviet press:

-- The 20th century...has left the church without prospects or a future...(In) speeches of (Western) political figures there constantly ring out the words "religion" (and) "God"...Taking cover behind religious phraseology, the ideologists of anticommunism and antisovietism, together with their "holy fathers," offer believers their own interpretation of international politics...Religious camouflage is necessary for the defenders of imperialism in order to shield, with God's name, their anti-Soviet, anti-Socialist and anti-Communist aims (Minsk Zvezda, January 21, 1982).

-- Unfortunately, some of our people harbor the illusion that religion and its traditions are harmless...They forget that, no matter what sophisticated forms religion may take in today's conditions, the essence of religion as an antiscientific world view remains the same. Religion hampers the development of man's creative and public activity...(Moscow Izvestiya, October 9, 1981).

Selected Soviet Laws on Religion

Some examples of what the Soviet authorities require of all Soviet believers shed some light on the true state of religion in the USSR. Commission research into Soviet laws has uncovered the following provisions:

-- State control of organized religion is achieved via "registration" required for any religious group to legally exist. To meet the conditions of registration, a religious group must supply registration lists to the state and permit officials to veto church leadership...State authorities are not obliged to give reasons for refusal of registration. Any "unregistered" religious group is illegal "and its members are liable to criminal prosecution."

-- Soviet legislation on religion is so restrictive that the only guaranteed right is to conduct religious ceremonies inside houses of worship. To retain registration, a religious group must agree to: obtain state permission two weeks in advance to conduct ceremonies outside a church; conduct religious rites only in the geographic area for which the clergy is registered; ban all relief work by religious groups; refrain from organizing parish societies, church discussion groups, libraries and women's or children's clubs; and refrain from publishing religious materials.

-- Soviet law denies churches the right to own buildings; instead, the state rents them buildings only if Soviet laws on religion are obeyed.

-- Religious instruction for minors is forbidden and parents are even restricted in religious education of their own children. This ban affects all religious groups, particularly the Baptists. The only permitted religious education is in "ecclesiastical educational institutions that have been opened according to established procedure."

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APRIL 29, 1982

PARTICIPANTS IN MOSCOW CONFERENCE URGED TO RAISE RELIGIOUS FREEDOM

The denial of free speech and religion in the Soviet Union should be raised by U.S. church leaders invited to attend a Soviet-sponsored disarmament conference in Moscow, May 10 - 14, say Rep. Dante B. Fascell (Fla.) and Sen. Robert Dole (Kans.), Chairman and Co-Chairman respectively of the Commission on Security and Cooperation in Europe.

In a letter sent to 14 U.S. church leaders April 30, Rep. Fascell and Sen. Dole charge that "the organization by the government of the Soviet Union of a conference of religious leaders on the dangers of nuclear war is aimed at a double betrayal of the truly religious and pacific sentiments of the invitees."

"It is somewhat astonishing," they continue, "that a government which is officially based on atheism and which is known the world over for its denial of free speech and religion to its own people should have the temerity to seek the support of religious leaders from other lands in pursuit of its narrow political interests."

Participants in the Moscow conference are urged to raise the question of the hostile attitude of the Soviet government toward religion and the "insurmountable problems" faced by Soviet believers in attempting to practice their faith.

The letter to the church leaders refers to interviews the Commission on Security and Cooperation in Europe has had with hundreds of refugees and human activists from the Soviet Union and Eastern Europe who have indicated that the major hope for improvement in their home countries lies in pressure from the West. The letter transmits a list of 25 religious prisoners, representative of hundreds of believers imprisoned for their religious activism in the USSR, most of whom were sentenced on legal pretexts of anti-Soviet religious or political activities.

"While we favor both mutual and verifiable arms reduction," continue Rep. Fascell and Sen. Dole in their letter, "it seems somewhat ironic that a country which has the world's fastest growing nuclear arsenal and which is waging aggressive war against the people of Afghanistan and conspiring in the suppression of the people of Poland should be organizing a conference of religious leaders to press the cause of nuclear disarmament." The letter also charges the Soviet sponsors of the conference with using the conference for propaganda and political gains, and adds "Only a strong effort by conference participants to subject Soviet authorities to the same rigorous interrogation on nuclear questions that is being addressed to leaders in the United States and other free countries will have any success in exposing real Soviet objectives."

The letter is being sent to the Rev. Billy Graham and other Americans invited to attend the Moscow conference which is scheduled to be held two weeks before the UN General Assembly Special Session on Disarmament.

For further information, contact Cathy Cosman, 225-1901.

NORMA LEVITT

May 10, 1982

Dear Marc,

Your presence
and participation will
add lustre to the
occasion. I look
forward to our being
together.

With affection,

Norma

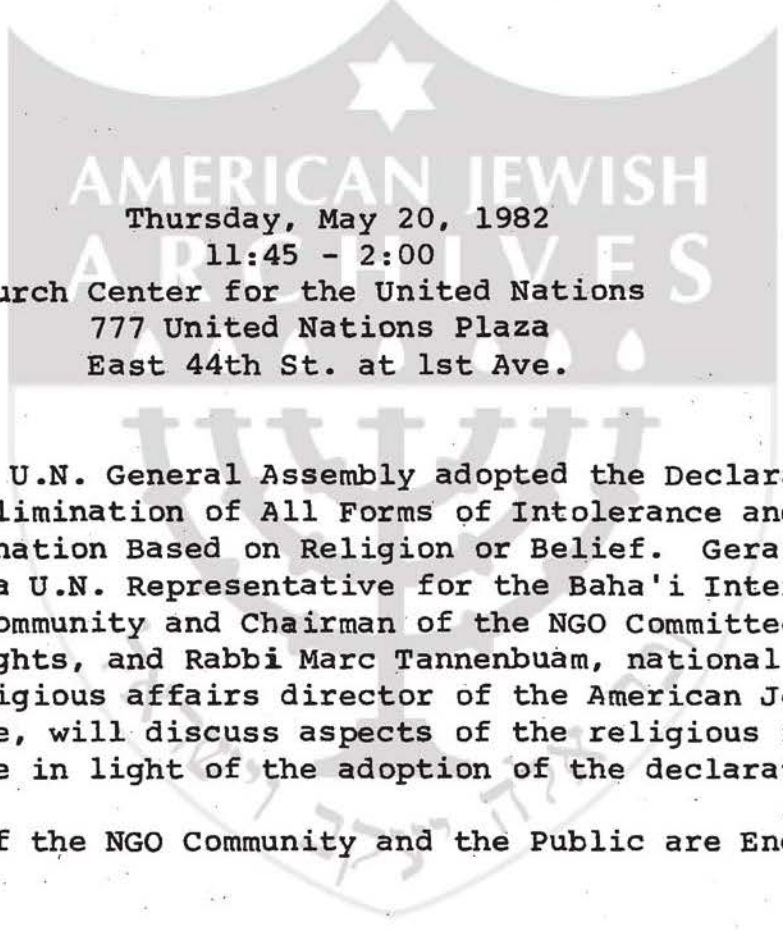
RELIGIOUS NGOS AT THE UNITED NATIONS

PUBLIC MEETING

THE FUTURE OF RELIGIOUS FREEDOM
IN LIGHT OF THE ADOPTION OF
THE U.N. DECLARATION ON RELIGIOUS INTOLERANCE

Mr. Gerald Knight
Baha'i International Community

Rabbi Marc Tannenbaum
American Jewish Committee



Thursday, May 20, 1982
11:45 - 2:00
Church Center for the United Nations
777 United Nations Plaza
East 44th St. at 1st Ave.

The 36th U.N. General Assembly adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. Gerald Knight, a U.N. Representative for the Baha'i International Community and Chairman of the NGO Committee on Human Rights, and Rabbi Marc Tannenbaum, national interreligious affairs director of the American Jewish Committee, will discuss aspects of the religious freedom issue in light of the adoption of the declaration.

All Members of the NGO Community and the Public are Encourage to Attend.

10 West 65 Street
New York, NY 10023
May 12, 1982

Dear Sir:

Please forgive this letter being a copy as I'm mailing this same letter to every Jewish organization I can think of and then will begin to mail it to Christian organizations as well.

Article A, enclosed, is a copy of an article from the April 1982 issue of United Presbyterian A.D. magazine, whose general offices are at 1840 Interchurch Center, 475 Riverside Drive, NYC, NY 10115. I have written two letters of protest to them, without avail. Perhaps a letter (or other action) from you will prompt some response and perhaps even an apology. In any event, I'd be pleased to receive a copy of whatever action you do take.

Article B, enclosed, is also copy of an article, this one in the *Christian Century* out of Chicago, Illinois. To them, also, I have written two letters of protest. No reply. May I have a copy of any action on this publication?

Yours truly,

B. Brodsky
BERNARD BRODSKY

* 407 S. Dearborn Chicago, IL. 60605

"The US as Israel's Godparent"

A series of recent events has brought to light the deeply emotional quality of the relationship between the US & Israel. When Israel announced its decision to annex the Golan Heights, the US suspended its 3-week old strategic agreement with that nation. This rebuke prompted Prime Minister Menachem Begin to respond, "What kind of talk is this, punishing Israel? Are we a banana republic? Are 14-yr. olds who if we misbehave, get our wrists slapped?" He had it almost right, but not quite.

It is hard to get it exactly right, because the attitude of the US toward Israel is based on a complex mixture of religious, historical, mythic, self-serving and exploitive factors. This powerful combination of sentiments, because it is mostly unconscious and unexamined, gives rise to unpredictable actions. Since the American attitude toward Israel is filled with tragic possibilities for both countries, it is essential that we try to raise the dynamics of those feelings to the level of consciousness.

In its relation to Israel, the US sometimes feels itself to be God's agent, and sometimes Israel's godparent or guardian. During the past half-century, when the US has seen the distress of the Jews, it has asked itself, "What would God do? What did God do? and has set about doing it, or doing again for the Jews what the Bible says God did so long ago. That impulse was supported by millions of Americans who had pondered the history of ancient Israel more than the history of America and who had learned by heart to say, "God has no hands but our hands, to do his work today."

Within this view of reality, the events of Genesis and Exodus have been re-enacted in our time, and Americans' hands have been God's hands. We have said to Israel, "We heard your cries in bondage and tribulation, and we led you out and established you in old Canaan in 1948 (Truman recognized Israel to be a nation on the day of its declaration). You have had to struggle with the Philistines (Palestinians) for the land, but our might has stood behind you. We have been shocked by your sins of aggression against your neighbors and against the poor within your land, but our faithfulness to you is eternal. Even though the whole world should condemn you and revile you, we will never disown you, for you are our people."

Given this mythic context, the signing of a covenant with Israel this December seemed only a technical matter; the covenant had been there in our hearts from the beginning. The idea that the covenant could be suspended surprises Washington officials reassured everyone that it is probably just a temporary delay, like our withholding planes from Israel for a few weeks after the bombing of the Iraqi facility.

Why was Washington upset about Israel's annexation of the Golan Heights? Primarily because it looks bad in the eyes of the world, and given our unbreakable covenant with Israel, it damages our credibility as a nation devoted to peace. We know that the world views Israel as our protectorate. A subtheme in the Old Testament suggests that the behavior of Israel affects the credibility of Yahweh among the nations: we feel it too. And we weren't even consulted!

In addition to this diffuse, God-playing mentality, the US commitment to Israel is supported by at least 3 active groups. One is the large body of conservative Christians, mostly Protestant, whose consciousness moment by moment is formed by apocalyptic expectations, and who want the country to be on God's side in the final events.

These conservatives who are so clear about the separation of church and state in America rejoice in their conviction that Judaism and the nation of Israel are identical once again in the Holy Land.

PERSONAL PERSPECTIVE

This uncritical pro-Semitism toward Israel, which can exist untroubled alongside an anti-Semitism toward American Jews, can be understood only within the context of an eagerness for the rapture of the end-time on the part of people for whom the book of Revelation is history yet to be enacted.

The second active support group for Israel in the US is made up of American Jews who were knit together even more closely in identification with Israel and with Jews everywhere by the 6-day War in 1967. Many Jews, who later described themselves as having secular and individualist, found themselves swept up in the dramatic Israeli struggles and victories of that event. It led them to reaffirm in a profound way their identification with the Hebrew family worldwide, with the Jewish faith, and with the destiny of the state of Israel.

Many non-Jewish Americans have found themselves admiring, even envying, the Jewish solidarity and the Israeli military victories, especially those of 1967. Our inconclusive involvement in Vietnam was then splitting this nation, and the Israelis seemed to have been more effective militarily in 6 days than the US in 6 years.

The support of the liberals, the third American group committed to Israel, has recently been eroding under the impact of the Israeli bombings of Beirut and Iraq, coupled with their increasing understanding of the plight of the Palestinians in Israel and in Lebanon. Liberals have observed that although Israeli fighters and bombers range the Mid East with virtual impunity, no alien warplane has been reported over Israel in its history. Some estimate that the ratio of killed and wounded between non-Israelis and Israelis is greater than 10 to 1.

In light of these perspectives, liberals, including some American Jewish leaders, have begun to reconsider their unquestioning support of an Israel that seems increasingly aggressive and intransigent. After making a thorough study, the National Council of Churches issued a report that endorses the goal of self-determination for the Palestinians in the West Bank and the Gaza Strip and calls for an end to the military occupation there by Israel. The NY Times, traditionally oriented toward enthusiastic support of Israel, has begun to editorialize occasionally on the need for Israeli restraint and wisdom.

But despite these signs of uneasiness, liberals continue to endorse large grants of economic and military aid to Israel, and to refer to it as the only modern democratic state in the Mid East. They see modern Israel as once again a light to the nations, showing the Third World how to make the desert blossom while resisting socialism and communism.

In view of this tripartite support in the electorate, the US commitment to Israel is firm. There is nationwide agreement to the proposition that Israel has a right to exist behind stable and secure borders. But it is in the emotional and unreflective components of that commitment that the trouble lies. The two nations are very much "like in many ways. Each has a highly religious interpretation of its own secular practices of self-aggrandizement. Each is accustomed to leaders who switch easily from pious talk to secular language and back again. Each presents itself as threatened by hostile, powerful nations that have no respect for human dignity and no desire for peace.

But there are also differences. The US is old and big, and Israel is young and small. We hover and coddle and reprove and defend Israel complains and rebels and withholds and shocks. Uncle Sam has become a Jewish mother.

Although in the short run the symbiotic relationship between the US & Israel has some obvious advantages for both, in the long run that relationship is filled with tragic possibilities. Our best hope is for Christians & Jews to become aware of the conscious and unconscious dynamics of this explosive mixture of religion and politics.

The tragic consequence for the US is that our identification with an Israel which has had occupying armies in Egypt, Jordan and Syria for 14 years increasingly reveals the cynicism in our commitments to human rights, to international law, and to the UN. It prevents us from having straightforward interactions with other nations of the Mid East, many of which are convinced that our Mid East policies are formulated in Tel Aviv. Our covenant with Israel is so powerful that we may find ourselves fighting in a war we did not choose.

The US veto of the UN Security Council's attempt to restrain Israel in the Golan Hts. has led the Gen. Assembly to rebuke us for our willingness to subvert the UN's peace-keeping responsibilities.

That rebuke, instead of causing us to rethink our posture, has caused much of the American press to denounce and attempt to discredit the UN.

The tragic possibilities for Israel are also large. Jews seem blithely oblivious of the degree to which many Christians, especially fundamentalists, believe that Israel is an expendable instrument of God's purpose. Christians have learned to accept God's seeming cruelty toward God's own; they pray more often to be made instruments of God's will than ends of it. Many are eager for the culmination of history and for Christ to come again to save. And they think at some level, "He who spared not his own Son will not spare Israel in that final holocaust." To some, the idea of defending Israel in a struggle which might be Armageddon is dangerous: we might be fighting against God's plan.

The mixture of fundamentalist images about end time is complex, but support for the establishment of Israel, the encouragement for it to occupy the land fully up to its biblical borders (which would mean annexing the West Bank & Gaza) seems to be clearly part of it. But just at the moment when that occurs, the apocalyptic countdown starts, according to this view, and the time for caring about Israel or the US for that matter, is over. In the eschaton, God cares about the elect in Christ.

Israelis and American Jews would be well advised to pay attention to the way this double-mindedness toward Israel on the part of fundamentalist Christians works. If they do, they will be a bit more restrained in their enthusiasm for the current mystique about Israel held by these Christians.

Another tragic outcome for the Jews seems possible. Suppose that the US does get involved in a devastating Mid East war for whatever reasons, and suppose that history in some sense does continue. In the aftermath of that conflict, when the inevitable question arises as to who got us into it, Christians may conveniently forget their former fascination with Israel and instead point to the Jews in our midst. There is enough latent anti-Semitism around to make that possibility dangerous.

It is not too late for some candid facing of these problems in a meaningful Jewish-Christian dialogue in America. And while the religious components are being discussed, representatives of a third great monotheistic faith, Islam, should earnestly be asked to help us clarify things among us. It will not be easy, but the alternative is disaster. Although we all affirm that there is no God by Yahweh/God/Allah, that we are all at least spiritual descendants of Abraham and that we are called to be peacemakers, we have used our faiths in recent times more to divide and exclude than to unite. If we cannot learn to talk candidly together and to pray for each other and to understand better the central meaning of our faiths, we monotheists may help to launch a final conflict which even God, who loves us all, dreads and fears.

INTERNATIONAL ORGANIZATIONS DIVISION

ANTI-JEWISH INCITEMENT AT THE UN

It is a tragic irony that the United Nations, founded to free the world of the racial and religious hatred that paved the way for World War II, now provides a platform for hate propaganda.

The UN Charter proclaims the "determination" of peoples of the world "to practice tolerance." The International Covenant on Civil and Political Rights mandates the "prohibition by law" of "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (Art. 20). The International Convention on the Elimination of All Forms of Racial Discrimination requires State Parties to declare a punishable offense "all dissemination of ideas based on racial...hatred." The UNESCO Declaration on Race and Racial Prejudice calls on "all organized groups within national communities..." to refrain "from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various groups" (Art. 5(3)), and on "international organizations, whether universal or regional, governmental or non-governmental...to co-operate and assist...in the full and complete implementation" of this goal "so that all peoples of the world may be forever delivered from these scourges" (Art. 10).

In clear violation of these international norms, at the 1983 UN General Assembly, the representatives of Libya, Iraq, Syria and Belorussia directed against Jews derogatory characterizations and threats which reminded listeners of the themes and rhetoric of the Nazi era. On December 8, 1983, Dr. Ali Treiki, Permanent Representative of Libya, accused "Jewish Zionists here in the United States" of attempting "to destroy Americans." "Is it not the Jews who are exploiting the American people and trying to debase them?" Dr. Treiki continued (A/38/713).

The representative of Libya was not alone in making these remarks. The Permanent Representative of Iran, Mr. Rajaie-Khorassani, had already expressed, on 2 November 1983, with reference to Israel, his hope "that the Moslem countries in the area will soon consider the final solution" (A/38/PV.42, pp. 53-55). "The final solution" was the Nazi code-name for the genocide perpetrated against the Jews of Europe during the Second World War.

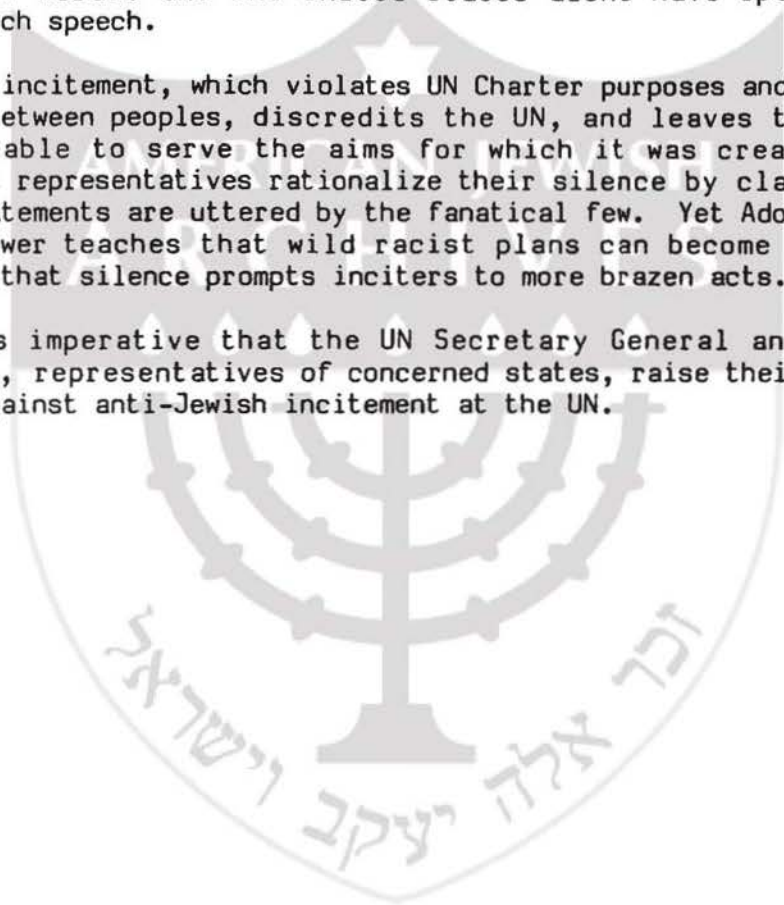
Unfortunately, this type of anti-Jewish incitement is not new in the UN, and is not confined to the General Assembly (see appended note for further examples).

It is easy to uphold civility in international discourse and, concurrently, to criticize Israeli government policies. Such criticism is not under consideration. The statements in question picture the Jewish people, the Jewish State and Zionism as sinister forces whose purposes are Nazi-like genocide, obliteration of other cultures, and economic manipulation. This rhetoric unquestionably encourages hostility toward Jews, and is calculated to pave the way for Israel's expulsion from the UN and to provide a rationale for seeking Israel's physical destruction.

Regrettably, the UN representatives of democratic countries have remained silent on the issue of anti-Jewish incitement. The representatives of Israel and the United States alone have spoken out to condemn such speech.

Such incitement, which violates UN Charter purposes and encourages conflict between peoples, discredits the UN, and leaves the organization unable to serve the aims for which it was created. Some government representatives rationalize their silence by claiming that racist statements are uttered by the fanatical few. Yet Adolf Hitler's rise to power teaches that wild racist plans can become tragically real, and that silence prompts inciters to more brazen acts.

It is imperative that the UN Secretary General and, equally important, representatives of concerned states, raise their voices in protest against anti-Jewish incitement at the UN.



APPENDIX

The following is a sampling of anti-Jewish statements made in UN forums.

UN General Assembly

Dr. Ali Treiki, Libya, December 8, 1983:

"The time has come for the United Nations to strive to save the peoples of the world from this racist entity [Israel]. It is high time for the United Nations and the United States, in particular, to realize that the Jewish Zionists here in the United States attempt to destroy Americans. Look around New York. Who are the owners of pornographic film operations and houses? Is it not the Jews who are exploiting the American people and trying to debase them? If we succeed in eliminating that entity, we shall by the same token save the American and European peoples.

"We hope that the day will soon come when we can eradicate this affront, this aberration of history which we committed when we accepted within our Organization this band of criminals, mercenaries and terrorists" (A/38/PV.88, pp. 19 and 20).

Mr. Velayati, Iran, September 30, 1983: "There is no cure for the cancerous growth of Zionism but surgery." (A/38/PV.13, p. 41).

Mr. Hosein Latify, Iran, December 19, 1983: "The Zionist entity ... should be removed like a cancerous tumor." (A/38/PV.102, p. 47).

Mr. Adami, Syria, October 14, 1981, Fourth Committee, told "what he called a 'Jewish story' of a man who went to his rabbi to enter the birthdate of his son. The man asked which date he should give, last year or this year. Why not give the true date, the rabbi asked the man. 'I didn't think of that,' the father answered. The Syrian delegate said the story portrayed the 'Jewish mentality of the Zionist delegate'." (United Nations Press Release GA/T/22350 of October 14 1981, p. 8.)

Mr. Nuseibeh, Jordan, March 16, 1979, Security Council: "Has the world been polarized into an omnipotent race and subservient Gentiles born into this world to serve the aims of the 'master race'? We, the Gentiles, are several billion human souls, and yet how much weight, I wonder, do we carry in the councils of some of the mighty?" (A/PV2128, p. 63.)

Mr. Nuseibeh, Jordan, December 8, 1980: "People like Lord Rothschild every day, in iron-clad secrecy, decide and flash round the world how high the price of gold should be on each particular day The United States ... has a national income of upwards of \$2,000 billion per annum, and, while millions of hard-working, God-fearing Americans are unemployed, the Zionists own a lion's share of that great abundance." (A/35/PV.86, pp. 38-40.)

UN Human Rights Commission

Mr. Marcel El May, League of Arab States, February 8, 1984, accused Zionism and Israel of "mobilizing forces toward a genocidal campaign." (HR 1476)

Mr. Souad Abdallah, Syria, February 8, 1984, termed Zionism a "form of racism bringing war and suffering," and characterized the goals of the Jewish state as "real genocide" and "to destroy the historical heritage of the Arab population." (HR 1476)

Mr. Salem Fanes, Yemen, February 10, 1984, accused Israel of conducting a campaign of "physical liquidation and extermination of a collective basis." (HR 1479)

Mr. Bachir Ould-Roius, Algeria, February 10, 1984, accused Israel of "Nazi type repression" including "gas poisoning of school girls" - (HR 1479).

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AN AFFIRMATION

IN SUPPORT OF

THE UNITED NATIONS DECLARATION ON THE ELIMINATION OF ALL FORMS OF
INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF

We commend the thirty-sixth Session of the United Nations General Assembly for adopting the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

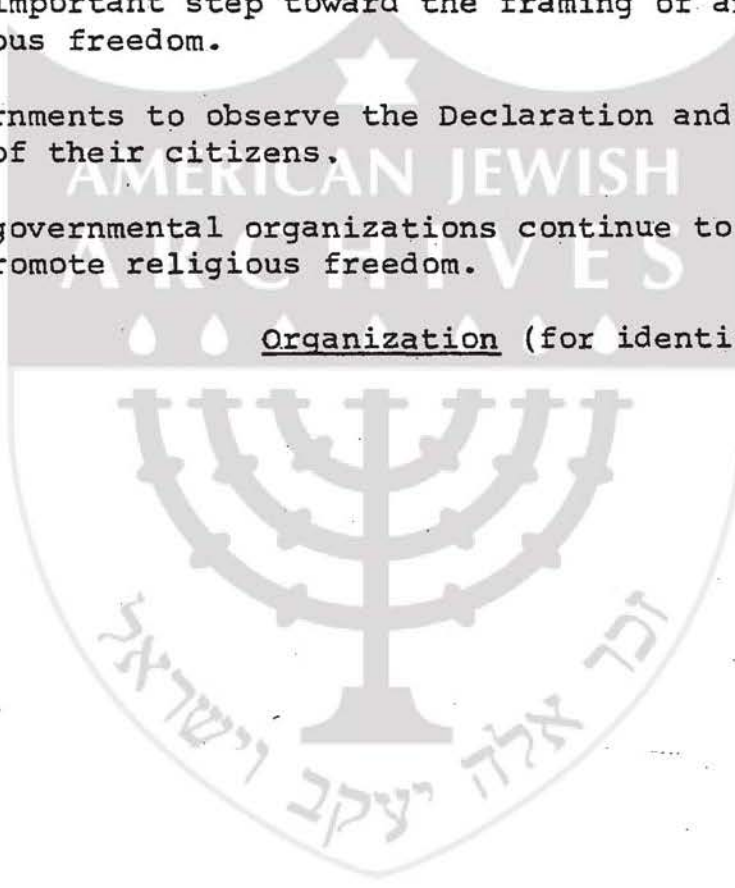
We recognize that this Declaration helps to define the freedom of thought, conscience and religion proclaimed in the Universal Declaration of Human Rights and is an important step toward the framing of an international convention on religious freedom.

We call upon governments to observe the Declaration and to respect the religious rights of their citizens.

We urge that non-governmental organizations continue to publicize the Declaration and promote religious freedom.

Name

Organization (for identification only)



May 20, 1982

OP-ED PAGE
THE NEW YORK TIMES
NOV. 22, 1971

THE SOVIET UNION, ISLAM, AND THE CHOSEN PEOPLE

by Marc H. Tanenbaum

"Fascism and Zionism are racist creeds...the Zionists have come forward with the theory of the chosen people... that absurd and criminal statement reflecting that absurd ideology...that is religious racism..."

- Ambassador Yakov Malik of the Soviet Union, in an address before the United Nations General Assembly, Oct. 21, 1971

"As we heard this morning, Israel, according to the Bible, is the Chosen People of God. But for anybody who knows nazism, they know that according to Hitler the German people was the chosen people of God who should rule the world from end to end..."

- Ambassador George Tomeh of Syria, Oct. 21, 1971
United Nations General Assembly.

The recent vilifications by Soviet Ambassador Yakov Malik and several Arab delegates of the cherished ideals and values of Judaism and the Jewish people before the United Nations General Assembly - and the prospect of more of the same during the forthcoming U.N. Middle East debates - have resulted in widespread outrage and bitter resentment throughout much of the Jewish community. The Soviet and Arab representatives had legitimate reasons to protest against the harassment of their diplomatic personnel and especially

Rabbi Tanenbaum, national interreligious affairs director of the American Jewish Committee, is a religious historian and author of the forthcoming book, "Israel and Christian Renewal."

against the wanton shooting at the Russian mission - a senseless act of violence which major Jewish organizations have promptly and unequivocally condemned. The seizing upon that episode by Soviet and Arab spokesmen, however, as a pretext for intensifying a campaign of vicious anti-Jewish defamation goes beyond all permissible moral and civilized standards of discourses whose repetition ought not to go unchallenged by a responsible international community.

These persistent, inflammatory attacks violate in fact the U.N. Covenant on Civil and Political Rights which commits the Soviet and Arab governments, and all other member nations, to outlaw "any advocacy of national, racial, or religious hatred that constitutes an incitement to discrimination, hostility, or violence" (Art. 20 (2)). The integrity and credibility of the United Nations itself is at least as much at stake as is the honor of the Jewish people in ruling out of order these polemical excesses.

There are few illusions in the Jewish community as to what are the Soviet and Arab objectives in their systematic, carefully orchestrated program of abusing central Jewish theological and ideological themes such as that of "the chosen people." The Biblical concept of the "election" of the people of Israel is the ground of the dignity of the Jew in western civilization. In no other intellectual construction of world culture does the Jew have the same

status and significance as in the Biblical tradition. These Biblical images also undergird the Jewish role in history which is, contrary to the Russian and Arab distortions, not a claim for privilege or superiority, but rather an acceptance of particular responsibility to help bring about "the messianic kingdom" - that is, a time when universal peace, justice, and fraternity will prevail for all mankind. By what logic - except for the demonic - are such ethical and spiritual values to be condemned as "racist," "fascist," or "nazi" - which is the ultimate obscenity to the Jewish people.

The constant repetition of these epithets of "racism" and "fascism" is a calculated effort on the part of the Soviet and Arab spokesmen to mythologize the Jews and Israel into a pariah among the nations, thereby hoping to push them beyond the pale of human sympathy. The parallel between this propaganda and that of the Nazi demonology of the Jews is frightening.

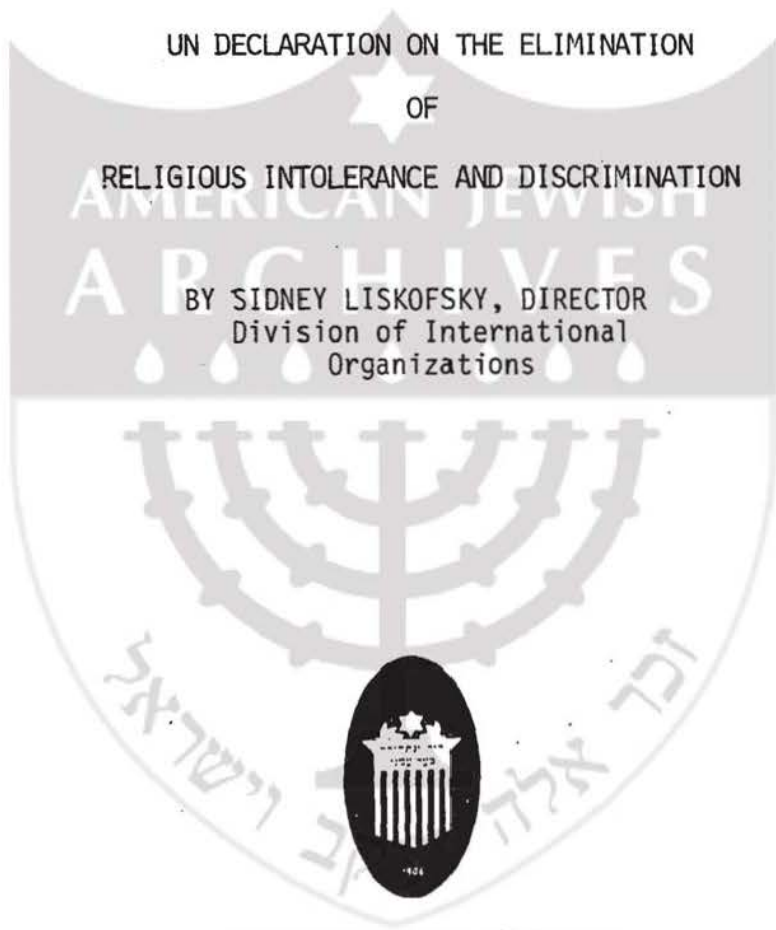
There is a grim and diabolic irony in this cynical Soviet exploitation of the chosen people concept. That resides in the fact that Soviet communism itself represents the foremost embodiment today of the chosen people idea, transmuted and vulgarized in secular guise. According to Marxist-Leninist thought, the proletariat are the new chosen people whose sufferings ("the suffering servant") are destined to change the status of the world. In the Communist apocalypse, a "final, decisive struggle" is inevitable in which the proletariat will destroy the bourgeois capitalist world tyranny, and thereby inaugurate a new epoch in world history - the egalitarian millenium

of the classless society. In short, Russian Communist ideology is revolutionary salvationism and constitutes a secularized, heretical version of the Jewish and Christian messianic and eschatological traditions. Paradoxically, in the Soviet negations of the chosen people idea, and in their militant advocacy of a drastically secularized "earthly paradise," one detects the religious enthusiasm, the certainty of their mission, and the millenarian expectations that inspired their Biblical ancestors, most notably the Jews whom they now vilify.

The irony is further compounded in these U.N. disputations by the fact that Islamic representatives consistently project on to the Jews their concealed belief in their own chosenness. "There is but one God and Mohammed is His Apostle" is the basic profession of Islamic faith. The implication of that teaching is not that Mohammed was an Apostle, one amongst many, but that in Mohammed the series of Jewish and Christian Apostles reached its culmination, and that the Koran revealed through him the final and unchangeable revelation of the Divine Will, abrogating all previous records of revelation. In light of that conviction, the fifth pillar of Islamic belief requires the Moslem as an act of faith to engage in the Hihad, the holy war to bring about the Islamization of all non-Moslem peoples. The Moslems regard both Christians and Jews as "People of the Book" who were entitled to protection under Moslem rule, though never to full equality with Moslems who regard themselves as "the true believers." When

Islamic representatives become violent in their attacks on the "chosen people of Israel," one wonders whether the UN is being exposed to a discussion of rival theological claims or a bad case of paranoid psychosis in which the patient projects his violent wishes or impulses to some other persons, and then believes himself in danger of physical harm from them.

And finally, representatives of so-called "Christian nations" - whose spokesmen, with the single exception of Ambassador George Bush of the United States, have sat idly and silently by during these deplorable debates in the various committees and forums of the United Nations - should have no illusions that these assaults by the Russians and the Arabs on ostensibly Jewish concerns bear no implications for their peoples. The roots of Christianity and Christian culture are sunk deep in the religion and history of the Jewish people. The very identity of Christians as being "Israel according to the Spirit" rests on the authenticity of their claim to being chosen heir of God's covenant with "Israel according to the flesh." If the Soviets and Arabs succeed in propagandizing the notion that these Biblical doctrines are false and laughable, then the truth of the Christian claim is totally undermined. This is exactly what happened with Christianity in Nazi Germany. "First they came to destroy the Jews," the German Lutheran Pastor Martin Niemoller declared, "and I thought that had nothing to do with me; finally they came to destroy the Christians, and it was too late."



UN DECLARATION ON THE ELIMINATION
OF

RELIGIOUS INTOLERANCE AND DISCRIMINATION

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UN DECLARATION ON THE ELIMINATION
OF
RELIGIOUS INTOLERANCE AND DISCRIMINATION

by Sidney Liskofsky

On November 25, 1981, the UN General Assembly finally adopted a "Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief." This decision marks the successful culmination of efforts begun at the United Nations as long as two decades ago and kept alive only through the persistent efforts of a small, dedicated group in the Human Rights Commission, with the encouragement of non-governmental organizations among which the American Jewish Committee played a substantial role.

The adoption of the Declaration by consensus is all the more impressive in view of the diversity of ideological outlooks that had to be reconciled: among them, the Soviet Union's opposition, in principle, to all forms of religion, the Moslem states' belief in the supremacy of Islamic law over any other religious or secular law, the different Christian creeds, the variety of Asian religious beliefs. Also, the general indifference of the Black African states had to be overcome; they were more concerned about apartheid and racism, and given the generally tolerant attitude of most of them in matters of religion, they were not convinced of the need for the Declaration.

The Declaration is a moral and political statement rather than a legally binding convention, but by making more concrete the general principles in the International Covenant on Civil and Political Rights it contributes significantly to the international law relating to religious freedom and equality. For victims of religious oppression throughout the world it will be a valuable instrument for more effective advocacy of their rights. For example, it can be cited in petitions and complaints to the UN Human Rights Commission and other international forums. It can be a reference point for governments' diplomatic intercessions, both "quiet" and public. Non-governmental organizations can sponsor conferences and other projects to promote the Declaration's principles and expose their violation. It may encourage regional organizations, such as the Council of Europe and the Organization of American States, to adopt analogous, possibly even more far-reaching statements. Religious bodies, universities, professional associations and other institutions can sponsor research, academic fellowships, popular interpretive publications, and other educational undertakings on the basis of its principles.

Whether the Declaration's great potential as an instrument of education and advocacy is realized will depend largely on the zeal and imagination of religious and other non-governmental organizations.

Provisions of the Declaration

The Declaration comprises a nine-paragraph preamble and eight substantive articles. It deals with three main categories of issues: freedom to practice a religion or belief without unwarranted governmental interference, even if applied equally against all religions or beliefs; freedom from discrimination based on religion or belief, whether imposed by the state or by private parties; and the governments' obligation to act affirmatively, through law and education, to eliminate such interference and discrimination.

The Declaration was originally titled "Elimination of All Forms of Religious Intolerance," paralleling the titles of the declaration and convention on the "Elimination of All Forms of Racial Discrimination," adopted in 1963 and 1965 respectively. The wording was changed to "Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief" to reflect a broader scope, which includes laws and practices as well as prejudiced opinions, and protects adherents of atheism and other non-religious beliefs as well as of organized religions.

The Preamble recalls the principles proclaimed in both the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966). It notes that religion or belief, for anyone professing it, is "one of the fundamental elements in his conception of life," which should be fully respected and guaranteed. It expresses concern over continuing manifestations of intolerance and discrimination, and resolves to adopt all necessary measures for their speedy elimination.

The text of the Preamble is identical to that approved by the Human Rights Commission in March 1981, with two exceptions*: The words "including the right to choose, manifest and change (emphasis added) one's religion or belief," were deleted from the second paragraph at the behest of the Islamic states on the ground that Islam does not permit apostasy. The other change, urged by the Soviet Union, added to the third paragraph the modifier "whatever" before the word "belief," presumably to underscore that the term "belief" includes atheism, which the Commission had declined to mention expressly. It was omitted, though all agreed that it was covered, lest mentioning it detract from the character of the Declaration as principally an instrument for protecting adherents of religion.

Article I contains the essence of the Declaration. After restating the right of all persons to freedom of thought, conscience and religion, it specifies that this right includes not only the freedom "to have" a religion or belief of one's choice, but also "to manifest" it -- to express it outwardly -- "either individually or in community with others and in public or private," and to do so by means of "worship, observance, practice and teaching."

* The full text of the Declaration will be found at the end of this paper.

While freedom to hold a religion or belief within the confines of one's mind or soul is considered absolute, government may limit "manifestations," on grounds of "public safety, order, health, or morals or the fundamental rights and freedoms of others." But the government's authority to establish such limits is not unlimited. The limitations cannot be arbitrarily imposed; they must be "prescribed by law" and they must be "necessary." Since the test of a free and just society, of course, lies in the way it balances the individual's claims to freedom with the need, as interpreted and applied by the state, to safeguard the common good, the best defense against abuse is a vocal public opinion, independent courts and other vital civic institutions.

Article II covers both the private and public spheres. It proscribes discrimination "by any State, institution, group of persons or person on grounds of religion or other belief." In wording adapted from the convention on racial discrimination (Article V), it defines "intolerance and discrimination" to mean "any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis."

Article III is essentially hortatory. It states that religious discrimination is an affront to human dignity, violates the principles of the UN Charter and international human rights agreements, and is an obstacle to peaceful inter-state relations.

Article IV requires states to "take effective measures to prevent and eliminate discrimination on the grounds of religion or belief" in all aspects of life, "to enact or rescind legislation where necessary" for this purpose, and "to combat intolerance" on these grounds. Thus, states are mandated not only to take legislative steps but also to engage in educational programs to combat bigotry and foster wholesome and unprejudiced attitudes.

Article V includes a provision, proposed by the Vatican, that gives parents the right "to organize the life within the family in accordance with their religion or belief," including the child's "moral education." In turn, it assures children the right "to have access to religious education in accordance with the wishes of the parents," and not to be subjected to "teaching" that runs counter to these wishes. "The best interests of the child" shall be the "guiding principle" in the exercise of these rights, and the religious practices in which the child is raised "must not be injurious to his physical or mental health or to his full development."

The right to religious education is also stressed elsewhere in the Declaration: in Article I which provides for the right to manifest religion through "teaching," and in Article VI(e) which states that freedom of religion includes (among others) the freedom to "teach" it. Nevertheless, the Declaration is faulted by some critics because its provisions relating to religious education do not spell out how and where children can exercise their right "to have access" to religious

education. Thus it does not mention specifically the right to establish and maintain religious schools or other educational institutions, such as seminaries to train religious functionaries and teachers.

Article VI enumerates nine specific freedoms that are "manifestations" of the "freedom of thought, conscience, religion or belief" set down in Article I. They are the freedom to: (a) worship and assemble, and maintain "places" for these purposes; (b) establish "appropriate" charitable or humanitarian institutions; (c) make, acquire and use ritual articles; (d) write, publish and disseminate religious publications; (e) teach a religion or belief in "suitable" places; (f) solicit and receive voluntary financial or other contributions; (g) train or designate religious leaders; (h) celebrate holidays and ceremonies; and (i) communicate "with individuals and communities in matters of religion and belief...at the national and international levels." These concrete and particularized provisions make it more difficult for governments to shield repressive policies behind permitted exceptions or other uncertainties in the Declaration's more general articles.

Article VII calls for the enactment of national legislation to enable the individual "to avail himself...in practice" of the Declaration's rights and freedoms. This provision was a transmutation of an earlier Soviet proposal, which had the opposite purpose of subordinating the rights and freedoms in the Declaration to existing national legislation if it was incompatible with them.

Article VIII states: "Nothing in this Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights."

As with other important international documents, there will be differences of interpretation of these provisions as they apply to particular situations. Some of the uncertainties will be clarified as the differences are fought out in intergovernmental arenas as well as in the forum of world opinion.

Omissions in the Declaration

Not all of the principles suggested for inclusion in the Declaration over the years were accepted by the Commission on Human Rights, which drafted the document. On the other hand, the ones accepted went further than "realists" had expected, if less than optimists had hoped for. Some proposals were rejected outright; others were not pursued by their proponents to avoid controversy that could jeopardize the entire Declaration; still others were merged into more general formulations.

Among the freedoms proposed at one time or another but not incorporated in the final Declaration (though some can be implied), are: the right to express the "implications" of one's religion or belief in public life; to form territorial federations on a national, regional or local basis; to join and participate in national and international religious

organizations; to establish theological seminaries or other religious schools, additional or alternative to state schools; to bring religious teachers and to import ritual articles and religious publications from abroad; to make pilgrimages to venerated sites inside and outside the country; to be married according to the prescriptions of one's religion or belief; to be buried according to the customs of one's religion; to have equal protection for the cemeteries and memorial rites of all religions; to be free of compulsion to undergo a religious ceremony or take a religious oath inconsistent with one's convictions; to be free from state discrimination among religions in regard to subsidies, taxation and exemptions; to take part as members in religious organizations on the national and international levels.

A rejected Soviet proposal, reiterated in the Soviet delegate's reservation when yielding to the consensus in the Assembly's Third Committee, called for separation not only of "state from church" but of "school from church." The latter, whose meaning is ambiguous, could be interpreted to legitimize the prohibition of church-related schools (though the right to such schools is recognized in other UN conventions to which the Soviet Union is a party).

Another omission was a proposed prohibition against incitement to violence, discrimination and hatred against followers of particular religions or beliefs. Such a prohibition, limited to violence and discrimination, had been included in the Declaration on the Elimination of All Forms of Racial Discrimination; in the companion convention on racial discrimination it had been extended to include racial "hatred." American civil libertarians would be concerned that to prohibit incitement to hatred or to discrimination, religious or racial, could hamper free expression.

How the Declaration Came to be Adopted

Protection against religious discrimination has been a concern of the UN since its founding in 1945. Its Charter called for observing human rights and fundamental freedoms without distinction on grounds of race, sex, language and religion (Article 55). In 1948, the Universal Declaration of Human Rights proclaimed the right to freedom of thought, conscience and religion, including the right to manifest and teach one's faith, alone or with others, in private or public (Article 18). These principles were reaffirmed in 1966 in the International Covenant on Civil and Political Rights.

But little progress was actually made in dealing with this area of concern. The Third World countries, which in recent years have constituted a majority in the UN, were preoccupied with agendas they considered more pressing, such as the struggle against racism and colonialism. Moreover, the Soviet Union claimed that the issue of religious freedom was being raised as a cold-war maneuver rather than on its own merits.

Originally, the UN's efforts against racial and religious discrimination were linked. In 1960, the Human Rights Commission, prompted by swastika-daubing epidemics in Europe and the U.S. in 1959, adopted a resolution on "Manifestations of Anti-Semitism and Other Forms of Racial Prejudice and Religious Intolerance." Two years later, the General Assembly called on the Human Rights Commission to draft appropriate declarations and conventions, posing the question whether the racial and religious issues should be treated together as in the past (e.g., in the conventions on discrimination in employment and education adopted in 1958 and 1960, by ILO and UNESCO, respectively), or separately. The member states which wanted the issues dealt with separately prevailed. The motive of some, such as the Soviet bloc countries, was to delay and eventually to prevent action altogether on the religious issue.

Action on the racial question was swift. With the African states pushing the work forward, a declaration was adopted by the General Assembly in November 1963 and a convention containing far-reaching substantive provisions and relatively strong implementation measures was passed in December 1965. In contrast, the efforts to advance religious freedom and non-discrimination moved very slowly.

The Subcommittee on Prevention of Discrimination and Protection of Minorities of the Human Rights Commission proposed a set of draft principles for a declaration and a legally binding convention, based on a seminal Study of Discrimination in the Matter of Religious Rights and Practices made for it by a Special Rapporteur (Arcot Krishnaswami of India) between 1953 and 1960. The General Assembly then departed from normal UN practice by requesting the Commission to draft the more difficult undertaking, the convention, first. It is clear that some of the proponents of this procedure did so because they wanted the entire effort to fail.

A dramatic controversy occurred during the drafting of the convention. The text, which the Commission had drafted in 1965-1967, contained an article requiring states to institute educational and informational measures to combat prejudices, "as, for example, anti-Semitism and other manifestations which lead to religious intolerance...". When the draft was forwarded to the General Assembly in 1967 shortly after Israel's victory in the Six Day War, a caucus of Arab and Soviet states, with Libya in the forefront, introduced an amendment adding a reference to "nazism, Zionism and fascism" as other examples of prejudice leading to religious intolerance. Their purpose was to defeat any reference to anti-Semitism by conditioning it on acceptance of a reference to Zionism. (This was a portent of the successful effort to equate Zionism with racism in the General Assembly's notorious resolution of 1975.)

The dispute culminated in a compromise decision, supported by 87 countries, to omit all the examples of prejudice, including anti-Semitism. Only the U.S. and Israel voted against this decision, and only seven states abstained. However, there was never any doubt that anti-Semitism was covered by the general prohibitions of this draft convention, as it is in the one that was adopted on racial discrimination.

For eight years, the issue of religion was hopelessly mired in politics. In 1973, Sweden and the Netherlands requested the Human Rights Commission to begin with a declaration and to postpone work on a convention. A year later, the Commission was again stalled in its efforts because the Soviet Union and a few other delegations were promoting a number of divisive provisions, such as a clause expressly including atheism under "religion or belief," another declaring that established churches were discriminatory *per se*, and some very broadly defined conditions which would justify limiting religious freedom. Five years later only a Preamble, but not a single operative article had been agreed on.

Finally, in 1979, the Commission decided, reluctantly, to bypass its understanding that decisions were to be made only by consensus. Three operative articles were put to a vote and approved. They were not revolutionary items, being largely adapted from earlier UN instruments; but the logjam was broken. Another impetus was given by several promotional events, among them a UNESCO-sponsored consultation on religion and human rights, held in Bangkok, Thailand, in December 1979, and by a conference on the proposed UN declaration, held under the auspices of the University of Santa Clara, a leading Catholic institution in California. The Jacob Blaustein Institute for the Advancement of Human Rights was actively represented at both these events.

In 1980, the Commission on Human Rights made progress on two articles and finally, on March 10, 1981, it adopted a completed seven-article draft Declaration, unanimously except for the abstention of the five Soviet-bloc members. In the Fall, the General Assembly's Third Committee added an eighth article, then on November 9, 1981, gave its approval, by consensus with a vote. The Assembly in plenary adopted the document on November 25th. It also decided to put on its 1982 agenda the question of "the elimination of all forms of religious intolerance."

During the bleak 1970s it was the non-governmental organizations which kept insisting on the need for action. AJC was part of a four member NGO Committee -- together with the Agudas Israel World Organization, the International Confederation of Catholic Charities and the World Conference on Religion and Peace -- that was the focus of NGO advocacy. Earlier, AJC had furnished information and proposals for UN studies on religious discrimination and on anti-Semitism that helped pave the way for the Declaration.

Positions of Member States

The attitudes to the Declaration, particularly of the Soviet bloc and Islamic states, are evident in the explanatory statements in the Third Committee. The Soviet member claimed that the document gave a "one-sided version of freedom of conscience," but he had not voted against its adoption on the understanding that it encompassed the right not only to profess a religion, but also "to conduct atheist propaganda." This understanding could be used to justify the Soviet policy of actively

propagating atheism while only allowing religion to be (at least in theory) "professed." Most important, obviously, was the Soviet reservation to Article VI, which spells out some of the important rights implicit in the freedom to manifest religion or belief. They included as might be expected, some of the very rights which Jews and other religious groups are denied in the Soviet Union.

Other Soviet bloc representatives voiced similar objections. The Polish member repeated the argument that the Declaration disregarded the rights of persons professing no religion. The member from the German Democratic Republic (East Germany) emphasized that the right to profess and practice one's religion "must not be used to keep citizens from fulfilling their civic duties." The Vietnamese delegate reiterated that freedom of conscience "must take into account the rights of non-believers," and stated that attempts to "use the mantle of religion for subversive ends must be condemned." The Czechoslovak representative said that the Declaration "could not be pretext for interference in the internal affairs of countries." And the Rumanian observed that Article V, dealing with parents' rights to determine their children's education and upbringing, differed from Rumanian law.

The Islamic members' statements were even more far-reaching. Speaking for the Islamic group, Iraq expressed reservations about any provision that would contradict the principles of, or any legislation based on, the shariya, the Islamic law. Syria took exception to Article VII which required states to reflect the Declaration's rights and freedoms "in national legislation."

In a different spirit, the Swedish member emphasized that the Declaration must not lower the level of protection established by prior norm-setting agreements. He had joined the consensus, he said, on the understanding that the Declaration "in no way restricted already recognized rights, including the right to change one's belief." It was this concern which prompted the Third Committee to add Article VIII guaranteeing that the Declaration would not restrict or diminish any right in the Universal Declaration of Human Rights and the International Covenants on Human Rights.

Conclusion

As far back as 1962, the General Assembly called for the adoption of a legally binding convention, in addition to a declaration, for protecting religion and belief, to parallel the one on elimination of racial discrimination. Such a convention is still to be achieved. The Assembly's decision to place the general question of the "elimination of all forms of religious intolerance" on the 1982 agenda may well be a step in this direction. It may also lead, if enough states can be persuaded, to an annual general debate on the worldwide aspects of the problem and to other UN programs for encouraging compliance with the principles of the Declaration.

How significant the Declaration will be in advancing religious liberty, preventing religious discrimination and overcoming intolerance, will depend in large part on the diligence and imaginativeness of individuals and non-governmental groups committed to these aims, on the importance they attach to the Declaration and on the uses they make of it in their educational and promotional programs. If it is allowed to gather dust in libraries, the Declaration will be nothing more than a footnote for scholars and students, adding little to the practical advancement of basic human rights and freedoms. If it is used actively for advocacy and education, it can become a significant factor in the struggle of those who today are denied the right to freedom of conscience and religion. This can happen even if the Declaration is not soon followed by a convention, and despite the reluctance, the reservations and the "understandings," even the hypocrisy, of some states that joined in the unanimous decision to adopt the Declaration.

It is obvious that mere words do not make human rights. However, the Declaration on the Elimination of Religious Intolerance and Discrimination, expressing the solemn aims and sentiments of the world community, can become, if used forcefully and well, more than a collection of "mere" words. It can serve to expose and dramatize the contrast between reality and ideal, give hope to victims, shame their oppressors, perhaps inspire remedial action.

December 16, 1981
81-570-3



ANNEX

Draft Declaration on the Elimination of All Forms of Intolerance
and of Discrimination Based on Religion or Belief

Preamble

The General Assembly,

Considering that one of the basic principles of the Charter of the United Nations is that of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action in co-operation with the Organization to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights 2/ and the International Covenants on Human Rights 3/ proclaim the principles of non-discrimination and equality before the law and the right to freedom of thought, conscience, religion and belief,

Considering that the disregard and infringement of human rights and fundamental freedoms, in particular of the right to freedom of thought, conscience, religion or whatever belief, have brought, directly or indirectly, wars and great suffering to mankind, especially where they serve as a means of foreign interference in the internal affairs of other States and amount to kindling hatred between peoples and nations,

Considering that religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering that it is essential to promote understanding, tolerance and respect in matters relating to freedom of religion and belief and to ensure that the use of religion or belief for ends inconsistent with the Charter of the United Nations, other relevant instruments of the United Nations and the purposes and principles of the present Declaration is inadmissible,

Convinced that freedom of religion and belief should also contribute to the attainment of the goals of world peace, social justice and friendship among peoples and to the elimination of ideologies or practices of colonialism and racial discrimination,

2/ General Assembly resolution 217 A (III).

3/ General Assembly resolution 2200 A (XXI), annex.

Noting with satisfaction the adoption of several, and the coming into force of some, conventions under the aegis of the United Nations and of the specialized agencies, for the elimination of various forms of discrimination,

Concerned by manifestations of intolerance and by the existence of discrimination in matters of religion or belief still in evidence in some areas of the world,

Resolved to adopt all necessary measures for the speedy elimination of such intolerance in all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief,

Proclaims this Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Article I

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

Article II

1. No one shall be subject to discrimination by any State, institution, group of persons or person on grounds of religion or other beliefs.

2. For the purposes of the present Declaration, the expression "intolerance and discrimination based on religion or belief" means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis.

Article III

Discrimination between human beings on grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, and as an obstacle to friendly and peaceful relations between nations.

Article IV

1. All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life.

2. All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Article V

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.

2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

3. The child shall be protected from any form of discrimination on the ground of religion or belief. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.

4. In the case of a child who is not under the care either of his parents or of legal guardians, due account shall be taken of their expressed wishes or of any other proof of their wishes in the matter of religion or belief, the best interests of the child being the guiding principle.

5. Practices of a religion or beliefs in which a child is brought up must not be injurious to his physical or mental health or to his full development, taking into account article I, paragraph 3, of the present Declaration.

Article VI

In accordance with article I of the present Declaration, and subject to the provisions of article I, paragraph 3, the right to freedom of thought, conscience, religion or belief shall include, inter alia, the following freedoms;

(a) To worship or assembly in connexion with a religion or belief, and to establish and maintain places for these purposes;

(b) To establish and maintain appropriate charitable or humanitarian institutions;

(c) To make, to acquire and to use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

(d) To write, to publish and to disseminate relevant publications in these areas;

(e) To teach a religion or belief in places suitable for these purposes;

(f) To solicit and receive voluntary financial and other contributions from individuals and institutions;

(g) To train, to appoint, to elect or to designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

(h) To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religion or belief;

(i) To establish and maintain communications with individuals and communities in matters of religion and belief at the national and international levels.

Article VII

The rights and freedoms set forth in the present Declaration shall be accorded in national legislation in such a manner that everyone shall be able to avail himself of such rights and freedoms in practice.

Article VIII

Nothing in this Declaration shall be construed as restricting or derogating from any right defined in the Universal Declaration of Human Rights and the International Covenants on Human Rights.



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AJC AND ISRAEL

Policy and Program Implications of the Peace Process

By George E. Gruen

Introduction

If the Egyptian-Israel Peace Treaty is signed, a new process will have begun whose ultimate outcome is impossible to predict. Israelis and American Jews are already asking themselves, "are we in a completely new ball game or is it going to be essentially the same game but one played by new rules?"

In the twilight zone between the darkness of war and the shining dawn of true peace we will have to re-examine many of our old assumptions. Our responses to the new situation will also have to be more reflective and less reflexive.

For the Israeli people, being besieged, beleaguered, and subject to periodic war and terrorist attack ^{has} naturally caused serious psychic strains, this emotional burden adding to the heavy material costs of defense. But the sure knowledge of who the enemy was and the clear danger implacable Arab hostility posed to Israel's physical survival provided a unifying cohesiveness among the Jewish population that enabled the Government to ignore, defer, or submerge many of the divisive issues in Israel's society. Now for the first time many Israelis are beginning to confront the ultimate question of the meaning of their life in Israel as a Jewish state.

American Jews who have been deeply caught up in the struggle for Israel's physical security and economic viability have similarly channeled their energies into action -- whether through the United Jewish Appeal, Israel Bonds, or the various Jewish organizations, such as AIPAC and the American Jewish Committee, which have sought to maintain support for Israel in the Congress and influential segments of the American public. The ideological

distinction between American Zionists and non-Zionists became increasingly irrelevant once the State of Israel was established, and for some American Jews Israel has become their primary Jewish identification.

Any move to destroy or delegitimize Israel has instinctively been felt by American Jews as an inherently anti-Jewish act. Thus, after the UN passed a resolution equating Zionism with racism many Jews began wearing buttons proclaiming "I am a Zionist". This was less an ideological statement than a sign of solidarity with the State of Israel, much as Gentiles have worn Stars of David at Holocaust memorial observances. If Israel's security position improves as a result of the signing of an Egyptian-Israeli Peace Treaty, American Jews are likely to be more questioning and less uncritically accepting of the equation of any criticism of Israeli policy with anti-Semitism.

In the face of the decades of Arab hostility to Israel the distinctions between Orthodox, Conservative, Reconstructionist, Reform, and even agnostic also became submerged as committed supporters of Israel banded together in umbrella organizations such as the American Zionist Federation and the Conference of Presidents of Major Jewish Organizations. The Council of Jewish Federations and Welfare Funds (CJFWF) gained increased prominence as fund-raising became the major criterion of dedication to Israel. It was the size of the pledge, not the degree of piety or learning, that made one a leader of the UJA or Israel Bonds.

As Irving Howe recently observed: "During the time of crisis, those who were rightly perceived by the rest of the community as best responding to Israel's emergencies -- the fund raisers and the big givers -- took over the leadership of the community." But "checkbook Judaism" will no longer be enough and Howe offers the optimistic forecast that "when peace comes, it will be

the intellectuals who may be the most important."¹

Once Israel's vital security seems no longer in jeopardy there will also be loosening of the self-imposed discipline that has caused many Jews to refrain from publicly criticizing Israel so as not to break the ranks of Jewish solidarity.² "If there is peace," Howe concludes, "the American Jewish community will have to become aware of its own insufficiency, become open to extended doubt, self-examination, and self-criticism." Howe expresses the view that it won't "be a tragedy if some of these over-bureaucratized, over-personalized, and over-financed organizations disintegrate a little" as long as a forum continues to exist for "serious people to ask whether there is anything worth maintaining, now that Israel is safe."³

We should explore what are the organizational implications for AJC and for AJC's relations with other organizations and umbrella groups of this new situation. To help lay the groundwork for such a re-evaluation, this paper outlines some of the issues, challenges and opportunities that the American Jewish community and the AJC will face in its relation to the American Government and public, to the State of Israel and its domestic problems, and to the potential development of cooperation between Israel and its neighbors.

The Political Situation: Tension and Instability will Continue

One must first define the geopolitical climate in the Middle East, and in American policy that is envisaged in the next three to five years. While all prophecy is hazardous -- and this is an especially unrewarding profession in the unpredictable Middle East -- I would not accept as an accurate picture of the current reality a statement that now "Israel is safe." Even assuming that the Egyptian-Israeli Peace Treaty is signed

by the end of 1979, Israel will continue to face substantial threats from the Arab opponents of the Camp David Accords. According to Israel Labor Party leader Shimon Peres, Syria and Iraq together possess more tanks and heavy artillery than the NATO countries combined.⁴ The opponents of Sadat at the Baghdad Arab summit reportedly pledged some \$50 billion in an attempt to seduce Sadat away from the path of peace. While the latest rapprochement between Syria and Iraq may not last and it is not clear how much of the mythical \$50 billion will be translated into hard cash and sophisticated weapons for the confrontation states and the Palestine Liberation Organization, Israel cannot afford to be complacent.

Saudi Arabia continues to be torn among its conflicting ambitions to be the leading Islamic power, to bring unity to the Arab world, and to avoid turmoil caused by the PLO and other radical elements, and its need for American support against an external threat and to promote its economic and technical development. At worst, Saudi Arabia may throw its oil power and money behind a new Arab confrontation with Israel. At best, Saudi Arabia will press "moderate" Arab demands for a settlement that will provide a Palestinian homeland on the West Bank and Gaza with substantial Arab control over "Arab Jerusalem." The Saudis are likely to urge the United States to press to accept these demands as consistent with American interests and a stable Middle East.

The Jewish community will need to redouble its efforts to convince the administration that the Saudis need us more than we need them and that long-range Saudi interests are best served by openly supporting Sadat, encouraging King Hussein to enter into negotiations with Israel and giving tangible assistance to genuinely moderate Palestinian Arabs to withstand the PLO threats and blandishments and to participate in the self-governing authority

projected for the West Bank and Gaza. The argument needs also to be made that in view of the overriding threat of Soviet imperialism and radicalization of the Middle East, it is time the Saudis realized that their natural allies are the Israelis, the Egyptians, and those who support them, notably the Moroccan and Sudanese leaders and the Shah of Iran -- if he survives.

American-Israel Relations: The Issue of Foreign Aid

The United States will continue to be heavily involved as "a full partner" in getting the Egyptian-Israeli agreement implemented and progress made on the other outstanding issues. This is bound to produce continuing strains in American-Israeli governmental relations and appeals by both the Carter Administration and the Begin Government to enlist the support of American Jews.

One immediate problem may be to win sustained Congressional support for the financial aid and military equipment ancillary to the Egyptian-Israeli agreement.



Ambassador Simcha Dinitz explained on November 28 that Israel will need \$3.3 billion to offset the tremendous burden of evacuating the Sinai and building a new defense infrastructure in the Negev, including highly sophisticated technology which the U. S. is reluctant to sell but which Israel needs to give it the "eyes and ears" to replace the strategic depth and warning time provided by the Sinai. Israel will ask for \$700 million as an outright grant to build two new airfields, with the rest of the \$2.6 billion as a long-term low-interest (2-4%) loan. The payments to Israel might be stretched over the three year period for completion of the Israeli withdrawal from Sinai.

Foreign aid has generally encountered increasing opposition in recent years and this has been intensified by the tax revolt mood symbolized by California's Proposition 13, as well as by Administration efforts to cut the budget to reduce the domestic deficit, the rate of inflation, and the adverse balance of payments.

The Administration is also committed to cutting global arms sales. The Foreign Assistance Appropriations Act for fiscal 1979, which provides \$1,785 million in military and economic aid to Israel, passed the House of Representatives on October 12 by the narrow vote of 203 to 188. Opponents of the bill attacked foreign water projects included in the bill with the argument that if the President could veto domestic water projects as a cost-cutting measure and the House sustained his veto, then foreign needs should not be given preference over domestic ones.⁵

The above-mentioned \$3.3 billion supplemental aid that Israel is requesting is in addition to the normal Israeli aid request of \$2.3 billion for fiscal 1980. Egypt as well is likely to ask for a substantial increase over the \$750 million in the current aid package, especially if the Saudis continue their reluctance to underwrite the Camp David Accords. Sadat is talking in grandiose terms of a

Middle East Marshall Plan, with Egypt receiving some \$10 billion to \$15 billion. Since Israel and world Jewry cannot simply write checks to bail Sadat out, we will certainly be asked to use our political skills to generate support within the Congress and the American public to provide the economic aid and technical assistance that will enable Sadat to survive and demonstrate to his people that the path of peace pays tangible dividends.

At the time of the Second Sinai Agreement when the Administration was reluctant to provide \$3 billion to prevent New York's bankruptcy, we successfully helped convince Congress and the public that the \$3 billion to Israel and Egypt should not be regarded as charity -- for charity begins at home -- but as fire insurance. We won Congressional approval by pointing out that the 1973 war cost the U. S. at least \$12 billion and that a new war could cause harm to the United States economy in the range of \$39 billion to \$56 billion. When viewed in this light, \$3 billion to encourage peace and stability in the Middle East was a small investment indeed.⁶ We may well have to prepare similar updated materials to make the same argument in the forthcoming aid battle.

American-Israel Relations: Political Controversies

Problems are also sure to emerge with regard to implementing the self-rule plan for the West Bank (Judea and Samaria) and the Gaza District. Should the PLO announce a government-in-exile or provisional government and declare their readiness to co-exist with Israel within borders to be determined in the negotiations, the United States Government will probably begin formal discussions with the PLO and urge Israel to admit them to negotiations. This is all the more likely if West Bank leaders refuse to cooperate with the Israelis and King Hussein remains on the sidelines. (It is of course possible that the divisions within the PLO will continue and the uncompromising militants will maintain their veto of any compromise with Israel.)

If the stalemate continues, the Egyptians and Americans will still press

Israel to make further modifications in the West Bank-Gaza plan in an effort to induce resident Palestinians to participate. Included in the list of demands are likely to be a commitment to suspend new Israeli civilian settlement activity during the negotiating period and a clear Israeli indication that it would not rule out the possibility that after five years there could emerge an independent Palestinian state, suitably demilitarized and neutralized along the Austrian model, with some political ties to Jordan and economic links to both Jordan and Israel. While the Begin Government and probably a majority of the Israeli public would initially oppose such a plan as inherently a threat to Israel's security, it would sound reasonable and fair to many Americans, especially if the President personally endorsed it, promising U. S. assurances and substantial aid if Israel agreed and implicitly threatening to withhold such assistance if Israel appeared the obstacle to a settlement.

There are many Israeli as well as American analysts who believe that the Begin 26-point autonomy plan as modified in the Camp David Framework for Peace in the Middle East contains within it the seeds of an independent Palestinian state. This is one of the reasons for the widespread uneasiness in Israel and the beginning of murmurs even within Begin's Likud party that a territorial division along the lines of the Allon Plan might pose less problems in the long run than the proposed functional division of authority which attempts to reconcile Jewish settlements throughout the entire area west of the Jordan River with full internal autonomy for the Palestinian Arabs in all the areas beyond the 1949 Armistice Demarcation Lines ("the Green Line"). Whether Israeli forces or local Palestinian police units are to provide security for the Jewish settlements is certain to become an issue.

The position of East Jerusalem residents is likely to be another issue, since the United States holds that Palestinian Arab residents of East Jerusalem might be eligible for participation in the West Bank administrative bodies, without this

necessarily implying territorial division of the city. While Israel currently offers Jerusalem Arabs a choice of Israeli or Jordanian citizenship, any process that would tie Jerusalem Arabs more closely to the West Bank is likely to arouse Israeli concern. The fate of Jerusalem may become an issue sooner than we wish.

It may be useful for the AJC to initiate a serious re-examination with competent Israeli, American, and possibly moderate Arab scholars of what the available options are for the West Bank, Gaza, and Jerusalem. This should weigh the anticipated costs and benefits for Israel and for American-Israeli relations instead of simply accepting old slogans and shibboleths that may no longer be applicable if there is indeed real progress toward normalization of relations between Egypt and Israel over the next five years.

If Egypt appears more reasonable and forthcoming than Israel in the complicated West Bank-Gaza negotiations that lie ahead, this will accentuate the differences between Jewish and general American opinion and may lead to a split even within the American Jewish community. Recent polls have already led Professor Seymour Martin Lipset to revise the optimistic view of general American support for Israel he presented in an article in Commentary in November 1977.⁸ Writing in the Fall 1978 issue of Middle East Review, Lipset concludes that the course of the negotiations may have upset "the favorable base for pro-Israeli lobbying." An April 1978 Harris poll found that Jews opposed Israel's yielding settlements by 74-18 percent, compared to an even split among the general public. With regard to other issues in dispute, American Jews said they would trust Begin over Sadat by 83-6 percent, while the general public was evenly divided (35-35).

But Lipset found most disturbing an April CBS/New York Times poll which revealed that the more informed and better educated a person was the more likely he was to believe that Egypt had made "the right amount of concessions" and to approve of "Sadat's handling of Arab-Israeli relations" and to disapprove of Begin's approach. Lipset notes that this was the first time to his knowledge that a

majority of college graduates had supported the Arab over the Israeli position. "Previously, Israel had always been the recipient of a disproportionate support by the better educated, who are also the more active politically."⁹ Although the euphoria generated by the signature of the Camp David Framework Agreements no doubt briefly improved Begin's standing in the polls, future haggling over such issues as those noted above may lead to a further erosion of Israel's standing with the American public.¹⁰

American Jewish Support for Israel: Problem of Public Relations

It is widely recognized among the leadership of the American Jewish community that Israel needs better public relations. Coordination among American Jewish groups has greatly increased since the Yom Kippur War and the AJC may want to reexamine the extent of its own participation in "umbrella" groups and what further improvements in institutional arrangements within and between the Presidents' Conference, NJCRAC, AIPAC, and CJFWF and sources of professional expertise both in the U. S. and Israel are feasible. The still uncertain fate of a major recent proposal on this subject and the continuing rivalries between the Prime Minister's office and the Foreign Ministry over control of overseas information, as well as the occasional lack of clear indications as to what Israel's policy really is -- e. g. the fiasco surrounding the U. S. Middle East arms sales package last spring -- all are signs that this is a problem that is not easily solved.

Communication and Coordination

It also points up the inherent disadvantage of the voluntary American Jewish community vis-à-vis the sovereign State of Israel. Nevertheless, there is room for improved regular communication and consultation, as recommended in the AJC Report of the International Task Force on Israel and American Jewish Interaction, without this infringing upon the power of the democratically-elected Government of Israel alone to take binding decisions in accordance with the will of the majority of the Knesset.

The extent to which American Jews will support Israel in a dispute with the

American Government will depend in part on the independent judgment of American Jews as to the merits of the opposing positions and the efficacy of the tactics recommended. For example, although American Jews overwhelmingly support the idea that Jerusalem should remain a unified city and the capital of Israel, many American Jewish leaders consider it inappropriate and ill-timed for Prime Minister Begin, almost immediately after Camp David, to publicly call upon American Jews to embark upon a massive telegram and letter writing campaign to President Carter and Congress calling on the President to implement the Democratic Party's 1976 platform plank calling for transfer of the American Embassy from Tel Aviv to Jerusalem. Moreover, the Chairman of the President's Conference, who was hosting the Prime Minister's appearance at the Americana Hotel on September 21, was not even informed in advance that the Prime Minister was planning to urge such a campaign!

Impact of Social and Political Climate on Extent of
Jewish Support for Israel

Another more subtle influence on American Jewry's readiness to speak out will be the general social and political climate within the United States. As Alfred Moses pointed out in his thoughtful paper to the AJC Board of Governors Institute last April, in recent years "there was an obvious symbiotic relationship between recognition of Jews as an ethnic group in America and the national legitimacy of Israel as a Jewish state."¹¹ In this resurgent ethnicity a more activist stand on behalf of Israel by American Jewry was accepted by most Americans, especially since they regarded American and Israeli interests as congruent.

Sociologist Charles Liebman traces the ethnic assertiveness to the breakdown of the Kennedy vision of one society working together for common goals. Liebman is "skeptical and pessimistic about the capacity of American Jews to resist the blandishments of a universalist society," if America again offers the kind of dream it did in the 1950's "and there is no longer any crisis affecting Israel,..."¹²

There is however the danger that a new unifying vision of the American ideal will assume a more conservative, monolithic, and distinctly Christian tone. Not only is there a born again Christian in the White House, but there is growing strength among conservative groups.¹³ It is beyond the scope of this paper to assess the weight of this disturbing trend, but one might wish to explore the consequences on American Jewish support for Israel if American Jews feel themselves isolated from the mainstream of American life. Will this make them more assertively Jewish or will it strengthen assimilationist trends or at least a desire not to appear too conspicuous and vocal?

A more conservative American political tone may, however, provide a more receptive climate for the strategic and Cold War arguments that Israel is a dependable democratic ally of the United States helping to stem the tide of Soviet imperialism in the Middle East.¹⁴ This assumes that there will be no reversal of alliances. Dr. Paul Riebenfeld, the other day, outlined the following possible scenario: Israel becomes fed up with American pressure, a new Labor coalition comes to power and in exchange for Moscow's stopping of active support for the PLO and agreeing to send a million Russian Jews to Israel, the Israeli government adopts a definitely neutralist and even pro-Soviet stance. I told Dr. Riebenfeld that I thought his scenario was far-fetched and that Israel was too tied to the United States and to the democratic West for this to be a credible option. But recent developments within China and in Chinese-American relations should make one cautious about categorically ruling out any dramatic shifts in international relations.

American-Jewish Involvement in Israel's Domestic Problems

There are conflicting views on the long-range effect of Egyptian-Israeli peace on American financial support for Israel. Elie Wiesel is optimistic. With peace the Jewish community "will get larger and better. . . . Instead of raising funds for weapons, we will be raising them for books and teachers. Peace will be such an inspiration that Jews will give even more." In addition to greater attention to domestic Jewish needs, with top priority being given to Jewish education, Wiesel calls for "a Jewish movement to help the Arab refugees rebuild their homes."¹⁵

When such suggestions have been made discreetly in the past, the usual response from American Jews has been: "Let the rich Arab oil potentates pay for resettling the refugees, we have enough to do to meet our Jewish needs!" But maybe it is time for us to consider the psychological and moral value of demonstrating Jewish concern in a tangible way for a moderate solution of the Palestinian refugee problem. There may be special health, vocational guidance and community development projects for the West Bank and Gaza that could be supported by American Jews either as a distinctly American venture or jointly with Israeli bodies. This is a potential area for AJC's Israel Office to explore, if the concept is approved in principle.

Harvard Professor Nathan Glaser is pessimistic on the effect of peace on the American Jewish community internally and on its involvement with Israel: "Studies indicate that while the centrality of Israel in the American Jewish identity is enormous, a large part of that identity is related to the need to respond to Israel's crisis." With the ending of the crisis he predicts "a disastrous drop" in fund raising and in individual involvement in Jewish affairs. Barring a major upsurge in anti-Semitism, Glaser forecasts that the community will be less dynamic and the number of committed Jews much fewer as

traditional bonds continue to weaken.

Project Renewal

To forestall such a potential drop in Jewish contributions and to redirect the philanthropic energies of the Jewish communities in the free world, the Government of Israel together with the Jewish Agency for Israel and the United Jewish Appeal in the U.S. and Keren Hayesod in other countries have already launched "Project Renewal: A Partnership Program for Making Israel One." The ambitious \$1.2 billion program is designed to provide improved housing, community facilities, and social services for the 10 percent of Israel's Jewish population, mostly immigrants from Middle Eastern countries and their children, who still "live in areas of poverty, neglect and deprivation." Israel Katz, Minister of Labor and Social Welfare, points out that at the present time these 300,000 Jews "continue to live in another Israel." Prime Minister Begin has declared it "intolerable to have in the midst of the Jewish people--in the heart of the Jewish State--such a phenomenon of poverty," and pledged that his Government would dedicate itself not only to providing secure borders but also to closing the social, economic and educational gap within Israel.

The first stage of Project Renewal will focus on 30 of the 160 neighborhood pockets of deprivation that have been pinpointed by a joint committee of five government ministries and the Jewish Agency under the chairmanship of Deputy Prime Minister Yigael Yadin. The 30 top priority disadvantaged communities include the Hatikvah quarter of Tel Aviv and the Morasha (Musrara) section of Jerusalem, which gained international notoriety as centers for the Black Panthers, a protest movement of disaffected North African Jewish immigrant youth. The cost of the first stage is projected at \$350 million, half to be raised internally and the other half by world Jewry, with American Jewry's

share set at \$120 million or two-thirds of the overseas total. ¹⁸ Irving Bernstein, UJA Executive Vice Chairman, reported on November 14, 1978 that "Project Renewal proves that it raises more money for the regular campaign. To date, \$53 million has been pledged for the regular UJA National 1979 campaign, a 20 percent increase over last year -- and from the same contributors an additional \$28 million for Project Renewal." ¹⁹

Role as Catalyst in Social Policy Issues

Probably the most significant feature of Project Renewal from the standpoint of American Jewish interaction with Israel is the belated recognition by Israel that the Diaspora is more than a source of financial aid. This growing awareness of the need for a fuller partnership is exemplified by ²⁰ President Yitzhak Navon's statement to American Jewry:

The whole project of Renewal depends on it being a true partnership. We want you to be involved in the actual planning and execution of it, in whatever way possible--by sending people, by coming yourselves, by being in the communities you are supporting. This is the only way to involve you properly and to be sure that whatever we do here is being done the way you want it to be done.

This invitation to participate in a full partnership offers a challenge and new opportunities for agencies such as the American Jewish Committee. On the staff level we have had some preliminary discussions with Harry Rosen--who is coordinating the Jewish Agency's planning for Project Renewal, and is preparing a study on voluntary agencies in Israel for us--on ways of tapping American expertise in such areas as housing, inter-ethnic group relations and neighborhood development, so that the Israelis may profit from the American successes and avoid repeating our mistakes. But if we wish to make a serious contribution in this area, we need to allocate resources and staff to make a systematic inventory of available skills and a mechanism for effectively

utilizing them.

Such an inventory of skills could also prove useful in designing projects for aiding Egyptian development either bilaterally with American know-how or jointly with Israel when the political climate is right.

Daniel Doron, a member of the Task Force on Israel and American Jewish Interaction, has proposed that AJC act as a catalyst in establishing a Peace Corps-type organization that will direct itself to well-defined goals in improving the quality of life in Israel and in encouraging voluntarism. Unlike "Sherut La'am," which places individual volunteers in existing agricultural and social work openings, the new organization should strive to organize professional chapters "to inject American know-how en-bloc into well-defined situations where it could have a measurable impact." For example, persons with technical skills could help Israeli consumer organizations to establish testing services, persons with public advocacy training could help Israeli voluntary citizen rights groups organize, those with managerial skills could help Israeli industry, while persons with social science skills could help community center and neighborhood development projects.

Mr. Doron recommends the creation of a permanent, non-partisan, independent "Jewish Think Tank," privately or institutionally funded, composed of academicians and lay leaders, who would in consultation with Israeli institutions identify issues and have them examined by ad hoc panels of experts to develop policy options and practical projects, some of which could be implemented in part by the "peace corps." With the coming of relative peace to Israel, not only native American Jews but many of the estimated 300,000 to 500,000 Israelis in the U.S. may be prepared to make their skills available to Israel if they are provided with suitable incentives.

Increasing Professional and Lay Involvement

In what other ways can Americans help Israel set social service priorities and insure that they are implemented properly? In a formal sense American Jewry is involved in policy formulation through its elected UJA, United Israel Appeal and Council of Jewish Federations leadership who sit on the boards of the Jewish Agency in Jerusalem. However, as was pointed out in various papers prepared for the Task Force by Mordechai Bar-On, and Professors Liebman and Eli Ginzberg, in practice most of the decisions are made by the Israelis who are engaged in the day-to-day operations, while the Americans can at most approve or reject broad programs, since they come to Israel only a few days or weeks a year and do not have the opportunity to become fully familiar with the intricacies of the issues and the available options.

Al Moses endorses Professor Zvi Gitelman's suggestion to create "formal programs of on-the-spot and sustained professional" American Jewish involvement in Israel, with such resident American staff reporting back to their American lay constituency. Mr. Moses adds, however, that this is never a complete substitute for "sustained lay involvement. If an organic bridge is to be built between American Jewry and Israel we must become directly involved in the fabric of the linkage." Mr. Moses suggests as a start the sending by AJC of small missions to Israel on a regular basis to utilize the resources of our Jerusalem office for "consultations on such critical issues as religious conflicts within Israeli society, problems of social distinctions in Israel, and...
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the ongoing problem of Israel-Diaspora relations."

Resolving Intergroup and Intragroup Conflicts

A more ambitious approach would be to have the AJC establish within Israel an Institute of Human Relations with the multi-faceted skills we have in New York, but adapted to meet Israeli needs.

In addition to the social gap issues that are now being more intensively

tackled by the Israel Government, two other areas of inter-group relations that deserve our attention and are likely to become increasingly heated as the peace process unfolds are relations between Jews and Arabs in Israel and the internal debate between the Orthodox religious establishment and other Jews in Israel and abroad.

Improving Arab-Jewish Relations in Israel

Israeli Arabs are already becoming more assertively nationalistic and this process is likely to accelerate as self-rule develops in the West Bank and Gaza territories. A recent study by Professor Mark A. Tessler of the University of Wisconsin concludes that rejection and/or acceptance of Israeli and Palestinian identities among the Arabs of Israel depends upon two factors: "The first involves interpersonal relations with individual Jews and the institutions of the Jewish State. The second involves ideological views of Zionism." ²³ While the latter is essentially an issue that Israelis must themselves come to terms with, the American Jewish Committee with its experience in intergroup relations should again assign a higher priority to efforts to improve Arab-Jewish relations on the personal and institutional level.

Defusing Religious Tensions and Fostering Pluralism

1. Increasingly in recent years, Israelis have been groping for religious alternatives to the prevailing dichotomy of Orthodoxy versus secularism.
2. With the possibility of peace on the horizon, the cohesiveness provided by an imminent external threat may lessen. Israelis--as well as American Jews--are beginning to search for enduring spiritual values to give meaning to their lives beyond assuring the physical survival of Israel as a political entity.
3. The coming to power of Prime Minister Begin, who is personally more sympathetic to traditional Jewish observance than some of his predecessors, as

well as the reliance of the Likud upon the National Religious Party and the even more fundamentally Orthodox Agudat Israel party for a working majority in the Knesset, has resulted in demands to increase the power of the Orthodox religious establishment in Israel.

This third trend to strengthen the Orthodox monopoly, e.g., on such questions as marriage, conversion, missionary activity, and exemption from military service for women, may well have negative consequences for the development of the pluralistic approaches noted in the first two trends. The Conservative and Reform movements have increased their activities in Israel and have also recently joined the World Zionist Organization to give them an institutional base for challenging the Orthodox hegemony. They achieved their first success at the 29th World Zionist Congress in Jerusalem in February of this year when the Congress passed a resolution, over heated opposition by Orthodox Mizrachi and some Herut delegates, in effect calling on the WZO to grant equal validity and status to Reform and Conservative branches of Judaism in its overseas educational work.

How the religious situation develops in Israel will have profound implications for the sense of identification or alienation that Jews in the United States and other Diaspora communities feel toward Israel. It will also affect inter-religious relations within Israel and around the world, as well as Israel's human rights image as a democratic or exclusivist society.

An AJC-sponsored study of developments in the current Israeli religious scene can be a basis for future work to strengthen those forces in Israel that contribute to religious pluralism, to help minimize areas of conflict among the various sectors of Israeli society, and to enhance the spiritual bonds between American Jews and Israel.

Ultimately it is this sense of a common spiritual destiny that will ensure the maintenance of ties between Israelis and American Jews once peace comes. As historian Gerson Cohen, the Chancellor of the Jewish Theological Seminary of America, has pointedly noted, "Israel can occupy an indispensable place in Jewish life only if it becomes and remains part of an inseverable dimension of greater centrality--the centrality of the Jewish people." Cohen hastens to add that he believes the Jewish people can perpetuate its centrality only by reference to a spiritual mandate based on Torah. He concludes:

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Only a religious, that is transcendent, mandate can lead to a sense of consanguinity between my children and Jews of Moroccan origin living in Israel. Apart from that religious mandate, apart from the covenant that underlies such a mandate, no demand of loyalty on my part or anyone else's makes any sense.

If we accept Cohen's premise, then we should devote more of our energies to broadening and deepening Jewish knowledge, both in Israel and the United States, while encouraging the emergence of a liberal, pluralistic view of Jewish tradition that embraces within its fold all who genuinely seek to be part of Klal Yisrael (the global Jewish community).

NOTES

1. Quoted by Arthur Samuelson in "No More War, New Jewish Crises," The National Jewish Monthly, April, 1978, p. 18.
2. This subject is elaborated upon in George E. Gruen, "Solidarity and Dissent in Israel-Diaspora Relations," Forum, Spring and Summer, 1978 # 30-31, pp. 33-53, based on the paper prepared for the American Jewish Committee sponsored Task Force on Israel-American Jewish Interaction.
3. Samuelson, loc. cit. It is ironic and a possibly significant sign of growing introspection that this appeared in the National Jewish Monthly, published by B'nai B'rith.
4. At his press conference at AJC on October 31, 1978 Mr. Peres did not specify whether he included the United States and Canada or meant only the NATO members on the European continent, but a State Department official told the author that the figure could not possibly include the U. S. and Canada.
5. The 1979 Act, signed by President Carter on October 18, also provides \$25 million for resettlement of Soviet and Eastern European refugees in Israel and \$40 million for a U. S.-Israel binational agricultural research fund. Egypt will receive \$750 million in economic assistance, Jordan some \$250 million in economic and military aid, and Syria \$90 million in economic support funds. (AIPAC, Legislative Update, November, 1978.)
6. Gruen, "What Will the Sinai Agreement Cost U. S.?", FAD Backgrounder, October 31, 1975, widely reprinted, e. g. Intellect. Vol. 104, No. 2373 (March, 1976): 434-36.
7. See for example Robert W. Tucker, "Behind Camp David," Commentary, (November, 1978), especially pp. 32-33. See also the letter of Professor Yehoshafat Harkabi to Israel Government Secretary Arye Naor on April 30, 1978, specifying the policy differences that had led him to resign as Intelligence Advisor to Prime Minister Begin and to join in public criticism of the Government. (Text in Middle East Review, Fall, 1978, pp. 44-48.)
8. S. M. Lipset and William Schneider, "Carter vs. Israel: What the Polls Revealed," Commentary, (November 1977), pp. 21-29.
9. Lipset, "The Polls on the Middle East," Middle East Review, Vol. XI, No. 1 (Fall, 1978): 24-30.
10. I had already warned about the potential erosion as a result of the Sadat initiative in Gruen, "The Struggle for American Public Opinion," Jerusalem Post, December 9, 1977.
11. Alfred H. Moses, "Peace in the Middle East, the Implications for AJC," address to AJC Board of Governors Institute, February 9, 1978. (Mimeo.)
12. Cited by Samuelson, p. 12. See also Liebman's books, The Ambivalent American Jew (Philadelphia, Jewish Publication Society of America, 1973), and Pressure Without Sanctions: The Influence of World Jewry on Israeli Policy (Rutherford, N. J., Fairleigh Dickinson University Press, 1977.)

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(continued)

13. I just received a solicitation for funds from the recently formed nation-wide Anita Bryant Ministries which appeals to me as "a good Christian American" not only to oppose the employment of homosexuals as teachers and to favor strengthening laws against child pornography and elimination of "R" rated movies from television, but concludes by asking me to back the reintroduction of prayers in the public schools.
14. See Gruen, "Is Israel Still in the American National Interest?" (AJC) News and Views, Vol. I, No. 1, (September-October, 1978), pp.2-4.
15. Samuelson, p.10.
16. Ibid.
17. Project Renewal, (36-page UJA publication, no date), p.2.
18. Ibid., p.15.
19. Irving Bernstein, "For Your Information," November 14, 1978, p.2.
20. Cited in Project Renewal: A Partnership Program for Making Israel One, (12-page Jewish Agency publication, no date), p.11.
21. Letter from D. Doron to G. Gruen, November 26, 1978 referring also to Doron memo to Morris Fine of July 9, 1978.
22. Moses, op. cit., pp.12-13. See also Zvi Gitelman, "The Other Dimension: Crisis and Cleavage in Israel," 22-page mimeo, draft, February, 1978.
23. Mark A. Tessler, "Israel's Arabs and the Palestinian Problem," Middle East Journal, (Summer, 1977), pp. 313-29, quote from p.317.
24. The resolution declares: "All Jewish educational programs of the WZO should be based upon the principle of equality of the value and status of all streams of Judaism. The WZO will assist and support all the religious and ideological streams in their activities so as to reflect the pluralism which exists in Jewish life in the Diaspora." The resolution was presented by Aharon Yadlin, who was Minister of Education and Culture in the Labor Government and now heads the Knesset's education committee. (JTA, Jerusalem dispatch, February 27, 1978.)
25. Gerson D. Cohen, "From Altneuland to Altneuvolk: Toward an Agenda for Interaction between Israel and American Jewry," in World Jewry and the State of Israel, ed. Moshe Davis (Arno Press, 1977), p.250. The principle that ethical practice in relations to others is more important than ideological conformity for Judaism is supported by the famous Rabbinic dictum, which has God Himself saying: "Would that my people had abandoned Me but kept My Torah." (From the commentary on the Book of Lamentations, Petichata de'Aicha Rabbati, 2.)

REPORT

*Max Janenbauer
cc - from his*

From the Israel Office of the American Jewish Committee

Remov Ethiopia 9, Jerusalem 95 149 Tel. 228862, 233551 Cable: Wishorn, Jerusalem

Minister of the Jewish People

JAN 20 1984

(Press Summary - January 15, 1984)

From the moment that Israel's Minister Without Portfolio in the Shamir government, Ariel Sharon, had announced that he was a candidate for the chairmanship of the Jewish Agency's Department for Immigration (Aliya) and Absorption and until his bid for that office was rejected by the Zionist General Council in Jerusalem last Wednesday, his candidacy had lasted for about a week, but judging by the furor in the press, it was an eternity.

The chief figures in the drama that emerged at the Zionist conference that had originally been convened to discuss ideology were Messers. Leon Dulzin, chairman of both the World Zionist Organization and the Jewish Agency and Mr. Sharon, who had been Israel's Defense Minister during the massacres in Sabra and Shatilla. Almost immediately after Mr. Sharon won the Herut party nomination for the Jewish Agency post, Mr. Dulzin, a member of the Liberal party that is a partner of Herut in the Likud government, proclaimed that Mr. Sharon was not a suitable candidate. At the same time, Jewish Agency officials noted that Mr. Sharon's position as minister in the Israeli government would constitute an unwise conflict of interests that could endanger the tax deductible status of the campaigns raising funds for the Jewish Agency.

The post of chairmanship of the Aliya department in the Jewish Agency became vacant in the fall when the Board of Governors of the Jewish Agency failed to re-elect the former chairman of the department, Raphael Kotlowitz, to a further term on the Jewish Agency Executive on the grounds of incompetency. Mr. Kotlowitz had already won the nomination of his party, Herut, when elected by the Zionist Congress in December 1982. By tradition, his position on the Zionist Executive had entitled him to continue as head of the Jewish Agency's Aliya

Department in accordance with past practice that the Zionists choose the nominees for the department heads of both the WZO and the Jewish Agency.

The Zionist General Council was asked to elect Mr. Sharon to replace Mr. Kotlowitz on the Zionist Executive and thereby pave the way for the former defense minister's appointment as chairman of the Jewish Agency's Immigration and Absorption Department. Instead, the Zionist General Council broke with tradition and set a precedent by rejecting the Herut nominee for the post that all agreed belong to that political party. In doing so, the Zionist General Council prevented the nomination of Mr. Sharon from going to the Board of Governors of the Jewish Agency where it was also expected to be rejected.

Mr. Sharon's opponents in the Zionist General Council claimed he was a "controversial person" who could not hold the Aliya post without the concensus of the Jewish people in Israel and abroad. It was Prime Minister Yitzhak Shamir, however, who told the Council that a rejection of Mr. Sharon would be tantamount to an admittance that Israel was guilty of the horrible crimes committed by Christians against Moslems in the Palestinian refugee camps of Shatilla and Sabra. But it was Mr. Sharon's unconventional tactics that led the 113 voting members of the Zionist General Council to vote overwhelmingly against his appointment.

Tuvia Mendelson, writing in Davar, the opposition newspaper, offered his own scenario of Mr. Sharon as head of the Jewish Agency's Aliya Department. Accordingly, following Mr. Sharon's take over of the Aliya Department, six unmarked Hercules transport planes set down on an unused runway at an airport in the U.S. during the dead of night and are met by a dozen trucks whose passengers are quickly put aboard the waiting planes by men allegedly dressed in Israeli Army uniforms. In a matter of minutes the transport planes depart with their human cargo and shortly thereafter, an announcement is issued in Jerusalem that 3,000 Jewish immigrants from the U.S. are in the air on their way to "immigration camps" inside Israel. The announcement acknowledges the cooperation of the U.S. government and soon a denial is issued in Washington. At about the same time, rumors have it that some of the Jewish passengers aboard the giant Hercules

transport planes did not come willingly and opposition parties in Israel begin a call for a board of inquiry to investigate the entire affair.

Seems highly unlikely, but not according to Mendelson whose witty pen is dead serious about the after effects of Mr. Sharon's role in other major positions, including the ministries of agriculture and defense, which are said to have suffered from his high-handed tactics.

David Twersky, editor of Spectrum, published by the Israel Labor Movement, found it incredible that Mr. Sharon could possibly fill the vacant post of the Jewish Agency's Aliya Department. In an article in the Jerusalem Post entitled "Enough is enough", he wrote that "Arik Sharon is the last man in Israel to have been nominated for a job like aliya". He is the very opposite of the educator we need if we are to successfully engage the free Jewish world in a dialogue about the depth and the range of possibilities available to those who make their lives in Israel."

In Twersky's opinion, "This man should not serve anywhere in Israeli public life, or lead the Jewish people in any capacity. This man had his day in court, and his years of power. It is time for him to leave us be..."

Even so, Mr. Sharon did have sympathizers among the opposition Labor Party, as can be seen in an article by a member of the Labor Party, Meir Bareli, entitled "The Beaverbrook of Aliya", that was published in the opposition newspaper Davar. In Bareli's opinion, "Sharon is a sort of Beaverbrook. It is said that when Winston Churchill needed a man to push the building of planes as the most urgent need, he selected Lord Beaverbrook as the minister to build planes. All the materials needed to build planes disappeared for all other purposes -- and the planes were built. Some time later the great need was tanks and once again Lord Beaverbrook was given the task and once again basic materials disappeared, even for the building of planes. Arik Sharon is this type of person, for good or bad. When he was Minister of Agriculture, settlements were built -- towns were built in the sands of Yamit -- settlements in Judaea and Samaria... When he was appointed Defense Minister...he made war, as big as needed (and perhaps more than needed).

"If this man will be responsible for aliya, he will do everything so that there will be aliya -- and as quickly as possible...He will be the Beaverbrook of aliya and that is what we need most."

But for the most part, Mr. Sharon could find little comfort in the Israeli press. Major editorial leads came out against his nomination for the aliya post, including Davar, Ha'aretz, Jerusalem Post and Ma'ariv. Only Hatzofeh, published by the National Religious Party, supported his candidacy, while Yediot Achronot's editor, Dr. Herzl Rosenblum, avoided the issue by discounting the very significance of the Zionist movement and the Zionist General Council in particular.

As could be expected, Davar expressed the fear that Mr. Sharon's appointment "would be damaging to the solidarity of the diaspora with Israel." It suggested that the nomination of Mr. Sharon "was a bad joke" that had become alarmingly real as the Zionist General Council convened in Jerusalem.

The editorial in Ha'aretz accused Prime Minister Yitzhak Shamir of attempting to rid his cabinet of Mr. Sharon by pushing him into the Jewish Agency Executive. The newspaper also reprimanded the Prime Minister for supporting the candidacy of Mr. Sharon who "as former defense minister, is directly responsible for forcing the Kahn Commission to place indirect responsibility (for the massacre in Beirut) on the Israeli administration. This stain has stuck to Mr. Sharon and has aroused against him, besides many of his personal traits, strong feelings of opposition among many -- not only in Israel but also in the diaspora. Who can honestly believe that a man who is the very personification of all that is dubious in the Israeli experience, could possibly be able to convince Jews to immigrate to Israel?"

The Jerusalem Post editorial, entitled "Sharon seeks a china shop", claimed "the idea that a man of his stripe would be able to attract Jews to Israel, in these hard times for our country, is whimsical indeed."

The editorial in Ma'ariv, entitled "Controversial candidate", recalled a recent public opinion poll conducted in the United States that "measured the popularity of several Israeli leaders in the eyes of the Jewish public in the United States and in the eyes of the establishment, which indicated that Ariel Sharon is not the darling

of the masses, nor is he acceptable to the Jewish communal workers. Even one who does not depend on public opinion polls cannot discount the fact that in view of these statistics, a man appointed to a key position has very little chance of succeeding."

On the other hand, Hatzofeh, which supported the candidacy of Mr. Sharon, claimed that the campaign against his nomination was being conducted by those who "have blind hatred for the man and his philosophy of Eretz Israel. Not their fear for Aliya leads their opposition to his candidacy, but the fear that his entrance to the Aliya Department will constitute his renewed return to leadership of the people and the country".

This newspaper discounted all suggestions that Mr. Sharon's appointment would lead to a split between the diaspora and Israel. "Minister Sharon enjoys popularity among diaspora Jewry. Many crowd his meetings. As a result, he holds an important place in the list of ministers who are invited to make appearances overseas. This means that his election could become an important milestone in the path of the Zionist Movement in all that concerns Aliya and in strengthening the bonds between the Jewish State and the Jews in the world".

By week's end, the controversy during the Zionist General Council was almost forgotten, but not the man. As many observers indicated, Mr. Sharon has become the albatross of Israel's Likud government and his presence continues to intimidate its other ministers. At a meeting of the Herut party in Tel Aviv, attended by Prime Minister Shamir, Mr. Sharon told Herut party leaders that Jewish Agency Chairman Dulzin was not to blame for "my not playing any role in the government. (Mr. Dulzin) did not sit in the cabinet session that decided I should not play any role in government. He is not responsible for the fact that for about a year, I am sitting at home and working on my tractor..."

Political observers are certain that Mr. Sharon will continue to have a significant role. His appearance at the party meeting attended by Mr. Shamir is an indication that this is so. Already, Mr. Sharon is being proposed as a candidate for Minister of Aliya in the Shamir cabinet, or Minister of the Jewish People. Neither post exists. The former will put the government of the Jewish Agency on a collision course, while the latter minister could lead to division among the Jewish people.

NEWS FROM THE COMMITTEE

THE AMERICAN JEWISH COMMITTEE Institute of Human Relations, 165 E. 56 St., New York, N.Y. 10022, (212) 751-4000

The American Jewish Committee, founded in 1906, is the pioneer human-relations agency in the United States. It protects the civil and religious rights of Jews here and abroad, and advances the cause of improved human relations for all people.

MORTON YARMON, Director of Public Relations

76TH ANNUAL MEETING
May 12-16, 1982
GRAND HYATT HOTEL
PARK AVENUE AT GRAND CENTRAL
NEW YORK, NY 10017
1-212-883-1234

CONTACTS: Natalie Flatow, Press
Jonathan Schenker, TV-Radio

FOR RELEASE AFTER 9:30 A.M.
THURSDAY, MAY 13, 1982.....

NEW YORK, May 13.... Continual efforts in the United Nations to "delegitimize" the State of Israel could create a political climate that would ignite the flame of anti-Semitism, a high official of the American Jewish Committee declared today.

Theodore Ellenoff, Chairman of AJC's National Executive Council, made his remarks at the opening plenary session of the organization's 76th Annual Meeting, which continues through Sunday at the Grand Hyatt Hotel here.

Mr. Ellenoff was chairman of the session, as well as interrogator of a panel of AJC experts on the subject of "Anti-Semitism and Other Threats to Jewish Interests."

The panel, all of whom are members of AJC's national staff, were Hyman Bookbinder, AJC's Washington Representative; Milton Ellerin, Director of its Trends Analyses Division; Irving M. Levine, Director of its Institute on Pluralism and Group Identity; and Rabbi Marc H. Tanenbaum, its National Director of Interreligious Affairs.

Setting the scene for the discussion, Mr. Ellenoff noted that the subject of anti-Semitism was "highly complex, full of contradictions and anomalies."

On the one hand, he pointed out, "American Jews enjoy what is probably the highest status and security of any Jewish community in the world." On the other hand, he reported, a soon-to-be-published study, conducted for the American Jewish Committee by

NOTE: For a review copy of "Community Clinics: Countering Anti-Semitism," please contact Morton Yarmon, American Jewish Committee, 165 East 56 St., New York, NY 10022.

- more -

Maynard I. Wishner, President; Howard I. Friedman, Chairman, Board of Governors; Theodore Ellenoff, Chairman, National Executive Council; Robert L. Pelz, Chairman, Board of Trustees.
Bertram H. Gold, Executive Vice President

Washington Office, 818 18th St., N.W., Washington, D.C. 20006 • Europe hq.: 4 Rue de la Bienfaisance, 75008 Paris, France • Israel hq.: 9 Ethiopia St., Jerusalem, 95149, Israel
South America hq.: (temporary office) 165 E. 56 St., New York, N.Y. 10022 • Mexico-Central America hq.: Av. E. National 533, Mexico 5, D.F.

Steven M. Cohen, Associate Professor of Sociology at City University of New York, reveals that "four out of five Jews name anti-Semitism as a major problem for the American Jewish community, second only to the problem of Israel's security."

Mr. Ellenoff also remarked, however, that "despite the fears of some Jews that there would be anti-Semitic repercussions following the AWACS debate, a Gallup poll commissioned by the AJC and conducted this past March indicated that there has been no significant change in American attitudes toward Jews or Israel."

From his personal point of view, Mr. Ellenoff said he was particularly concerned with "the effort to delegitimize the State of Israel in the halls of the United Nations and to characterize her as intransigent in pursuing peace."

"Such delegitimization and false characterization tend to resonate throughout the American public, to undercut American Jewish positions of support, and to inject in a less than subtle way anti-Semitic themes into discussions of American foreign policy," he said.

Hyman Bookbinder, reflecting the concerns of his position as AJC's representative in Washington, asserted that "although the fight against crude, vulgar, explicit anti-Semitism in America has been essentially won, the fight against the more subtle, insidious allegations against American Jews and their goals has only begun." He cautioned that "when Jewish advocacy of a public policy cannot be refuted by facts or logic, as in the AWACS debate last year, Jewish motives will be impugned and the ugly charge of dual loyalty will be raised."

Mr. Bookbinder warned also that "oil and petrodollar blackmail," which has had such a deleterious effect on the American economy, also contains "the classical potential of scapegoating Jews for problems not of their making."

Nevertheless, he declared, "we must reject the advice of those who ask us to desist from public debate or advocacy on controversial subjects lest that lead to anti-Semitism. To do so is to lose the battle against anti-Semitism even before we begin. Rather, with confidence, we must show how the Jewish interest and the American interest are not in conflict."

Mr. Levine, who was one of the leaders in calling attention to the importance of ethnic identity and multi-ethnic relations more than a decade ago, reported on the increasing incidence of teenage vandalism, especially against synagogues and Jewish cemeteries, and on efforts being made to stem such actions.

Declaring that "we must take these acts seriously since they show the potential for the growth of a 'new bigotry,' especially among teenagers," he nevertheless pointed out that there was also a "hunger among well motivated suburban youths to break through their own group's intense isolation."

Mr. Levine's comments were based in large part on his experience with a three-year project recently completed by the Institute for Pluralism and Group Identity in three Long Island high schools -- in Port Washington, Roslyn, and Lynbrook. The project provided intensive training for a core group of administrators, faculty and students in multi-ethnic and multi-religious relations.

"These high school students want very much to promote good intergroup relations and to stem teenage vandalism," he said. "They complain bitterly at the lack of adult leadership and inspiration, but they also admit that they are far too passive. They welcome stimulation and guidance from sensitive adults who take them seriously as potential problem solvers in their often troubled peer group culture."

Rabbi Tanenbaum, who is known internationally as one of the principal figures in interreligious relations, acknowledged that "anti-Semitism is far from dead," but found encouragement in the fact that "major Christian churches have enlisted themselves in a continuing struggle against it."

He noted that many Christian denominations had made "significant and conscientious efforts over the past ten years to overcome a deep-seated tradition of antipathy toward Jews and Judaism, and to forge a new Christian attitude based on respect for Judaism as a living faith and concern for the welfare of the Jewish community."

"In addition to condemning anti-Semitism, major church groups have stressed the spiritual link between Judaism and Christianity," he added. "They have also cautioned that religious instruction should be cleansed of hostile and distorted teachings about Jews and Judaism, and provided specific guidelines for achieving these goals."

Rabbi Tanenbaum pointed out that "grassroots implementation of these policy statements and guidelines has been uneven," but stated that this was "understandable," adding that "an adversary tradition almost two thousand years in the making is difficult to reverse."

Milton Ellerin, whose Trends Analyses Division monitors the activities of extremist groups in this country and abroad, reported that both the Ku Klux Klan and the American

Nazi Party were "no longer a factor on the American scene." Both groups are fragmented, he said, and added that the Nazi movement "has failed to establish any base or potential here," while the Klan, "despite a spate of current activity in Georgia, has failed to sustain the growth in membership so apparent two years ago, and is utterly devoid of any political influence in today's America."

However, Mr. Ellerin warned, "while the current ambience in this country has placed overt anti-Semitism beyond the pale of decent conduct, and labeled it as an unacceptable aberration of normal conduct, mores and standards can and do change. Despite today's seemingly favorable circumstances, there is no basis for complacency."

The analysis of anti-Semitism continued into the afternoon session today, with the AJC leaders dividing up into five workshop groups for discussions of actual case histories in local communities and ways of handling anti-Semitic incidents when they happen.

A variety of discussion aids have been prepared for the participants, including a comprehensive handbook titled "Community Clinics: Countering Anti-Semitism." The book is a compilation of a wide variety of articles, analyses, and reports on anti-Semitism, and also includes a summary of a Gallup poll conducted this past March on American attitudes toward Jews and Israel, as well as a bibliography.

Founded in 1906, the American Jewish Committee is this country's pioneer human relations organization. It combats bigotry, protects the civil and religious rights of Jews at home and abroad, and seeks improved human relations for all people everywhere.

THE AMERICAN JEWISH COMMITTEE

National Executive Council Meeting

October 30-November 2, 1975 -- Chicago, ILL

STATEMENT ON THE UNITED NATIONS

For consideration by the
National Executive Council
Saturday, November 1, 1975

The American Jewish Committee is outraged by the resolution equating Zionism with racism adopted by the Third Committee of the General Assembly of the United Nations. Under the guise of a program to eliminate racism, this resolution, without any legal or moral justification, endorses anti-Semitism. It is the most shameful of all the anti-Israel resolutions adopted by UN bodies and committees to date for it maliciously slanders not only the state of Israel, but also the Jewish people everywhere. This resolution does disservice to the United Nations and undermines its credibility.

We are gratified at the reactions of our Administration, our representatives in the UN and the Congress to this resolution and we also welcome the expression of opposition by almost all of the world's democracies. We hope that their example will be followed by other States in the General Assembly if the resolution comes to a vote later this month.

Ever since the founding of the United Nations thirty years ago, the American Jewish Committee has been a staunch supporter of the United Nations. We have shared the hope of people everywhere that the UN would embody and help realize the aspirations of a world shattered by totalitarian despots, and become the crucial instrument of the world's redemption from war, racism and poverty.

Sadly, our hopes have dimmed as the institutions and instrumentalities of the United Nations have been perverted by cynical drives to politicize the United Nations in support of selfish, partisan and ignoble interests.

We continue to believe that the United States has a stake in the orderly and effective functioning of the United Nations, both in terms of its own interests and out of concern for the welfare and progress of people everywhere. If, however, the United Nations continues to depart from the principles on which it was founded, engages in assaults on member states and caters to the worst form of religious bigotry, it can not serve the people of the world as an institution of peace and human dignity.

We therefore endorse the forthright stand taken by our government in decrying the many recent discriminatory and unjust actions of the United Nations General Assembly and its specialized agencies. We support the declared intention of our government to refuse to endorse the program of the Decade for Action to Combat Racism if the anti-Zionism resolution is adopted. If such an unprincipled action is taken we believe the United States should reassess its support of the United Nations, and consider possible counter-measures such as selective participation in the United Nations General Assembly and selective funding of United Nations projects.

Approved by the
FOREIGN AFFAIRS COMMISSION
October 30, 1975

C O N F I D E N T I A L**THE AMERICAN JEWISH COMMITTEE**

date July 20, 1984
to AJC Area Directors
from Marc H. Tanenbaum
subject Chapter Leadership Meetings with Consuls General on UN

As you know, AJC's International Relations Department arranged a meeting for our national officers with UN Secretary General Javier Pérez de Cuellar and members of his Secretariat on June 1 at UN headquarters.

The purpose of that meeting was to register directly with him our deep concern over the growing pattern of anti-Jewish and anti-Israel attacks at the UN General Assembly as well as before other allied international agencies. The enclosed confidential memorandum summarizes that discussion.

You will note that we asked the Secretary General to undertake several actions to contain those verbal outbreaks and he promised to do what he could. A persuasive element in our discussion was our leaving with him and his staff copies of two memoranda:

- a) "Anti-Jewish Incitement at the UN;"
- b) "Memorandum to UN Secretary General."

Copies of these memoranda, prepared by Sidney Liskofsky and Allan Kagedan, are enclosed.

In recent months, we have met with top leaders of France, West Germany, Mexico, Argentina, and Spain. We raised with them our concern over the fact that their governments have remained silent when Jews and Israel were unfairly attacked. We asked them to join the United States and Israel in publicly rejecting these attacks which violate basic UN principles. In several instances, we have gotten positive responses. We intend to continue these efforts with a number of other friendly governments.

The purpose of this memo is to ask each of our chapters to undertake a similar series of meetings with Consuls General in your communities in order to reinforce what we are trying to do nationally and internationally. It is important that your chapter chairman and other chapter leaders with foreign policy skills prepare themselves by reading these materials as the basis of discussion with foreign government representatives. It would also help to leave copies of these two documents (but not the

Area Directors/2

July 20, 1984

report on the de Cuellar meeting) with them for reporting back to their governments.

Please keep me informed of the kind of responses you receive. Many thanks for your important cooperation.

N.B. - The UN General Assembly meets in mid-September. It would be useful to try to set up these meetings in August or early September. Also, please send us the names of your people who have special competences in foreign relations or commercial contacts with foreign nations. We would like to involve them in our national commission for international relations.



MHT:RPR

Enclosures

84-550-49

INTERNATIONAL ORGANIZATIONS DIVISION

ANTI-JEWISH INCITEMENT AT THE UN

It is a tragic irony that the United Nations, founded to free the world of the racial and religious hatred that paved the way for World War II, now provides a platform for hate propaganda.

The UN Charter proclaims the "determination" of peoples of the world "to practice tolerance." The International Covenant on Civil and Political Rights mandates the "prohibition by law" of "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (Art. 20). The International Convention on the Elimination of All Forms of Racial Discrimination requires State Parties to declare a punishable offense "all dissemination of ideas based on racial...hatred." The UNESCO Declaration on Race and Racial Prejudice calls on "all organized groups within national communities..."to refrain "from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various groups" (Art. 5(3)), and on "international organizations, whether universal or regional, governmental or non-governmental...to co-operate and assist...in the full and complete implementation" of this goal "so that all peoples of the world may be forever delivered from these scourges" (Art. 10).

In clear violation of these international norms, at the 1983 UN General Assembly, the representatives of Libya, Iraq, Syria and Belorussia directed against Jews derogatory characterizations and threats which reminded listeners of the themes and rhetoric of the Nazi era. On December 8, 1983, Dr. Ali Treiki, Permanent Representative of Libya, accused "Jewish Zionists here in the United States" of attempting "to destroy Americans." "Is it not the Jews who are exploiting the American people and trying to debase them?" Dr. Treiki continued (A/38/713).

The representative of Libya was not alone in making these remarks. The Permanent Representative of Iran, Mr. Rajaie-Khorassani, had already expressed, on 2 November 1983, with reference to Israel, his hope "that the Moslem countries in the area will soon consider the final solution" (A/38/PV.42, pp. 53-55). "The final solution" was the Nazi code-name for the genocide perpetrated against the Jews of Europe during the Second World War.

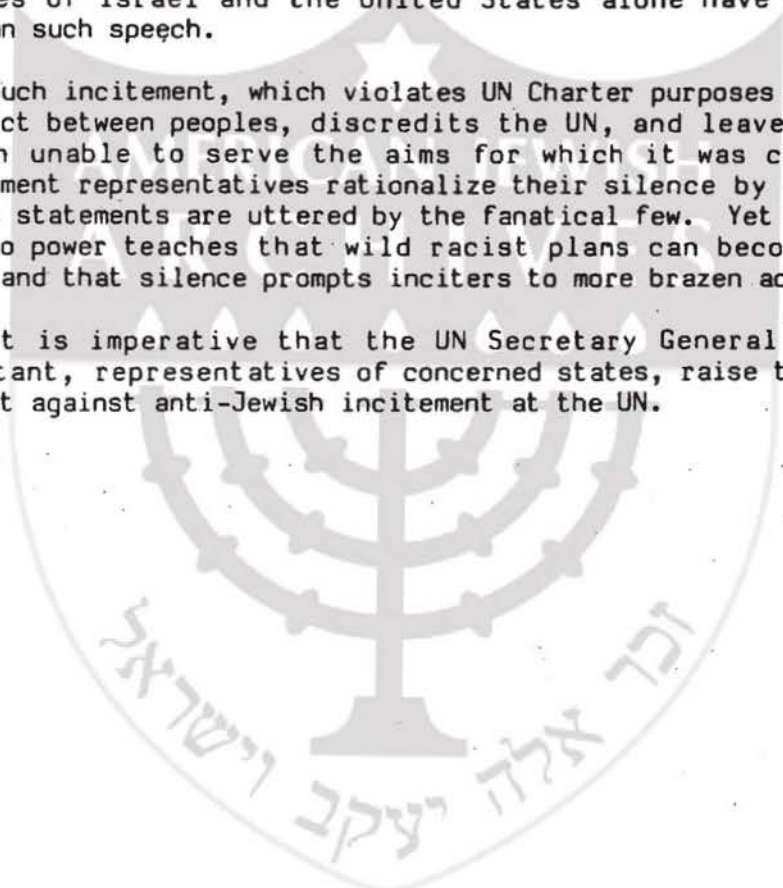
Unfortunately, this type of anti-Jewish incitement is not new in the UN, and is not confined to the General Assembly (see appended note for further examples).

It is easy to uphold civility in international discourse and, concurrently, to criticize Israeli government policies. Such criticism is not under consideration. The statements in question picture the Jewish people, the Jewish State and Zionism as sinister forces whose purposes are Nazi-like genocide, obliteration of other cultures, and economic manipulation. This rhetoric unquestionably encourages hostility toward Jews, and is calculated to pave the way for Israel's expulsion from the UN and to provide a rationale for seeking Israel's physical destruction.

Regrettably, the UN representatives of democratic countries have remained silent on the issue of anti-Jewish incitement. The representatives of Israel and the United States alone have spoken out to condemn such speech.

Such incitement, which violates UN Charter purposes and encourages conflict between peoples, discredits the UN, and leaves the organization unable to serve the aims for which it was created. Some government representatives rationalize their silence by claiming that racist statements are uttered by the fanatical few. Yet Adolf Hitler's rise to power teaches that wild racist plans can become tragically real, and that silence prompts inciters to more brazen acts.

It is imperative that the UN Secretary General and, equally important, representatives of concerned states, raise their voices in protest against anti-Jewish incitement at the UN.



APPENDIX

The following is a sampling of anti-Jewish statements made in UN forums.

UN General Assembly

Dr. Ali Treiki, Libya, December 8, 1983:

"The time has come for the United Nations to strive to save the peoples of the world from this racist entity [Israel]. It is high time for the United Nations and the United States, in particular, to realize that the Jewish Zionists here in the United States attempt to destroy Americans. Look around New York. Who are the owners of pornographic film operations and houses? Is it not the Jews who are exploiting the American people and trying to debase them? If we succeed in eliminating that entity, we shall by the same token save the American and European peoples.

"We hope that the day will soon come when we can eradicate this affront, this aberration of history which we committed when we accepted within our Organization this band of criminals, mercenaries and terrorists" (A/38/PV.88, pp. 19 and 20).

Mr. Velayati, Iran, September 30, 1983: "There is no cure for the cancerous growth of Zionism but surgery." (A/38/PV.13, p. 41).

Mr. Hosein Latify, Iran, December 19, 1983: "The Zionist entity ... should be removed like a cancerous tumor." (A/38/PV.102, p. 47).

Mr. Adami, Syria, October 14, 1981, Fourth Committee, told "what he called a 'Jewish story' of a man who went to his rabbi to enter the birthdate of his son. The man asked which date he should give, last year or this year. Why not give the true date, the rabbi asked the man. 'I didn't think of that,' the father answered. The Syrian delegate said the story portrayed the 'Jewish mentality of the Zionist delegate'." (United Nations Press Release GA/T/22350 of October 14 1981, p. 8.)

Mr. Nuseibeh, Jordan, March 16, 1979, Security Council: "Has the world been polarized into an omnipotent race and subservient Gentiles born into this world to serve the aims of the 'master race'? We, the Gentiles, are several billion human souls, and yet how much weight, I wonder, do we carry in the councils of some of the mighty?" (A/PV2128, p. 63.)

Mr. Nuseibeh, Jordan, December 8, 1980: "People like Lord Rothschild every day, in iron-clad secrecy, decide and flash round the world how high the price of gold should be on each particular day The United States ... has a national income of upwards of \$2,000 billion per annum, and, while millions of hard-working, God-fearing Americans are unemployed, the Zionists own a lion's share of that great abundance." (A/35/PV.86, pp. 38-40.)

UN Human Rights Commission

Mr. Marcel El May, League of Arab States, February 8, 1984, accused Zionism and Israel of "mobilizing forces toward a genocidal campaign." (HR 1476)

Mr. Souad Abdallah, Syria, February 8, 1984, termed Zionism a "form of racism bringing war and suffering," and characterized the goals of the Jewish state as "real genocide" and "to destroy the historical heritage of the Arab population." (HR 1476)

Mr. Salem Fanes, Yemen, February 10, 1984, accused Israel of conducting a campaign of "physical liquidation and extermination of a collective basis." (HR 1479)

Mr. Bachir Ould-Roïus, Algeria, February 10, 1984, accused Israel of "Nazi type repression" including "gas poisoning of school girls" - (HR 1479).

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84-570-3

Memorandum to UN Secretary General

The American Jewish Committee, founded in 1906, is America's pioneer human relations agency. Headquartered in New York, with over fifty thousand members throughout the United States, and offices and correspondents in major world capitals, the American Jewish Committee is devoted to securing the human rights of Jews and all people, both in the United States and around the globe.

Early in its history, the American Jewish Committee realized that harmonious intergroup relations were a necessary component of improved human relations. To foster better relations between groups in America, the American Jewish Committee has initiated programs in the United States on pluralism and group identity, discrimination in employment and the need for a liberal immigration policy, civil rights and women's rights.

The American Jewish Committee was created in the wake of anti-Jewish pogroms in Russia in 1905-6, and since its inception has championed the cause of international human rights. Early in its history, at the 1912 London Peace Conference concluding war in the Balkans, it urged that the peace treaty include a clause ensuring equality to people of every race and religion. In 1919, at the Paris Peace Conference, it won the support of President Woodrow Wilson in the League of Nations Covenant for its proposal, regrettably vetoed by other participants, that include a guarantee of religious tolerance.

While World War II was still underway, we commissioned the distinguished Cambridge jurist, Hersh Lauterpacht, to prepare his seminal study of the concept of an international bill of rights. Building on this work in a document, entitled To The Counselors of Peace, submitted to the UN planning conference at Dumbarton Oaks, we pressed for formulation and adoption of an international bill of rights, including enforcement provisions at the UN's founding conference in San Francisco later that year, our top officers played a leading role among the non-governmental consultants to the U.S. delegation in persuading our government to support inclusion of effective human rights provisions in the UN Charter.

In the 1950's, we defended the UN against isolationist critics in the United States and one of our leaders even headed a government commission which exonerated UNESCO of charges that it promoted atheism and globalism.

Indeed, since the UN's founding, we were among its most ardent defenders and cooperated in advancing its efforts in various fields, particularly human rights. We remain committed to the purposes of the UN, embodied in the UN Charter: to maintain international peace and security, to develop friendly relations among nations, to foster international cooperation in solving economic and social problems, to encourage respect for human rights, "to be a center for harmonizing the actions of nations" toward these ends.

It is against this record of unflagging commitment and support that our agency's disillusionment of the past decade must be viewed. This disillusionment is widely shared not only among Jews but by the American people at large, indeed by the people of the democratic nations generally. It is not necessary

to rehearse the UN's shortcomings and failures; many of them have been pointed out by the Secretary-General and his staff in reports to the General Assembly and other UN bodies of the organization. Doubtless, they lie substantially in the nature of the international community in which the UN mirrors the unfree and undemocratic character of the large majority of the member nations which make up the international community. But if it is indeed simply a mirror lacking an autonomous moral personality and strength capable of protecting the minority against the impositions of the tyrannical majority, of containing the imposed selective morality, of serving to harmonize rather than exacerbate differences, the disillusion inheres in that very failing.

It is a tragic irony that the UN, founded to free the world from the racial and religious hatred that paved the way for World War II, should provide a platform for incitement to the brand of hatred evidenced in the derogatory remarks directed at Jews in the last General Assembly. The discredit which it casts on the UN is all the greater in that such incitement is condemned and even prohibited in the very human rights agreements formulated and adopted by the organization and ratified by the majority of its member states. These agreements ("the Universal Declaration of Human Rights, the Covenant on Civil and Political Rights, and the UNESCO Declaration on Race and Racial Prejudice --condemn and call for prohibition of 'all dissemination of ideas based on racial...hatred..., and of 'any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.' They call on all organized communal groups to refrain 'from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various groups,' and on 'international organizations, whether universal or

regional, governmental or non-governmental...to cooperate and assist...in the full and complete implementation' of this goal 'so that all peoples of the world may be forever delivered from these scourges.'")

As troubling as the incitement itself is the failure of virtually the entire membership -- all but Israel and the U.S. -- to speak out in condemnation of the Hitlerian obscenities uttered in the hallowed chambers of the world organization.

Equally troubling and related in motivation to the anti-Semitic speech, is the brand of politicization that has characterized the General Assembly and various specialized agencies and functional conferences. Too often, as for instance in the Copenhagen Conference on Women's Rights, attacks on Zionism and Israel have dominated the proceedings though entirely extraneous -- indeed destructive -- to the purposes and proper subject matter of the agency or conference.

The American Jewish Committee has a long history of working for the advancement of human rights around the world. We remain dedicated to the ideals of the Charter, and hope it will be possible to alter the political behavior of the members so that the UN will again become a forum for useful dialogue and constructive action. This will determine the posture of the American people toward the UN, and the future of the organization itself.

May 3, 1984

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CONFIDENTIAL

SUMMARY OF MEETING WITH UNITED NATIONS SECRETARY GENERAL

FRIDAY, JUNE 1, 1984, 3:30 P.M., AT UN HEADQUARTERS

A delegation of AJC leaders, headed by President Howard Friedman, met with UN Secretary General Javier Perez de Cuellar and members of his Secretariat at his offices on the above date. The AJC delegation consisted of Theodore Ellenoff, chairman of the AJC Board of Governors; Leo Nevas, chairman of the International Relations Commission; Marc H. Tanenbaum, director of the International Relations Department; and Dr. George Gruen, director of IRD's Middle East division.

The UN Secretariat members were, in addition to Mr. de Cuellar, Brian Urquardt, Under-Secretary General for Special Political Affairs; William Buffum, Under-Secretary for Political and General Assembly Affairs; and Alvaro de Soto, Special Assistant to the Secretary General.

Mr. Friedman began with an expression of appreciation for the SG's address before the AJC annual banquet on May 4th. Mr. de Cuellar responded warmly and then said that, as we know, he is leaving on Sunday for a mission of "appraisal" in the Middle East. He said he was going on his own and not at the request of the Security Council or the UN General Assembly. He plans to meet with governmental leaders in five Middle East nations, Israel and its four Arab neighbors. He added that he was "not overly optimistic," and would be "pragmatic."

He indicated that there is a UN General Assembly resolution calling for an international conference on peace in the Middle East. He would see whether this approach has the agreement of all 5 states or whether a piecemeal approach would be preferable. He said he had no specific plan of his own and was going "completely open-minded." He said, quite frankly, that he regrets that all major issues seem to fall between the "Superpowers" and that as a member of a small nation (Peru) he would prefer that issues such as the Middle East could be handled by the indigenous nations themselves. But he thought it was wishful thinking to believe that any progress in the Middle East or in other parts of the world could be made without the involvement of the Soviet Union.

Mr. Friedman responded that AJC felt strongly that an international conference would not aid the cause of peace in the Middle East since it would inevitably invite extremist proposals that would paralyze negotiations. He added that the historic record demonstrates that whatever progress toward peace in the Middle East has taken place generally has been as a result of bi-lateral negotiations, and he expressed the hope that the SG would pursue that path.

The SG then said that the UN has been a constructive factor in the Middle East and pointed to the UNDOF forces between Syria and Israel that had prevented any incidents on the Golan Heights for a decade. Both countries had just agreed to renewal of the UN force. He said the UN's peace-keeping role has not been adequately appreciated in America nor, he thought, by the Jewish community in the U.S. and he welcomed the AJC's help in strengthening support for a positive role for the UN there.

Mr. Friedman suggested that the UN had a major problem in America and particularly among American Jews because of the pattern of attacks on Israel, Zionism, and the Jewish people which bordered on the obscene. The SG said he regretted those attacks, because he personally had great appreciation for the Jewish people and for Israel. "Israel was born in the United Nations, and has a friend in me and in my office," he said.

Mr. Ellenoff then stated that AJC has been meeting with the heads of state of France, West Germany, Mexico, Argentina, and Central America and that we have stressed the need for them to speak out against these defamatory attacks against Israel and Jews which violate the principles of the United Nations. The SG nodded his assent, and suggested that it was important for the U.S. and Israeli delegates, among others, to lobby for their point of view on these issues in the corridors of the UN.

The SG reiterated that he was openminded about Middle East issues; that he wished the UN would expand its peace-keeping forces (now numbering some 8,000) to the border between Lebanon and Israel in order to assure "security for Israel." He then said he was concerned about "the lack of trust" in the office of the Secretary General, which was one of six UN organs, and that what happens in other structures should not be attributed to the SG's office. (Mr. Nevas noted with appreciation that the SG had criticized an anti-Semitic remark by the Libyan delegate.)

Rabbi Tanenbaum said, even though we understand this, what happens in the popular understanding is that these anti-Israel and anti-Jewish attacks are associated with the United Nations in its entirety. If the SG wishes to clarify this issue, as we think he does, then it would help if the SG made a statement in his September Annual Report which upheld the principles of the UN Charter and Declarations and would criticize those deviations from these principles and from civility in debate through these derogatory expressions. The president of the General Assembly could also help by making a similar declaration at the opening of the GA sessions, and his staff members who serve as secretaries to various UN commission could reiterate his views about not inciting to violence and hatred.

The SG and his aides seemed to be responsive to this approach. Mr. Urquardt called it "a very good idea" (and Mr. de Soto told Tanenbaum he wanted to speak to him about this during the coming week.)

After Mr. Buffum stated that the fundamental basis of the UN's effort to resolve the Arab-Israel conflict was contained in Security Council resolutions 242 and 338, Mr Friedman noted that the significant addition of 338 was that it called for direct negotiations by the parties involved as the means to implement 242. Dr. Gruen pointed out that the process leading to the adoption of 242 illustrated the important distinction between harmful efforts by a superpower to use the UN for partisan advantage and the positive effect when there is consensus among the great powers.

Mr. Friedman and Mr. Nevas then discussed the Sakharov case and those of Soviet Jewish dissidents and expressed the hope that the SG would persist in his private interventions with the Soviet authorities. The SG said he had made a number of interventions with the USSR and they continue "to receive my interventions" which necessarily are private.

He then spoke modestly of his role, his lack of power, but said that his office did have moral authority and he hopes to continue to use it.

The SG volunteered that he would like to be in touch with us on his return from the Middle East after June 15th. Mr. Friedman responded affirmatively to that suggestion. Before leaving, Mr. Friedman presented the Secretary General with a folder containing relevant IRD materials including a memorandum on "Anti-Jewish Incitement at the UN," AJC's record in support of UN human rights activities, Soviet violations of human rights and anti-Semitism (prepared by Sidney Liskofsky and Allan Kagedan), The Palestinians In Perspective, and a memorandum on human rights restrictions on the Jewish community in Syria.

(At the close of the meeting, Dr. Gruen privately expressed to the SG our hope that he would be able to raise the humanitarian issue of the right of emigration of Syrian Jews for reunion with family members in the U.S. He said he would raise the matter with President Assad.)

The meeting adjourned in a warm spirit at 4:05 P.M.

Summary prepared by

Marc H. Tanenbaum, June 4, 1984

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84-550-43

U.N. CHIEF HEADING TO MIDEAST TODAY

He Expresses Hope of Filling
a 'Diplomatic Vacuum' —
5 Countries Invite Him

By RICHARD BERNSTEIN

Special to The New York Times

UNITED NATIONS, N.Y., June 2 — Javier Pérez de Cuéllar, Secretary General of the United Nations, is to leave on Sunday on a 10-day trip to the Middle East, hoping to fill what he called a "diplomatic vacuum" in the area.

"I'm not bringing with me any miraculous formula," Mr. Pérez de Cuéllar said in an interview here on Thursday. "We know from experience that it's an extremely difficult problem."

"But at the moment, there is a diplomatic vacuum which is propitious in a way for the Secretary General's visit," he added, apparently alluding to the withdrawal of American and European forces from Lebanon and the failure of Western efforts to mediate a solution to the Arab-Israeli conflict.

"The fact of going to the area with no preconceptions, the fact of being open-minded, the fact of going as Secretary General for the first time trusted by both sides, this is something fresh," Mr. Pérez de Cuéllar said. "It could be something to inspire the parties of both sides."

Invited by Five Countries

Mr. Pérez de Cuéllar has been invited by five countries: Lebanon, Syria, Jordan, Egypt and Israel. He plans to spend about two days meeting with officials in each country before returning to United Nations headquarters.

Officials here said the Secretary General's trip was designed in part to give him a firsthand view of the Arab-Israeli conflict, which is one of the main concerns of the United Nations. The officials say another purpose of the trip will be to gain support for a wider United Nations role in the region.

Mr. Pérez de Cuéllar has contended that the United Nations organization provides a mechanism to build trust between Israel and its Arab neighbors, but it has not been used enough. Specifically, he said the organization could help to provide guarantees of security for Israel and Syria in any disengagement of the forces of those two countries from Lebanon. The United Nations already has peacekeeping forces in southern Lebanon and on the Golan Heights on the border between Syria and Israel.

A week ago Mr. Pérez de Cuéllar met with Secretary of State George P. Shultz in Washington to discuss the trip.

"The Secretary of State was very much interested," Mr. Pérez de Cuéllar said. "I can say that he encouraged me and he wished me good luck."

Speaking last month at the annual convention of the American Jewish Committee in New York, Mr. Pérez de Cuéllar said, "The United Nations must continue to strive for an arrangement which encompasses the security of Israel and the other states in the area as well as the political and human rights of the Palestinians."

Las Vegas Israelite

Friday, May 11, 1984

Page Seven

UN Secretary General Addresses First Jewish Audience

By Dr. Marc H. Tanenbaum

The Secretary General of the United Nations, Javier Perez de Cuellar delivered his first address before a Jewish audience when he spoke last Thursday before the Annual Meeting banquet of the American Jewish Committee in New York. It was a risky undertaking for both sides.

The AJC risked misunderstanding in the Jewish community for providing a platform for the highest official of the United Nations which is rightly perceived as the "bulliest" international platform of political anti-Semitism in the world today. The UN Secretary General risked alienating the Soviet Union, the Arab and Third World blocs who clearly were not happy at his accepting AJC's invitation.

As it turned out, Secretary de Cuellar's talk was not as bad as some feared it might be, nor was it as good as some hoped it might be. The gains in his talk were several-fold:

1) He acknowledged several times that "positions taken by several bodies of the United Nations have aroused misgivings and even resentment." And he flatly said that "there is no excuse for mistakes or wrong judgments or erroneous

courses." Jews took that euphemism to mean that the Secretary General said there was no excuse for the horrendous attacks on Israel and Zionism, the incitements to hatred by Arab nations and the Soviet Union which consistently violate the UN Charter and UN declarations.

2) He affirmed repeatedly the "rich tradition of tolerance, compassion, and magnanimity" of the Jewish people, as well as "the broad and humane concern of the American Jewish Committee with the problems of mankind." Those affirmations, among others, were taken as implicit rejection of the vicious defamation of the Jewish people and of Judaism by Iran, Syria, and Libya at the UN in recent months.

The UN official also spoke of the need "to strive for an arrangement which encompasses the security of Israel and the other states in the area as well as the political and human rights of the Palestinians."

In his response Howard Friedman, AJC president, respectfully pointed out that "the political behavior of UN member nations will need to be altered if UN credibility is to be restored."

Jewish Groups Press U.N. Chief on Anti-Semitism

By RICHARD BERNSTEIN

Special to The New York Times

UNITED NATIONS, N. Y., June 19 — American Jewish leaders met with Secretary General Javier Pérez de Cuéllar today to ask his help in combating what they see as persistent anti-Semitism at the United Nations.

After the meeting, Gerald Kraft, the president of B'nai B'rith International and the leader of the four-member delegation, said he was "encouraged" by Mr. Pérez de Cuéllar's response.

"I came away encouraged that he is not unaware of our concern, that is not unappreciative of it," Mr. Kraft said.

He added, "I can be somewhat encouraged in terms of his leadership."

A spokesman for Mr. Pérez de Cuéllar called the meeting "very constructive and very good."

Summarizing Mr. Pérez de Cuéllar's response, the spokesman said: "He said that any kind of what you might call discrimination or unacceptable language is a shame for the organization. We have to be quite clear of our standards all across the board."

'Quiet Diplomacy' Stressed

The spokesman said Mr. Pérez de Cuéllar stressed his "quiet diplomacy" with United Nations delegates as a way to combat any expressions of racial or religious prejudice.

The meeting, which was requested

by B'nai B'rith, represents a renewal of activism by Jewish groups in this country over what they regard as the virulently anti-Jewish and anti-Israeli statements by delegates at the world body in the last year.

Both B'nai B'rith, which met with the Secretary General today, and the American Jewish Committee have circulated papers detailing incidents of anti-Semitic outbursts at the United Nations. Both organizations have called on diplomatic representatives and on Mr. Pérez de Cuéllar to be more assertive in combating such outbursts.

In both cases, the renewed activity seems to have been triggered by statements in the General Assembly last fall by the representatives of Libya and Iran. In one, the representative of Libya, Ali A. Treiki, said Jews were responsible for pornography in the United States and were trying to "debase" the American people.

The Iranian representative, Said Rajaie-Khorassani, likened Israel to a "cancerous growth" that, he said, needed to be removed.

Silence Called Shocking

Delegates who have used such language have generally argued that they were not engaging in insults against the Jews as a people but were expressing opposition to Israel and to Zionism.

Jewish groups, by contrast, have

argued that these remarks recall the kind of prejudicial stereotypes regarding Jews that have always been at the heart of classic anti-Semitism.

Referring to the incidents, Harris O. Schoenberg, a member of the B'nai B'rith delegation, said, "The United Nations is the foremost legitimizing organization in world affairs and what it seems to be legitimizing right now is anti-Semitism."

Mr. Schoenberg and others in B'nai B'rith and the American Jewish Committee have said that with the exception of the United States and Israel, anti-Semitic statements at the United Nations have not drawn responses from other delegations.

"It was this silence that was particularly shocking," Mr. Schoenberg said.

Protests Are Urged

Many Jewish leaders contend that anti-Semitism was legitimized at the United Nations in 1975 when the General Assembly approved a resolution equating Zionism with racism. That formulation, with its implication that the Jews consider themselves a kind of master race, has been recalled in numerous remarks of radical Arab and other delegates.

For example, one commonly heard way of referring to Israel during de-

bate here is as the "Judeo-Nazi entity."

The B'nai B'rith representatives said that since January they had appealed to some 15 countries, both in their capitals and to their representatives at the United Nations, to protest any future anti-Semitic remarks.

In addition, Jewish groups have raised the issue in meetings with several heads of government, including President François Mitterrand of France, Chancellor Helmut Kohl of West Germany, Prime Minister Margaret Thatcher of Britain and President João Baptista Figueiredo of Brazil.

"There was a positive response from all of them," Mr. Kraft said of the leaders.

But, he went on, representatives at the United Nations have tended to view the anti-Semitic incidents as "diplomatic indiscretions" rather than expressions of religious prejudice.

Mr. Kraft said most of the representatives at the United Nations argued that they responded only to attacks directed against their countries. The remarks about Jews arose during debates about Israel and were thus for that country to respond to, Mr. Kraft said, summarizing the representatives' position.

U.N. ANTI-SEMITISM IS DENIED BY ARABS

Spokesman Calls Charges by Jewish Groups and Israel Absolute Impossibility

JUN 22, 1984

By RICHARD BERNSTEIN

Special to The New York Times

UNITED NATIONS, N.Y., June 21 — An Arab spokesman has rejected charges, made by Jewish groups here recently, that the United Nations has become a center for anti-Semitic polemics.

The spokesman, Clovis Maksoud, the representative of the 22-member League of Arab States, said in an interview Wednesday night that Israel and Jewish groups were trying to blur the distinction between criticism of Israel and anti-Semitism.

"We consider Judaism as a constituent part of our heritage," Dr. Maksoud said. "In that sense, anti-Semitism for us is an impossibility by definition."

"There is a profound, absolute distinction in the mind of Arabs among Judaism, Zionism and Israel," Dr. Maksoud said. He added, "An attempt to blur the distinction by Israel and the supporters of Israel is now being intensified."

Dr. Maksoud was responding to charges, made directly by Jewish groups to some 15 delegates here and to Secretary General Javier Pérez de Cuéllar, that a rising tide of anti-Semitism in the United Nations was going unchallenged by the Secretariat and by Western delegates.

Libyan Delegate's Comments

Jewish groups, such as B'nai B'rith International and the American Jewish Committee, have circulated papers detailing what they regard as anti-Semitic outbursts by delegates from Libya, other Arab countries, the Soviet Union and Iran. These have included statements that the Jews have transformed the notion of the "chosen people" into a new theory of race superiority, a concept that the Jewish groups contend harkens back to the anti-Semitic thinking of Nazi Germany.

In the General Assembly last fall, the Libyan delegate, Ali A. Treiki, said that Jews controlled pornography in this country and were trying to "debase" the American people.

"It is not that every Arab at every moment will not have a slip of the tongue in a moment of anger," Dr. Maksoud said, apparently with Dr. Treiki's remarks in mind. "Especially," Dr. Maksoud said, "when Israel says that it is the Jewish state, so, we attack the Jewish state. Is that anti-Semitism?"

"The mainstream Arab position will denounce attributing any characteristic to any race, religion or color," he added.

Asked about the use by some Arab delegates and the representative of the Palestine Liberation Organization of the phrase "Judeo-Nazi entity" to refer to Israel, Dr. Maksoud said: "This is a rhetorical response to the fact that the Israelis always use the term terrorist to refer to the P.L.O. Calling them terrorists and murderers all the time is an insult to the Palestinians and to the rest of the Arabs."



100-4000 UN 1300

The American Jewish Committee

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OFFICE OF THE PRESIDENT

June 25, 1984

Letters to the Editor
New York Times
229 West 43rd Street
New York, New York 10036

To the Editor:

Dr. Clovis Maksoud's rejection of anti-Semitism and his respectful statement about Judaism ("UN Anti-Semitism is Denied by Arabs," June 21, 1984), are welcome, if somewhat suspect. Dr. Maksoud dismisses anti-Semitic remarks at the UN as "slips of the tongue" and "rhetoric." Time will tell whether, as Arab League spokesman, he will condemn and discourage future anti-Jewish utterances by members of the League, and speak out against anti-Jewish acts committed in Arab lands.

Concern about anti-Semitism at the UN goes back many years. As far back as 1972, the American Jewish Committee called upon General Assembly President Malik of Indonesia to condemn anti-Jewish statements by Arab and Soviet delegates to the Assembly, ostensibly directed against Zionists and Israel. Mr. Malik responded that he deplored and "personally abhorred any violent or fanatical statements in the General Assembly and expressions of bigotry in all its forms."

Recently, UN Secretary General Perez de Cuellar, in a low-key but clear message, urged UN delegates to refrain from "unbecoming" speech. Despite these efforts to restore civility to international discourse, however, some delegates continue to attack Israel and Zionism with images and phrases borrowed from the arsenal of classic anti-Semitism.

There is a fundamental difference between criticism of specific Israeli government policies and the inflammatory rhetoric about Zionism and Israel common at the UN. When Israel and "Zionists" are falsely accused of outrageous and inhuman acts, there is grave risk that readers of such statements in lands far distant from the Middle East may relate these accusations to Jews in their own countries and the world at large.

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Bigotry and racist rhetoric has no place in an organization founded to free the world of the racial and religious hatreds that paved the way for World War II and permitted the Nazi genocide carried out against European Jewry.

Let us hope that both UN officials and representatives of all the UN member states will speak out against anti-Semitic utterances that encourage intergroup hostility and conflict between peoples, and violate the principles proclaimed in all major international human documents issued and supported by the United Nations.

Howard I. Friedman

Howard I. Friedman
President, The American Jewish Committee

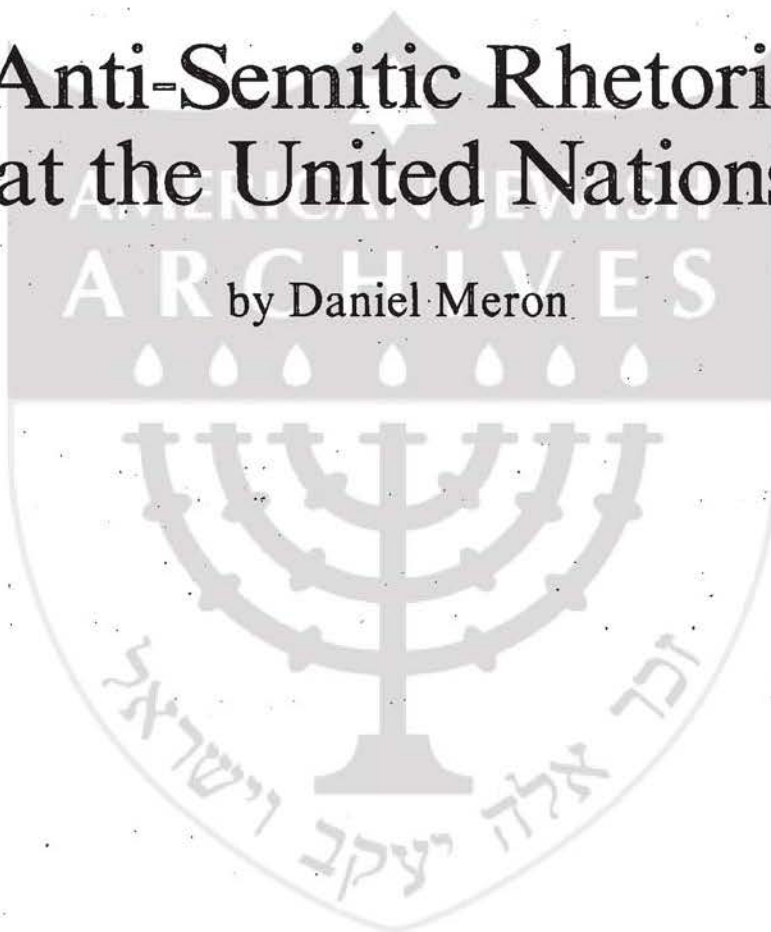
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THE JACOB BLAUSTEIN INSTITUTE
FOR THE ADVANCEMENT OF HUMAN RIGHTS

Anti-Semitic Rhetoric at the United Nations

AMERICAN JEWISH
ARCHIVES
by Daniel Meron



FOREWORD

Particularly since 1975, when the General Assembly adopted a resolution equating Zionism with racism, some representatives of Arab and Soviet bloc governments have used UN bodies as platforms for anti-Jewish statements. Yet there has been little systematic analysis of such speech. As part of our UN-related activity, the Jacob Blaustein Institute engaged Daniel Meron, a Harvard College undergraduate, as a summer intern to undertake as a case study a systematic survey of the records of one General Assembly and of selected Security Council sessions during 1982, to determine the extent and character of anti-Jewish manifestations during that session.

Mr. Meron was confronted with the complex relationship between traditional, unequivocal anti-Semitism, newer anti-Zionism, and attacks on Israel, as have been previous analysts of anti-Semitism at the UN. His research yielded relatively few examples of crude, classical anti-Semitism; anti-Zionist and anti-Israel statements were much more pervasive. The research also showed that anti-Semitic speech was restricted mainly to a few Arab states and the PLO with some objectionable rhetoric coming from the Communist bloc (including Cuba). It indicated that within the anti-Zionist rhetoric there was a discernible strain of traditional anti-Semitism.

Mr. Meron also analyzed the principles in international legal documents, mainly the Convention on Racial Discrimination and the Covenant on Civil and Political Rights, that might be used to combat anti-Semitic rhetoric.

Annexed to his paper is a list of examples of the several types of statements: some unequivocally anti-Semitic, others anti-Zionist or anti-Israel with or without anti-Semitic overtones depending on interpretation.

It is pleasing to bring this interesting research paper by a Blaustein Institute intern to your attention.

Sidney Liskofsky
Program Director

ANTI-SEMITIC RHETORIC AT THE UNITED NATIONS

In recent months there has been renewed controversy over anti-Israel rhetoric in the United Nations. Representatives of Israel and Jewish groups in the United States have claimed that virulent anti-Israel statements made by delegates were also anti-Jewish. "In an effort to combat what they see as persistent anti-Semitism at the United Nations,"¹ American Jewish leaders met with Secretary General Javier Perez de Cuellar and urged him to do his utmost to try to put an end to outbursts² such as the statement made by the representative of Libya, Mr. Treiki, who accused American Jews of being pornographers and of attempting to "debase" the American people.³ Many delegates, however, view even such outbursts as mere "diplomatic indiscretions"⁴ or as acceptable political criticism of Israel not directed against Jews in general.⁵ The question is, which statements constitute acceptable criticism of Israel, and which utterances should be condemned as anti-Semitic? For analytic purposes this paper distinguishes between three different types of rhetoric: those statements explicitly using the term "Jews" or "Jewish," those about "Zionism" or "Zionists," and those referring to Israel.

Anti-Jewish Speech

Article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination (hereafter the Convention) defines "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms. . . ." ⁶ (emphasis added) Article 4 (a) prohibits "dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts" against any group on grounds of race, colour or ethnic origin.⁷

The definition of racial discrimination prohibits distinctions which have "the purpose or effect" of impairing the equal enjoyment of human rights and fundamental freedoms.⁸ The prohibition of racial propaganda in article 4 is broader and includes the dissemination of ideas based on racial superiority or which promote hatred. Thus, under article 4, it is not necessary to demonstrate adverse impact, or even intent to promote racial discrimination or violence, in order to prohibit racist propaganda.

Under this Convention, virtually any invidious distinction on the basis of race, either in law or in propaganda, is almost per se invalid. This conclusion is also supported by the International Covenant on Civil and Political Rights. Article 2(1) of the Covenant requires a state to "ensure to all individuals within its territory... the rights recognized in the present Covenant, without

distinction of any kind, such as race, colour... religion, etc.."9 Article 24(1), discussing the rights of children, prohibits any "discrimination on grounds of race, colour, religion, national origin, etc."10

In short, the protections in the Racial Convention (and the Covenant) against racial discrimination, hatred and propaganda are so far-reaching that, according to some members of the Committee on the Elimination of Racial Discrimination, which implements the Convention, any statement insulting or maliciously ridiculing individuals belonging to certain groups is punishable.¹¹

Accordingly, it can be safely warranted that criticism of "Jews," the "Jewish lobby" and perhaps even invidious reference to Israel as the "Jewish State" (as opposed to criticisms [of specific individuals or] of the policies of the Israeli government) are prohibited by international human rights law.

Anti-Zionist Rhetoric

There is controversy over whether virulent attacks on "Zionism" are anti-Semitic. The thesis that anti-Zionism as well as anti-Israel tirades are equivalent to anti-Semitism has been advanced by Yehuda Z. Blum, former representative of Israel to the United Nations, in a letter to the Secretary General dated 16 January, 1984:

Throughout all these years the State of Israel and the Jewish people have been under no illusions with regard to the true intent and purpose of the "anti-Zionist" and "anti-Israel" outbursts at the United Nations and elsewhere. It has been well understood by decent people everywhere that behind the "anti-Zionist" and "anti-Israel" tirades there lurks anti-Semitism, pure and simple, and that "anti-Israel" and "anti-Zionist" slogans are being used by closet and crypto-anti-Semites to disguise their true intentions. . . .¹²

Blum, here, argues that the "true intent" of "anti-Zionism" is to foster anti-Semitism, and that criticism of Zionism, the national liberation movement of the Jewish people, is in itself anti-Semitic.

As noted above, article 4(1) of the Convention condemns "all propaganda... which attempt to justify or promote racial hatred or discrimination in any form."¹³ Thus, under the Convention, anti-Zionist rhetoric intended to promote hostility towards Jews in general would be prohibited. But how does one demonstrate intent? The difficulty of demonstrating such intent is compounded because some delegates who virulently criticize Zionism and Zionists deny any hostility towards Jews.

Idi Amin, in an address to the General Assembly in 1975, for example, said:¹⁴

The United States of America has been colonized by the Zionists who hold all the tools of development and power. They own virtually all the banking institutions, the major manufacturing and processing industries and the major means of communication. . . I call upon the

people of the United States of America. . . to rid their society of the Zionists in order that the true citizens of this nation may control their own destiny and exploit the natural resources of their country to their own benefit.

The similarity between this statement and the propaganda of the Nazis is quite striking. There can be little doubt that when Idi Amin speaks of Zionists owning all the banking institutions and not being true American citizens he is referring to Jews and is intentionally using traditional Jewish stereotypes. Yet, just a few sentences later he says: "I like the Jews but I do not approve of zionism [sic]."¹⁵ Even though so invidious a statement might be considered to demonstrate intent despite the disclaimer, how does one prove this? Given the difficulty of proof it would appear that an argument based on intent is not helpful for Blum's argument.

Blum's second argument poses another difficulty: The enemies of Israel, he implies, are engaging in "ideological and political anti-Semitism" by denying the right to Jewish self-determination, as by the expression "Zionism is racism" which defames the ideology of "Jewish peoplehood."¹⁶

First of all, it is not clear that the denial of the right to Jewish self-determination is equivalent to anti-Semitism. If it is, are Israelis who deny the Palestinians the right to their own state, racist? Secondly, not all Jews accept Zionism. In fact, some feel that Jewish cultural and religious identity can best be maintained in the diaspora. Are those groups that are most vocal in their opposition to the state of Israel, such as Neturei Karta, anti-Semitic? Rabbi Elmer Berger, a longstanding anti-Zionist activist, stated in a speech at the University of Kansas on October 21, 1982 that "the racist/theocratic character of Zionism complicates any process which contemplates peace through reasonable territorial adjustments."¹⁷ Though Rabbi Berger may be misguided, should one label him¹⁸ an anti-Semite? Thus, any flat equation of anti-Zionism with anti-Semitism is problematic.

Again, perhaps the best approach would be one based on the Convention. As Jack Greenberg observes, the Convention distinguishes between purpose and effect when dealing with discrimination.¹⁹ An act or statement which has the effect of promoting racial hatred or discrimination, even if intent is lacking, would still be prohibited under Articles 1(1) and 4(1).

This emphasis on effect is not unique. Indeed, a number of Supreme Court decisions on discrimination have construed certain statutes as forbidding discriminatory effect irrespective of intent.²⁰ Federal employment guidelines, moreover, also prohibit practices with discriminatory effect, regardless of intent.²¹ By this approach, it would be enough to demonstrate that hostile criticism of Zionism in general, as opposed to specific policies of Israel, is likely to promote racial hatred, and thereby bring it within the prohibition of the Convention. It would be sufficient to show such a likelihood without demonstrating a "clear and present danger."

If the assertion that "the Zionism equals racism resolution has had the effect of promoting, sustaining and legitimizing anti-Semitism in various parts of the world"²² is correct, then not only those who cite it but the resolution itself is condemnable under articles 1(1) and 4(1) of the Convention.

Anti-Israel Statements

As with anti-Zionist Statements, Ambassador Blum, in the letter quoted above, complained that anti-Israel "tirades" were really "smoke-screens" for anti-Semitic slogans and as such should be prohibited.²³ Unfortunately, any attempt at limiting anti-Israel criticism, no matter how virulent, on the grounds of anti-Semitism, raises serious problems.

It could be argued that the Convention's broad prohibition of propaganda whose effect is to promote racial hatred, would prohibit the anti-Israel rhetoric Blum complains of. But that would require proof of impact. Surely some criticism of Israel, even harsh criticism, is legitimate. How, then, does one determine which statements constitute legitimate criticism and which should be prohibited? Because such statements would have to be addressed on a case by case basis, impact would be very difficult to measure. How can one demonstrate the effect of one statement?

One solution might be to prohibit not particular statements but certain types of statements. For example, statements denying Israel's very right to exist would be ruled anti-Semitic in effect and prohibited. Blum himself seems to do just that when quoting, as an example of an anti-Semitic remark, one by the Iranian Foreign Minister, referring to Israel as a "cancerous growth" that must be removed.²⁴ However, if this remark is anti-Semitic, then is Neturei Karta also anti-Semitic, since it objects to the very existence of the State of Israel?

Another type of prohibited statement might be one comparing Israel to the Nazis, on the ground that this comparison is an intentional attempt to demean the atrocities committed by the Nazis by claiming that their crimes are no different from Israeli policies, and as such is intended to cause pain to all Jews. A statement such as that made by the representative of Syria, Mr. Khaddam, that "Israel has. . . exceeded all the crimes perpetrated by the Nazis . . ." ²⁵ would then be prohibited. This is a weak argument, however, not only because of the difficulty of demonstrating that the use of Nazi metaphors are intended to have these effects, but because not only Israel is compared to the Nazis. Mr. Rajaie-Khorassani, the representative of Iran, for example, compared both Israel's and Iraq's leaders to the Nazis. He stated: "if Nazi criminals deserved--and of course they did--to be condemned and punished by international bodies, why then should not Saddam Hussein and Begin be punished in this Assembly for their war crimes?"²⁶

These difficulties lead to the conclusion that anti-Israel criticism cannot be prohibited on the grounds of anti-Semitism. One must look elsewhere for a solution, perhaps to Article 20(2) of the Covenant on Civil and Political Rights, which states that "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be

prohibited by law."²⁷ Statements such as "the Zionist entity. . . should be removed like a cancerous tumor,"²⁸ therefore, could be prohibited as providing an incitement to violence and advocating national hatred against Israel. Thus, even virulent criticism of Israel which could not be termed anti-Semitic, could still be prohibited as advocacy of national hatred against that state.

As this paper has shown international legal instruments, if used properly, may provide an effective means to combat anti-Jewish rhetoric at the UN.



ANTI-JEWISH, ANTI-ZIONIST AND
ANTI-ISRAEL SPEECH, 1982

Anti-Jewish Rhetoric

Iraq
Mr. Al-Hadawy
A/37/PV 87, General Assembly

"Jewish financial influence had increased in the United States because of war conditions and their aftermath, when the United States adopted an open-door policy towards Europe, which had been destroyed by the war. The Jewish societies succeeded in lessening discrimination against Jews in some parts of the country and hastened to impose their absolute domination on finance, the mass media and various sectors of public opinion. They gained positions in the American Congress, the White House and the Department of State. Those who needed the support of the political personalities involved hovered around them, and the influential Jewish lobby appeared on the scene."

Nicaragua
Mr. Chamorro Mora
A/37/PV. 96, General Assembly

"It is difficult to believe that a people that suffered so much from the Nazi policy of extermination in the middle of the twentieth century would use the same fascist, genocidal arguments and methods against other people."

PLO
Mr. Abdel Rahman
S/PV. 2375,
pp. 72

"Crime, drug taking, prostitution, are the trademarks of the society that he and his colleagues declare that they want to establish for the Jewish people."

Syria
Mr. El-Fattal

"Are not the forces of pressure -- that is, the Jewish Lobby in the United States -- the obstacle preventing the restoration of stability and security in Lebanon? . . .

The voice of Rabbi Schindler confirmed what we have stated, that is, that the Jewish Lobby, in spite of its strength, is not the only giant beast imposing its will on the United States Administration.

[Continues by explaining that Jewish Lobby is only successful because the best interests of the U.S. are best served that way.]

Anti-Zionist Rhetoric

Cuba
Mr. Roa Kouri
A/37/PV. 86, General Assembly

"Once again the Zionist authorities have shown their racist sadism and their profound contempt for the most cherished values of mankind."

Cuba
Mr. Malmierca
A/37/PV. 23, General Assembly

"Hitler would have had much to learn from the madness of Messrs. Begin and Sharon.

The Zionist genocide in Beirut is the direct result of the United States government's policy of force, violence and repression."

Djibouti
Mr. Farah
A/37/PV. 16, P. 106, General Assembly

"During the first half of this century the Nazis, in their . . . campaign for racial superiority, arrogated to themselves the right to determine who should live and who should be deprived of life. They institutionalized terror and mass killing as means of achieving that goal.

"In the second half of this century the Zionist neo-Nazis have espoused a similar concept, although more limited in scope . . .

These Zionists have unfortunately made us relive a tragedy which history wished to bury at Nuremburg and which we thought had been removed from our memories forever."

Iraq
Mr. Al-Hadawy
A/37/PV. 87, General Assembly

"It [Zionism] is a racist, imperialist, political movement that distinguishes between Jews and non-Jews, believes in the purity of the Jewish race and is based on terrorism, repression, treachery and expansion, just as Nazism distinguished between the Germans and the non-German races and resorted to terrorism, repression and expansion. Since its inception in 1947 the Judenstadt has been guilty of putting into practice all these evils."

Jordan
Mr. Nuseibeh
S/PV. 2396, Security Council

"This has been the incessant pattern of murder and destruction which the Zionist Nazi racist gangs have been perpetrating against the Palestinian people ever since . . . Menachem Begin desecrated the hallowed soil of the Holy Land when, in 1943, he arrived in Palestine as an immigrant."

Syria
Mr. Abouchaer
A/SPEC/37/SR. 27 para. 20, Special Political Committee

"Israel, acting from the hatred of humanity dictated by its Zionist ideology . . ."

"The Zionist usurpers, the enemies of mankind."

Syria
Mr. Khaddam
A/37/PV. 8, pp. 84-85, General Assembly

"Much suffering and bleeding continue as a result of the plots of world Zionism to establish a racist empire starting in Palestine and extending to other parts of the world, defined by Zionist doctrine as being from the Nile to the Euphrates . . ."

Syria
Mr. Khaddam
A/37/PV. 8, p. 83, General Assembly

"The racist regime in Pretoria, like the racist Zionist regime in Palestine, has not only detonated explosive situations of conflict and tension, but its practices have always been an affront to humanity and a blot on its history."

Syria
Mr. El-Fattal
A/37/PV. 93, General Assembly

" . . . Zionism with its racist, expansionist nature and its past and present crimes against international peace and security . . ."

Libya
Mr. Treiki
A/37/PV. 96, General Assembly

"The General Assembly has recognized that Zionism is a form of racism and that the fascist Nazi regime in power in occupied Palestine is a racist regime."

Anti-Israel Rhetoric

Angola
Mr. Jorge
A/37/PV. 16, P. 92, Current Assembly

"The brutal armed invasion carried out by the racist and fascist Tel Aviv regime, with the full and shameful connivance of the United States Administration . . ."

Cuba
Mr. Lopez Del Amo
A/37/PV. 93, General Assembly

"In the course of recent months the international community has witnessed acts of barbaric behavior, acts of extermination by Israel, comparable only to Nazi-Fascist actions during the Second World War."

Iran
Mr. Rajale-Khorassani
A/37/ PV. 41 p. 16, General Assembly

"If Nazi criminals deserved -- and of course they did -- to be condemned and punished by international bodies, why then should not Saddam Hussein and Begin be punished in this assembly for their war crimes?"

". . . the innocent Iraqi subjects and residents who had been expelled from Iraq . . . because of the Iraqi regimes' racist commitment."

Jordan
Mr. Nuseibeh
A/37/PV. 92. General Assembly

"It [Israeli expansionism] is extremely reminiscent of the rise of Nazism in its theoretical conceptual creed of racism, expansion and hegemony, which subsequently erupted one of the most devastating wars of this century and the total breakdown of the League of Nations and international law as arbiters of relations among nations. That is not a vain and propagandist analogy, for while the motivating theoretical frameworks are identical in both movements and cataclysmic culmination of one came with the massive deluge of the Second World War . . . the, second namely the Israeli-Zionist thrust, is in the middle stage of its unfolding, stupendous as the early stages have been."

Jordan
Mr. Nuseibeh
S/PV. 2388, p.7, Security Council

". . . the Israeli Nazis are at the present continuing to perpetrate their barbaric assault on and genocide against the capital of the independent sovereign state of Lebanon . . ."

Morocco
Mr. Boucetta
A/37/PV. 17, p. 52, General Assembly

"The abominable massacre planned by the Israeli army of occupation in the camps at Sabra and Shatila claimed more than 4,000 victims among innocent unarmed Palestinians, including women, children and old people. It reminds us of a similar massacre carried about by Menachem Begin in the Palestine village of Deir Yassin in 1947, and it transcends in atrocity and the manner in which it was committed the deeds of the Nazis during the Second World War."

PLO
Mr. Terzi
S/PV. 2379, p. 87, Security Council

"Did they provoke the attack in order to bring us back to a state of war? Is the criminal mentality of the Nazis still there?"

PLO
Mr. Terzi
S/PV. 2380, p. 22 Security Council

". . . the developments in Jiddah . . . were answered by the neo-Nazis with some savage attacks which caught unaware scores of Beirut civilians who had hoped to benefit from the relative calm to secure basic needs."

PLO
Mr. Terzi
S/PV. 2388, Security Council

"The members of the Herut party and the Irgun Zvai Leumi are known for their identification with Hitlerian doctrines and policies."

Saudi Arabia
Mr. Allagany
S/PV 2325, pp. 13-14 Security Council

"It has constantly used the highly publicized Nazi practices against Jews as an excuse for its excesses in Palestine but has failed to realize that its atrocities against the Palestinian people . . . were not incomparable to the atrocities attributed to the Nazi regime during the Second World War."

Syria
Mr. Khaddam
A/37/PV.8 pp. 91-92, General Assembly

"Are the Israelis committing their criminal acts to serve their racist Zionist interests or on behalf of the United States and its interests? If Israel's crimes against the Arabs are not committed on behalf of the United States or its interests, why does it provide this support and backing to Israel?"

Syria
Mr. El-Fattal
A/37/PV. 40, General Assembly

"Foremost among such [racist] regimes are those of the governments of South Africa and Israel, which are guilty of the most invidious and murderous acts against the people under the yoke of occupation."

Syria
Mr. Khaddam
A/37/PV. 8, General Assembly

"No country in the world -- either in the ancient or in the modern world -- has a record as dark as Israel's. It is a record abounding in racist crimes, acts of aggression, wars and crimes against humanity. Israel has thus exceeded all the crimes perpetuated by the Nazis and the fascist forces during the first half of this century . . . In spite of all this the Israelis still claim that they want peace. Is that any different from what Hitler and the Nazis used to say when they were destroying towns and villages and killing the civilian population, including women and children?"

Syria
Mr. Khaddam
A/37/PV. 8, General Assembly

"In a notorious statement, reminiscent of the Nazi concepts which were denounced by all mankind, the Israeli Minister of Defense [Sharon] states that he believes that Israel's lebensraum will stretch to include Pakistan in the East and North African countries in the West."

Syria
Mr. Khaddam
A/37/PV. 8, pp. 88-90 General Assembly

"Then came the horrible massacres perpetuated by the Israeli forces of occupation in the refugee camps of Sabra, Shatila and other localities. Israeli forces murdered, slaughtered and mutilated more than 1,000 innocent Palestinian citizens, mostly women and children, in a bloodbath reminiscent of the massacre of Deir Yassin, perpetuated by Begin on 9 April 1947. This horrible carnage, which exceeds Dir Yassin and all the crimes of Nazism, confirms that a genocidal war of extermination is being waged by Israel against the Palestinian and Labanese people before the very eyes of the whole world."

Sudan
Mr. Osman
A/C. 1/37/PV. 13, Government Committee

" . . . my delegation cannot fail to express regret at the fact that the two racist regimes in Pretoria and Tel Aviv have found the means to acquire and manufacture nuclear weapons."

Uganda
Mr. Irumba
Security Council

". . . the twin brothers in the furtherance of racism and aggression --namely, Israel and Apartheid South Africa -- have persistently and arrogantly flouted numerous resolutions of the security council and the General Assembly."

Ukrainian, SSR
Mr. Martynenko
General Assembly

"The tragedy of Beirut has brought back to the memory of mankind the darkest scenes from the past -- the bloody crimes of the Nazis in the second world war . . .

Such brutal behavior by the aggressor would not have been possible without the political protection and extensive military and financial aid Israel has been receiving from its influential American benefactors."

U.S.S.R.
Mr. Gromyko
General Assembly

"Could Israel commit aggression and perpetuate genocide against the Palestinians but for its so-called "strategic consensus" with the United States?"

March 1985

85-900-16



NOTES

- 1 Note: Throughout this paper the term "anti-Semitic" will refer to its commonly accepted meaning of "anti-Jewish."
- 2 Richard Bernstein, "Jewish Groups Press UN Chief on Anti-Semitism," The New York Times, 19 June 1984.
- 3 UN document, A/38/PV.88, pp. 19-20.
- 4 The New York Times, 6.19.84.
- 5 The New York Times, 6.19.84.
- 6 International Convention on the Elimination of All Forms of Racial Discrimination, Article 1(1).
- 7 Convention, Article 4(a).
- 8 Convention, article 1(1).
- 9 International Covenant on Civil and Political Rights, Article 2(1).
- 10 Covenant, Article 24(1).
- 11 UN document, GAOR, Supp. no. 18 A/32/18, para. 84.
- 12 Letter addressed to the Secretary General by the Permanent Representative of Israel to the United Nations, Yehuda Blum, dated 16 January 1984.
- 13 Convention, Article 4(1).
- 14 UN document, A/PV. 2370, pp.71-72.
- 15 Ibid.
- 16 Letter circulated by Professor Irwin Cotler, dated March 6, 1984.
- 17 Amy Kaufman Goott and Steven J. Rosen, eds., The Campaign to Discredit Israel (Washington: AIPAC, 1983), p.100.
- 18 Ibid.
- 19 Jack Greenberg, "Race, Sex, and Religious Discrimination in International Law," in Human Rights in International Law: Legal and Policy Issues (T. Meron ed., 1984), vol. II, p.322.
- 20 See Board of Education of the City of New York v. Harris, 444 U.S.130 (1979).
- 21 See Equal Employment Opportunity Commission 1607.3: "The use of any selection procedure which has an adverse impact on the hiring, promotion, or other employment or membership opportunities of members of any race, sex, or ethnic

group will be considered discriminatory..." 29 CFR 153 (1978, rev. 1 July 1983).

22 Ibid.

23 Blum letter, p.4.

24 Blum letter, p.3.

25 UN document, A/37/PV.8.

26 UN document, A/37/PV. 41, p.16.

27 Covenant, article 20(2), (emphasis added).

28 UN document, A/38/PV.102.



RESEARCH METHODOLOGY

I. Choice of Research Period. The most accurate method of determining how prevalent is anti-Semitic rhetoric at the UN was to examine as thoroughly as possible, one complete year of meetings rather than random meetings covering a number of different years. After comparing the sources available, both at the United Nations library and at the N.Y.U. library, I chose the UN's 37th year, covering January 1 to December 31, 1982 and including the 37th session of the General Assembly. The reasons for this choice of this time span was the following:

(1) The 37th year (1982) is the most recent for which reasonably complete records exist, and the most recent year for which a complete index exists. This index was important in that it greatly facilitated my research. Furthermore, a number of documents, such as the summary records of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, can only be obtained by requesting the records from the UN librarian using the exact call numbers which are identifiable only through the index.

Finally, the 37th year saw the invasion of Lebanon in June, as well as the siege of Beirut, the tragedy of Sabra and Shatila in September, and the shooting of Arab worshipers at the Temple Mount by Alan Goodman, incidents certain to provoke sharp reactions at the UN.

Method of Research. The first step was to read all debates indexed under the headings of "Israel," "The Middle East," "The Palestinians," etc., using the index to proceedings of the General Assembly and the separate index for the Security Council. I also read records of meetings which discussed South Africa and Apartheid, nuclear weapons in the Middle East and the debates on the Iran-Iraq war. In this research, I read the statements of all delegates, particularly though not exclusively, of the Arab countries and the Soviet bloc. These debates include discussions in committees that report to the plenary of the General Assembly, though (with the exception of the First Committee), no verbatim records exist for these bodies.

On completing these records, I skimmed the records of all the other meetings of the General Assembly and Security Council in search of other discussions involving Israel. I found, indeed, a considerable number of relevant meetings which were not indexed, especially of the Security Council. By the time I had completed my research, I had read well over half the records of the General Assembly and the Security Council. My final step consisted in reading all of the records of meetings of the Committee on the Exercise of the Inalienable Rights of the Palestinian People during 1982 that were available at the United Nations library.

Choice of Library. In my research I used both the UN library and the N.Y.U. library. The N.Y.U. library is the more pleasant of the two, is quieter and stays open much later at night. It has complete records of the General Assembly plenary, the Security Council, and theoretically all the General Assembly committees. In practice, however, its records of committee meetings are not complete.

The United Nations library, on the other hand, has as complete records as one can find, and its librarians are more knowledgeable than N.Y.U.'s. Its drawbacks, however, are its limited accessibility, which is restricted to delegates, staff, relatives of staff, as well as selected doctoral and post doctoral students.



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TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION

OCTOBER 22, 1973

Resolution 338

The Security Council

1. *Calls upon* all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;
2. *Calls upon* the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;
3. *Decides* that, immediately and concurrently with the cease-fire, negotiations shall start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

*Adopted at the 1748th meeting
by 14 votes to none*

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION
OF NOVEMBER 22, 1967

Resolution 242

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East;

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security;

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken to act in accordance with Article 2 of the Charter;

1. *Affirms* that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:
 - (i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;
 - (ii) Termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;
2. *Affirms further* the necessity
 - (a) For guaranteeing freedom of navigation through international waterways in the area;
 - (b) For achieving a just settlement of the refugee problem;
 - (c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;
3. *Requests* the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in this resolution;
4. *Requests* the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Adopted unanimously at the 1382nd meeting.

TEXT OF THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION 3236

NOVEMBER 22, 1974

The General Assembly,

Having considered the question of Palestine,

Having heard the statement of the Palestine Liberation Organization, the representative of the Palestinian people,

Having also heard other statements made during the debate,

Deeply concerned that no just solution to the problem of Palestine has yet been achieved and recognizing that the problem of Palestine continues to endanger international peace and security,

Recognizing that the Palestinian people is entitled to self-determination in accordance with the Charter of the United Nations,

Expressing its grave concern that the Palestinian people has been prevented from enjoying its inalienable rights, in particular its right to self-determination,

Guided by the purposes and principles of the Charter,

Recalling its relevant resolutions which affirm the right of the Palestinian people to self-determination,

1. *Reaffirms* the inalienable rights of the Palestinian people in Palestine, including:

(a) The right to self-determination without external interference;

(b) The right to national independence and sovereignty;

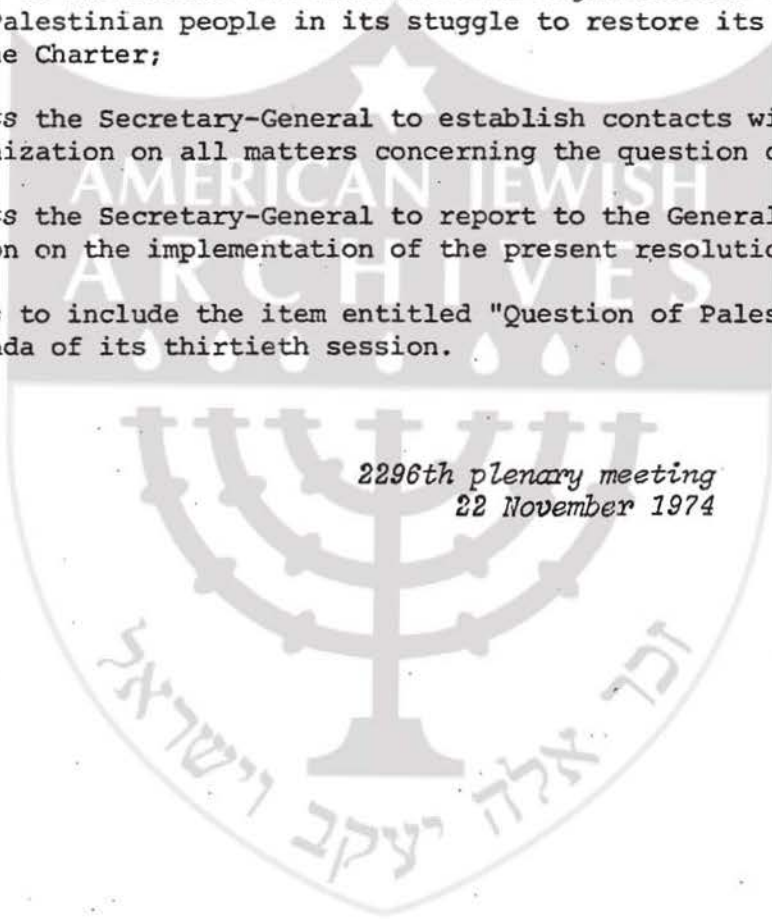
2. *Reaffirms also* the inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted, and calls for their return;

3. *Emphasizes* that full respect for and the realization of these inalienable rights of the Palestinian people are indispensable for the solution of the question of Palestine;

4. *Recognizes* that the Palestinian people is a principal party in the establishment of a just and lasting peace in the Middle East;

5. *Further recognizes* the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations;
6. *Appeals* to all States and international organizations to extend their support to the Palestinian people in its struggle to restore its rights, in accordance with the Charter;
7. *Requests* the Secretary-General to establish contacts with the Palestine Liberation Organization on all matters concerning the question of Palestine;
8. *Requests* the Secretary-General to report to the General Assembly at its thirtieth session on the implementation of the present resolution;
9. *Decides* to include the item entitled "Question of Palestine" in the provisional agenda of its thirtieth session.

2296th plenary meeting
22 November 1974



U.S. -- U.S.S.R. JOINT COMMUNIQUE

OCTOBER 1, 1977

Having exchanged views regarding the unsafe situation which remains in the Middle East, U.S. Secretary of State Cyrus Vance and Member of the Politbureau of the Central Committee of the CPSU, Minister for Foreign Affairs of the U.S.-S.R. A.A. Gromyko have the following statement to make on behalf of their countries, which are cochairmen of the Geneva Peace Conference on the Middle East:

1. Both governments are convinced that vital interests of the peoples of this area, as well as the interests of strengthening peace and international security in general, urgently dictate the necessity of achieving, as soon as possible, a just and lasting settlement of the Arab-Israeli conflict. This settlement should be comprehensive, incorporating all parties concerned and all questions.

The United States and the Soviet Union believe that, within the framework of a comprehensive settlement of the Middle East problem, all specific questions of the settlement should be resolved, including such key issues as withdrawal of Israeli Armed Forces from territories occupied in the 1967 conflict; the resolution of the Palestinian question, including insuring the legitimate rights of the Palestinian people; termination of the state of war and establishment of normal peaceful relations on the basis of mutual recognition of the principles of sovereignty, territorial integrity, and political independence.

The two governments believe that, in addition to such measures for insuring the security of the borders between Israel and the neighboring Arab states as the establishment of demilitarized zones and the agreed stationing in them of U.N. troops or observers, international guarantees of such borders as well as of the observance of the terms of the settlement can also be established should the contracting parties so desire. The United States and the Soviet Union are ready to participate in these guarantees, subject to their constitutional processes.

2. The United States and the Soviet Union believe that the only right and effective way for achieving a fundamental solution to all aspects of the Middle East problem in its entirety is negotiations within the framework of the Geneva peace conference, specially convened for these purposes, with participation in its work of the representatives of all the parties involved in the conflict including those of the Palestinian people, and the legal and contractual formalization of the decisions reached at the conference.

In their capacity as cochairmen of the Geneva conference, the United States and the U.S.S.R. affirm their intention, through joint efforts and in their contacts with the parties concerned, to facilitate in every way the resumption of the work of the conference not later than December 1977. The cochairmen note

that there still exist several questions of a procedural and organizational nature which remain to be agreed upon by the participants to the conference.

3. Guided by the goal of achieving a just political settlement in the Middle East and of eliminating the explosive situation in this area of the world, the United States and the U.S.S.R. appeal to all the parties in the conflict to understand the necessity for careful consideration of each other's legitimate rights and interests and to demonstrate mutual readiness to act accordingly.



CAMP DAVID ACCORDS

SIGNED SEPTEMBER 17, 1978

A FRAMEWORK FOR PEACE IN THE MIDDLE EAST
AGREED AT CAMP DAVID

Muhammad Anwar al-Sadat, President of the Arab Republic of Egypt, and Menachem Begin, Prime Minister of Israel, met with Jimmy Carter, President of the United States of America, at Camp David from September 5 to September 17, 1978, and have agreed on the following framework for peace in the Middle East. They invite other parties to the Arab-Israeli conflict to adhere to it.

Preamble

The search for peace in the Middle East must be guided by the following:

--The agreed basis for a peaceful settlement of the conflict between Israel and its neighbors is United Nations Security Council Resolution 242, in all its parts. [The texts of Resolutions 242 and 338 are annexes to the document.]

--After four wars during thirty years, despite intensive human efforts, the Middle East, which is the cradle of civilization and the birthplace of three great religions, does not yet enjoy the blessings of peace. The people of the Middle East yearn for peace so that the vast human and natural resources of the region can be turned to the pursuits of peace and so that this area can become a model for coexistence and cooperation among nations.

--The historic initiative of President Sadat in visiting Jerusalem and the reception accorded him by the Parliament, government and people of Israel, and the visit of Prime Minister Begin to Ismailia, the peace proposals made by both leaders, as well as the warm reception of these missions by the peoples of both countries, have created an unprecedented opportunity for peace which must not be lost if this generation and future generations are to be spared the tragedies of war.

--The provisions of the Charter of the United Nations and the other accepted norms of international law and legitimacy now provide accepted standards for the conduct of relations among all states.

--To achieve a relationship of peace, in the spirit of Article 2 of the United Nations Charter, future negotiations between Israel and any neighbor prepared to negotiate peace and security with it, are necessary for the purpose of carrying out all the provisions and principles of Resolutions 242 and 338.

--Peace requires respect for the sovereignty, territorial integrity and political independence of every state in the area and their right to live in peace

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within secure and recognized boundaries free from threats or acts of force. Progress toward that goal can accelerate movement toward a new era of reconciliation in the Middle East marked by cooperation in promoting economic development, in maintaining stability, and in assuring security.

--Security is enhanced by a relationship of peace and by cooperation between nations which enjoy normal relations. In addition, under the terms of peace treaties, the parties can, on the basis of reciprocity, agree to special security arrangements such as demilitarized zones, limited armaments areas, early warning stations, the presence of international forces, liaison, agreed measures for monitoring, and other arrangements that they agree are useful.

AMERICAN JEWISH Framework

Taking these factors into account, the parties are determined to reach a just, comprehensive, and durable settlement of the Middle East conflict through the conclusion of peace treaties based on Security Council Resolutions 242 and 338 in all their parts. Their purpose is to achieve peace and good neighborly relations. They recognize that, for peace to endure, it must involve all those who have been most deeply affected by the conflict. They therefore agree that this framework as appropriate is intended by them to constitute a basis for peace not only between Egypt and Israel, but also between Israel and each of its other neighbors which is prepared to negotiate peace with Israel on this basis. With that objective in mind, they have agreed to proceed as follows:

A. West Bank and Gaza

1. Egypt, Israel, Jordan and the representatives of the Palestinian people should participate in negotiations on the resolution of the Palestinian problem in all its aspects. To achieve that objective, negotiations relating to the West Bank and Gaza should proceed in three stages:

(a) Egypt and Israel agree that, in order to ensure a peaceful and orderly transfer of authority, and taking into account the security concerns of all the parties, there should be transitional arrangements for the West Bank and Gaza for a period not exceeding five years. In order to provide full autonomy to the inhabitants, under these arrangements the Israeli military government and its civilian administration will be withdrawn as soon as a self-governing authority has been freely elected by the inhabitants of these areas to replace the existing military government. To negotiate the details of a transitional arrangement, the Government of Jordan will be invited to join the negotiations on the basis of this framework. These new arrangements should give due consideration both to the principle of self-government by the inhabitants of these territories and to the legitimate security concerns of the parties involved.

(b) Egypt, Israel, and Jordan will agree on the modalities for establishing the elected self-governing authority in the West Bank and Gaza. The delegations of Egypt and Jordan may include Palestinians from the West Bank and Gaza

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or other Palestinians as mutually agreed. The parties will negotiate an agreement which will define the powers and responsibilities of the self-governing authority to be exercised in the West Bank and Gaza. A withdrawal of Israeli armed forces will take place and there will be a redeployment of the remaining Israeli forces into specified security locations. The agreement will also include arrangements for assuring internal and external security and public order. A strong local police force will be established, which may include Jordanian citizens. In addition, Israeli and Jordanian forces will participate in joint patrols and in the manning of control posts to assure the security of the borders.

(c) When the self-governing authority (administrative council) in the West Bank and Gaza is established and inaugurated, the transitional period of five years will begin. As soon as possible, but not later than the third year after the beginning of the transitional period, negotiations will take place to determine the final status of the West Bank and Gaza and its relationship with its neighbors, and to conclude a peace treaty between Israel and Jordan by the end of the transitional period. These negotiations will be conducted among Egypt, Israel, Jordan, and the elected representatives of the inhabitants of the West Bank and Gaza. Two separate but related committees will be convened, one committee, consisting of representatives of the four parties which will negotiate and agree on the final status of the West Bank and Gaza, and its relationship with its neighbors, and the second committee, consisting of representatives of Israel and representatives of Jordan to be joined by the elected representatives of the inhabitants of the West Bank and Gaza, to negotiate the peace treaty between Israel and Jordan, taking into account the agreement reached on the final status of the West Bank and Gaza. The negotiations shall be based on all the provisions and principles of UN Security Council Resolution 242. The negotiations will resolve, among other matters, the location of the boundaries and the nature of the security arrangements. The solution from the negotiations must also recognize the legitimate rights of the Palestinian people and their just requirements. In this way, the Palestinians will participate in the determination of their own future through:

1) The negotiations among Egypt, Israel, Jordan and the representatives of the inhabitants of the West Bank and Gaza to agree on the final status of the West Bank and Gaza and other outstanding issues by the end of the transitional period.

2) Submitting their agreement to a vote by the elected representatives of the inhabitants of the West Bank and Gaza.

3) Providing for the elected representatives of the inhabitants of the West Bank and Gaza to decide how they shall govern themselves consistent with the provisions of their agreement.

4) Participating as stated above in the work of the committee negotiating the peace treaty between Israel and Jordan.

2. All necessary measures will be taken and provisions made to assure the security of Israel and its neighbors during the transitional period and beyond. To assist in providing such security, a strong local police force will be constituted by the self-governing authority. It will be composed of inhabitants of the West Bank and Gaza. The police will maintain continuing liaison on inter-

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nal security matters with the designated Israeli, Jordanian, and Egyptian officers.

3. During the transitional period, representatives of Egypt, Israel, Jordan, and the self-governing authority will constitute a continuing committee to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza in 1967, together with necessary measures to prevent disruption and disorder. Other matters of common concern may also be dealt with by this committee.

4. Egypt and Israel will work with each other and with other interested parties to establish agreed procedures for a prompt, just and permanent implementation of the resolution of the refugee problem.

B. *Egypt-Israel*

1. Egypt and Israel undertake not to resort to the threat or the use of force to settle disputes. Any disputes shall be settled by peaceful means in accordance with the provisions of Article 33 of the Charter of the United Nations.

2. In order to achieve peace between them, the parties agree to negotiate in good faith with a goal of concluding within three months from the signing of this Framework a peace treaty between them, while inviting the other parties to the conflict to proceed simultaneously to negotiate and conclude similar peace treaties with a view to achieving a comprehensive peace in the area. The Framework for the Conclusion of a Peace Treaty between Egypt and Israel will govern the peace negotiations between them. The parties will agree on the modalities and the timetable for the implementation of their obligations under the treaty.

C. *Associated Principles*

1. Egypt and Israel state that the principles and provisions described below should apply to peace treaties between Israel and each of its neighbors--Egypt, Jordan, Syria and Lebanon.

2. Signatories shall establish among themselves relationships normal to states at peace with one another. To this end, they should undertake to abide by all the provisions of the Charter of the United Nations. Steps to be taken in this respect include:

- (a) full recognition;
- (b) abolishing economic boycotts;
- (c) guaranteeing that under their jurisdiction the citizens of the other parties shall enjoy the protection of the due process of law.

3. Signatories should explore possibilities for economic development in the context of final peace treaties, with the objective of contributing to the atmosphere of peace, cooperation and friendship which is their common goal.

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4. Claims Commissions may be established for the mutual settlement of all financial claims.

5. The United States shall be invited to participate in the talks on matters related to the modalities of the implementation of the agreements and working out the timetable for the carrying out of the obligations of the parties.

6. The United Nations Security Council shall be requested to endorse the peace treaties and ensure that their provisions shall not be violated. The permanent members of the Security Council shall be requested to underwrite the peace treaties and ensure respect for their provisions. They shall also be requested to conform their policies and actions with the undertakings contained in this Framework.

For the Government
of the Arab
Republic of Egypt:

A. Sadat

Witnessed by:

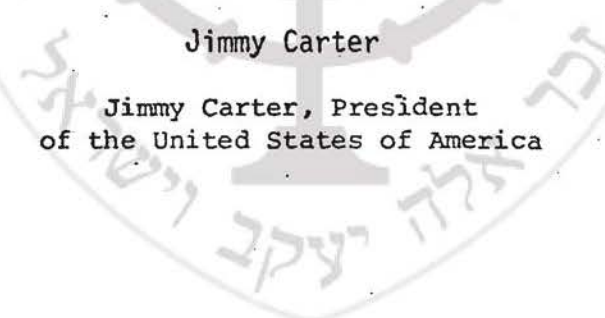
For the Government
of Israel:

M. Begin

Jimmy Carter

Jimmy Carter, President
of the United States of America

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5/4

Charter of Economic Rights and Duties of States



United Nations

Charter of Economic Rights and Duties of States

On 12 December 1974, the General Assembly adopted the Charter of Economic Rights and Duties of States, contained in resolution 3281 (XXIX). It was adopted by a roll-call vote of 120 in favour to 6 against, with 10 abstentions. In the preamble of the resolution, the Assembly stressed the fact that "the Charter shall constitute an effective instrument towards the establishment of a new system of international economic relations based on equity, sovereign equality, and interdependence of the interests of developed and developing countries".

PREAMBLE

THE GENERAL ASSEMBLY,

Reaffirming the fundamental purposes of the United Nations, in particular, the maintenance of international peace and security, the development of friendly relations among nations and the achievement of international co-operation in solving international problems in the economic and social fields,

Affirming the need for strengthening international co-operation in these fields,

Reaffirming further the need for strengthening international co-operation for development,

Declaring that it is a fundamental purpose of this Charter to promote the establishment of the new international economic order, based on equity, sovereign equality, interdependence, common interest and co-operation among all States, irrespective of their economic and social systems,

Desirous of contributing to the creation of conditions for:

(a) The attainment of wider prosperity among all countries and of higher standards of living for all peoples,

(b) The promotion by the entire international community of economic and social progress of all countries, especially developing countries,

(c) The encouragement of co-operation, on the basis of mutual advantage and equitable benefits for all peace-loving States which are willing to carry out the provisions of this Charter, in the economic, trade, scientific and technical fields, regardless of political, economic or social systems,

(d) The overcoming of main obstacles in the way of the economic development of the developing countries,

(e) The acceleration of the economic growth of developing countries with a view to bridging the economic gap between developing and developed countries,

(f) The protection, preservation and enhancement of the environment,

Mindful of the need to establish and maintain a just and equitable economic and social order through:

(a) The achievement of more rational and equitable international economic relations and the encouragement of structural changes in the world economy,

(b) The creation of conditions which permit the further expansion of trade and intensification of economic co-operation among all nations,

(c) The strengthening of the economic independence of developing countries,

(d) The establishment and promotion of international economic relations, taking into account the agreed differences in development of the developing countries and their specific needs,

Determined to promote collective economic security for development, in particular of the developing countries, with strict respect for the sovereign equality of each State and through the co-operation of the entire international community,

Considering that genuine co-operation among States, based on joint consideration of and concerted action regarding international economic problems, is essential for fulfilling the international community's common desire to achieve a just and rational development of all parts of the world,

Stressing the importance of ensuring appropriate conditions for the conduct of normal economic relations among all States, irrespective of differences in social and economic systems, and for the full respect for the rights of all peoples, as well as the strengthening of instruments of international economic co-operation as means for the consolidation of peace for the benefit of all,

Convinced of the need to develop a system of international economic relations on the basis of sovereign equality, mutual and equitable benefit and the close interrelationship of the interests of all States,

Reiterating that the responsibility for the development of every country rests primarily upon itself but that concomitant and effective international co-operation is an essential factor for the full achievement of its own development goals,

Firmly convinced of the urgent need to evolve a substantially improved system of international economic relations,

Solemnly adopts the present Charter of Economic Rights and Duties of States.

CHAPTER I

Fundamentals of international economic relations

Economic as well as political and other relations among States shall be governed, *inter alia*, by the following principles:

- (a) Sovereignty, territorial integrity and political independence of States;
- (b) Sovereign equality of all States;
- (c) Non-aggression;
- (d) Non-intervention;
- (e) Mutual and equitable benefit;
- (f) Peaceful coexistence;
- (g) Equal rights and self-determination of peoples;
- (h) Peaceful settlement of disputes;
- (i) Remedying of injustices which have been brought about by force and which deprive a nation of the natural means necessary for its normal development;
- (j) Fulfilment in good faith of international obligations;
- (k) Respect for human rights and fundamental freedoms;
- (l) No attempt to seek hegemony and spheres of influence;
- (m) Promotion of international social justice;
- (n) International co-operation for development;
- (o) Free access to and from the sea by land-locked countries within the framework of the above principles.

CHAPTER II

Economic rights and duties of States

Article 1

Every State has the sovereign and inalienable right to choose its economic system as well as its political, social and cultural systems in accordance with the will of its people, without outside interference, coercion or threat in any form whatsoever.

Article 2

1. Every State has and shall freely exercise full permanent sovereignty, including possession, use and disposal, over all its wealth, natural resources and economic activities.

2. Each State has the right:

(a) To regulate and exercise authority over foreign investment within its national jurisdiction in accordance with its laws and regulations and in conformity with its national objectives and priorities. No State shall be compelled to grant preferential treatment to foreign investment;

(b) To regulate and supervise the activities of transnational corporations within its national jurisdiction and take measures to ensure that such activities comply with its laws, rules and regulations and conform with its economic and social policies. Transnational corporations shall not intervene in the internal affairs of a host State. Every State should, with full regard for its sovereign rights, co-operate with other States in the exercise of the right set forth in this subparagraph;

(c) To nationalize, expropriate or transfer ownership of foreign property, in which case appropriate compensation should be paid by the State adopting such measures, taking into account its relevant laws and regulations and all circumstances that the State considers pertinent. In any case where the question of compensation gives rise to a controversy, it shall be settled under the domestic law of the nationalizing State and by its tribunals, unless it is freely and mutually agreed by all States concerned that other peaceful means be sought on the basis of the sovereign equality of States and in accordance with the principle of free choice of means.

Article 3

In the exploitation of natural resources shared by two or more countries, each State must co-operate on the basis of a system of information and prior consultations in order to achieve optimum use of such resources without causing damage to the legitimate interest of others.

Article 4

Every State has the right to engage in international trade and other forms of economic co-operation irrespective of any differences in political, economic and social systems. No State shall be subjected to discrimination of any kind based solely on such differences. In the pursuit of international trade and other forms of economic co-operation, every State is free to choose the forms of organization of its foreign economic relations and to enter into bilateral and multilateral arrangements consistent with its international obligations and with the needs of international economic co-operation.

Article 5

All States have the right to associate in organizations of primary commodity producers in order to develop their national economies to achieve stable financing for their development, and in pursuance of their aims, to assist in the promotion of sustained growth of the world economy, in particular accelerating the development of developing countries. Correspondingly all States have the duty to respect that right by refraining from applying economic and political measures that would limit it.

Article 6

It is the duty of States to contribute to the development of international trade of goods, particularly by means of arrangements and by the conclusion of long-term multilateral commodity agreements, where appropriate, and taking into account the interests of producers and consumers. All States share the responsibility to promote the regular flow and access of all commercial goods traded at stable, remunerative and equitable prices, thus contributing to the equitable development of the world economy, taking into account, in particular, the interests of developing countries.

Article 7

Every State has the primary responsibility to promote the economic, social and cultural development of its people. To this end, each State has the right and the responsibility to choose its means and goals of development, fully to mobilize and use its resources, to implement progressive economic and social reforms and to ensure the full participation of its people in the process and benefits of development. All States have the duty, individually and collectively, to co-operate in order to eliminate obstacles that hinder such mobilization and use.

Article 8

States should co-operate in facilitating more rational and equitable international economic relations and in encouraging structural changes in the context of a balanced world economy in harmony with the needs and interests of all countries, especially developing countries, and should take appropriate measures to this end.

Article 9

All States have the responsibility to co-operate in the economic, social, cultural, scientific and technological fields for the promotion of economic and social progress throughout the world, especially that of the developing countries.

Article 10

All States are juridically equal and, as equal members of the international community, have the right to participate fully and effectively in the international decision-making process in the solution of world economic, financial and monetary problems, *inter alia*, through the appropriate international organizations in accordance with their existing and evolving rules, and to share equitably in the benefits resulting therefrom.

Article 11

All States should co-operate to strengthen and continuously improve the efficiency of international organizations in implementing measures to stimulate the general economic progress of all countries, particularly of developing countries, and therefore should co-operate to adapt them, when appropriate, to the changing needs of international economic co-operation.

Article 12

1. States have the right, in agreement with the parties concerned, to participate in subregional, regional and interregional co-operation in the pursuit of their economic and social development. All States engaged in such co-operation have the duty to ensure that the policies of those groupings to which they belong correspond to the provisions of the Charter and are outward-looking, consistent with their international obligations and with the needs of international economic co-operation and have full regard for the legitimate interests of third countries, especially developing countries.

2. In the case of groupings to which the States concerned have transferred or may transfer certain competences as regards matters that come within the scope of the present Charter, its provisions shall also apply to those groupings, in regard to such matters, consistent with the responsibilities of such States as members of such groupings. Those States shall co-operate in the observance by the groupings of the provisions of this Charter.

Article 13

1. Every State has the right to benefit from the advances and developments in science and technology for the acceleration of its economic and social development.

2. All States should promote international scientific and technological co-operation and the transfer of technology, with proper regard for all legitimate interests including, *inter alia*, the rights and duties of holders, suppliers and recipients of technology. In particular, all States should facilitate the access of developing countries to the achievements of modern science and technology, the transfer of technology and the creation of indigenous technology for the benefit of the developing countries in forms and in accordance with procedures which are suited to their economies and their needs.

3. Accordingly, developed countries should co-operate with the developing countries in the establishment, strengthening and development of their scientific and technological infrastructures and their scientific research and technological activities so as to help to expand and transform the economies of developing countries.

4. All States should co-operate in exploring with a view to evolving further internationally accepted guidelines or regulations for the transfer of technology, taking fully into account the interests of developing countries.

Article 14

Every State has the duty to co-operate in promoting a steady and increasing expansion and liberalization of world trade and an improvement in the welfare and living standards of all peoples, in particular those of developing countries. Accordingly, all States should co-operate, *inter alia*, towards the progressive dismantling of obstacles to trade and the improvement of the international framework for the conduct of world trade and, to these ends, co-ordinated efforts shall be made to solve in an equitable way the trade problems of all

countries, taking into account the specific trade problems of the developing countries. In this connexion, States shall take measures aimed at securing additional benefits for the international trade of developing countries so as to achieve a substantial increase in their foreign exchange earnings, the diversification of their exports, the acceleration of the rate of growth of their trade, taking into account their development needs, an improvement in the possibilities for these countries to participate in the expansion of world trade and a balance more favourable to developing countries in the sharing of the advantages resulting from this expansion, through, in the largest possible measure, a substantial improvement in the conditions of access for the products of interest to the developing countries and, wherever appropriate, measures designed to attain stable, equitable and remunerative prices for primary products.

Article 15

All States have the duty to promote the achievement of general and complete disarmament under effective international control and to utilize the resources freed by effective disarmament measures for the economic and social development of countries, allocating a substantial portion of such resources as additional means for the development needs of developing countries.

Article 16

1. It is the right and duty of all States, individually and collectively, to eliminate colonialism, *apartheid*, racial discrimination, neo-colonialism and all forms of foreign aggression, occupation and domination, and the economic and social consequences thereof, as a prerequisite for development. States which practise such coercive policies are economically responsible to the countries, territories and peoples affected for the restitution and full compensation for the exploitation and depletion of, and damages to, the natural and all other resources of those countries, territories and peoples. It is the duty of all States to extend assistance to them.

2. No State has the right to promote or encourage investments that may constitute an obstacle to the liberation of a territory occupied by force.

Article 17

International co-operation for development is the shared goal and common duty of all States. Every State should co-operate with the efforts of developing countries to accelerate their economic and social development by providing favourable external conditions and by extending active assistance to them, consistent with their development needs and objectives, with strict respect for the sovereign equality of States and free of any conditions derogating from their sovereignty.

Article 18

Developed countries should extend, improve and enlarge the system of generalized non-reciprocal and non-discriminatory tariff preferences to the devel-

oping countries consistent with the relevant agreed conclusions and relevant decisions as adopted on this subject, in the framework of the competent international organizations. Developed countries should also give serious consideration to the adoption of other differential measures, in areas where this is feasible and appropriate and in ways which will provide special and more favourable treatment, in order to meet the trade and development needs of the developing countries. In the conduct of international economic relations the developed countries should endeavour to avoid measures having a negative effect on the development of the national economies of the developing countries, as promoted by generalized tariff preferences and other generally agreed differential measures in their favour.

Article 19

With a view to accelerating the economic growth of developing countries and bridging the economic gap between developed and developing countries, developed countries should grant generalized preferential, non-reciprocal and non-discriminatory treatment to developing countries in those fields of international economic co-operation where it may be feasible.

Article 20

Developing countries should, in their efforts to increase their over-all trade, give due attention to the possibility of expanding their trade with socialist countries, by granting to these countries conditions for trade not inferior to those granted normally to the developed market economy countries.

Article 21

Developing countries should endeavour to promote the expansion of their mutual trade and to this end may, in accordance with the existing and evolving provisions and procedures of international agreements where applicable, grant trade preferences to other developing countries without being obliged to extend such preferences to developed countries, provided these arrangements do not constitute an impediment to general trade liberalization and expansion.

Article 22

1. All States should respond to the generally recognized or mutually agreed development needs and objectives of developing countries by promoting increased net flows of real resources to the developing countries from all sources, taking into account any obligations and commitments undertaken by the States concerned, in order to reinforce the efforts of developing countries to accelerate their economic and social development.

2. In this context, consistent with the aims and objectives mentioned above and taking into account any obligations and commitments undertaken in this regard, it should be their endeavour to increase the net amount of financial flows from official sources to developing countries and to improve the terms and conditions thereof.

3. The flow of development assistance resources should include economic and technical assistance.

Article 23

To enhance the effective mobilization of their own resources, the developing countries should strengthen their economic co-operation and expand their mutual trade so as to accelerate their economic and social development. All countries, especially developed countries, individually as well as through the competent international organizations of which they are members, should provide appropriate and effective support and co-operation.

Article 24

All States have the duty to conduct their mutual economic relations in a manner which takes into account the interests of other countries. In particular, all States should avoid prejudicing the interests of developing countries.

Article 25

In furtherance of world economic development, the international community, especially its developed members, shall pay special attention to the particular needs and problems of the least developed among the developing countries, of land-locked developing countries and also island developing countries, with a view to helping them to overcome their particular difficulties and thus contribute to their economic and social development.

Article 26

All States have the duty to coexist in tolerance and live together in peace, irrespective of differences in political, economic, social and cultural systems, and to facilitate trade between States having different economic and social systems. International trade should be conducted without prejudice to generalized non-discriminatory and non-reciprocal preferences in favour of developing countries, on the basis of mutual advantage, equitable benefits and the exchange of most-favoured-nation treatment.

Article 27

1. Every State has the right to enjoy fully the benefits of world invisible trade and to engage in the expansion of such trade.

2. World invisible trade, based on efficiency and mutual and equitable benefit, furthering the expansion of the world economy, is the common goal of all States. The role of developing countries in world invisible trade should be enhanced and strengthened consistent with the above objectives, particular attention being paid to the special needs of developing countries.

3. All States should co-operate with developing countries in their endeavours to increase their capacity to earn foreign exchange from invisible transactions, in accordance with the potential and needs of each developing country and consistent with the objectives mentioned above.

Article 28

All States have the duty to co-operate in achieving adjustments in the prices of exports of developing countries in relation to prices of their imports so as to promote just and equitable terms of trade for them, in a manner which is remunerative for producers and equitable for producers and consumers.

CHAPTER III

Common responsibilities towards the international community

Article 29

The sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as the resources of the area, are the common heritage of mankind. On the basis of the principles adopted by the General Assembly in resolution 2749 (XXV) of 17 December 1970, all States shall ensure that the exploration of the area and exploitation of its resources are carried out exclusively for peaceful purposes and that the benefits derived therefrom are shared equitably by all States, taking into account the particular interests and needs of developing countries; an international régime applying to the area and its resources and including appropriate international machinery to give effect to its provisions shall be established by an international treaty of a universal character, generally agreed upon.

Article 30

The protection, preservation and the enhancement of the environment for the present and future generations is the responsibility of all States. All States shall endeavour to establish their own environmental and developmental policies in conformity with such responsibility. The environmental policies of all States should enhance and not adversely affect the present and future development potential of developing countries. All States have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. All States should co-operate in evolving international norms and regulations in the field of the environment.

CHAPTER IV

Final provisions

Article 31

All States have the duty to contribute to the balanced expansion of the world economy, taking duly into account the close interrelationship between the well-being of the developed countries and the growth and development of the devel-

oping countries, and the fact that the prosperity of the international community as a whole depends upon the prosperity of its constituent parts.

Article 32

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights.

Article 33

1. Nothing in the present Charter shall be construed as impairing or derogating from the provisions of the Charter of the United Nations or actions taken in pursuance thereof.

2. In their interpretation and application, the provisions of the present Charter are interrelated and each provision should be construed in the context of the other provisions.

Article 34

An item on the Charter of Economic Rights and Duties of States shall be inscribed in the agenda of the General Assembly at its thirtieth session, and thereafter on the agenda of every fifth session. In this way a systematic and comprehensive consideration of the implementation of the Charter, covering both progress achieved and any improvements and additions which might become necessary, would be carried out and appropriate measures recommended. Such consideration should take into account the evolution of all the economic, social, legal and other factors related to the principles upon which the present Charter is based and on its purpose.



**UNITED NATIONS
ECONOMIC
AND
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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF
DISCRIMINATION AND PROTECTION
OF MINORITIES
Twenty-sixth session

**STUDY ON THE RIGHTS OF PERSONS BELONGING TO ETHNIC,
RELIGIOUS AND LINGUISTIC MINORITIES.**

Progress report by Mr. Francesco Capotorti, Special Rapporteur

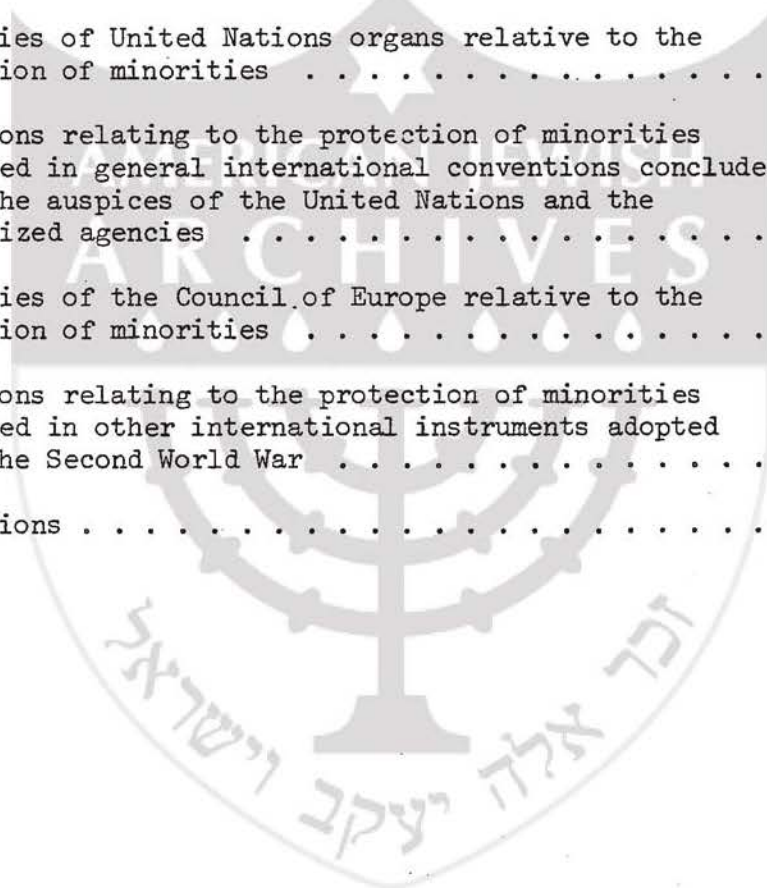
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ANNEX



INTRODUCTION

1. In the preliminary report (E/CN.4/Sub.2/L.564) submitted to the Sub-Commission at its twenty-fifth session, the Special Rapporteur set forth the procedure which he intended to follow in preparing the study, indicated the approach which he thought should be adopted to it, outlined the background to article 27 of the International Covenant on Civil and Political Rights and analysed some of the problems of interpreting that article. Annex I to the report contained a list of United Nations documents concerning the protection of minorities. In annex II the Special Rapporteur submitted for consideration by the Sub-Commission the plan he had prepared for the collection of information relevant to the study.

2. The Sub-Commission considered the preliminary report at its 647th and 648th meetings (E/CN.4/Sub.2/SR.647 and 648). In its resolution 1 (XXV) it requested the Special Rapporteur to continue his study and to present to the Sub-Commission, at its twenty-sixth session, a progress report, taking into account the views expressed in the debate on this question during the twenty-fifth session of the Sub-Commission.

3. After the closure of the twenty-fifth session of the Sub-Commission, the Special Rapporteur, taking account of the comments made by the members of the Sub-Commission during the debate, amended some of the paragraphs of the plan for the collection of information. The revised plan is annexed to this report.

4. At the request of the Special Rapporteur, on 24 October 1972 the Secretary-General sent a note verbale to the Governments of States Members of the United Nations and of the specialized agencies, in which he indicated that he would be grateful to the Governments consulted for any help that they could give the Special Rapporteur in the preparation of his study. He added that the Special Rapporteur wished, in particular, to receive information or observations on each of the points contained in the plan for the collection of information which was annexed to the note. Another annex to the note contained the criteria to be followed in the study.

5. As of 15 June 1973 the Secretariat had received the replies of the following 19 countries: Barbados, Denmark, the Dominican Republic, Egypt, Fiji, Finland, Hungary, Italy, Kuwait, Laos, Malawi, Morocco, Niger, Norway, Poland, Spain, Switzerland, Tonga and the Union of Soviet Socialist Republics. The Government of Sierra Leone stated that it was not able to provide any information.

6. In addition, on 30 October 1972 the Director of the Division of Human Rights sent a letter to the heads of the secretariats of the ILO and UNESCO inviting them to make available to the Special Rapporteur any documentation they thought relevant to the study, especially information on each of the points contained in the plan. In reply to this letter, the ILO and UNESCO sent a number of documents to the Special Rapporteur. UNESCO also submitted some comments on certain points in the study.

7. On 30 October 1972 a similar letter was sent to the heads of the secretariats of the following intergovernmental regional organizations: the Council of Europe, the Arab League, the Organization of African Unity, the Organization of American States. As of 15 June 1973 the Secretariat had received the replies of the Council of Europe and the Arab League.

8. The Director of the Division of Human Rights also sent a similar letter, dated 13 November 1972, to many non-governmental organizations in consultative status with the Economic and Social Council, chosen for their competence in the matter.

9. As of 15 June 1973 the Secretariat had received the replies of the following six non-governmental organizations:

Category II

All-Pakistan Women's Association

Associated Country Women of the World

Friends World Committee for Consultation

World Alliance of Young Men's Christian Associations

World Confederation of Organizations of the Teaching Profession

World Young Women's Christian Association

10. With the help of the Secretariat the Special Rapporteur is preparing summaries of the information concerning various countries obtained from Governments, the Secretary-General, specialized agencies, intergovernmental regional organizations, non-governmental organizations and the writings of recognized scholars and scientists. As soon as it is completed, each summary is sent to the Government concerned so that it may submit its comments and provide additional information when necessary.

The Special Rapporteur estimates that summaries of information concerning at least 80 States Members of the United Nations and of the specialized agencies will be prepared.

11. The Special Rapporteur wishes to repeat what he said in paragraph 10 of the preliminary report submitted to the Sub-Commission at its twenty-fifth session (E/CN.4/Sub.2/L.564) namely that in view of the decisions recently adopted by the General Assembly concerning the reduction in documentation, the previous procedure concerning country monographs has been modified. The monographs will not be prepared as documents for general distribution as in the past. However, the secretariat of the Sub-Commission will see to it that copies of each monograph are available in case members of the Sub-Commission wish to consult them.

12. In order that this study on the rights of persons belonging to ethnic, religious and linguistic minorities should present a full picture of the de jure and de facto situations in the various countries, the Special Rapporteur considers it desirable to obtain the views and comments of as many Governments as possible. Thus, the Special Rapporteur recommends that the Sub-Commission should again invite the Governments which have not yet replied to the note verbale addressed to them to submit as soon as possible their views and comments on each of the points contained in the plan for the collection of information.

13. Because of the somewhat limited quantity of information and comments received so far from Governments, intergovernmental regional organizations and non-governmental organizations, the Special Rapporteur cannot yet examine the aspects of the subject referred to in the various sections of the plan for the collection of information. Instead, this report is intended to complete the background study of international legislation on the problem of minorities, beginning with the period prior to the establishment of the League of Nations; it deals in particular with the system for the protection of minorities established after the First World War. The experience gained at that time is clearly very important and must be given detailed consideration. The last chapter of this report deals with the period following the Second World War. Thus, the paragraphs concerning the activities of the United Nations relating to the protection of minorities supplement what has already been said in the preliminary report with reference to article 27 of the International Covenant on Civil and Political Rights. The report ends with an outline of the provisions for the protection of minorities contained in multilateral and bilateral international instruments concluded after the Second World War.



I. THE QUESTION OF THE PROTECTION OF MINORITIES PRIOR TO
THE ESTABLISHMENT OF THE LEAGUE OF NATIONS

14. It is generally recognized that the treaties concluded at the end of the First World War were the first to organize systematically the protection of racial, religious and linguistic minorities, although the régime established was limited to a few clearly defined countries. However, well before that time, concern for the protection of minorities had been manifested on many occasions and in various forms, both in international relations and in general law.

15. The first steps were taken when protective measures of an international character benefiting religious minorities were adopted as early as the seventeenth century. In fact, as a result of the religious schism which had just taken place, many European States stipulated in their mutual relations the obligation to guarantee religious minorities the right to profess their faith freely without fear of persecution.

16. Among the treaties concluded during the seventeenth and eighteenth centuries, the following are particularly noteworthy: 1/

- (i) The Treaty of Vienna, signed in 1606 by the King of Hungary and the Prince of Transylvania, which recognized the right of the Protestant minority of the latter region to practise its form of worship freely; 2/
- (ii) The Treaty of Westphalia, concluded in 1648 between France and the Holy Roman Empire and their respective allies, which proclaimed the freedom of the Protestant form of worship in Germany and its equality with the Catholic religion; 3/
- (iii) The 1660 Treaty of Oliva, concluded between Sweden and Poland, which stipulated that Catholics could freely practise their form of worship in the territory of Livonia ceded by Poland to Sweden; 4/

1/ See Arthur de Balogh, La protection internationale des minorités (Paris, Les Editions Internationales, 1930), pp. 23-25; T. H. Bagley, General Principles and Problems in the Protection of Minorities (Geneva, Imprimeries Populaires, 1950), pp. 65-66; Jacques Fouques Duparc, La protection des minorités de race, de langue et de religion (Paris, Librairie Dalloz, 1922), pp. 75-77; C. A. Macartney, National States and National Minorities (New York, Russell and Russell, 1968), pp. 157-160; M. Sibert, Traité de droit international public (Paris, Librairie Dalloz, 1951), vol. I, p. 493; F. Branchu, Le problème des minorités en droit international depuis la Seconde Guerre Mondiale (Lyons, Imprimerie Bosc Frères, 1959), p. 23.

2/ De Balogh, op. cit., p. 23.

3/ Fred L. Israel, Major Peace Treaties of Modern History, 1648-1967, (New York, Chelsea House, 1967), vol. I, pp. 7-49.

4/ Bagley, op. cit., p. 66; de Balogh, op. cit., p. 24.

- (iv) The Treaty of Nijmegen, concluded in 1678 between France and Holland, which guaranteed freedom of worship to the Catholic minority residing in the territories ceded by France to Holland; 5/
- (v) The 1697 Treaty of Rijswijk, concluded between the same parties and containing a similar provision; 6/
- (vi) The 1763 Treaty of Paris, concluded between France, Spain and Great Britain, under which Great Britain undertook to recognize the freedom of the Catholic form of worship in the Canadian territories ceded by France. 7/ 8/

17. It must also be remembered that concern for the protection of religious minorities served as a pretext for many interventions in Europe: 9/ for example, the intervention of England in 1655 on behalf of the Waldenses in France, the several interventions of Holland on behalf of the French Calvinists and the intervention of Sweden and Prussia in 1707 on behalf of the Protestants of Poland.

18. Originally, therefore, the question of the protection of minorities was closely linked with the question of freedom of worship. One author has written on this topic:

"The protection of minorities has developed in stages similar to those found in the development of the rights of individual freedom. Just as these rights had their origins in religious freedom, the protection of ethnic minorities took the same form as the protection of religious minorities. The first steps were the recognition of the natural right to hold religious beliefs and to practise forms of worship other than that practised by the majority of the population of the State and the admission that this right should be protected against the power of the State; later, the right of inhabitants whose origin, race, language or culture differed from the origin, race, language or culture of the majority to preserve and develop their ethnic characteristics was put on the same footing as the right to freedom of religion." 10/

5/ Israel, op. cit., pp. 129-143.

6/ Ibid., pp. 152-161.

7/ Ibid., pp. 305-328.

8/ It will be noted that the capitulation treaties have not been mentioned. They related of course to Christians in the Orient, but provided for the protection of foreigners and not of nationals.

9/ Fouques Duparc, op. cit., pp. 74-75.

10/ De Balogh, op. cit., p. 28.

19. In the nineteenth century, the approach adopted by States began to change. Firstly, provisions concerning the protection of minorities appeared in certain multilateral instruments, whereas earlier the agreements containing such provisions had usually been bilateral. Secondly, groups other than religious minorities became the subject of protective measures. Thirdly, the number of rights protected tended to increase, for certain nineteenth century treaties provide for equality of civil and political rights as well as freedom of worship. The following treaties illustrate this point:

- (i) The Treaty of Vienna of 31 May 1815, concluded between Austria and the Netherlands (annex X, Final Act of the Congress of Vienna). ^{11/} Provisions containing special guarantees in favour of the Belgian Catholic minority were inserted in this treaty, which proclaimed the reunification of Belgium and Holland. Article 2 of the Treaty states that "no innovation shall be made in the articles of the Dutch Constitution, which assure equal protection and favour to every sect, and guarantee the admission of all citizens, whatever their religious belief may be, to public employment and offices".
- (ii) The Final Act of the Congress of Vienna, signed on 9 June 1815 by France, Great Britain, Portugal, Prussia, Russia, Spain and Sweden. ^{12/} This Act is the first international instrument of importance to contain provisions relating to the protection of national minorities and not only of religious minorities. Article 1 of this Act contains the following provisions relating to the former Duchy of Warsaw:

"The Poles who are subjects of the High Contracting Parties shall obtain institutions which shall ensure the preservation of their nationality according to the degree of political consideration that each of the Governments to which they belong shall judge proper to grant them." ^{13/}
- (iii) The Protocol of 3 February 1830, drawn up at the London Conference and signed by the representatives of France, Great Britain and Russia. ^{14/} This protocol stipulates that respect for the freedom of the Moslem form of worship shall be one of the conditions of recognition of the independence of Greece by the signatory Powers.

^{11/} British and Foreign State Papers 1814-1815, (London, James Ridgway and Sons, 1839), vol. II, pp. 136-140.

^{12/} Ibid., pp. 7-55.

^{13/} It will be noted, moreover, that this text did not give details of the content of the national rights which were to be preserved. According to one theory, the rights in question were political rights, while for other writers the above-mentioned article should be interpreted as referring to the cultural identity of the minorities concerned. See Bagley, op. cit., p. 66; Tore Modeen, The International Protection of National Minorities in Europe (Abo Akademi (Finland) 1969), p. 47.

^{14/} British and Foreign State Papers, 1829-1830, (London, James Ridgway, 1832), vol. XVII, p. 191.

- (iv) The Treaty of Paris of 30 March 1856, concluded between Austria, France, Great Britain, Prussia, Sardinia and Turkey. 15/ Article IX of this treaty concerns a communication from the Sultan of Turkey to the other Contracting Parties concerning the legislative provisions he had introduced recognizing - primarily for the benefit of the Christian inhabitants of his Empire - the equality of treatment of his subjects without distinction of religion or race; the other Parties stated that they "recognized the high value of this communication".
- (v) The Treaty of Berlin of 13 July 1878, concluded between Germany, Austria, Hungary, France, Great Britain, Italy, Russia and Turkey. 16/ This treaty prohibited any difference of treatment on religious grounds in the newly established Balkan States. It may be added that in granting independence to the Balkan States, the Congress of Berlin made it a condition of recognition of the independence of the new States that they should adhere to the principle of non-discrimination with regard to religion. 17/ In articles 5 and 44 of the treaty the Contracting Parties stated, in fact, that they would not recognize Romania and Bulgaria unless the following conditions were fulfilled:

"The difference of religious creeds and confessions shall not be alleged against any person as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions, and honours, or the exercise of the various professions and industries in any locality whatsoever. The freedom and outward exercise of all forms of worship are assured to all nationals of the State, as well as to foreigners, and no hindrance shall be offered either to the hierarchical organization of the different communions, or to their relations with their spiritual heads."

It will be noted, however, that the situation of ethnic minorities was also taken into account by the Congress of Berlin. Article 4 of the treaty relating to Bulgaria provides that:

"In the districts where Bulgarians are intermixed with Turkish, Romanian, Greek, or other populations; the rights and interests of these populations shall be taken into consideration as regards the elections and the drawing up of the Organic Law."

15/ British and Foreign State Papers, 1855-1856, (London, William Ridgway, 1865), vol. XLVI, pp. 8-18.

16/ British and Foreign State Papers, 1877-1878, (London, William Ridgway, 1885), vol. LXIX, pp. 749-767.

17/ See Macartney, op. cit., p. 166; Fouques Duparc, op. cit., p. 105.

- (vi) The International Convention of Constantinople of 24 May 1881, concluded between Germany, Austria, Hungary, France, Great Britain, Italy, Russia and Turkey. ^{18/} This convention contains provisions relating to the equality and freedom of worship of Moslems residing in the territories ceded to Greece. Article 8 of the Convention states:

"Freedom of religion and of public worship is secured to Moslems in the territories ceded to Greece. No interference shall take place with the autonomy or hierarchical organization of Moslem religious bodies now existing, or which may hereafter be formed; nor with the management of the funds and real property belonging to them. No obstacle shall be placed in the way of the relations of those bodies with their spiritual heads in matters of religion. The local /religious/ courts shall continue to exercise their jurisdiction in purely religious matters."

20. It must be noted that the above-mentioned treaties recognized no rights with respect to linguistic minorities. There is, however, one exception: the Final Act of the Congress of Vienna, in which the participating Powers granted the Poles of Posnania the right to use Polish as well as German in political affairs.

21. During the period which has just been reviewed, some European States introduced legislation on certain aspects of the problem of the protection of minorities as part of their national law. In this connexion it will be recalled that as early as the end of the sixteenth century, in 1598, the Edict of Nantes regulating the status of Protestants in France was promulgated. Later, in the nineteenth century, when the problem of nationalities was acute, certain European States adopted laws or constitutional provisions concerning the status of ethnic, religious and linguistic minorities residing in their territories. In this context the following are worthy of mention: ^{19/}

- (i) Article 19 of the State Fundamental Act of Austria of 21 December 1867 states:

"All ethnic groups... in the State have equal rights and have, in particular, an inviolable right to the preservation and furtherance of their nationality and language. The equality of all the languages currently used in the Laender in schools, at work and in public life is recognized by the State. In any Land inhabited by more than one ethnic group instruction in public educational institutions shall be so organized that each of these groups can obtain facilities for education in its own language without being forced to learn a second Land language."

^{18/} British and Foreign State Papers, 1880-1881, (London, William Ridgway, 1885), vol. LXXII, pp. 382-387.

^{19/} De Balogh, op. cit., pp. 30-39.

- (ii) Hungarian Act XLIV of 1868 proclaims the equality of citizens, whatever their nationality, and regulates the official use of the different languages spoken in the country; Act XXX of 1883 permits the churches to establish and maintain, inter alia, public primary schools.
- (iii) Article 116 of the 1874 Constitution of the Swiss Confederation states that the three main languages of Switzerland, namely German, French and Italian, are of equal standing in public affairs, in legislation and in the courts.
- (iv) The Belgian Acts of 22 May 1878 and 18 April 1898 concerning the use of the French and Flemish languages. The former Act provided for the use of the Flemish language in four provinces as the official language of the State authorities in their relations with citizens. The latter stipulated that legislation should be promulgated in both languages.



II. THE QUESTION OF THE PROTECTION OF MINORITIES AT THE TIME
WHEN THE COVENANT OF THE LEAGUE OF NATIONS WAS DRAWN UP

22. It has generally been maintained that the rudimentary system of international protection of minorities established with respect to certain European countries during the nineteenth century on the basis of treaties guaranteed by the Great Powers afforded only illusory protection to the minorities living in the States which had assumed the obligations deriving from those agreements. This system has been criticized *inter alia* for its fragmentary character, its lack of precision and and, above all, the absence of any machinery for verifying whether the stipulations of the treaties were really being observed. It has also been asserted that the system actually constituted a threat to peace and international security because it could serve as a pretext for unilateral intervention in the domestic affairs of States. One writer has made the following comment on this point:

"The system could have worked satisfactorily only if the great powers had acted together; in practice, each power concerned itself primarily with its own material or political interests, and the Concert of Europe seldom functioned as an instrument for the collective protection of minorities.

"The imperfection of the system lay not only in the uncertainty that it would operate effectively when legitimate occasions arose, but also in the possibility that it might afford a pretext for arbitrary and politically motivated intervention by great powers in the affairs of the treaty-bound states, even when the latter were carrying out their obligations in good faith. This sort of abuse was restricted by the mutual jealousy of the great powers, but it remained a danger to which the treaty-bound states were acutely sensitive.

"The system of minority protection based upon special treaties guaranteed by the great powers was condemned to failure by the inadequacy of its scope, the vagueness of its substantive provisions, the rudimentary nature of its machinery and organization, and the uncertainty, ineffectiveness, and susceptibility to abuse of its sanctions." 20/

23. During the First World War many efforts were made to establish effective protection of minorities at the international level. In this connexion it will be recalled first of all that on the initiative of a number of private organizations various congresses and conferences were held during the years 1915-1919 with a view to formulating draft solutions to the problem on the basis of the right of minorities to the preservation of their culture and their ethnic character, to equality before the law and to freedom of worship and religion. In addition, the setting up of international supervisory commissions to safeguard minority rights and the establishment of a minorities tribunal were recommended by one of these

20/ Inis L. Claude Jr., National Minorities, An International Problem (Cambridge, Harvard University Press, 1955), pp. 8-9.

organizations as guarantees of the application of the régime to be instituted. Drafts of this sort were submitted to the Peace Conference in 1919. 21/

24. In addition to the private drafts, the Conference also had before it official drafts concerning the protection of minorities. That submitted by Switzerland advocated, inter alia, affirmation at the international level of the principle of equality before the law, freedom of conscience and the right of minorities to use their own language. 22/

25. The question of the protection of minorities was debated when the Covenant of the League of Nations was being drawn up, in the course of discussions on certain proposals aimed at including in the Covenant clauses relating to equality of treatment for "racial and national minorities" and freedom of worship and religion.

26. The second of the draft Covenants submitted by Woodrow Wilson, President of the United States, included a clause in accordance with which new States, as a condition of the recognition of their independence, would bind themselves to guarantee equality of treatment for their "racial or national minorities". The clause was worded as follows:

"The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people." 23/

27. In a third draft Covenant submitted subsequently, President Wilson changed and expanded the above clause by adding a stipulation under which all States seeking admission to the League of Nations would bind themselves to accord equal treatment to their minorities. The text as revised read as follows:

"The League of Nations shall require all new States to bind themselves as a condition precedent to their recognition as independent or autonomous States and the Executive Council shall exact of all States seeking admission to the League of Nations the promise, to accord to all racial or national minorities within their several jurisdictions exactly the same treatment and security, both in law and in fact, that is accorded the racial or national majority of their people." 24/

21/ See Macartney, op. cit., pp. 212-218; de Balogh, op. cit., pp. 37-39; Fouques Duparc, op. cit., pp. 141-147.

22/ De Balogh, op. cit., p. 40.

23/ David Hunter Miller, The Drafting of the Covenant (New York, G.P. Putnam's Sons, 1928), vol. II, p. 91.

24/ David Hunter Miller, op. cit., vol. II, p. 105.

28. However, these proposals of President Wilson's were not retained in the joint American-British draft which ultimately served as the basis for the formulation of the Covenant of the League of Nations. Thus, the Covenant does not include any provision concerning the rights of ethnic minorities. This was in conformity with the British view that the question of minorities should be settled in treaties relating to territorial situations, having regard to the fact that some minorities claimed special treatment while others sought only the guarantee of non-discrimination. 25/

29. The efforts to include in the Covenant a clause relating to freedom of belief and religion likewise had their origin in the draft Covenants submitted by President Wilson. His third draft contained the following clause:

"Recognizing religious persecution and intolerance as fertile sources of war, the Powers signatory hereto agree, and the League of Nations shall exact from all new States and all States seeking admission to it the promise, that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practise any particular creed, religion or belief whose practices are not inconsistent with public order or public morals." 26/

30. The British representative subsequently proposed the insertion of the following provision:

"Recognising religious persecution and intolerance as fertile sources of war, the H.C.P. agree that political unrest arising therefrom is a matter of concern to the League and authorise the Executive Council wherever it is of opinion that the peace of the world is threatened by the illiberal action of the Government of any State towards the adherents of any particular creed, religion or belief to make such representations or take such other steps as will put an end to the evil in question." 27/

31. In the light of the discussions which took place in the Commission "on the League of Nations", 28/ the Committee whose task it was to prepare a new text of the the Covenant expressed the view that it would be preferable not to include a

25/ "It has been the intention of the British Draft to leave the question of racial or national minorities to be settled in the territorial treaties which are generally guaranteed by the League. This decision is based upon the fact that in some cases such minorities will demand a guarantee of distinct treatment in such matters as linguistic schools, while in others they will demand the equal treatment guaranteed to them by this Article VI.... It seems better therefore to omit Article VI unless and until it becomes evident that it is impossible to deal with these questions adequately in the territorial treaties."
(Miller, op. cit., vol. II, p. 129.)

26/ Miller, op. cit., vol. II, p. 105.

27/ Ibid., p. 555.

28/ A Commission, called the Commission on the League of Nations, had been set up by the Peace Conference to formulate the draft Covenant (see Miller, op. cit., vol. I, pp. 76-85).

provision on freedom of worship and religion. If, however, there was a strong feeling in the Commission that some such clause should be inserted, the Committee would suggest the following drafting: 29/

"The High Contracting Parties agree that they will make no law prohibiting or interfering with the free exercise of religion, and that they will in no way discriminate, either in law or in fact, against those who practice any particular creed, religion; or belief whose practices are not inconsistent with public order or public morals." 30/

32. However, the insertion of this clause in the Covenant was rejected by the Commission by a very large majority. As noted later by the Committee set up by the Council of the League of Nations in its resolution of 7 March 1929 to consider the application of the system of protection of minorities established by the international instruments concluded after the First World War, the suggestion that the principle of religious toleration and racial equality should be included in the Covenant of the League itself "was found impossible, or at any rate undesirable". 31/ This shows clearly that the authors of the Covenant were not disposed to treat these principles, which had until then been considered valid only in respect of certain States and a small number of minority groups, as general obligations applicable to all Members of the League of Nations.



29/ See Miller, *op. cit.*, vol. II, p. 307.

30/ *Ibid.*, p. 237.

31/ Protection of Linguistic, Racial or Religious Minorities, Series of League of Nations Publications, I.B. Minorities (C.8.M.5. 1931. I), annex, p. 160.

III. THE SYSTEM FOR THE PROTECTION OF MINORITIES ESTABLISHED
AFTER THE FIRST WORLD WAR

A. International instruments of the period 1919-1932

33. Although the Peace Conference of 1919 had rejected efforts to include in the Covenant general clauses concerning the protection of minorities, it had nevertheless felt that the maintenance of a lasting peace required the adoption of certain measures relating to that subject. As a result of the territorial changes which had taken place - in particular the establishment of the States of Poland and Czechoslovakia and the enlargement of the Serbian, Romanian and Greek kingdoms - the inhabitants of the territories of several States included large numbers who differed ethnically or linguistically from the people with whom they had been joined. ^{32/} This situation justified the fear that the minorities within the new frontiers would jeopardize the stability of the States of whose populations they would henceforth be a part, creating within them a state of continuous tension and perhaps seeking outside help from peoples who had the same language and ethnic background as theirs. Thus arbitrary treatment of minorities on the part of the States with whose populations they had been joined would have endangered world peace. "Nothing... is more likely to disturb the peace of the

^{32/} As one writer has stated, "In redrafting the map of Central Europe, the Peace Conference undertook to reduce the number of racial minorities, and thus to minimize this fruitful source of international friction. The recognition of /the new States of Central Europe which arose on the break-up of the old Austro-Hungarian monarchy/ was an attempt to make state lines and ethnic lines more nearly coincide, as was the setting up of a Greater Serbia. It is estimated that the total number constituting the ethnic minorities of Europe was reduced from over 50 million to less than 20 million. In some few cases the policy of eliminating minorities was sacrificed to political expediency; the transfer of the Trentino, or South Tyrol... is an illustration. But it was inevitable that minorities should remain; in fact, many new minorities were created by the Peace treaties. Former Germans of Germany are found in Poland, Danzig, Schleswig, Alsace-Lorraine, the Saar Valley, and Upper Silesia (Poland). So also former Germans of Austria are now in the Italian Tyrol and Trentino, Jugo-Slavia and Czechoslovakia, and former Germans of Hungary in Roumania and Jugo-Slavia. New Hungarian (Magyar) minorities were created in Roumania, Czechoslovakia, and Jugo-Slavia, and new Bulgarian minorities in Roumania, Thrace (under Greece), and Jugo-Slavia. Buell points out that about one fourth of the population of Jugo-Slavia, one third of that of Roumania, two fifths of that of Czechoslovakia, and well towards one half of that of Poland, consist of ethnic minorities. The Peace treaties set off to Italy 400,000 Slavs and 220,000 Germans. Now living as newly created minorities in Europe are over 7 million Germans and nearly 3 million Magyars, and over 1 million Bulgars. Thus the new frontiers of Europe reduced the number of minority peoples and at the same time accentuated the difficult problem of their protection." (Edmund C. Mower, International Government (Boston, D. C. Heath and Company, 1931), p. 455).

world than the treatment which might in certain circumstances be meted out to minorities...". ^{33/} affirmed President Wilson in his statement of 31 May 1919 at a plenary meeting of the Peace Conference.

34. Basing itself on the relevant precedents, but also taking into account the lacunae in the system of protection provided for in the treaties of the nineteenth century, the Peace Conference decided to set up and to place under the guarantee of the League of Nations a system of protection of minorities taking the form of five special treaties, called Minorities Treaties, concluded between the Allied and Associated Powers on the one hand and the newly established or enlarged States mentioned in the preceding paragraph on the other. Concurrently, and with a view to ensuring a certain degree of reciprocity, similar obligations were imposed by the peace treaties on four of the vanquished States (Austria, Bulgaria, Hungary and Turkey).

35. The legal foundation of this system of protection of minorities is found in identical clauses in the Treaties of Versailles, Saint-Germain, Neuilly and Trianon, in which Czechoslovakia, Poland, the Serb-Croat-Slovene State, Romania and Greece declare that they accept "and agree to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect /in each of the above-mentioned countries/ the interests of the inhabitants who differ from the majority of the population in race, language or religion". ^{34/}

36. The minorities régime which resulted took four different forms and was embodied in a series of international instruments, as follows: (a) the five Minorities Treaties concluded in 1919-1920 in conformity with the provisions of the peace treaties mentioned in the preceding paragraph; ^{35/} (b) four special

^{33/} Protection of Linguistic, Racial or Religious Minorities, p. 159.

^{34/} The States which assumed obligations in respect of minorities under these Treaties were the following: Poland (Treaty between the Principal Allied and Associated Powers and Poland, Versailles, 28 June 1919); Czechoslovakia (Treaty between the Principal Allied and Associated Powers and Czechoslovakia, Saint-Germain-en-Laye, 10 September 1919); the Serb-Croat-Slovene State (Treaty between the Principal Allied and Associated Powers and the Serb-Croat-Slovene State, Saint-Germain-en-Laye, 10 September 1919); Romania (Treaty between the Principal Allied and Associated Powers and Romania, Paris, 9 December 1919); Greece (Treaty concerning the Protection of Minorities in Greece, Sèvres, 10 August 1920).

^{35/} Austria (Treaty of Peace between the Allied and Associated Powers and Austria, Saint-Germain-en-Laye, 10 September 1919); Bulgaria (Treaty between the Allied and Associated Powers and Bulgaria, Neuilly-sur-Seine, 27 November 1919); Hungary (Treaty of Peace between the Allied and Associated Powers and Hungary, Trianon, 4 June 1920); Turkey (Treaty of Peace between the British Empire, France, Italy, Japan, Greece, Romania, the Serb-Croat-Slovene State and Turkey, Lausanne, 24 July 1923).

chapters of the peace treaties of 1919-1923 imposed on the vanquished States;^{36/} (c) four subsequent treaties and (d) five unilateral declarations, signed by various States between 1921 and 1932 upon their admission to the League of Nations, of which the Council of the League of Nations took note in ad hoc resolutions. ^{37/}

37. The racial, religious and linguistic minorities which were thus brought within the scope of the régime of protection which had been established were those of Austria, Poland (including Upper Silesia), the Serb-Croat-Slovene State, Czechoslovakia, Bulgaria, Romania, Hungary, Greece, the Free City of Danzig, the Aaland Islands, Albania, Estonia, Lithuania, Latvia, Turkey, Memel and Iraq. ^{38/}

B. The content of the régime of protection

38. It is noteworthy in the first place that the features common to the international instruments mentioned in section A of this chapter far outnumber the differences, particularly as the treaty concluded with Poland - which preceded the others chronologically - served as a model for the formulation of most of the subsequent instruments.

39. With regard to the content of the régime established after the First World War, it is interesting to recall the advisory opinion of the Permanent Court of International Justice of 6 April 1935 on the question of minority schools in Albania. In that opinion, the Court stated that the instruments drawn up for the protection of minorities had two main objectives, namely to ensure that individuals belonging to racial, religious or linguistic minorities should be placed on a footing of perfect equality with the other nationals of the State and, secondly, to ensure for the minority element suitable means for the

^{36/} The Polish-Danzig Convention of 9 November 1920; agreement between Sweden and Finland concerning the population of the Aaland Islands placed on record and approved by a resolution of the Council of the League of Nations on 27 June 1921; German-Polish Convention relating to Upper Silesia of 15 May 1922; Convention of 8 May 1924 concerning the Territory of Memel, between the Allied and Associated Powers and Lithuania.

^{37/} Albania (2 October 1921); Lithuania (12 May 1922); Latvia (7 July 1923); Estonia (17 November 1923); Iraq (30 May 1932). It will be recalled that in an advisory opinion dated 6 April 1935 concerning minority Greek schools in Albania the Permanent Court of International Justice expressed the opinion that those unilateral declarations had the same binding force as conventional undertakings (Permanent Court of International Justice, Series A/B, 64-69). It should likewise be recalled that those declarations were generally signed pursuant to recommendations by the Assembly to the States concerned to the effect that they should, if admitted to the League of Nations, take the necessary measures to ensure the application of the general principles laid down in the Minorities Treaties.

^{38/} See Protection of Minorities (United Nations publication, Sales No. 1967.XIV.4), pp. 7-8.

preservation of their racial peculiarities, their traditions and their national characteristics. The Court rightly emphasized that those two requirements were closely interlocked for there would be no true equality between a majority and a minority if the latter were deprived of its own institutions and were consequently compelled to renounce that which constitutes the very essence of its being as a minority.

40. The commitments assumed by States under special Minorities Treaties may be classified as follows: 39/

"(i) In the first place... [they]... contain stipulations regarding the acquisition of nationality. These stipulations provide, in principle, that the nationality of the newly created or enlarged country shall be acquired: (a) by persons habitually resident in the transferred territory or possessing rights of citizenship there when the Treaty comes into force; (b) by persons born in the territory of parents domiciled there at the time of their birth, even if they are not themselves habitually resident there at the coming into force of the Treaty.

"The Treaties also provide that nationality shall be ipso facto acquired by any person born in the territory of the State, if he cannot prove another nationality. The Treaties further contain certain stipulations concerning the right of option.

"(ii) The States which have signed the Minorities Treaties have undertaken to grant all their inhabitants full and complete protection of life and liberty, and recognize that they are entitled to the free exercise, whether in public or in private, of any creed, religion or belief whose practices are not inconsistent with public order or public morals.

"(iii) As regards the right to equality of treatment, the Minorities Treaties lay down the following general principles: (a) equality of all nationals of the country before the law; (b) equality of civil and political rights; and (c) equality of treatment and security in law and in fact.

"(iv) Moreover, the Treaties expressly stipulate that differences of race, language or religion shall not prejudice any national of the country as regards admission to public employments, functions and honours, or to the exercise of professions and industries. It is also provided that nationals belonging to minorities shall have an equal right to establish, manage and control, at their own expense, charitable, religious or social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

39/ Protection of Linguistic, Racial or Religious Minorities, pp. 162-163; see also Protection of Minorities (United Nations publication, Sales No. 67.XIV.4), pp. 47-58.

- "(v) As regards the use of the minority language, States which have signed the Treaties have undertaken to place no restriction in the way of the free use by any national of the country of any language, in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings. Those States have also agreed to grant adequate facilities to enable their nationals whose mother tongue is not the official language to use their own language, either orally or in writing, before the Courts. They have further agreed, in towns and districts where a considerable proportion of nationals of the country whose mother tongue is not the official language of the country is resident, to make provision for adequate facilities for ensuring that, in the primary schools (the Czechoslovak Treaty refers to 'instruction' in general), instruction shall be given to the children of such nationals through the medium of their own language, it being understood that this provision does not prevent the teaching of the official language being made obligatory in those schools.
- "(vi) The Treaties finally provide that, in towns or districts where there is a considerable proportion of nationals of the country belonging to racial, religious or linguistic minorities, ^{40/} these minorities will be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.
- "(vii) In addition to these general engagements, the Minorities Treaties establish a number of special rights in favour of certain minorities, viz., the Jewish minority (Greece, Poland and Romania), the Valachs of Pindus (Greece), the non-Greek monastic communities of Mount Athos (Greece), the Moslem minorities in Albania, Greece and the Kingdom of the Serbs, Croats and Slovenes, the Czecklers and Saxons in Transylvania (Romania), and the people of the Ruthene territory south of the Carpathians (Czechoslovakia)."

41. It is clear from this account that the régime established contained two types of provision: one containing clauses ensuring equality of treatment to members of minority groups and the other containing special measures for the protection of such groups. The objective of protecting members of minority groups was pursued by imposing on the State a standard of conduct with regard to the treatment of individuals whereby any discrimination based on race, language or religion was prohibited in certain specific domains. Furthermore, provision was made for

^{40/} With regard to the application of the stipulations of the Treaties providing for adequate facilities for ensuring that instruction shall be given in the minority language in districts where a considerable proportion of the members of a linguistic minority reside, one writer held that the expression "considerable proportion" has been interpreted in practice as meaning at least one fifth of the population of a country. (Frederick L. Schuman, International Politics. An Introduction to the Western State System, 1st ed., (New York, McGraw-Hill, 1933), p. 316).

special measures deriving from the idea of safeguarding the values peculiar to each minority group, namely language, religion and culture. The clauses relating to nationality were clearly aimed at protecting persons who became members of a minority group as a result of a territorial transfer against the danger of losing their nationality of origin without acquiring that of the new State.

42. It will be noted that, with the exception of certain special cases^{41/} minorities were not regarded as collective entities in the above-mentioned instruments. The protection provided is directed to minorities in terms of the individual as opposed to the group. According to some writers, such an approach was adopted to cater to the sensitivity of the States concerned and to protect them against the risk of dismemberment. It is noteworthy nevertheless that associations formed by minorities were on many occasions declared capable of exercising the right of petition.^{42/}

43. It will also be noted that the instruments do not contain any provision imposing obligations on minorities in exchange for the measures adopted in their favour. This aspect of the question was debated within the League of Nations and, in a resolution adopted on 21 September 1922, the Assembly of the League of Nations declared that:

"3. While the Assembly recognises the primary right of the minorities to be protected by the League from oppression, it also emphasises the duty incumbent upon persons belonging to racial, religious or linguistic minorities to co-operate as loyal fellow-citizens with the nations to which they now belong.

.....

"5. The Secretariat-General, which has the duty of collecting information concerning the manner in which the Minorities Treaties are carried out, should not only assist the Council in the study of complaints concerning infractions of these treaties, but should also assist the Council in ascertaining in what manner the persons belonging to racial, linguistic or religious minorities fulfil their duties towards their States. The information thus collected might be placed at the disposal of the States Members of the League of Nations if they so desire."

^{41/} Reference may be made, *inter alia*, to the provision whereby minorities are to be assured an equitable share in the enjoyment of the sums which may be provided out of public funds for educational, religious or charitable purposes (article 9 of the Minorities Treaty with Poland and the corresponding articles of other Treaties). Under the terms of article 10 of the Minorities Treaty with Poland, educational committees appointed by the "Jewish communities" provide for the distribution of the proportional share of funds allocated to Jewish schools. Article 2 of the Minorities Treaty with Romania accords local autonomy, in regard to scholastic and religious matters to the "communities of the Czecklers and Saxons". Article 13 of the Minorities Treaty with Greece accords local autonomy to the "communities" of the Valachs of Pindus in regard to religious, charitable or scholastic matters.

^{42/} See paragraphs 53 and 55; see also Sibert, *op. cit.*, p. 498; de Balogh, *op. cit.*, p. 93.

/...

C. The guarantees of the régime of protection

44. Apart from the provisions defining the rights accorded to minorities - described in section B of this chapter - the various instruments contained a twofold guarantee, namely a guarantee under municipal law and an international guarantee. ^{43/} Under the terms of the guarantee under municipal law, the State concerned undertook that the provisions relating to minorities "shall be recognized as fundamental laws, and that no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action prevail over them". ^{44/}

45. Under the terms of the international guarantee, each State concerned agreed that:

- "(i) ... the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented to by a majority of the Council of the League of Nations.
- "(ii) ... any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the Council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.
- "(iii) ... any difference of opinion as to questions of law or fact arising out of these Articles between the Polish Government and any one of the Principal Allied and Associated Powers and any other Power, a Member of the Council of the League of Nations, shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. The Polish Government hereby consents that any such dispute shall, if the other party thereto demands, be referred to the

^{43/} See Charles Rousseau, Droit international public (Paris, Recueil Sirey, 1953), pp. 218, 219.

^{44/} Protection of Linguistic, Racial or Religious Minorities, League of Nations publication, I.B. Minorities, 1927, I.B.2, annex, p. 42 (C.L.110.1927.I).

Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant." 45/

46. To summarize the three aspects of the international guarantee which have just been described, it may be said that: (a) the Council of the League of Nations assumed exclusive power to agree to any changes in the regulatory provisions established for the benefit of minorities. The States preparing such provisions

45/ Ibid., pp. 44-45. Article 12 of the Treaty with Poland served as the basis for the corresponding articles in the other instruments. Articles 13 and 14 of the Covenant of the League of Nations read as follows:

"ARTICLE 13.

"1. The Members of the League agree that whenever any dispute shall arise between them which they recognise to be suitable for submission to arbitration or judicial settlement, and which cannot be satisfactorily settled by diplomacy, they will submit the whole subject-matter to arbitration or judicial settlement.

"2. Disputes as to the interpretation of a treaty as to any question of international law, as to the existence of any fact which, if established, would constitute a breach of any international obligation, or as to the extent and nature of the reparation to be made for any such breach, are declared to be among those which are generally suitable for submission to arbitration or judicial settlement.

"3. For the consideration of any such dispute, the court to which the case is referred shall be the Permanent Court of International Justice, established in accordance with Article 14, or any tribunal agreed on by the parties to the dispute or stipulated in any convention existing between them.

"4. The Members of the League agree that they will carry out in full good faith any award or decision that may be rendered, and that they will not resort to war against a Member of the League which complies therewith. In the event of any failure to carry out such an award or decision, the Council shall propose what steps should be taken to give effect thereto.

"ARTICLE 14.

"The Council shall formulate and submit to the Members of the League for adoption plans for the establishment of a Permanent Court of International Justice. The Court shall be competent to hear and determine any dispute of an international character which the parties thereto submit to it. The Court may also give an advisory opinion upon any dispute or question referred to it by the Council or by the Assembly.

were thus precluded from curtailing, by means of subsequent legislation, the protection afforded to minorities; (b) the Council further assumed the power to intervene in the event of any infraction, or any danger of infraction, of any of the rules established, taking such action as was appropriate to each case. Although this power was conditioned by the fact that any infraction was to be brought to the attention of the Council by one of its members, it was the essential feature of the supervisory function which was later developed by the Council; (c) in the settlement of differences between a State in which there was a minority and a State Member of the Council, the way was open for the exercise of the judicial function of the Permanent Court of International Justice, which had compulsory jurisdiction in matters relating to the protection of minorities.

D. The procedure for the implementation of the League of Nations guarantee

47. It should be noted in the first place that the treaties relating to the minorities régime were negotiated outside the League of Nations and that the Council was consequently obliged to adopt a resolution in each case, under the terms of which the provisions of the treaties in question were placed under the guarantee of the League of Nations "so far as they affect persons belonging to racial, linguistic or religious minorities".

48. Furthermore, the elaboration of the procedure whereby this guarantee was rendered effective was principally the work of the Council. The procedure relied essentially on two measures, for which no provision was made in the treaties, namely the institution of the right of petition for the benefit of minorities and the establishment of Minorities Committees. ^{46/} This procedure may be summarized as follows: as a first step, the Secretariat of the League of Nations examined the petition to determine whether it was receivable. Once declared to be so, the petition was transmitted to the State concerned for comment, and then to the members of the Council and, if the conditions laid down by the Council were fulfilled, to the other Members of the League of Nations. In the Council, the examination of the substance of the petition was carried out by a committee of three or four members, according to circumstances, known as a "Minorities Committee". A committee was set up to deal with each petition. At the conclusion

^{46/} It should be noted also that a special section entitled "Minorities Section" was established in the Secretariat of the League of Nations to serve as the administrative organ of the Minorities Committees. This section was gradually enlarged, notably by the establishment of a press information service to deal with minorities questions and the publication of a weekly bulletin containing a summary of newspaper articles from the various countries which had entered into commitments with regard to minorities and which were of direct or indirect interest from the point of view of the protection of minorities (see P. de Azcárate, League of Nations and National Minorities: An Experiment (Washington, Carnegie Endowment for International Peace, 1945); pp. 123-130; see also Protection of Linguistic, Racial or Religious Minorities, pp. 170-172).

of its examination, the Committee could either reject the petition, attempt to find a solution to the problem through itself negotiating with the Government concerned, or request that the question should be placed on the agenda of the Council. It was understood that any member of the Council had the right to bring the matter before the Council, whatever the decision by the Committee. Once submitted to the Council, the question was examined according to the Council's usual procedure.

(a) The right of petition

49. The right of petition was granted to minorities following the Council's adoption on 22 October 1920 of a report concerning the limits and nature of the guarantees established under the various treaties, prepared by Mr. Tittoni, Rapporteur of the Council. ^{47/} The relevant passages of the report on this question read as follows:

"The right of calling attention to any infraction or danger of infraction is reserved to the Members of the Council.

This is, in a way, a right and a duty of the Powers represented on the Council. By this right they are, in fact, asked to take a special interest in the protection of minorities.

Evidently, this right does not in any way exclude the right of the minorities themselves, or even of States not represented on the Council, to call the attention of the League of Nations to any infraction or danger of infraction.

But this act must retain the nature of a petition, or a report pure and simple; it cannot have the legal effect of putting the matter before the Council and calling upon it to intervene."

50. The same report laid down the procedure for the examination of petitions which was as follows: all petitions were to be communicated, without comment, to the members of the Council for information. Such communication, however, did not of itself constitute a judicial act of the League or its organs. According to the report, "the competence of the Council to deal with the question arises only when one of its Members draws its attention to the infraction or danger of infraction which is the subject of the petition or report". The report added further that the State concerned, if it was a member of the League, was to be informed at the same time as the Council of the subject of the petition in accordance with the procedure generally followed whereby any document forwarded for the information of members of the Council was, in principle, forwarded to all members of the League.

51. On the initiative of Poland and Czechoslovakia, this procedure was eventually revised by a resolution adopted by the Council on 27 June 1921. In this resolution, the Council, referring to Mr. Tittoni's report, decided that

^{47/} Protection of Linguistic, Racial or Religious Minorities, pp. 13-14.

This document also contains the text of the resolutions mentioned in this section.

"All petitions concerning the protection of minorities under the provisions of the Treaties from petitioners other than Members of the League of Nations shall be immediately communicated to the State concerned.

"The State concerned shall be bound to inform the Secretary-General, within three weeks of the date upon which its representative accredited to the Secretariat of the League of Nations received the text of the petition in question, whether it intends to make any comments on the subject.

"Should the State concerned not reply within the period of three weeks, or should it state that it does not propose to make any comments, the petition in question shall be communicated to the Members of the League of Nations in accordance with the procedure laid down in M. Tittoni's report.

"Should the State concerned announce that it wishes to submit comments, a period of two months, dating from the day on which its representative accredited to the Secretariat of the League receives the text of the petition, shall be granted to it for this purpose. The Secretary-General, on receipt of the comments, shall communicate the petition, together with the comments, to the Members of the League of Nations.

"In exceptional and extremely urgent cases, the Secretary-General shall, before communicating the petition to the Members of the League of Nations, inform the representative accredited to the Secretariat of the League of Nations by the State concerned.

"This decision shall come into immediate effect for all matters affecting Poland and Czechoslovakia." 48/

52. Under the terms of another Council resolution of 5 September 1923:

"The extension of the period of two months, fixed by the resolution of 27 June 1921 for observations by the Government concerned on the subject of the petitions may be authorized by the President of the Council if the State concerned so requests and if the circumstances appear to make such a course necessary and feasible.

"The communication, in accordance with the resolution of 27 June 1921, to the Members of the League of petitions and of observations (should there be any) by the Government concerned shall be restricted to the Members of the Council. Communications may be made to other Members of the League or to the general public at the request of the State concerned, or by virtue of a resolution to this effect passed by the Council after the matter has been duly submitted to it."

48/ This procedure was subsequently accepted by all States which had entered into commitments with regard to minorities.

53. The question of the receivability of a petition was also a subject of discussion. In the same resolution of 5 September 1923, the Council laid down the following conditions for petitions to be receivable:

"In order that they may be submitted to the procedure established by the Council resolutions, dated 22 and 25 October 1920, and 27 June 1921, petitions addressed to the League of Nations concerning the protection of minorities:

(a) Must have in view the protection of minorities in accordance with the Treaties;

(b) In particular, must not be submitted in the form of a request for the severance of political relations between the minority in question and State of which it forms a part;

(c) Must not emanate from an anonymous or unauthenticated source;

(d) Must abstain from violent language;

(e) Must contain information or refer to facts which have not recently been the subject of a petition submitted to the ordinary procedure.

"If the interested State raises for any reason an objection against the acceptance of a petition, the Secretary-General shall submit the question of acceptance to the President of the Council, who may invite two other members of the Council to assist him in the consideration of this question. If the State concerned so requests, this question of procedure shall be included in the agenda of the Council."

54. It will be noted that the exhaustion of internal remedies was not included among the conditions for the receivability of petitions. It will be recalled in this connexion that this particular condition is currently regarded as of fundamental importance to any system of communications or individual recourse to an international organization in the area of human rights. The provisions of the International Convention on the Elimination of All Forms of Racial Discrimination and the European Convention for the Protection of Human Rights and Fundamental Freedoms are relevant in this context.

55. As to the manner in which the conditions for receivability mentioned in paragraph 7 were applied in practice, the Committee responsible for examining the procedure whereby the international guarantee was applied had the following views:

"As regards the origin of petitions, it should first be observed that, in order to be accepted they need not necessarily emanate from the minority concerned. Petitions from persons or organizations which not only did not belong to the minority concerned but did not even belong to the country referred to in the petition have often been declared acceptable, provided the source was not anonymous or unauthenticated. As to the question under what circumstances the source may be regarded as anonymous or unauthenticated,

/...

in principle, any signed petition is regarded as emanating from an authenticated source. In certain cases, petitions sent by telegram have also been regarded as acceptable before being confirmed by letter.

"As regards the form of petitions, the rule laid down by the Council on this point is also given a very broad interpretation. Petitions containing abusive language or terms incompatible with the dignity of the Governments concerned are alone rejected as not fulfilling this condition of acceptability. The Secretary-General takes into account the fact that petitions may come from persons belonging to populations of primitive culture, in which case obviously their wording cannot be judged according to the strictest standards.

"As regards the three conditions relating to the contents of petitions, the Secretary-General has merely to carry out a cursory examination of the facts and information submitted by the petitioner. He cannot verify any of the facts or even undertake to examine the substance of the question raised in the petition. In principle, when the statement of facts in a petition is prima facie in accordance with the three conditions required, it is declared acceptable.

"If a petition is declared unacceptable, no action is taken in regard to it. The petitioner is not informed of the decision, for the reason already indicated, that he is regarded not as an applicant but purely and simply as a source of information for the Members of the Council. For this reason, a petition is regarded as unacceptable only if it obviously does not fulfil one of the conditions laid down by the Council. The fact that, in the procedure as established, petitions are not regarded as actual requests but as sources of information pure and simple means that the conditions governing acceptance must be given a very broad interpretation." 49/

56. It is noteworthy that under the procedure applied until 1929, documentation relating to the examination of petitions remained confidential where a question was not placed on the Council's agenda. No communication was made to the petitioner or to the Council. The documentation became public only if the question was placed on the Council's agenda. 50/ It will also be noted, as pointed out in the previous paragraph, that where a petition was declared non-receivable, the petitioner was not informed of the decision taken, whereas in cases where a petition was declared receivable, the Government concerned invariably had an opportunity to challenge the soundness of that decision. To remedy these shortcomings, the Council decided in a resolution of 13 June 1929 that the Secretary-General should inform the petitioner where a petition was declared non-receivable.

49/ Protection of Linguistic, Racial or Religious Minorities, pp. 175-176.

50/ Ibid., p. 179.

57. In this same resolution, the Council also decided to establish procedures for publicizing petitions transmitted to the League of Nations. 51/ The relevant paragraph of the resolution reads as follows:

"6. Regular Annual Publications concerning the Work of the League in connection with the Protection of Minorities.

"The Secretary-General will publish annually in the Official Journal of the League statistics of: (1) the number of petitions received by the Secretariat during the year; (2) the number of petitions declared to be non-receivable; (3) the number of petitions declared to be receivable and referred to Committees of Three; (4) the number of Committees and the number of meetings held by them to consider these petitions; (5) the number of petitions whose examination by a Committee of Three has been finished in the course of the year."

58. The essential features of the procedure for the examination of petitions as established in the aforementioned Council resolutions merit particular attention. In the first place, petitions were not regarded as actual requests but as sources of information pure and simple. The procedure adopted thus avoided the petitioner's being considered as a party to a judicial procedure between himself and the Government concerned. Nor did a petition have any judicial status; petitioners did not participate in the Council's proceedings, even as witnesses. 52/ In this connexion, the following observations were made:

"... petitions from minorities are in the nature of information pure and simple. In accordance with this principle and with the intention underlying the establishment of the procedure, care has always been taken to avoid making its application a kind of procédure contradictoire or judicial procedure in which the petitioner and the Government concerned appear as two parties to be heard by the League of Nations. The Council has established for minorities petitions a sui generis procedure adapted to the nature of the right of petition established by M. Tittoni's report. The object of this procedure is, not to enable the Council as it were to settle a lawsuit between two parties, but to ensure that reliable information as to the manner in which the signatory States to the Minorities Treaties are carrying those treaties into effect is laid before the Members of the Council." 53/

(b) The Minorities Committees

59. During the debates which preceded the Council's acceptance of the obligations placed upon it by the so-called Minorities Treaties, several representatives

51/ See also paragraph 61.

52/ See de Balogh, op. cit., pp. 233-237.

53/ Protection of Linguistic, Racial or Religious Minorities, p. 175.

stressed that a member of the Council who accused a State of having violated the terms of a treaty guaranteeing the rights of minorities would be in a difficult position. Moreover, the introduction of the petition machinery did not alter the provisions of the Minorities Treaties, according to which only States members of the Council could take the initiative of informing the Council of an infraction or the danger of an infraction. On the basis of a proposal by one of its members, and with a view to solving that problem, the Council adopted on 25 October 1920 a resolution providing that all petitions would be considered by a three-member Committee before being discussed by the Council itself. ^{54/} This resolution reads as follows:

"For a definition of the conditions under which the Council shall exercise the powers granted to it by the Covenant and by various Treaties for the protection of minorities, the Council approved a resolution which will be inserted in its Rules of Procedure:

"With a view to assisting Members of the Council in the exercise of their rights and duties as regards the protection of minorities, it is desirable that the President and two members appointed by him in each case should proceed to consider any petition or communication addressed to the League of Nations with regard to an infraction or danger of infraction of the clauses of the Treaties for the protection of minorities. This inquiry would be held as soon as the petition or communication in question had been brought to the notice of the Members of the Council."

60. In order to ensure that the Minorities Committees performed their functions with the requisite objectivity, the Council adopted on 10 June 1925 the following resolution, setting out the conditions for the appointment of the members of these committees:

"The Council... decides

I. If the Acting President of the Council is:

The representative of the State of which the persons belonging to the minority in question are subjects, or

The representative of a neighbouring State of the State to which the persons belonging to the minority in question are subject; or

The representative of a State the majority of whose population belong from the ethnical point of view to the same people as the persons belonging to the minority in question,

^{54/} In the light of the recommendations made in the report of the Committee established in March 1929 to evaluate the procedure used until that time, the Council decided in its resolution of 13 June 1929 that the President of the Council could, in exceptional cases, invite four members of the Council instead of two to meet as a committee.

that the duty which falls upon the President of the Council in accordance with the terms of the resolution of 25 October 1920, shall be performed by the member of the Council who exercised the duties of President immediately before the Acting President, and who is not in the same position.

"II. The President of the Council, in appointing two of his colleagues in conformity with the resolution of 25 October 1920, shall not appoint either the representative of the State to which the persons belonging to the minority in question are subject or the representative of a State neighbouring the State to which these persons are subject, or the representative of a State a majority of whose population belong from the ethnical point of view to the same people as the persons in question." 55/

61. Furthermore, on the basis of the recommendations of the Committee set up in 1929 to evaluate the application of the procedure used until that time, the Council, in its resolution of 13 June 1929, decided that in the case of petitions whose inclusion in the Council's agenda was not requested, the Committees should communicate the result of their examination to the other members of the Council. In the same resolution the Council also proposed that the Committees should consider carefully the possibility of publishing, with the consent of the Government concerned, the result of the examination of the petitions submitted to them. The Council also expressed the earnest hope "that the Governments will, whenever possible, give their consent to such publication".

62. The functioning of these Committees has been described as follows:

"The meetings of the various Minorities Committees which are in existence simultaneously are generally held during sessions of the Council, though they are also held between those sessions.

"The Committees meet privately, no formal Minutes being taken, and each is free to adopt its own procedure.

"Generally speaking, the object of the examination of a petition by the three Members of the Council appointed for the purpose is to consider whether one or more Members of the Council should exercise their right to bring the question to the Council's notice. This right may also be exercised by any individual member of the Committee, whatever view his colleagues may take. When once the question has been brought before the Council, it is dealt with in accordance with the normal procedure, that is to say, the Council considers it on the basis of a report submitted to it by its Rapporteur for minorities questions. 56/

55/ Protection of Linguistic, Racial or Religious Minorities, p. 10.

56/ According to article III, paragraph 4 of the Rules of Procedure of the Council of the League of Nations, "At the last ordinary session of each year the Council shall draw up a list of rapporteurs for the various matters with which it is habitually called upon to deal" (League of Nations, Official Journal, July 1933, p. 900).

"In most cases, the members of the Committees of Three have found that, although the circumstances do not in their opinion justify the placing of the question on the Council's agenda, they do not permit of its being dropped altogether. The members of the Committee may consider, for example, that the information at their disposal does not enable them to decide whether there has or has not been an infraction or danger of infraction of the treaty; or they may feel that they could obtain favourable consideration of the minorities' wishes by approaching the Government concerned in informal and friendly manner. The Committee then, acting through the Minorities Section, enters into informal negotiations with that Government with a view either to obtaining further information or to securing a satisfactory settlement of the matter. The elasticity of this system enables the various Committees to adapt their methods to the special circumstances of each case. A system of genuine and friendly co-operation has thus grown up between the League, acting through the Committees of Three, and the Governments concerned, with a view to the equitable and satisfactory settlement of such cases. This explains, too, why far fewer questions are submitted to the Council by the Minorities Committees than are the subject of informal negotiations between these Committees and the Governments concerned.

"The policy of the Committees of Three of settling the various questions submitted to them by direct and informal negotiations with Governments is based on a consideration which all who have had occasion to sit on those Committees will doubtless recognise as wholly justifiable, namely, that, for the purpose of settling the majority of the questions raised in petitions, informal and friendly negotiations between a Committee of Three and the Government concerned constitute a much more effective method than public discussion by the Council." 57/

63. A former Director of the Minorities Section of the League of Nations secretariat has made the following comments on the efficacy of the procedures used by these Committees:

"Generally speaking, the committees found themselves faced with the following alternatives: (a) that of putting an immediate end to their examination, if they considered that the observations of the government satisfactorily explained all the allegations of the petition; (b) that of asking that the question be placed promptly on the agenda of the Council, if they felt that the explanations of the government did not remove the suspicion of an infraction or danger of infraction, but rather confirmed it; (c) that of entering into negotiations with the government concerned in order to obtain supplementary explanations. Sometimes the latter were genuinely desired, but more often the real object of the negotiations was to arrive at certain reforms or modifications which would make it possible for the committee to sanction a legal or factual situation which

57/ Protection of Linguistic, Racial or Religious Minorities, p. 178.

originally had been considered contrary to the provisions of the Minorities Treaty. Alternatives (a) and (b) were very rarely adopted; there were but few cases of the first, and of the second I have no recollection at all. Alternative (c) was the general rule. In the vast majority of cases, the committees, whether in a sincere desire to complete their information, or as a means of negotiating concessions, brought to the notice of the government concerned the points on which they considered its observations unsatisfactory, and asked for supplementary information.

"The minorities, and the governments which encouraged and supported them in their claims... always displayed great animosity and distrust of this method of negotiation between committees and the 'accused' governments. And their attitude was shared by not a few men and women of standing, representing a body of neutral opinion interested in all matters relating to national minorities. I very much doubt whether this attitude was justified, and still more do I question the opinion that it would have been preferable for these questions to be examined and resolved by the Council rather than negotiated by the committees. My own feeling... is that it would have been not only not beneficial, but actually prejudicial, to the cause of the minorities or of international collaboration to have submitted to the Council all those minority questions which were examined and resolved by the committees. Those who are of a different opinion have not perhaps reflected on a point which may or may not seem right, and which we may praise or condemn, but which the League of Nations had to accept as a general postulate in many spheres of activity (and in particular that of minority protection). This is that in view of the limited importance, in general, of each of the questions examined, one could not count on the application of the coercive methods at the disposal of the League in order to force the "guilty" state to adopt the necessary measures for the fulfillment of the Minorities Treaties (particularly since such measures concerning minority questions were specifically internal ones); in consequence the only weapons at the disposal of the League were those of moral pressure and wise negotiation, and the only possible outcome a formula accepted by the government concerned. Upon reference to the Council, therefore, of any given case, the Council, like the committees, had no choice but to open negotiations with the government; negotiations which were carried out by the Rapporteur, accompanied in certain cases by two other members of the Council, who formed a new committee (this time a committee of the Council, properly speaking). This new committee did exactly the same as the committee of minorities, that is to say, it sought a formula which, in agreement with the government concerned, should as far as possible respect the terms of the treaty." 58/

E. The role of the Permanent Court of International Justice in the system

64. The introduction of jurisdictional supervision has been considered one of the important innovations in the system for the protection of minorities established after the First World War. As already noted, the instruments on the protection of minorities provided for the intervention of the Permanent Court of International Justice in cases where differences of opinion arose between the Government concerned and any of the Allied or Associated Powers or any other Power which was a Member of the Council of the League of Nations relating to either the provisions concerning minorities and their interpretation and application, or to questions of fact. The States which had assumed obligations with regard to minorities were obliged to refer the dispute to the Court if the other parties requested it. Furthermore, the decision of the Court was final. ^{59/} Disputes would thus be submitted to a judicial institution independent of the parties concerned, whereas previously such questions had usually been settled by the party which had the most political power. It will be recalled that in a resolution adopted on 21 September 1922, the Assembly of the League of Nations had recommended that:

"In case of difference of opinion as to questions of law or fact arising out of the provisions of the Minorities Treaties, between the Government concerned and one of the States Members of the Council of the League of Nations,... the Members of the Council appeal without unnecessary delay to the Permanent Court of International Justice for a decision in accordance with the Minorities Treaties, it being understood that the other methods of conciliation provided for by the Covenant may always be employed." ^{60/}

65. In addition to jurisdictional supervision, the Permanent Court was empowered to perform an advisory function with regard to minorities questions. It will be recalled that the general basis for the advisory competence of the Court was contained in Article 14 of the Covenant of the League of Nations, ^{61/} and that moreover the Council, having the power to take any appropriate measure on the basis of the instruments concerning minorities, could in a given case consider it an appropriate step to request an advisory opinion of the Court.

66. In a number of advisory opinions given at the request of the Council, the Court defined principles relating to various aspects of the problem of protection

^{59/} See paragraph 45.

^{60/} Protection of Linguistic, Racial or Religious Minorities, p. 173.

^{61/} The text of this article is reproduced in paragraph 45, section C of this chapter.

of minorities, ^{62/} including the definition of the term "minorities" and the nature of the rights accorded to minorities.

67. A writer has made the following comments on the scope of these advisory opinions:

"We shall simply confine ourselves to observing that although the opinion is in theory only advisory, that is to say the expression of a view having no binding force and lacking the authority of res judicata, it is nevertheless equally true that, in practice, the opinions of the Court have acquired the same authority as judicial decisions. This is fully proved by all the practice of the Council to date. And the Court itself has, from the outset, regarded its task in the advisory field not as that of a simple legal adviser to the Council, but as part of its judicial functions. That is the reason why it has sought to ensure that the advisory procedure resembles the contentious procedure as closely as possible. The Committee instructed by the Court to consider the 'constitutionality' of the participation of judges ad hoc in the preparation of advisory opinions stated in its report that 'The Court, in the exercise of this power, deliberately and advisedly assimilated its advisory procedure to its contentious procedure; and the results have abundantly justified its action. Such prestige as the Court to-day enjoys as a judicial tribunal is largely due to the amount of its advisory business and the judicial way in which it has dealt with such business'.

"But although an advisory opinion does in fact have considerable weight, and the Council has no alternative but to abide by it, it would be an error to believe that a request for such an opinion is tantamount to the Council abandoning the case completely to another body. In such circumstances everything will depend on the way in which the request is worded, since the Council is bound only by the limits of the question it has put. But even in cases where the opinion requested covers not one aspect of the problem, but the problem as a whole - and this will generally be the case in minority questions - the Council, after having endorsed the Court's conclusions, will always retain a measure of freedom with regard to their application. As a body which is first and foremost political in nature, it will not consider itself bound by strictly juridical

^{62/} Advisory opinion of 10 September 1923 on German Settlers in Poland (P.C.I.J., Series B, No. 6); advisory opinion of 15 September 1923 on the Acquisition of Polish nationality (P.C.I.J., Series B, No. 7); advisory opinion of 21 February 1925 on the exchange of Greek and Turkish populations (P.C.I.J., Series B, No. 10); advisory opinion of 28 August 1928 on the interpretation of the Greco-Turkish agreement of 1 December 1926 (P.C.I.J., Series B, No. 16); advisory opinion of 31 July 1930 on the Greco-Bulgarian community (P.C.I.J., Series B, No. 17); advisory opinion of 15 May 1931 on access to German minority schools in Upper Silesia (P.C.I.J., Series A-B, No. 40); advisory opinion of 6 April 1935 on minority schools in Albania (P.C.I.J., Series A-B, No. 64).

criteria and considerations. Of course, this freedom will be relative and the Council could never go so far as to depart on essential points from the juridical position adopted by the Court." 63/

68. It therefore seems justified to state that the role entrusted to the Permanent Court of International Justice in the system of protection of minorities constituted a very important aspect of the supervision machinery. The essentially political competence of the Council was supplemented and strengthened by the jurisdictional and advisory competence of the Court. If a parallel with the current machinery for the protection of human rights is sought, it may be recalled that the Convention on the Elimination of All Forms of Racial Discrimination, as well as the provisions of the Constitution of the ILO concerning the conventions prepared by that organization, assign mandatory jurisdictional competence to the International Court of Justice, as well as providing for the possibility of submitting appeals or communications to ad hoc organs.

F. Critical evaluation of the system

69. The régime for the international protection of minorities established after the First World War undoubtedly represents an advance over the situation which had existed previously, not only as regards the content of the obligations imposed on a number of States with respect to the treatment of their respective minorities, but also, and most important, because of the introduction of the guarantee of the League of Nations. In fact, the former system, based on a very limited number of treaty commitments, contained no provisions relating to the implementation of the obligations imposed therein. Clearly, the establishment of the League of Nations represented the essential condition for the development of international supervision machinery.

70. The system established in 1919 reflects a measure of continuity with respect to the previous treaty provisions, and also new aspects linked to the existence of the League of Nations. This fact was very effectively highlighted in a communication addressed by the President of the Peace Conference to the President of the Council of the Polish Republic, referring to the treaty submitted for signature by Poland:

"1. In the first place, I would point out that this Treaty does not constitute any fresh departure. It has for long been the established procedure of the public law of Europe that when a State is created, or even when large accessions of territory are made to an established State, the joint and formal recognition by the Great Powers should be accompanied by the requirement that such State should, in the form of a binding international convention, undertake to comply with certain principles of

63/ Nathan Feinberg, La juridiction de la Cour Permanente de Justice dans le système de la protection internationale des minorités (Paris, Rousseau, 1931), pp. 185-187.

government. This principle, for which there are numerous other precedents, received the most explicit sanction when, at the last great assembly of European Powers - the Congress of Berlin - the sovereignty and independence of Serbia, Montenegro, and Roumania were recognised.

.....

"2. The Principal Allied and Associated Powers are of opinion that they would be false to the responsibility which rests upon them if on this occasion they departed from what has become an established tradition.

"3. It is indeed true that the new Treaty differs in form from earlier Conventions dealing with similar matters. The change of form is a necessary consequence and an essential part of the new system of international relations which is now being built up by the establishment of the League of Nations. Under the older system the guarantee for the execution of similar provisions was vested in the Great Powers. Experience has shown that this was in practice ineffective, and it was also open to the criticism that it might give to the Great Powers, either individually or in combination, a right to interfere in the internal constitution of the States affected which could be used for political purposes. Under the new system the guarantee is entrusted to the League of Nations. The clauses dealing with this guarantee have been carefully drafted so as to make it clear that Poland will not be in any way under the tutelage of those Powers which are signatories to the Treaty.

"I should desire, moreover, to point out to you that provision has been inserted in the Treaty by which disputes arising out of its provisions may be brought before the Court of the League of Nations. 64/ In this way differences which might arise will be removed from the political sphere and placed in the hands of a judicial Court, and it is hoped that thereby an impartial decision will be facilitated, while at the same time any danger of political interference by the Powers in the internal affairs of Poland will be avoided...". 65/

71. It should be stressed once again that the régime established in 1919 nevertheless had a limited sphere of application; in that regard it resembled the system created by the previous treaties. The following comments have been made in this connexion:

"... it was no part of the purpose of the authors of the Treaties to set out principles of government which should be of universal obligation. They never considered or professed to consider the general principles of religious toleration as applicable to all States of the world, nor did

64/ See paragraphs 64-68.

65/ Protection of Linguistic, Racial or Religious Minorities, pp. 158, 159.

they lay down any general principles of universal application for the government of alien peoples who might be included within the territory or the colonial dominions of all States. Anything of the kind would have been quite outside the scope and powers of the Peace Conference; if anything of this kind had been done, it could only have been in connection with the drafting of the Covenant of the League of Nations, and as we have seen, it was there deliberately rejected. ^{66/} What the Conference had to deal with was a number of problems which were purely local, which arose only in certain specified districts of Europe, but which at the same time, in view of the political conditions of the moment, were serious, urgent and could not be neglected." ^{67/}

72. The territorial limits envisaged for the application of the system were, of course, directly linked to the reason for that system's existence, which was political and not humanitarian. A writer has stressed this point in the following terms:

"That the organ chosen for the supervision of these agreements was universal in nature does not in any way change the fact that the problems themselves were limited to the particular area of their historical persistence. It is for these problems alone that the League system was devised, as a new step in the progressive handling of the problem.

"That the system was neither conceived nor intended for application on a universal or more general basis was clearly indicated at the Peace Conference, where a universal approach was specifically rejected in the drafting of the Covenant of the League of Nations. The drafting of the Covenant offers concrete evidence that it was not humanitarian principle, but political necessity in certain regions, that was the basis and origin of the League minority protection system." ^{68/}

73. The system's lack of generality has been considered one of its most serious defects. According to this point of view, so long as the obligation to protect minorities is not general, the States which have assumed it will find it unacceptable that this additional obligation should be imposed upon them. For such States, the principle of protection of minorities can be effective only if it is a universal rule. If it is limited to a number of States it is regarded

^{66/} It should, however, be noted that in a resolution adopted on 21 September 1922, the Assembly of the League of Nations expressed "the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the treaties and by the regular action of the Council". (Protection of Linguistic, Racial or Religious Minorities, p. 173).

^{67/} Protection of Linguistic, Racial or Religious Minorities, p. 161.

^{68/} Bagley, op. cit., p. 68.

as a degradation and limitation of sovereignty. For those who hold this view, the attitude of the States which had subscribed to the various instruments concerning the protection of minorities was one of the factors which led to the failure of the system. 69/ On this point, a writer has observed:

"The confinement of the application of the system to the small states of Eastern and Central Europe was one of the most striking of its defects. The failure of the Peace Conference to impose general minority provisions upon Germany, and to insist that Belgium, Denmark, France and Italy undertake similar obligations at least in respect of the populations of their newly acquired territories, demonstrated conclusively that the international protection of national minorities was not accepted as a fundamental principle of international law, applicable to great as well as to small powers, and to Western as well as to Eastern and Central European countries. It was treated as a mere expedient, to be adopted with discriminatory effect, not as an expression of a universally valid, normative approach to problems of human relations.

"It is true that the generalization of minority obligations was not politically feasible, either in 1919 or subsequently; the alternative to a system of limited scope was not a universal system, but rather no system at all. It is also true that external supervision of the treatment of minorities was not everywhere equally necessary, and that no standard set of provisions would have been universally appropriate. It may even be that generalization would have compromised the effectiveness of the League system by making all states reluctant to support the vigorous application of its provisions, for fear of setting precedents which might be used to their own embarrassment.

"Nevertheless, the fact remains that the restriction of the League system stimulated the acute resentment of those states which were within its compass, left many minority groups unprotected, diminished its moral authority, and gave it the appearance of tentativeness and the prospect of instability." 70/

74. These considerations may help us to understand why the protection régime set up after the First World War did not have the expected results. As Mr. Azcárate has observed,

"All who consider the matter dispassionately must recognize that the guarantee of minority rights established by the League of Nations on the basis of the Minorities Treaties, did not give satisfaction to the governments of the 'minority' countries, to the minorities themselves or -

69/ See de Balogh, op. cit., p. 251; Modeen, op. cit., p. 63.

70/ Claude, op. cit., pp. 35-36.

and this was the most serious factor of all - to that world public opinion which was interested in minority questions." 71/

75. Without any doubt, the failure of the system was due to complex and varied causes; it should not be forgotten, however, that its effectiveness was closely linked to the general international situation. In this connexion, a writer has observed:

"It is unjust to view the failure of the minority system of the League of Nations independently of the general international conditions of its time. The minorities protection system was but a part of the world structure established at Paris, adopted to meet particular conditions arising from the territorial settlements there. Inevitably the minorities system depended on the general state of international order and relations, and inevitably when that order disintegrated the system collapsed with it, like one floor of a toppling building. To judge it separately is like trying to estimate the performance of a given cylinder when the whole engine blows up. The between-war world was witness to an appalling phenomenon of retrogression, a backsliding of morals and politics. Dictatorships replaced democracies, hate and intolerance flourished, power overrode reason, and passionate nationalism crushed the growing bloom of international cooperation. That minorities should suffer in such a climate was inevitable; in fact, it was quite natural that they should be the first to suffer therefrom. As respect for international obligations declined and the authority of the League of Nations wilted to oblivion, the ability of the organization to carry out effectively its minorities responsibilities declined accordingly, and the ultimate failure of the system accompanied the failure of the League." 72/

71/ Azcárate, op. cit., p. 130.

72/ Bagley, op. cit., p. 126.

IV. THE QUESTION OF THE PROTECTION OF MINORITIES SINCE
THE SECOND WORLD WAR

76. During the Second World War, the question whether the new international organization which was to replace the League of Nations should continue the task assumed by the latter with regard to racial, religious and linguistic minorities, was debated both in official circles and in private organizations and associations. According to an important school of thought, the system established under the guarantee of the League of Nations had too many gaps to be resurrected without a radical change in its structure. However, despite differing opinions concerning the method to be used, it was acknowledged that it was desirable to continue international action for the protection of minorities. ^{73/}

A. The question of the protection of human rights in the Charter of the United Nations

77. The Charter of the United Nations, like the Covenant of the League of Nations, contains no specific provision relating to the question of protection of minorities. Unlike the Covenant, however, the Charter of the United Nations solemnly proclaims, in a series of provisions, the principles of universal respect for human rights and fundamental freedoms, equality and non-discrimination. Thus, in the preamble, the Charter states "We the peoples of the United Nations determined... to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,... have resolved to combine our efforts to accomplish these aims...". Article 1, paragraph 3 provides that one of the purposes of the new Organization is "To achieve international cooperation... in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction to race, sex, language, or religion". According to Article 13 the General Assembly, in the exercise of its functions, may initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms for all without distinction as to sex, language or religion. According to Article 55, the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion. Article 56 provides that all Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55. According to Article 62, the Economic and Social Council may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all. Lastly, Article 76 provides that one of the basic objectives of the trusteeship system is to encourage respect for human rights and for fundamental freedoms for all.

^{73/} See Pablo de Azcárate, Protection of National Minorities, Occasional Paper No. 5 (New York, Carnegie Endowment for International Peace, 1967), pp. 71-72, 75-77; see also Claude, op. cit., pp. 51-78.

78. The provisions just mentioned show clearly that one of the traditional aspects of any international system for the protection of minorities - that is, the principle of non-discrimination - was included among the basic principles of the Charter of the United Nations. There is, however, a very important change in approach in comparison with the past; since 1945, this principle has been included in the context of the protection of the human rights and fundamental freedoms of all human beings, and not the context of measures designed especially to protect minorities.

79. A special organ, the Commission on Human Rights, was established to develop and implement the provisions of the Charter relating to human rights and fundamental freedoms. It will be noted that this Commission was the only functional commission of the Economic and Social Council specifically provided for in the Charter of the United Nations itself. Article 68 of the Charter states that the Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions. The Commission's tasks include the protection of minorities. ^{74/} The Commission itself was authorized by Economic and Social Council resolution 9 (II) to establish sub-commissions on the protection of minorities and on the prevention of discrimination. ^{75/} Since their establishment, the Commission on

^{74/} The terms of reference of the Commission, approved by the Economic and Social Council in resolution 5 (I) of 16 February 1946, as amended by Council resolution 9 (II) of 21 June 1946, are as follows:

"The work of the Commission shall be directed towards submitting proposals, recommendations and reports to the Council regarding:

- (a) an international bill of rights;
- (b) international declarations or conventions on civil liberties, the status of women, freedom of information and similar matters;
- (c) the protection of minorities;
- (d) the prevention of discrimination on grounds of race, sex, language or religion;
- (e) any other matter concerning human rights not covered by items (a), (b), (c) and (d). (A/CONF.32/6, para. 79)

^{75/} The Commission, at its first session, held from 27 January to 10 February 1947, decided to establish one Sub-Commission on Prevention of Discrimination and Protection of Minorities instead of creating separate sub-commissions, as empowered to do by the Council.

The Sub-Commission's initial terms of reference were clarified and extended in scope at the fifth session of the Commission on Human Rights, in 1949. They are as follows:

- "(a) to undertake studies, particularly in the light of the Universal Declaration of Human Rights, and to make recommendations to the Commission on Human Rights concerning the prevention of discrimination of any kind relating to human rights and fundamental freedoms and the protection of racial, national, religious and linguistic minorities; and
- "(b) to perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights."
(A/CONF.32/6, paras. 114, 115)

Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have been concerned with the protection of minorities, on the basis of the new approach adopted in the Charter of the United Nations.

80. In this connexion it should be remembered that according to a study prepared by the Secretary-General in 1950 at the request of the Economic and Social Council, the engagements regarding minorities assumed after the First World War should be considered to have ceased to exist. The following comments were made in the aforementioned study:

"... If the problem is regarded as a whole, there can be no doubt that the whole minorities protection régime was in 1919 an integral part of the system established to regulate the outcome of the First World War and create an international organization, the League of Nations. One principle of that system was that certain States and certain States only (chiefly States that had been newly reconstituted or considerably enlarged) should be subject to obligations and international control in the matter of minorities.

"But this whole system was overthrown by the Second World War. All the international decisions reached since 1944 have been inspired by a different philosophy. The idea of a general and universal protection of human rights and fundamental freedoms is emerging. It is therefore no longer only the minorities in certain countries which receive protection, but all human beings in all countries who receive a certain measure of international protection. Within this system special provisions in favour of certain minorities are still conceivable, but the point of view from which the problem is approached is essentially different from that of 1919. This new conception is clearly apparent in the San Francisco Charter, the Potsdam decisions, and the treaties of peace already concluded or in course of preparation. From the strictly legal point of view, the result seems clear in the cases in which the formal liquidation of the war has been completed by the conclusion of peace treaties: the provisions of the treaties and the opinions expressed by the authors of the treaties imply that the former minorities protection régime has ceased to exist so far as concerns the ex-enemy countries with which those treaties have been concluded. It would be difficult to maintain that the authors of the peace treaties would have adopted that attitude if they had supposed that the engagements assumed in 1919 respecting the treatment of minorities would remain in force for the States which do not fall within the category of ex-enemy States.

"Reviewing the situation as a whole, therefore, one is led to conclude that between 1939 and 1947 circumstances as a whole changed to such an extent that generally speaking, the system should be considered as having ceased to exist." 76/

76/ Study of the legal validity of the undertakings concerning minorities,
E/CN.4/367 and Add.1, chap. XIV.

81. It may be thus concluded that since the adoption of the Charter of the United Nations, the protection of minorities should no longer be considered as a political problem concerning certain areas of the world, but a question concerning all States whose solution must be sought in the wider context of the problem of respect for human rights and fundamental freedoms, without excluding the possible conclusion of bilateral or multilateral agreements. It should also be noted that in the United Nations General Assembly the discussions concerning the general question of the protection of minorities have always been held in the Social, Humanitarian and Cultural Committee, and not the Political Committee, as was the case in the Assembly of the League of Nations. It should also be stressed that the approach taken by the United Nations makes it possible to use any method or procedure designed to ensure that people belonging to ethnic, religious and linguistic minorities enjoy real equality.

B. Activities of United Nations organs relating to the protection of minorities

82. The General Assembly and the Economic and Social Council have so far expressed opinions on the question of minorities on three occasions. In its resolution 217 C (III) of 10 December 1948, on the "Fate of Minorities", the General Assembly stated that the United Nations could not remain indifferent to the fate of minorities, but added that it was difficult to adopt a uniform solution of this complex and delicate question, which has special aspects in each State in which it arises. It seems that this difficulty was one of the principal reasons for the decision not to mention the problem of minorities in the Universal Declaration of Human Rights. Later, in resolution 532 B (VI) of 4 February 1952, the General Assembly stated that the prevention of discrimination and the protection of minorities were two of the most important branches of the work undertaken by the United Nations. In its resolution 502 F (XVI) of 3 August 1953, the Economic and Social Council recommended that in the preparation of any international treaties, decisions of international organs or other acts which establish new States or new boundary lines between States, special attention should be paid to the protection of any minority which may be created thereby. This recommendation seems to reflect a tendency to deal with the problem of minorities in relation to specific territorial situations. In this sense it seems in a way to return to the approach adopted after the First World War.

83. The decisions of principal organs of the United Nations which have dealt with special protective measures for ethnic, religious or linguistic groups include three General Assembly resolutions: resolution 181 (II), on the future Government of Palestine; resolution 289 (IV), on the question of the disposal of the former Italian colonies; and resolution 390 (V), on the question of Eritrea. The Statute of the City of Jerusalem, approved by the Trusteeship Council on 4 April 1950, also provides for special protective measures for ethnic, religious or linguistic groups in articles dealing with human rights and fundamental freedoms (article 9), the Legislative Council (article 21), the judicial system (article 28), official and working languages (article 31), the educational system

and cultural and benevolent institutions (article 32), and broadcasting and television (article 33). 77/

84. In so far as the main features of the question are concerned, the work of the Commission on Human Rights and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was described in the preliminary report submitted by the Special Rapporteur to the Sub-Commission at its twenty-fifth session. 78/ It would therefore be superfluous to revert to these questions in the present report.

85. One general comment should, however, be made. The problem of minorities has been among the subjects dealt with in depth by the Sub-Commission only during the period 1947-1954 and again from 1971 onwards. During the period 1955-1971 the Sub-Commission concentrated almost exclusively on discrimination questions. Furthermore, the positive outcome of the work done from 1947 to 1954 was the preparation of the draft text of article 27 of the International Covenant on Civil and Political Rights, whereas attempts to define the notion of minority and define measures for the protection of minorities to be recommended by the General Assembly to Member States yielded no specific result since the Commission on Human Rights merely took note of the work of the Sub-Commission and invited it to continue its efforts.

C. Provisions relating to the protection of minorities contained in general international conventions concluded under the auspices of the United Nations and the specialized agencies

86. Besides the International Covenant on Civil and Political Rights, the principles of which, as set forth in article 27, form the basis for this study, a number of general international conventions adopted under the auspices of the United Nations or the specialized agencies provide special protective measures for ethnic, religious and linguistic groups. Some of the provisions of these instruments are reproduced in the following paragraphs.

87. The Convention on the Prevention and Punishment of the Crime of Genocide, of 9 December 1948, provides:

77/ Extracts from these resolutions appear in the document entitled Protection of Minorities (United Nations publication, Sales No. 67.XIV.4), pp. 40-46.

78/ E/CN.4/Sub.2/L.564. See chapter III on the background to article 27 of the International Covenant on Civil and Political Rights and chapter IV on problems of interpreting that article. A list of United Nations documents concerning the protection of minorities prepared at the request of the Sub-Commission is given in annex I.

"ARTICLE I

"The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

"ARTICLE II

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group."^{79/}

88. The Indigenous and Tribal Populations Convention of the ILO, 1957, provides:

"Article 3

"1. So long as the social, economic and cultural conditions of the populations concerned prevent them from enjoying the benefits of the general laws of the country to which they belong, special measures shall be adopted for the protection of the institutions, persons, property and labour of these populations.

"2. Care shall be taken to ensure that such special measures of protection:

- (a) Are not used as a means of creating or prolonging a state of segregation; and
- (b) Will be continued only so long as there is need for special protection and only to the extent that such protection is necessary.

"3. Enjoyment of the general rights of citizenship, without discrimination, shall not be prejudiced in any way by such special measures of protection.

^{79/} Human Rights: A compilation of international instruments of the United Nations (United Nations publication, Sales No.: E.68.XIV.6).

"Article 4

"In applying the provisions of this Convention relating to the integration of the populations concerned:

"(a) Due account shall be taken of the cultural and religious values and of the forms of social control existing among these populations, and of the nature of the problems which face them both as groups and as individuals when they undergo social and economic change;

"(b) The danger involved in disrupting the values and institutions of the said populations unless they can be replaced by appropriate substitutes which the groups concerned are willing to accept shall be recognised;

"(c) Policies aimed at mitigating the difficulties experienced by these populations in adjusting themselves to new conditions of life and work shall be adopted.

....

"Article 7

"1. In defining the rights and duties of the populations concerned regard shall be had to their customary laws.

"2. These populations shall be allowed to retain their own customs and institutions where these are not incompatible with the national legal system or the objectives of integration programmes.

"3. The application of the preceding paragraphs of this Article shall not prevent members of these populations from exercising, according to their individual capacity, the rights granted to all citizens and from assuming the corresponding duties'.

....

"Article 10

"1. Persons belonging to the populations concerned shall be specially safeguarded against the improper application of preventive detention and shall be able to take legal proceedings for the effective protection of their fundamental rights.

"2. In imposing penalties laid down by general law on members of these populations account shall be taken of the degree of cultural development of the populations concerned.

/...

"3. Preference shall be given to methods of rehabilitation rather than confinement in prison.

....

"Article 22

"1. Education programmes for the populations concerned shall be adapted, as regards methods and techniques, to the stage these populations have reached in the process of social, economic and cultural integration into the national community.

"2. The formulation of such programmes shall normally be preceded by ethnological surveys.

"Article 23

"1. Children belonging to the populations concerned shall be taught to read and write in their mother tongue or, where this is not practicable, in the language most commonly used by the group to which they belong.

"2. Provision shall be made for a progressive transition from the mother tongue or the vernacular language to the national language or to one of the official languages of the country.

"3. Appropriate measures shall, as far as possible, be taken to preserve the mother tongue or the vernacular language.

....

"Article 26

"1. Governments shall adopt measures, appropriate to the social and cultural characteristics of the populations concerned, to make known to them their rights and duties, especially in regard to labour and social welfare.

"2. If necessary this shall be done by means of written translations and through the use of media of mass communication in the languages of these populations." 80/

80/ Convention (No. 107) concerning the protection and integration of indigenous and other tribal and semi-tribal populations in independent countries. Adopted by the General Conference of the International Labour Organisation at its fortieth session, Geneva, 26 June 1957. United Nations, Treaty Series, vol. 328, pp. 247-269.

89. The UNESCO Convention against Discrimination in Education, 14 December 1960, provides:

"Article 1

"1. For the purposes of this Convention, the term 'discrimination' includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

(a) Of depriving any person or group of persons of access to education of any type or at any level;

(b) Of limiting any person or group of persons to education of an inferior standard;

(c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

"2. For the purposes of this Convention, the term 'education' refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

"Article 2

"When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

....

(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

....

/...

"Article 5

"1. The States Parties to this Convention agree that:

....

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their conviction;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

- (i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;
- (ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and
- (iii) That attendance at such schools is optional.

"2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article. 81/

90. The principle of non-discrimination - the role of which in the protection of minorities has been repeatedly stressed in this study - is reaffirmed, strengthened and developed, in relation to problems posed by differences of race, colour, national or ethnic origin, in the Convention on the Elimination of All Forms of Racial Discrimination, adopted by the United Nations General Assembly in 1965. Under article 5 of this Convention, members of ethnic minorities are guaranteed

81/ Human Rights: A compilation of international instruments of the United Nations, p. 30. The UNESCO Recommendation against discrimination in education contains provisions similar to those of articles 1, 2 and 5 of the Convention. (UNESCO document C/Resolutions, p. 123).

/...

equal treatment in the enjoyment of civil, political, economic, social and cultural rights. Another interesting feature of the Convention is the reference, in article 2, paragraph 2, to the "special and concrete measures" which "States Parties shall, when circumstances so warrant, take, in the social, economic, cultural and other fields... to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved". Lastly, it is appropriate to recall that the Convention makes provision for implementation measures and established a Committee on the Elimination of Racial Discrimination to examine the periodic reports of Member States and questions submitted to it by Member States by means of communication or notification. In addition, "a State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention (article 14, paragraph 1).

D. Activities of the Council of Europe relating to the protection of minorities ^{82/}

91. Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed in Rome on 4 November 1950, provides:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

92. It will also be noted that a tentative draft was prepared by the Consultative Assembly of the Council of Europe as a basis for an article relating to the protection of national minorities to be included in an additional protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The proposed text reads as follows:

"Persons belonging to a national minority shall not be denied the right, in community with the other members of their group, and as far as compatible with public order, to enjoy their own culture, to use their own language, to establish their own schools and receive teaching in the language of their choice or to profess and practise their own religion."^{83/}

^{82/} Protection of Minorities, pp. 18 and 37.

^{83/} According to information furnished by the Secretariat of the Council of Europe on 20 February 1973, a Committee of Government Experts is at present considering the question of the preparation of an additional protocol, relating to the rights of national minorities, to the European Convention on Human Rights.

E. Provisions relating to the protection of minorities contained in other international instruments adopted after the Second World War

93. The Treaties of Peace with Bulgaria, Finland, Hungary, Italy and Romania, of 10 February 1947, contain general provisions under which those countries are obliged to take all measures necessary to secure to persons under their respective jurisdictions, without distinction as to race, sex, language or religion, the enjoyment of human rights and of fundamental freedoms. The Treaties of Peace with Hungary and Romania contain in addition provisions prohibiting those States from discriminating between their nationals, particularly in reference to their property, business, professional or financial interests, status, political or civil rights. It should also be noted that in the Treaty of Peace with Italy, the obligation to guarantee enjoyment of human rights was imposed even on States to which Italian territories were ceded. The preamble to the Peace Treaty with Japan of 8 September 1951 contains a general provision relating to the realization of the objectives of the Universal Declaration of Human Rights in Japan. ^{84/} Lastly, some other international instruments adopted after the Second World War provided for special protective measures for ethnic, religious and linguistic groups.

94. The agreement between the Austrian and Italian Governments signed in Paris on 5 September 1946 (Annex IV to the Treaty of Peace with Italy, signed on 10 February 1947) provides:

"1. German-speaking inhabitants of the Bolzano Province and of the neighbouring bilingual townships of the Trento Province will be assured complete equality of rights with the Italian-speaking inhabitants, within the framework of special provisions to safeguard the ethnical character and the cultural and economic development of the German-speaking element.

"In accordance with legislation already enacted or awaiting enactment the said German-speaking citizens will be granted in particular:

"(a) Elementary and secondary teaching in the mother tongue;

"(b) Parification of the German and Italian languages in public offices and official documents, as well as in bilingual topographic naming;

"(c) The right to re-establish German family names which were Italianized in recent years;

"(d) Equality of rights as regards the entering upon public offices, with a view to reaching a more appropriate proportion of employment between the two ethnical groups.

^{84/} Protection of Minorities, Introduction, para. 11.

"2. - The populations of the above-mentioned zones will be granted the exercise of autonomous legislative and executive regional power. The frame within which the said provisions of autonomy will apply will be drafted in consultation also with local representative German-speaking elements.

"3. The Italian Government, with the aim of establishing good neighbourhood relations between Austria and Italy, pledges itself, in consultation with the Austrian Government and within one year from the signing of the present Treaty:

"(a) To revise in a spirit of equity and broadmindedness the question of the options for citizenship resulting from the 1939 Hitler-Mussolini agreements;

"(b) To find an agreement for the mutual recognition of the validity of certain degrees and University diplomas;

... "85/

95. The Agreement between Pakistan and India, signed at New Delhi on 8 April 1950, provides:

"A. The Governments of India and Pakistan solemnly agree that each shall ensure to the Minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its Constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objectives Resolution adopted by the Constituent Assembly of Pakistan. It is the policy of both Governments that the enjoyment of these democratic rights shall be assured to all their nationals without distinction.

"Both Governments wish to emphasize that the allegiance and loyalty of the minorities is to the State of which they are citizens, and that it is to the Government of their own State that they should look for the redress of their grievances.

"....

"F. In order to assist in the implementation of this Agreement, the two Governments have decided... to set up Minority Commissions....

"(i) Each Commission will consist of one Minister of the Provincial or State Government concerned, who will be Chairman, and one representative each of the majority and minority communities from East Bengal, West Bengal and Assam, chosen by and from among their respective representatives in the provincial or State legislatures, as the case may be.

....

"(iv) Each Commission shall maintain contact with the minorities in districts and small administrative headquarters through Minority Boards formed in accordance with the Inter-Dominion Agreement of December 1948.

"(v) The Minority Commissions in East Bengal and West Bengal shall replace the Provincial Minorities Boards set up under the Inter-Dominion Agreement of December 1948.

"(vi) The two Ministers of the Central Governments will from time to time consult such persons or organizations as they may consider necessary.

"(vii) The functions of the Minority Commission shall be:

(a) To observe and to report on the implementation of this Agreement, and, for this purpose, to take cognizance of breaches or neglect;

(b) To advise on action to be taken on their recommendations.

"(viii) Each Commission shall submit reports, as and when necessary, to the Provincial and State Governments concerned. Copies of such reports will be submitted simultaneously to the two Central Ministers during the period referred to in E.

"(ix) The Governments of India and Pakistan, and the State and Provincial Governments, will normally give effect to recommendations that concern them when such recommendations are supported by both the Central Ministers. In the event of disagreement between the two Central Ministers, the matter shall be referred to the Prime Ministers of India and Pakistan who shall either resolve it themselves or determine the agency and procedure by which it will be resolved." 86/

96. The Memorandum of Understanding between the Governments of Italy, the United Kingdom, the United States and Yugoslavia, regarding the Free Territory of Trieste, initialled in London on 5 October 1954, contains the following clauses:

"...

4. The Italian and Yugoslav Governments agree to enforce the Special Statute contained in annex II.

"...

"ANNEX II

"SPECIAL STATUTE

"Whereas it is the common intention of the Italian and Yugoslav Governments to ensure human rights and fundamental freedoms without discrimination of race, sex, language and religion in the areas coming under their administration under the terms of the present Memorandum of Understanding, it is agreed:

"1. In the administration of their respective areas the Italian and Yugoslav authorities shall act in accordance with the principles of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations on 10 December 1948 so that all inhabitants of the two areas without discrimination may fully enjoy the fundamental rights and freedoms laid down in the aforesaid Declaration.

"...

"4. The ethnic character and the unhampered cultural development of the Yugoslav ethnic group in the Italian-administered area and of the Italian ethnic group in the Yugoslav-administered area shall be safeguarded.

"(a) They shall enjoy the right to their own press in their mother tongue;

"(b) The educational, cultural, social and sports organizations of both groups shall be free to function in accordance with the existing laws. Such organizations shall be granted the same treatment as those accorded to other corresponding organizations in their respective areas, especially as regards the use of public buildings and radio and assistance from public financial means; and the Italian and Yugoslav authorities will endeavour to ensure to such organizations the continued use of the facilities they now enjoy, or of comparable facilities;

"(c) Kindergarten, primary, secondary and professional school teaching in the mother tongue shall be accorded to both groups....

/...

"5. Members of the Yugoslav ethnic group in the area administered by Italy and members of the Italian ethnic group in the area administered by Yugoslavia shall be free to use their language in their personal and official relations with the administrative and judicial authorities of the two areas. They shall have the right to receive from the authorities a reply in the same language; in verbal replies, either directly or through an interpreter; in correspondence, a translation of the replies at least is to be provided by the authorities.

"Public documents concerning members of these ethnic groups, including court sentences, shall be accompanied by a translation in the appropriate language. The same shall apply to official announcements, public proclamations and publications.

"In the area under Italian administration inscriptions on public institutions and the names of localities and streets shall be in the language of the Yugoslav ethnic group as well as in the language of the administering authority in those electoral districts of the Commune of Trieste and in those other communes where the members of the ethnic group constitute a significant element (at least one-quarter) of the population; in those communes in the area under Yugoslav administration where the members of the Italian ethnic group are a significant element (at least one-quarter) of the population such inscriptions and names shall be in Italian as well as in the language of the administering authority.

"...

"8. A special Mixed Yugoslav-Italian Committee shall be established for the purpose of assistance and consultation concerning problems relating to the protection of the Yugoslav ethnic group in the area under Italian administration and of the Italian ethnic group in the area under Yugoslav administration. The Committee shall also examine complaints and questions raised by individuals belonging to the respective ethnic groups concerning the implementation of this Statute." 87/

97. The Austrian State Treaty for the Re-establishment of an Independent and Democratic Austria, signed in Vienna on 15 May 1955, states:

"Article 6. Human Rights

"1. Austria shall take all measures necessary to secure to all persons under Austrian jurisdiction, without distinction as to race, sex, language or religion, the enjoyment of human rights and of the fundamental freedoms, including freedom of expression, of press and publication, of religious worship, of political opinion and of public meeting.

"2. Austria further undertakes that the laws in force in Austria shall not, either in their content or in their application, discriminate or entail any discrimination between persons of Austrian nationality on the ground of their race, sex, language or religion, whether in reference to their persons, property, business, professional or financial interests, status, political or civil rights or any other matter.

"Article 7. Rights of the Slovene and Croat Minorities

"1. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall enjoy the same rights on equal terms as all other Austrian nationals, including the right to their own organizations, meetings and press in their own language.

"2. They are entitled to elementary instruction in the Slovene or Croat language and to a proportional number of their own secondary schools; in this connexion school curricula shall be reviewed and a section of the Inspectorate of Education shall be established for Slovene and Croat schools.

"3. In the administrative and judicial districts of Carinthia, Burgenland and Styria, where there are Slovene, Croat or mixed populations, the Slovene or Croat shall be accepted as an official language in addition to German. In such districts topographical terminology and inscriptions shall be in the Slovene or Croat language as well as in German.

"4. Austrian nationals of the Slovene and Croat minorities in Carinthia, Burgenland and Styria shall participate in the cultural, administrative and judicial systems in these territories on equal terms with other Austrian nationals.

"5. The activity of organizations whose aim is to deprive the Croat or Slovene population of their minority character or rights shall be prohibited." 88/

98. The Agreement reached between the United Kingdom Government and a delegation from Singapore at the Singapore Constitutional Conference, London, March-April 1957, contains the following clauses:

"...

"(b) Malay and minority interests

"The following provisions for the protection of Malay and minority interests in Singapore should be included in the Constitution:

"(i) In the preamble:

'It shall be the responsibility of the Government of Singapore constantly to care for the interests of racial and religious minorities in Singapore. In particular, it shall be the deliberate and conscious policy of the Government of Singapore at all times to recognize the special position of the Malays, who are the indigenous people of the Island and are in most need of assistance, and accordingly, it shall be the responsibility of the Government of Singapore to protect, safeguard, support, foster and promote their political, educational, religious, economic, social and cultural interests and the Malay language.'

"(ii) In the interpretation clause:

'In the interpretation of this Constitution full regard shall be had to the above paragraph of the preamble (which relates to the special position of Malays and the interests of other minorities).'" 89/

99. The Memorandum setting out the Agreed Foundation for the Final Settlement of the Problem of Cyprus, signed in London on 19 February 1959 by the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, the Prime Minister of the Kingdom of Greece and the Prime Minister of the Turkish Republic, contains detailed provisions relating to the rights of the Turkish minority in the Republic of Cyprus. 90/ The following provisions are particularly noteworthy:

"1. The State of Cyprus shall be a Republic with a presidential régime, the President being Greek and the Vice-President Turkish elected by universal suffrage by the Greek and Turkish communities of the Island respectively.

"2. The official languages of the Republic of Cyprus shall be Greek and Turkish. Legislative and administrative instruments and documents shall be drawn up and promulgated in the two official languages.

"...

"5. Executive authority shall be vested in the President and the Vice-President. For this purpose they shall have a Council of Ministers composed of seven Greek Ministers and three Turkish Ministers. The Ministers shall be designated respectively by the President and the Vice-President who shall appoint them by an instrument signed by them both.

"...

89/ Protection of Minorities, pp. 26-27.

90/ See Protection of Minorities, pp. 27-31.

"6. Legislative authority shall be vested in a House of Representatives elected for a period of five years by universal suffrage of each community separately in the proportion of 70 per cent for the Greek community and 30 per cent for the Turkish community, this proportion being fixed independently of statistical data. (N.B. The number of Representatives shall be fixed by mutual agreement between the communities.)

"The House of Representatives shall exercise authority in all matters other than those expressly reserved to the Communal Chambers. In the event of a conflict of authority, such conflict shall be decided by the Supreme Constitutional Court which shall be composed of one Greek, one Turk and one neutral, appointed jointly by the President and the Vice-President. The neutral judge shall be President of the Court.

"7. ...

"On the adoption of the budget, the President and the Vice-President may exercise their right to return it to the House of Representatives, if in their judgement any question of discrimination arises. If the House maintains its decisions, the President and the Vice-President shall have the right of appeal to the Supreme Constitutional Court.

"...

"10. Each community shall have its Communal Chamber composed of a number of representatives which it shall itself determine.

"The Communal Chambers shall have the right to impose taxes and levies on members of their community to provide for their needs and for the needs of bodies and institutions under their supervision.

"The Communal Chambers shall exercise authority in all religious, educational, cultural and teaching questions and questions of personal status. They shall exercise authority in questions where the interests and institutions are of a purely communal nature, such as sporting and charitable foundations, bodies and associations, producers' and consumers' co-operatives and credit establishments, created for the purpose of promoting the welfare of one of the communities. (N.B. It is understood that the provisions of the present paragraph cannot be interpreted in such a way as to prevent the creation of mixed and communal institutions where the inhabitants desire them.)

"These producers' and consumers' co-operatives and credit establishments, which shall be administered under the laws of the Republic, shall be subject to the supervision of the Communal Chambers. The Communal Chambers shall also exercise authority in matters initiated by municipalities which are composed of one community only. These municipalities, to which the laws of the Republic shall apply, shall be supervised in their functions by the Communal Chambers.

/...

"Where the central administration is obliged to take over the supervision of the institutions, establishments or municipalities mentioned in the two preceding paragraphs by virtue of legislation in force, this supervision shall be exercised by officials belonging to the same community as the institution, establishment or municipality in question.

"11. The Civil Service shall be composed as to 70 per cent of Greeks and as to 30 per cent of Turks.

"It is understood that this quantitative division will be applied as far as practicable in all grades of the Civil Service.

"In regions or localities where one of the two communities is in a majority approaching 100 per cent, the organs of the local administration responsible to the central administration shall be composed solely of officials belonging to that community.

"12. The deputies of the Attorney-General of the Republic, the Inspector-General, the Treasurer and the Governor of the Issuing Bank may not belong to the same community as their principals. The holders of these posts shall be appointed by the President and the Vice-President of the Republic acting in agreement.

"...

"14. ...

"Cyprus shall have an army of 2,000 men, of whom 60 per cent shall be Greek and 40 per cent Turkish.

"...

"16. A High Court of Justice shall be established, which shall consist of two Greeks, one Turk and one neutral, nominated jointly by the President and the Vice-President of the Republic.

"The President of the Court shall be the neutral judge, who shall have two votes.

"This Court shall constitute the highest organ of the judicature (appointments, promotions of judges, etc.).

"17. Civil disputes, where the plaintiff and the defendant belong to the same community, shall be tried by a tribunal composed of judges belonging to that community. If the plaintiff and defendant belong to different communities, the composition of the tribunal shall be mixed and shall be determined by the High Court of Justice.

/...

"Tribunals dealing with civil disputes relating to questions of personal status and to religious matters, which are reserved to the competence of the Communal Chambers under point 10, shall be composed solely of judges belonging to the community concerned. The composition and status of these tribunals shall be determined according to the law drawn up by the Communal Chamber and they shall apply the law drawn up by the Communal Chamber.

"In criminal cases, the tribunal shall consist of judges belonging to the same community as the accused. If the injured party belongs to another community, the composition of the tribunal shall be mixed and shall be determined by the High Court of Justice."

100. Following negotiations between the Governments of Denmark and the Federal Republic of Germany on the status of national minorities in areas on both sides of the German-Danish border, the two Governments made unilateral declarations to their Parliaments, which were identical in content with regard to the status of German and Danish minorities in the country concerned.

(a) The Declaration by the Government of the Federal Republic of Germany regarding the status of the Danish minority in Germany made at the issue of negotiations with the Government of Denmark on 29 March 1955, contains the following clauses:

"II

"... it is hereby stated as follows:

- "1. Profession of Danish nationality and Danish culture is free and may not be challenged or examined by the authorities.
- "2. Persons belonging to the Danish minority and their organizations shall not be prevented from using the language of their choice, either in speech or in writing.

The use of the Danish language in the courts and administrative authorities shall be governed by the relevant legal provisions.

- "3. In respect of financial and other assistance from public funds, which is allocated at the discretion of the authorities, no distinction shall be made between members of the Danish minority and other citizens.
- "4. The special interest of the Danish minority in cultivating their religious, cultural and professional links with Denmark is recognized.

"III

"The Federal Government hereby gives notification that the Land Government of Schleswig-Holstein has stated as follows:

- "1. Since the appointment of local government Committees is based on the principle of proportional representation, representatives of the Danish minority shall be included in such Committees in proportion to their numbers.
- "2. The Land Government recommends that suitable facilities be granted to the Danish minority in the use of broadcasting services, in accordance with current regulations.
- "3. Public announcements shall also be printed in the newspapers of the Danish minority.
- "4. In Land Schleswig-Holstein, schools and people's high schools (including technical colleges), as well as nursery schools, may be established by the Danish minority within the limits prescribed by law. In schools where the language of instruction is Danish, adequate instruction in the German language shall be given. Parents and guardians may freely decide whether their children shall attend schools where Danish is the language of instruction." 91/

(b) The Declaration by the Government of Denmark approved by Parliament on 19 April 1955, regarding the general rights of persons belonging to the German minority in Southern Jutland, contains the following clauses:

"II

"... it is hereby established as follows:

- "1. Profession of German nationality and German culture is free and must not be challenged or examined by the authorities.
- "2. Persons belonging to the German minority and their organizations may not be prevented from using, orally or in writing, the language which they prefer. Use of the German language before the tribunals and administrative authorities is subject to the legislative provisions on the matter.
- "3. In virtue of the principle of freedom of education, which applies in Denmark, schools for general education, folk high schools

(including vocational) and kindergartens may be established by the German minority pursuant to law.

- "4. When the legislation on local government makes the method of proportional representation applicable to the appointment of committees of municipal councils, representatives of the German minority take part in the work of committees in proportion to their numbers.
- "5. The Danish Government recommends that, within the framework of the rules which may at any time apply to the use of the state broadcasting system, reasonable regard shall be paid to the German minority.
- "6. With respect to subventions and other grants from public funds which are allocated at discretion, no distinction will be made between persons belonging to the German minority and other citizens.
- "7. When public notices are made, reasonable regard shall be had to the daily press of the German minority.
- "8. The special interest of the German minority in cultivating their religious, cultural and professional relations with Germany is recognized." 92/

101. The governmental Declarations made by France and Algeria on 19 March 1962 within the framework of the Cease-Fire Agreement in Algeria contain the following provisions:

"GENERAL DECLARATION

Chapter II

INDEPENDENCE AND CO-OPERATION

A. Independence of Algeria

"II - Individual rights and freedoms and their guarantees.

"2. Provisions concerning French citizens of ordinary civil status:

...

"(b) In order to ensure, during a period of three years, for French nationals exercising Algerian civil rights, and permanently, at the end of that period, for Algerians of French civil status, the protection of their persons and property and their normal participation in Algerian life, the following measures are provided for:

"They will have a fair and genuine share in public affairs. In the assemblies, their representation shall correspond to their actual numbers. In the various branches of the civil service, they will be assured of fair participation.

...

"They will receive guarantees appropriate to their cultural, linguistic and religious characteristics. They will retain their personal status, which will be respected and enforced by Algerian courts comprised of judges of the same status. They will use the French language within the assemblies and in their relations with the constituted authorities.

"An association for the safeguarding of their rights will contribute to the protection of the rights which are guaranteed to them.

"A Court of Guarantees, an institution of domestic Algerian law, will be responsible for ensuring that these rights are respected."

"DECLARATION OF GUARANTEES

"Chapter II

"PROTECTION OF THE RIGHTS AND FREEDOMS OF ALGERIAN CITIZENS OF ORDINARY CIVIL STATUS

"In order to ensure for Algerians of ordinary civil status the protection of their persons and property and their harmonious participation in Algerian life, the measures enumerated in the present chapter are provided for.

...

"5. Algerians of ordinary civil status shall be fairly and genuinely represented in all political, administrative, economic, social and cultural assemblies.

...

/...

"8. Algerians of ordinary civil status shall be entitled to avail themselves of their non-Koranic personal status until the promulgation in Algeria of a civil code, in the drafting of which they will take part.

"9. Without prejudice to the guarantees resulting, as regards the composition of the Algerian judiciary, from the regulations concerning the participation of Algerians of ordinary civil status in the civil service, the following specific guarantees shall be provided in judicial matters:

"A. However the judiciary in Algeria may be organized in the future, it will in all cases include, so far as Algerians of ordinary civil status are concerned:

- A two-level court system, which shall also apply to examining courts;
- A jury in criminal cases;
- Traditional means of appeal: application to court of cassation and appeal for mercy.

"B. In addition, throughout Algeria:

"(a) All civil and criminal courts before which an Algerian of ordinary civil status must appear must include an Algerian judge of the same status.

...

"10. Algeria shall guarantee freedom of conscience and the freedom of the Catholic, Protestant and Jewish faiths. It shall ensure for these faiths freedom of organization, practice and instruction, as well as the inviolability of their places of worship.

"11. (a) Official texts shall be published or made known in the French language at the same time as in the national language. The French language shall be used in relations between the Algerian public services and Algerians of ordinary civil status. The latter shall have the right to use the French language particularly in political, administrative and judicial matters.

"(b) Algerians of ordinary civil status shall be free to choose between the various educational establishments and types of education.

"(c) Algerians of ordinary civil status, as all other Algerians, shall be free to open and operate educational establishments.

"(d) Algerians of ordinary civil status may have access to the French sections which Algeria will organize in its educational establishments of all kinds in accordance with the provisions of the Declaration of Principles concerning Cultural Co-operation.

/...

"(e) The share allotted by Algerian radio and television to broadcasts in the French language must correspond to the recognized importance of this language.

...

"14. Freedom of association and trade-union freedom shall be guaranteed. Algerians of ordinary civil status shall be entitled to create associations and trade unions and to belong to the associations and trade unions of their choice.

...

"Chapter IV

"COURT OF GUARANTEES

"Litigation shall be submitted, at the request of any interested Algerian party, to the Court of Guarantees.

"This Court shall be composed of:

- Four Algerian judges - two of whom shall be of ordinary civil status - appointed by the Algerian Government;
- A presiding judge appointed by the Algerian Government on the proposal of the four judges.

The proceedings of the Court will be valid when at least three out of five members are present.

It may order inquiries to be held.

It may annul any regulation or individual decision that conflicts with the Declaration of Guarantees.

It may decide on any measures of compensation.

Its decisions shall be final." 93/

F. Conclusions

102. There seem to be grounds for concluding that even after the Second World War international instruments for the protection of specific minorities still retain their usefulness and raison d'être. One could even go so far as to say that specific settlement of this question on the basis of individual agreements is proving to be even more useful, since the requirements for the protection of minorities have not yet been fully satisfied by the international instruments of a universal nature in force in the field of human rights. One advantage of these agreements is that they state clearly the responsibilities of the States to which the minorities belong; moreover, the protection they guarantee tends to be more comprehensive than that provided under the system established after the First World War. In this connexion it is enough to compare the provisions concerning the use of the minority language, education and cultural institutions, contained in most of the international instruments mentioned in section E of this chapter with the corresponding provisions of the 1919-1920 international instruments. Having said this, we must also add that there are not yet enough agreements of this nature and that they have very often been concluded as a result of exceptional historical and political circumstances.



ANNEX

STUDY ON THE RIGHTS OF PERSONS BELONGING TO
ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Plan for the collection of information

I. OBSERVATIONS AND OPINIONS ON THE CONCEPT OF MINORITY AND THE SCOPE OF
ARTICLE 27 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

1. Observations and opinions on the following points:

(a) Interpretation of the term "minority". The Special Rapporteur envisages the following interpretation: for the purposes of the study, an ethnic, religious or linguistic minority is a group numerically smaller than the rest of the population of the State to which it belongs and possessing cultural, physical or historical characteristics, a religion or a language different from those of the rest of the population.

(b) Extent of the subjective factor involved in the desire, whether expressed or not, of the ethnic, religious or linguistic group to preserve its own characteristics, and particularly whether or not the desire of the ethnic, religious or linguistic group to preserve its own characteristics constitutes a factor relevant to the definition of the term "minority".

(c) Whether the number of persons belonging to the ethnic, religious or linguistic group is or is not a relevant factor for the definition of the term "minority".

2. Observations and opinions on the relationships between the concept of an ethnic, religious or linguistic minority and the concept of an ethnic, religious or linguistic group in a multinational society.

3. Observations and opinions on the applicability, for the benefit of members of ethnic, religious or linguistic groups in multinational societies, of the principles set forth in article 27 of the International Covenant on Civil and Political Rights.

II. GENERAL INFORMATION

Existence of ethnic, religious or linguistic minorities

4. Information which can be used to determine the existence of ethnic, religious or linguistic minorities in the country.

5. Statistical or other data indicating the total population of the country and the proportion in this population of individuals who belong to ethnic, religious or linguistic minorities.

6. Information showing whether ethnic, religious or linguistic minorities are confined to a specific part of the country, or, on the contrary, are scattered throughout the territory of the country.

7. Information indicating whether certain ethnic, religious or linguistic minorities have, as groups, expressed the desire to preserve their own culture, religion or language. If so, by what means?

8. It should be noted whether such groups have been officially recognized as ethnic, religious or linguistic minorities and whether such recognition also implies express recognition of the right of such minorities to maintain and develop their own culture and to maintain their religious and linguistic traditions. Information on the criteria used to grant such recognition.

Background of the question

9. Historical survey of the origin and establishment of ethnic, religious and linguistic minorities in the country. It should be indicated in particular whether the presence of these minorities is due to the existence of an autochthonous population, immigration or an alteration of the country's borders.

10. Information on the historical evolution of ethnic, religious or linguistic minorities in the country. The following, for instance, should be indicated: (a) whether these minorities have increased or diminished in number; (b) whether they have shown a tendency to integrate themselves into the population of the country, or whether they have attempted to preserve their own characteristics.

General principles

11. Information indicating whether the country has entered into any international commitments with respect to the protection of minorities (or persons belonging to a minority) other than the International Covenant on Civil and Political Rights. Any bilateral or multilateral treaties in force to which the country is party and which contain such commitments should be mentioned. Information on the application of such treaties in the domestic legislation.

12. Information indicating the general principles applied in the country with respect to ethnic, religious and linguistic minorities. Reference should be made to the relevant texts (constitutional provisions, laws, regulations, judicial decisions) providing for special treatment for ethnic, religious or linguistic minorities or persons belonging to such minorities.

13. Information indicating whether an individual is considered a member of an ethnic, religious or linguistic minority on the basis of a definition prescribed by law or of the person's formally expressed will, when such status must be established for the purpose of according the individual special treatment.

III. INFORMATION CONCERNING THE RIGHT OF PERSONS BELONGING TO
ETHNIC MINORITIES TO ENJOY THEIR OWN CULTURE

14. Information on measures guaranteeing persons belonging to ethnic minorities the right to equality before the law without discrimination and without distinction of any kind.

15. Information on measures that enable persons belonging to ethnic minorities to preserve their identity and cultural heritage. Reference should be made in particular to measures taken to ensure that ethnic minorities are effectively able to enjoy the right to autonomous cultural development, as regards literature, the graphic and dramatic arts, the establishment and maintenance of museums, theatres and libraries, and access to mass communications media such as the press, radio and television.

16. Information on measures enabling persons belonging to ethnic minorities to transmit their cultural heritage and way of life from generation to generation. It should be reported in particular whether the minority's legal traditions are maintained in private law (succession, matrimonial régime, etc.). An indication should also be given of the measures taken to permit persons belonging to ethnic minorities to preserve their customs, such as dietary practices and the wearing of distinctive clothing.

17. Information on measures to ensure the educational development of ethnic minorities. Indicate the methods and techniques used in setting up autonomous educational establishments for persons belonging to ethnic minorities.

18. Information on measures taken to guarantee persons belonging to ethnic minorities the right of association for the purpose of preserving and developing their own culture. Indicate whether this right extends across national borders and allows persons belonging to ethnic minorities to maintain ties with their ethnic centre, if any. 1/

1/ A number of references have been made in the plan to the ethnic, religious and linguistic centres of minorities. It would seem necessary in this connexion to draw attention to paragraphs 73 and 76 of the report of the Seminar on the Multinational Society held at Ljubljana (Yugoslavia) from 8 to 21 June 1965 (ST/TAO/HR/23). These paragraphs read as follows:

"73. Certain speakers emphasized that the right of association must, except in emergency situations, extend across national borders; where the ethnic, religious, linguistic or national group involved had counterparts in other nations, it had to be permitted, in order to maintain its desired special identity, to maintain both formal and more direct informal ties with the latter. In certain instances, according to this view, however elusive the notion of such association might seem to others not directly involved, a continuity of contact with the group's country of origin, or cultural or religious centre, was indeed the only means of assuring its collective cultural, religious or linguistic survival."

"76. The question arose whether association across national borders, however the notion was conceived, should be of a strictly non-political character. There appeared to be general agreement that this question should receive an affirmative reply."

/...

IV. INFORMATION CONCERNING THE RIGHT OF PERSONS BELONGING TO A RELIGIOUS
MINORITY TO PROFESS AND PRACTISE THEIR OWN RELIGION

19. Information on measures guaranteeing persons belonging to religious minorities the right to equality before the law without discrimination and without distinction of any kind.
20. Information on measures according official status to the religion professed by the minority.
21. Information on measures regarding the free participation of the members of the minority in the worship and rites of their religion (religious services, religious festivals, burials, days of rest prescribed by the religion, the use of symbols and images, processions, dress and dietary habits).
22. Information indicating whether persons belonging to the religious minority have the right to determine the conditions which must be fulfilled in order to occupy a position of leadership in the religious community. Indicate also whether there are restrictions with respect to financial management and to the acquisition and administration of the religious community's property.
23. Information on measures taken to ensure that members of the minority are not compelled to participate in or contribute to the exercise of the religious rites of other population groups.
24. Information on measures relating to the establishment and maintenance of religious institutions. Indicate whether measures have been adopted to provide the religious institutions of a minority with official assistance, for example, making available places of worship or paying the salaries of religious leaders. Information on measures relating to the protection of holy places, including religious buildings and cemeteries, and to reparations for war damage to holy places.
25. Information on measures adopted with respect to the establishment of denominational schools for the purpose of preserving the religious traditions or characteristics of the minority. Indicate whether such schools are subsidized directly or whether assistance is provided indirectly, for example by granting students scholarships and allowances.
26. Information showing whether lay schools offer religious instruction to children belonging to a religious minority. Indicate also whether measures have been adopted to ensure that pupils belonging to a religious minority are not given religious instruction which is not in keeping with their religious traditions and characteristics.
27. Indicate whether the validity of the religious laws and customs of a religious minority is recognized in such matters as family law (marriage and dissolution of marriage, parental authority, maintenance, law of succession). Indicate also whether the minority religion is taken into consideration in cases of conscientious objection.

28. Information showing to what extent persons belonging to religious minorities are free to maintain ties with their religious centre, if any.

29. Information indicating measures which ensure that persons belonging to religious minorities are able to enjoy the rights granted to them in community with the other members of their group.

V. INFORMATION CONCERNING THE RIGHT OF PERSONS BELONGING TO LINGUISTIC MINORITIES TO USE THEIR OWN LANGUAGE

30. Information on measures guaranteeing persons belonging to linguistic minorities the right to equality before the law without discrimination and without distinction of any kind.

31. Information on measures concerning the use of the minority's own language in official matters, particularly as regards:

(a) Recognition of the official status of the language;

(b) Use of the language in representative assemblies, in official documents, publications and notices and in radio and television broadcasts;

(c) Use of the language in the courts;

(d) Use of the language in contacts with the authorities;

(e) Use of the language to name geographical features.

32. Information on measures concerning the use of the minority language in non-official matters, particularly as regards:

(a) Use of the language in private life and social relations;

(b) Use of the language in religious services;

(c) Use of the language in public meetings;

(d) Use of the language in commerce and industry;

(e) Use of the language in newspapers, books, periodicals and private radio and television broadcasts.

33. Information on measures concerning the use of the minority language in education:

(a) Kindergartens;

(b) Elementary schools;

- (c) Secondary schools;
- (d) Institutions of higher education;
- (e) Vocational schools and other special schools.

34. Indicate whether the methods and techniques used to provide education in the language of the linguistic minority involve the establishment of autonomous institutions, bilingual schools or separate classes within schools.

35. Information on measures concerning the establishment and maintenance of cultural institutions (libraries, museums, theatres, literary societies, etc.) for the purpose of preserving the linguistic traditions of the minority.

36. Information on measures taken to extend official grants or some other kind of assistance to schools which use the language of the minority as the language of instruction.

37. Indicate, in particular, whether funds are allocated for the construction and repair of school buildings, the training and remuneration of the teaching staff and the preparation of textbooks.

38. Information showing to what extent persons belonging to linguistic minorities are free to maintain ties with their linguistic centre, if any.

39. Information indicating measures which guarantee that persons belonging to linguistic minorities are able to enjoy the rights granted to them in community with the other members of their group.

VI. AVENUES OF RECOURSE OPEN TO MEMBERS OF ETHNIC, RELIGIOUS OR LINGUISTIC MINORITIES

40. Information on measures according effective protection to members of ethnic, religious or linguistic minorities who believe that their rights have been violated. Indicate in particular whether special procedures exist for deciding on administrative measures which concern them.

VII. RELATIONS BETWEEN ETHNIC, RELIGIOUS OR LINGUISTIC MINORITIES AND OTHER GROUPS OF THE POPULATION

41. Information on relations existing between the various ethnic, religious and linguistic minorities in the country.

42. Information on measures taken to promote understanding, tolerance and friendly relations between the various ethnic, religious and linguistic groups.

43. Information on measures taken to ensure that the preservation of the characteristics and traditions of ethnic, religious or linguistic minorities does not conflict with the security, general policy and development of the country.

UNITED NATIONS

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Press Release HR/405
16 February 1970

HUMAN RIGHTS WORKING GROUP ON MIDDLE EAST
ISSUES CONCLUSIONS AND RECOMMENDATIONS

The Special Working Group of Experts established by the Commission on Human Rights to investigate alleged violations of human rights in Israel-occupied territories made public today the conclusions and recommendations of its report to the Commission.

The report covers the Working Group's 1969 investigations, which included a visit to the Middle East to gather evidence. It was adopted at a series of closed meetings which the Group held at Headquarters from 5 January to 13 February. The full report will be issued towards the end of this month for submission to the Human Rights Commission at its twenty-sixth session, to be held at Headquarters from 24 February to 27 March.

In resolution 6 (XXV) of 4 March 1969, the Commission established the six-member expert body and requested it "to investigate allegations concerning Israel's violations of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949, in the territories occupied by Israel as a result of hostilities in the Middle East".

For this purpose, the Commission authorized the Working Group to receive communications, to hear witnesses and to use such modalities of procedure as it might deem necessary.

In compliance with its mandate, the Working Group last year held 29 meetings in New York; Geneva; Beirut, Lebanon; Damascus, Syria; Amman, Jordan; and Cairo, United Arab Republic. In the course of these meetings it heard a total of 103 persons. In addition, the Group received a large number of written communications. (For further details of the activities and composition of the Working Group, see Press Release HR/376 of 2 January 1970.)

Group's Report

The report of the Special Working Group of Experts on the results of its 1969 investigations consists of the following parts:

(more)

An Introduction, dealing with the establishment of the Group and the organization of its work;

Chapter I, concerning the scope of the Group's mandate in the light of the Human Rights Commission's resolution 6 (XXV) and the Geneva Convention Relative to the Protection of Civilian Persons in Time of War;

Chapter II, containing the Group's analysis of related legislation;

Chapter III, containing the Group's analysis of the evidence received;

Chapter IV, containing conclusions;

Chapter V, containing recommendations;

Chapter VI, concerning adoption of the present report; and

Annexes, containing the texts of Israel's proclamations and orders in force in the occupied territories, the composition of the Working Group, the list of witnesses heard and communications received, as well as the full texts of certain written communications received by the Group.

The conclusions and recommendations arrived at by the Working Group are reproduced in full, as follows:

Conclusions

1. Although the Special Working Group of Experts was not in a position to verify juridically the allegations which were received, the Group draws, from the evidence received by it, the conclusions set forth hereafter:

a) The Special Working Group of Experts has applied the relevant provisions of the Convention in the light of its mandate as contained in resolution 6 (XXV). In addition, the Group is of the opinion that from a juridical point of view there appears to be no question as to the applicability of the Convention to all the occupied areas, including occupied Jerusalem.

b) The Special Working Group has gathered evidence which is based on a variety of sources. The Group was unable to conduct its investigation in the occupied territories because of the refusal of Israel to recognize the Group and to co-operate with it. Also the Group did not receive directly in the course of its work any communications from the Government of Israel concerning allegations which the Group was mandated to investigate. The evidence received by the Group was one-sided. Nevertheless, the Group was able to make an evaluation of such evidence.

(more)

c) The largest number of allegations concerning violations of the Geneva Convention relate mostly to the period immediately following the hostilities of June 1967. The Working Group does not have sufficient oral evidence to enable it to state with absolute certainty whether these alleged violations have continued with the same intensity since that period.

d) On the basis of certain evidence before it, the Special Working Group is of the opinion that there are violations of the Fourth Geneva Convention. In particular, this appears to be the case in so far as the occupying power is interested in ensuring the collaboration of the civilian population even against its will. It appears that when the occupying power considers that a person endangers the security of the State, according to certain witnesses, it seems that means of coercion are always applied to extract information and confessions contrary to the relevant provisions of the Convention. The following locations, inter alia, have been mentioned as places where torture is alleged to have taken place: Nablus Prison, the Muscovite Prison in Jerusalem and the Gaza Prison.

In the circumstances in which the Group carried out its investigation, it was not in a position to verify these allegations juridically.

e) Certain witnesses claimed that during the hostilities and immediately thereafter, in the Golan Heights and the West Bank Areas, the Israeli forces had occasionally ill-treated and killed civilians without provocation.

f) It appears to the Special Working Group that the vast majority of detainees are held in detention in virtue of administrative orders. It also appears that persons under administrative detention are deprived of any guarantees concerning the length of detention and fair trial.

g) Certain witnesses stated that in some cases, accused persons had not been informed in writing of the charges against them, that they had not been provided with counsel of their choice and that even when the latter condition had been fulfilled, counsel was prevented by the Israeli authorities from discharging their duties satisfactorily. However, the Group was not in a position to verify the truth of these allegations.

- h) The Group has heard several allegations concerning destruction of property, including destruction of houses and villages. The Group is of the opinion that total destruction of the villages of Yalu, Emwas, Beit Nuba, and the partial destruction of Qalqilyah, after the cease-fire in violation of the Convention are proven. The Group was not in a position to state whether the destruction of these villages was absolutely justified by military operations, in accordance with article 53 of the Convention.
- i) According to certain testimony, there was destruction of moveable and immovable property; according to this same testimony, that destruction was not absolutely necessary because of military operations as provided for in article 53 of the Convention.
- j) Certain witnesses stated that looting took place. However, the occupying power established a system to protect abandoned property. The Group is not in a position to evaluate the effectiveness of that system.
- k) It appears that in the occupied part of Jerusalem the civilian population, consistent with its policy of non-co-operation, adopted a political attitude towards the system of expropriation established by the occupying power and refused to accept the compensation which, according to some witnesses, had been offered by the occupation authorities.
- l) Parts of the rural population have been transferred from their homes. Intellectuals (judges, barristers, advocates, doctors, teachers, religious leaders) are expelled or transferred by individual orders unless they collaborate with the occupying power or because they take an attitude of passive resistance.
- m) The occupying power has assumed full governmental powers in the occupied territories. In occupied Jerusalem, it has abrogated the former law completely; in the other occupied areas, in addition to the penal law system in force before occupation, a special penal law system of the Israel Defence Forces is established. Criminal courts have been replaced by military courts (see Chapter III).

(more)

n) There is no evidence to indicate that the occupation authorities are implementing Part IV of the Convention. On the contrary, article 35 of the Security Instructions which contained a specific reference to the application of the Geneva Convention is -- at least in respect of the West Bank -- abrogated. Furthermore -- as reported by the International Committee of the Red Cross -- Israeli authorities expressed the view that the question of the applicability of the Geneva Convention should be left open. In the testimonies and communications received, no case is reported of Israeli officials being held responsible for alleged violations of the Convention.

Recommendations

2. Whereas the Government of Israel has stated that the applicability of the Convention should be left open, the Group wishes that the occupying power would now commence to apply the Convention. Attempts at compelling, as distinct from exhorting, the inhabitants of the occupied territories to collaborate with the Israeli authorities, should cease immediately.
3. The provisions for implementation of the Geneva Convention should be carried out.
4. All reported instances of torture, looting and pillage should be immediately investigated by the occupying authorities, and those found responsible suitably punished.
5. Matters concerning the detention of civilians, in particular administrative detention, require special attention, as well as the extent to which the treatment of such detainees conforms to the provisions of the Convention, in particular section IV of Part III of the Convention.
6. Deported or transferred persons should be permitted to return to their former residence without any formalities the fulfilment of which would render return impossible in fact. The repatriation should be supervised by United Nations organs.
7. Persons detained on grounds of security, in accordance with Article 5 of the Convention, should be brought to trial at an early date in accordance with Articles 71, 72 and 73 of the Convention.

(more)

8. The Israeli authorities should investigate, wherever possible, allegations reported by the Working Group, in particular, the allegations of torture concerning Mrs. Abla Tahha, Miss Lutfia El-Hawari, Mr. Yahya El Qatrash and Mr. Mohammed Derbas.

9. The occupying power should refrain from demolishing houses for reasons which are not provided for in the Geneva Convention. The occupying power should investigate all cases of demolished houses mentioned in this report and should grant adequate compensation in all cases of demolition in violation of the Convention.

10. Property confiscated or otherwise taken away from its owner by the occupation authorities in a manner inconsistent with the Convention should be restored in accordance with the Convention.



A United Nations Assessment Project Study

June 16, 1983

THE UNITED NATIONS' CAMPAIGN AGAINST ISRAEL

INTRODUCTION

Israel dominates the U.N. agenda. Of the Security Council's 88 sessions last year, 46 were on a topic related to Israel. In the General Assembly and its seven main committees, debates on the Middle East consumed over one-third of the delegates' time and led to 44 resolutions. The number of times the General Assembly convened Emergency Special Sessions on the Middle East was no less than five--a number equal to all the Emergency Special Sessions held in the U.N.'s first three decades. Almost weekly, somewhere in the U.N. system, Israel finds itself under attack: Examples:

o In July 1982, the Mexico City meeting of the U.N. Educational, Cultural, and Scientific Organization passed a number of anti-Israel resolutions, including one equating Zionism with colonialism and racial discrimination (D.R. #51) and another calling for the rewriting of Biblical history to obliterate the role of the Jews (D.R. #126).

o On September 24, 1982, Israel's credentials were rejected by the International Atomic Energy Agency (IAEA) in a highly questionable procedural decision.

o On September 28, 1982, a similar expulsion move was narrowly avoided in the International Telecommunications Union (ITU), despite the fact that ITU's Convention, Article 1, recognizes the desirability of universal participation in the Union.

o On October 24, 1982, Iran tried to challenge Israel's credentials in the General Assembly. The only country whose credentials have been rejected by the General Assembly (in a move declared illegal by the U.N. Legal Counsel on November 11, 1970 [A/8160]) is South Africa. Yet not even South Africa was branded with the ultimate stigma that is used against Israel--being

declared a "non-peace-loving state." Those words, embodied in a resolution on February 5, 1982, and again on April 28, 1982, resonate in speeches in the Security Council, the General Assembly, and other U.N. forums.

Why has the lone democracy in the Middle East become the principal U.N. pariah? Why is the U.N. so obsessed with Israel? To be sure, matters relating to the Arab-Israeli conflict are very important. Yet they surely are not as urgent--or critical to world peace--as the Soviet invasion of Afghanistan, the Vietnamese invasion of Cambodia, and the Iran-Iraq war. Are the murders of thousands in Assam, India, going to be ignored by the U.N.--as have similar cases of genocide in Uganda, Tibet, or Burundi--while the U.N. chastises Israel for its alleged genocide of the Palestinian people?

It is not Israel's critical importance that attracts U.N. attention. It is rather that, under pressure from the Palestine Liberation Organization, the U.N. has been making Israel an international whipping boy--discovering Israel and Zionism as the cause of most of the world's ills.

On March 16, 1979, for example, Ambassador Huzem Nuseibeh of Jordan asked, rhetorically, in the General Assembly: "Has the world been polarized into an omnipotent race [Jews] and subservient Gentiles [non-Jews] born into this world to serve the aims of the 'master race'?" The Ambassador repeated these charges on December 8, 1980, before the General Assembly, when he accused the Jewish "people's cabal, which controls and manipulates and exploits the rest of humanity by controlling the money and wealth of the world." On September 8, 1974, William F. Buckley, Jr., observed on Firing Line that the U.N. had become "the most concentrated assembly of anti-Semitism since Hitler's Germany." Said Jeane Kirkpatrick, Permanent Representative of the U.S. to the U.N., at the international meeting of B'nai B'rith in Toronto, Canada, on October 18, 1982:

Israel is a target, inside the U.N., of a campaign that is comprehensive, intense, incessant and vicious....The plight of Israel in the United Nations political system reflects and illuminates some essential elements of that system and of its dynamic, and so must be taken especially seriously. They have implications far beyond the issue at hand, implications far beyond Israel.

For the reverberations of the U.N.'s anti-Semitic and anti-Israeli cacophony translate as well into venomous animosity against the U.S. and the values of freedom and democracy, indeed, against the cause of peace for which the U.N. was originally founded.

The U.N.'s vendetta against Israel is an ironic twist of history: for was not the U.N. born from the ashes of the Holocaust, to insure that such horror would never again happen? Though explicable, the U.N.'s war against the Jews cannot continue without bringing to an end the hope that the U.N. can provide a forum for rational discussion and peaceful settlement of conflict.

THE U.N. MACHINERY VERSUS ISRAEL

The General Assembly

The campaign against Israel in the General Assembly erupted most dramatically with the passage of resolution 3379 (XXX) of November 10, 1975, which condemned Zionism as a form of racism. The measure carried by 72 to 35 with 32 abstentions. Senator Daniel Patrick Moynihan, U.S. Permanent Representative to the U.N. at the time, chronicled the political maneuvers culminating in that act, engineered by the so-called non-aligned nations led by a coalition of Arabs and Communist bloc states.¹

Efforts to denounce Zionism as racism had started as early as 1962, when Ahmad Shukairy of Saudi Arabia had termed Zionism "a blend of colonialism and imperialism in their ugliest forms," recommending that the U.N. "exterminate" the Zionist movement. Said Shukairy: "Nazism is now planted in the shape and in the image of Israel in the Middle East."² Three years later, the USSR proposed an amendment to the Convention on the Elimination of Racial Discrimination, which would "condemn anti-Semitism, Zionism, Nazism," and some other noxious "isms."³ On June 19, 1967, Soviet Premier Aleksei Kosygin developed, for the first time in earnest at the U.N., the theme of the relationship between Israel and Nazism.⁴

From 1967 to 1972, about two dozen resolutions on the Middle East, nearly all rabidly anti-Israel, were adopted in the General Assembly, with the Arabs trying to erode Western support for Israel. Between 1973 and 1978, over eighty anti-Israel resolutions were passed. The crescendo intensified, until the number

¹ Daniel P. Moynihan, with Susanne Weaver, A Dangerous Place (New York: A Berkeley Book, 1980), Chapter 9.

² See The General Assembly's Seventeenth Session, Plenary Meetings, October 9, 1962, p. 437. William Korey, Director of International Policy Research for B'nai B'rith, points out in his book, The Soviet Cage: Anti-Semitism in Russia (New York: The Viking Press, 1973), p. 127, that the Shukairy incident "was isolated and quickly rebuffed." Korey believes rather that "the [Zionism is a form of racism] campaign was brought by the USSR to the U.N."

³ Moynihan, op. cit., p. 193.

⁴ U.N.G.A. Official Records, Fifth Emergency Special Session, Plen.:1526.

of anti-Israel resolutions reached 44 during 1982 alone. None of these resolutions criticizes terrorist attacks on Israel or mentions the Arab threat to Israel.⁵ Rather, there is a sustained effort to delegitimize the very idea of a Jewish state, linking it with "imperialism," "colonialism," and "racism."

On April 30, 1976, the Special Committee against Apartheid commissioned a study of Israeli-South African relations. The Soviet Union charged that there is "criminal cooperation of these two racist regimes."⁶ Never mind that the Soviet Union itself had been buying diamonds from DeBeers, the South African company with ties all over the world.⁷ It could well be asked why the Committee failed to study the relations of other countries with South Africa--it would indicate that Israel's share of South Africa's total foreign trade was only two-fifths of one percent, infinitely smaller than the share of Arab and many other countries. On September 2, 1977, the Kenyan Daily Nation reported that "Arabs are buying South African gold like hot cakes...."

The U.N.'s 1976 study condemned Israel for selling nuclear arms to South Africa, a charge it has never been able to prove. Section III of the study is entitled "Military and Nuclear Collaboration." Yet no evidence is presented. It seems, as Ambassador Yehuda Blum, Israel's Permanent U.N. Representative, observed on November 24, 1978, that this "collaboration exists only in the title and in the table of contents of the Committee's report, presumably because the Committee no longer expects anyone to read the report or take it seriously."⁸

- Lack of evidence has not stopped the perennial reiteration of these charges. The March 1982 U.N. Chronicle reports that the General Assembly, in resolution 36/172 M (104 for, 19 against, 17 abstentions), strongly condemned the continuing and increasing collaboration by Israel with South Africa, especially in the military and nuclear field.

Double standard is standard U.N. procedure when it comes to Israel. Whenever the U.N. votes to inquire into allegations of misdeeds by Israel and to create fact-finding bodies to examine the facts and verify the conditions, Israel stands condemned by the very resolution that orders the inquiry. The allegations are

⁵ By way of exception, Resolution 619 (VII) adopted by the General Assembly on December 21, 1952, lamely took note of a complaint by Israel urging Arab states "to desist from policies and practices of hostility...."

⁶ A/31/PV.51, p. 6. For detailed discussion and context, see Moses Moskowitz, The Roots and Reaches of United Nations Actions and Decisions (The Netherlands: Alphen aan den Rijn, 1980), pp. 154-170, esp. p. 160.

⁷ See Edward Jay Epstein, The Rise and Fall of Diamonds (New York: Simon and Schuster, 1982).

⁸ A/33/PV.58, p. 976.

set forth as proved facts, and members of the fact-finding bodies are blithely appointed despite their known bias.⁹

The U.N.'s attack on Israel became a virtual war when PLO Chief Yasser Arafat addressed the General Assembly on November 13, 1974. There he boasted of the PLO's determination to destroy Israel, a U.N. member. On November 22, the PLO was admitted to observer status in the U.N., by Resolution 3237. This immediately followed Resolution 3236 (XXIX) which in effect reiterates the PLO program against Israel. Commenting in the Lebanese newspaper al-Balagh on January 5, 1975, Arafat remarked: "This resolution comprises the liquidation of Zionist existence." The General Assembly, through such moves, has given an enormous political advantage to the PLO. U.N. diplomats noted that giving the PLO permanent observer status violates the original purpose of the U.N., which had granted the honor only to states or regional organizations of states.¹⁰ Never had a terrorist group been given such an honor.

The boost to the PLO accelerated through the creation of the Palestine Committee appointed by Resolution 3376 on November 13, 1975. Though allegedly impartial, that Committee provides its members with a platform for issuing statements supporting the PLO and its position. The Committee members do not conceal their support for the PLO. The Yugoslav delegate, for example, acknowledged that he "would be guided by the interests of the PLO."¹¹ In light of the bias of the Committee, no Western or Latin American countries--except Cuba--have agreed to serve on it. Shortly after its creation, the Palestine Committee prepared a report,

⁹ A careful reading of General Assembly Resolution 2443 (XXIII) of December 19, 1968, for example, shows unmistakably its prejudgement of the issues by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. The membership of the committee, moreover, appointed by the President of the General Assembly, consisted of Ceylon, Somalia, and Yugoslavia, none of which had diplomatic relations with Israel. See also Harris O. Schoenberg, "The Implementation of Human Rights of the United Nations," Israel Yearbook on Human Rights, Volume 7, 1977, esp. pp. 33, 36-37, 43.

¹⁰ The representative of the United Kingdom, for instance, emphasized that his government considered the U.N.'s move to be "a fundamental departure from [previous] practice," and to "bring into question the nature of the U.N. as it has hitherto been accepted." A/PV.2296, pp. 23-25.

¹¹ A/AC.183/L.Y, p. 3. The creation of the Palestine Committee is part of a strategy outlined in a political platform adopted by the Fourth Fatah Conference in May 1980 seized by Israeli soldiers in the headquarters of the Kastel Brigade of the PLO near Sidon, Lebanon. That platform resolves that the PLO should "act so as to turn the UN resolutions regarding Zionism as a type of racism and racial discrimination into practical measures against the Zionist imperialist colonial base in Palestine." See Raphael Israeli, ed., PLO in Lebanon: Selected Documents (London: Weidenfeld and Nicolson, 1983), p. 18.

with the active assistance of the PLO, which in effect called for the dismemberment of Israel. Given the automatic anti-Israel majority in the General Assembly, its acceptance was a foregone conclusion. In fact, the Chairman of the Committee told the General Assembly on November 15, 1976, that "the mandate of the Committee was neither to resolve the question of the Middle East nor to reaffirm the rights of Israel, but to define ways and means to ensure recognition of the inalienable rights of the Palestinian people."

The Security Council

Like the General Assembly, the Security Council has yet to condemn an Arab attack on Israel. In 1953, after an Israeli retaliatory raid on the Arab village of Qibya, the Security Council expressed "the strongest censure" of Israel's action.¹² This was the first resolution in which the Council tried to curb Israeli reprisals without dealing with the Arab attacks that may have instigated them. The U.S. has repeatedly objected to this double standard. Complains Ambassador Kirkpatrick: "The U.N. is permitted to give aid to national liberation movements, but the state [of Israel] is not even allowed to defend itself."¹³

The anti-Israel campaign at the Security Council is increasingly assuming the character of General Assembly debates. The PLO seems omnipresent at the Council. Most inappropriately--indeed, illegally--the PLO is invited to participate in Security Council proceedings under Rule 37 of the Council's Rules of Procedure, which applies only to UN "member states," rather than the relevant Rule 39 which applies to "other" entities. In the Council, of course, the PLO routinely attacks Israel.

Harassment of Israel seems to be one of the Council's principal functions. Like the General Assembly, the Council condemns Israel prior to investigation of a case. In March 1976, for example, a complaint was brought against Israel by Pakistan and Libya involving a case of Jews who had attempted to pray on the Temple Mount. The Jews had been arrested by Moslem police, and the case was in the courts of Israel when it was brought before the Council, in what appeared to be a flagrant attempt to incite Moslem religious hatred. The Council proceeded to prepare a draft resolution, prejudging the issue, before Chaim Herzog, the Israeli Permanent Representative at the time, had a chance to answer. Recalls Herzog:

Even before I spoke, a draft resolution prejudging the issue was being discussed by Security Council members who were well aware that the entire allegation was a

¹² S/3139/Rev. 2.

¹³ Speech on October 18, 1982, in Toronto, Canada, before the International Meeting of B'nai B'rith.

lie. To prepare a judgment before both sides have been heard is a travesty of the basic principles of justice....¹⁵

But the most dangerous aspect of the Council's work, as in the General Assembly, is the responsibility it lends to harsh rhetoric, like referring to Israel as "the Nazi regime." Representative Mohamed A. Sallam of Yemen does so routinely--as, for example, on February 11, 1983, when he spoke of Israel as "the state of the Zionist gangs." Equally available for wide dissemination in all the nations of the world is the speech by the PLO representative Zehdi L. Terzi, who at the same Security Council session condemned "the military troops of the Judeo Nazis and the Judeo Nazi Junta that sits in Tel-Aviv, that Junta that represents the Irgun Zwei Leumi, those who collaborated with Hitler's hordes--yes, those troops marched on Beirut." Hence the Big Lie is given a platform.

The Secretariat

Though the PLO is not a state, it is well represented on the U.N. staff. There are 22 Secretariat staffers identified as Palestinians; of the 52 listed as "stateless" most are Arabs¹⁶ and many are Palestinians. According to the PLO's U.N. representative Terzi, members of the PLO fill the quotas of other Arab nations, such as Jordan. Meanwhile, Israel is severely underrepresented on the U.N. staff. Though entitled to seven to eighteen professional posts, Israel fills only four.¹⁷

The infiltration of Arabs in key positions at the U.N. is not without political implications. James Jonah, Assistant Secretary-General for Field Operational and External Support Activities and former head of U.N. personnel, in an interview with The Heritage Foundation, noted that his predecessor as head of U.N. personnel, Muhammed Ghareb of Tunisia, had managed to place Arab friends in many units of the U.N. Secretariat in charge of personnel. As a result, Egypt, Syria, Lebanon, Iraq, and other Arab nations are represented far beyond their share of contribution to the U.N. budget.

The focus of the U.N.'s anti-Israel activity is the Special Unit on Palestinian Rights, established on December 2, 1977, through Resolution 32/40B. The Unit is widely viewed as a PLO front. Admitted Political Affairs Officer A.W. Siddiq, employed by the Unit, in an interview with The Heritage Foundation: "Everyone working in the Unit believes in the ideals of the PLO."

¹⁵ Chaim Herzog, Who Stands Accused? Israel Answers Its Critics (New York, Random House, 1978), p. 128.

¹⁶ A/C.5/37/L.2. Document of "limited" circulation.

¹⁷ For a comparison with overrepresented nations, many of them Arab, see Juliana Geran Pilon, "Americans at the U.N.: An Endangered Species," Heritage Backgrounder No. 274, February 14, 1983.

He stated that there was nothing in the PLO program that he or his colleagues would not fully support. Siddiq added that he thought this was in full accord with the majority opinion at the U.N.

One of the Unit's first tasks was to prepare a purportedly historical study "emphasizing the national identity and rights of the Palestinian people." The Report¹⁸ contains glaring distortions. In Part II, p. 72, for example, it states that Israel "failed to comply" with Security Council Resolution 242 calling on Israel to withdraw from territories occupied in 1967. In truth, however, Resolution 242 calls for Israeli withdrawal only in the context of a comprehensive settlement. It is rather the PLO that has failed to accept Resolution 242.

In a comprehensive critique of the studies produced by the Unit, Professor Julius Stone from the University of Sydney lists distortions and even lies intended to prejudice the case against Israel.¹⁹ Professor Stone writes that it is "highly improper [for the U.N.] to commission, publish, and disseminate, as views of the organization itself, partisan theorizing in support of one side."²⁰

Agreeing with Stone, the U.S. Congress enacted legislation that withholds the 25 percent U.S. contribution from both the Palestine Committee and the Special Unit, which further the Palestinian cause. The Unit, however, has not suffered. A copy of its budgetary requirements for 1982, for instance, indicates that the 1982 Regional Seminars cost over \$2.5 million.²¹ Yet--certainly prior to April 1983--the State Department failed to withdraw the full 25 percent of that amount.²²

There is no question about the purpose of these Regional Seminars, as a reading of the papers indicates. Never is the Israeli case presented. The report of the Sixth U.N. Seminar held April 12-16, 1982, in Valetta, Malta, for example, states its "Programme of Action" as follows:

A sophisticated campaign should be launched in Western Europe to promote the Palestinian cause, and to do it at all levels--the media, trade unions, youth and women's organizations, non-governmental organizations and religious institutions.²³

¹⁸ U.N. Document ST/SG/SER. F1.

¹⁹ A/35/316,S/14045, July 3, 1980.

²⁰ Julius Stone, Israel and Palestine: Assault on the Law of Nations (Baltimore and London: The Johns Hopkins University Press, 1981), p. 6.

²¹ A/C. 5/36183, December 4, 1981.

²² See Juliana Geran Pilon, "Blinking at the Law, the State Department Helps the PLO," Heritage Executive Memo #20, April 19, 1983.

²³ Special Unit on Palestinian Rights Document 82-19921, p. 8.

It also urges the Secretary-General to ensure that the Special Unit has all the help it needs to "give maximum publicity to the just cause of the Palestinian people."

On August 16-27, 1983, the Unit (now Division) is scheduled to stage its most extravagant "seminar" on Palestinian Rights. One of the PLO's most ardent supporters at the U.N., Lucille Mair of Jamaica, has been named Secretary-General of the International Conference on the Question of Palestine, to be held at U.N. Education, Scientific, and Cultural Organization (UNESCO) headquarters in Paris. Bernard D. Nossiter writing in The New York Times, on March 19, 1983, reports that the French "government is said to fear that the conference will attract a host of virulent anti-Israeli figures, including some sought by Israel for terrorist acts." Yet the conference will be heavily subsidized by the U.S., which pays 25 percent of the U.N. budget. For out of the nearly \$6 million demanded for the conference, nearly \$4 million is supposed to come from the Department of Conference Services, and nearly \$600,000 from the Office of General Services and Department of Public Information (DPI)--primarily the latter.²⁴ The DPI will be putting out the "newsletter" of the Conference--which has DPI head Yasushi Akashi rather concerned. In an interview with The Heritage Foundation, Akashi admitted, however, that there was little he could do about this.

The DPI, indeed, plays a most important role in the U.N.'s propaganda campaign against Israel, through its dissemination of mountains of press releases, speeches, and seminar "studies" of dubious scholarly value.

Perhaps the most severe recent instance of DPI bias was the October 1982 issue of U.N. Chronicle, an official DPI publication, which Yasushi Akashi describes as "very unfortunate." Though maintaining that the issue did not prove DPI "bias against Israel," Akashi concedes that the publication contained "technical and editorial errors." The Chronicle story of Israel's operation in Lebanon depicted the Israeli forces in graphically pejorative terms, whereas all action initiated by the PLO was reported in studiously neutral terms. On page 18, for instance, a picture of Damur, Lebanon, is captioned: "The town had 16,000 people in early June. A month later only ten people remained in its ruins." The truth is that the town had been destroyed in the winter of 1976, when the PLO killed hundreds of its Christian inhabitants.²⁵ This distortion, which was never corrected, was distributed world wide in an official U.N. publication.

²⁴ A/C.5/37/4, p. 9.

²⁵ For an interestingly similar mistake in the U.S. media, see Marshall J. Breger, "Who Ran the Show: Editors or Reporters?" American Jewish Congress Monthly, February/March 1983, p. 9.

Another case of DPI support for the PLO occurred on November 30, 1981, when Yasushi Akashi provided a TV crew for the PLO to produce a film for the U.N.'s annual Palestinian Solidarity Day. One U.N. public information official admitted to Michael Berlin, reporter for The Washington Post, that the use of the crew and its props was "illegal and a violation of U.N. rules." Berlin also noted that the filming used as a backdrop a sizable Palestinian flag and a map of the Middle East that focused on a country identified as "Palestine" while omitting Israel completely. Even opponents of apartheid do not demand that South Africa be wiped off the face of the earth.

In an interview with The Heritage Foundation, Akashi declined to comment whether the U.N. treats Israel unfairly. He did, however, admit that he sometimes has sleepless nights over the exhibits presented by the U.N. in celebration of Palestinian Solidarity Day. Asked what he would do differently, Akashi smiled: "You'll be very surprised how little power I have." This is also the impression of some diplomats who have indicated that Akashi may be manipulated by members of his staff sympathetic to the PLO and against Israel.

OTHER U.N. ORGANS

Economic Commission of Western Asia (ECWA)

The U.N.'s attack on Israel goes beyond propaganda. It is reflected in the very composition of the decision-making bodies. Since the bloc system permeates every facet of work in the organization, and since Israel belongs to no bloc or group of nations, it is practically impossible for it to be nominated to any U.N. body, including three of the major U.N. organs--the Security Council, the Economic and Social Council, and the Trusteeship Council.

Israel's exclusion from ECWA, a body established on August 9, 1973, is illegal. It violates Article 1, Paragraph 3, of the U.N. Charter, which calls for international cooperation in economic, social, cultural, and humanitarian matters "without distinction as to race, sex, language, or religion," as well as Article 2, Paragraph 1, which states that the U.N. "is based on the principle of the sovereign equality of all its members." Yet ECWA is composed entirely of Arab states. ECWA was the first regional economic commission to exclude a member state from its region, but Israel is still obligated to contribute to the ECWA budget.

On May 9, 1975, according to Resolution 12 (II), ECWA accorded the PLO observer status and invited it to participate in and avail itself of the Commission's services. At its third session, in May of 1976, the ECWA initiated two projects to be conducted "in close cooperation with the PLO." Israel also footed the bill for that adventure.

U.N. Educational, Cultural, and Scientific Organization (UNESCO)

Despite recognition by UNESCO's 1964 General Conference of "the fundamental principle whereby every Member State has the right and duty to participate fully and regularly in the Organization's regional and international activities," in 1974 UNESCO passed a resolution excluding only one state--Israel--from full participation in UNESCO's regional activities. The Soviet Union, meanwhile, was "empowered" by that resolution to participate in two UNESCO regions: Asia and Oceania; and Europe. Exclaimed the Lebanese delegate: "Israel is a state which belongs nowhere because it comes from nowhere."²⁶

The main justification given for the exclusion of Israel in 1974 was Israel's alleged refusal to preserve the cultural heritage of Jerusalem. The facts, however, fail to support the allegation.²⁷ In the wake of the public pressure and U.S. threats to suspend its contribution to the UNESCO budget, Israel was allowed to join the European region of UNESCO in 1974. But harassment has not stopped. Israel has been repeatedly censured for its archeological excavations, despite reports by internationally respected experts that Israel is not damaging the cultural heritage of Jerusalem.

On May 15, 1981, UNESCO Director-General Amadou Mahtar M'Bow was authorized to negotiate an agreement of cooperation with the Islamic States Broadcasting Organization (ISBO). ISBO's activities are virulently anti-Israeli and anti-Semitic. One 30-part radio series, for example, is intended to confront the "Zionist, racist, and colonialist dangers threatening the Islamic nations." Another program, a 19-part color TV series, is designed to expose "the conspiracies that the Jews engineered against Islam."

UNESCO not only allows the PLO to influence educational programs for the Palestinian Arabs, but gives the PLO financial help to improve its propaganda machinery.²⁸ Yasser Arafat, moreover, was invited to address a UNESCO session on October 27, 1980. There he vowed that the Palestinian flag would "fly high on the sacred hills of Jerusalem." The rhetoric has escalated since. UNESCO delegates in Mexico City, on July 3, 1982, heard Omar Massatha, head of the PLO delegation, condemn Israel as "the worst and most superficial world power history has ever known." Massatha called for war: "For the rifle...is a legitimate means recognized by the U.N."

²⁶ PV,18C/UR.42 (prov.) Paragraph 36, p. 16, Doc. II, B.8.

²⁷ For a fine discussion of UNESCO actions on Israel, see the Documentary Study of the Politicization of UNESCO prepared by Daniel G. Partan, Professor of Law at the Boston University School of Law, for the American Academy of Arts and Sciences, November 1975, particularly Chapter 2.

²⁸ 21 C/5, Approved Programme and Budget 1981-1983, #1037, 8, p. 23.

There is a positive by-product of UNESCO's anti-Israel campaign: it prevents UNESCO from harassing Western media more than it does. Leonard Mathews, President of the American Association of Advertising Agencies, commented that UNESCO "is so pre-occupied with attacking Zionism and the Israelis that, while it may be reprehensible, at least they are not talking about the communications industry."²⁹

World Health Organization (WHO)

At its 1976 meeting in Geneva, without any evidence, WHO condemned Israel because of the allegedly poor health administration in the West Bank territories occupied by Israel. WHO then appointed a committee of inquiry consisting of delegates from Romania, Indonesia, and Senegal. After inspecting the area, the delegates concluded that "medical care in the Arab territories occupied by Israel has shown slow but steady improvement in the nine years since the 1967 war." By a 65-18 vote (with 14 abstentions), WHO refused to consider the committee's report--evidently displeased with its conclusion.³⁰

International Labor Organization (ILO)

Cornell University Economist Walter Galenson has observed that "the case of Israel typifies the use of the ILO as a platform from which to harass a member state without recourse to the Organization's own machinery for handling complaints."³¹ In 1974, for example, the ILO condemned Israel for alleged violations of trade union rights, racism, and discrimination--prior to any investigation. When Israel asked the ILO to probe the charges, a Norwegian law professor was appointed. Before the investigation could begin, however, his mission was cancelled because the Arab states complained that they were not consulted.

In April 1978, an ILO mission did visit Israel and issued a report mildly critical of Israeli labor practices. Only lack of a quorum in the ILO conference plenary prevented the passage of a Soviet-backed resolution which implied, for one thing, the non-existence of the state Israel. The campaign against Israel continued at ILO, prompting Michael A. Boggs, an advisor to the U.S. labor delegate, to observe:

Accompanying the introduction of Israel and the Middle East conflict into the ILO were all the racist diatribes that must have characterized the Third Reich forty years ago....This kind of rhetoric and even

²⁹ Remarks made at a luncheon hosted by B'nai B'rith International, September 14, 1982.

³⁰ For a discussion of the event, see Herzog, pp. 131-132.

³¹ Walter Galenson, The International Labor Organization: Mirroring the U.N.'s Problems, (Washington, D.C.: The Heritage Foundation, 1982), p. 17.

physical threats have been typical of the Arab League's tactics at the ILO since the first anti-Israel resolution passed in 1974.³²

In 1981, several Arab states attempted to have Israel's ILO credentials rejected. Poland's credentials, meanwhile, are left intact--despite the martial law regime's suppression of Solidarity, Poland's free trade union.

Other U.N. Agencies

A campaign against Israel is evident at other U.N. agencies. Last September, for instance, the International Atomic Energy Agency rejected Israel's credentials.³³ The International Telecommunication Union (ITU) came close to expelling Israel in 1982. It appears that the threat of U.S. withdrawal of support to the ITU may have been the only factor preventing Israel's expulsion from the Union. Meanwhile, the ITU never chastises those who defy the ITU's principal function of avoiding interference between radio stations of different countries: the ITU never condemns the unrelenting use of radio jamming by Communist countries.

Throughout the U.N. system, Israel is a victim of a double standard. Examples:

* The 35-member Ad Hoc Committee on International Terrorism (Resolution 3034 [XXVII], December 18, 1972), established in the aftermath of the massacre of Israeli athletes by the PLO in Munich, excluded Israel.³⁴

* At the 1975 World Conference of the International Women's Year held in Mexico City, the Declaration of Mexico on the Equality of Women and their Contribution to Development and Peace contained several derogatory references to Zionism, and called for its elimination. Attempts to raise the question of barbaric sexual mutilation of girls practiced in a number of African and Arab countries were quashed.³⁵

* The Program of Action for the Second Half of the U.N. Decade for Women, held in Copenhagen in 1980, endorsed the "Zionism is a form of racism" Resolution of 1975, and urged the U.N. to "provide assistance in consultation and co-operation with

³² Michael D. Boggs, "The ILO Back on the Track," The American Federationist, November 1980, p. 14.

³³ "Denial of Israel's credentials by the IAEA General Conference; Congressional Research Service, Library of Congress, September 27, 1982.

³⁴ Shabtai Rosenne, Israel and the U.N.: Changed Perspectives, 1945-1976, American Jewish Year Book, 1978, p. 50.

³⁵ See Jacques Givet, The Anti-Zionist Complex (Englewood, New Jersey: SBS Publishing, Inc., 1982), p. 98.

the PLO, the representative of the Palestinian people." Several delegations expressed outrage at the "diversion" of the Conference from its main purpose. In voting against the program of action, the Canadian delegate criticized the Conference for failing to discuss women's issues "in anything approaching a meaningful fashion." He complained, "we were limited to [a] discussion of the political framework of the Middle East question."³⁶

* In March 1977, at the U.N. Conference on Water Resources, Israel was accused of making an "illegitimate use of water resources in Palestine." As Israel is one of the most advanced countries in the world in the area of water use, the Israeli delegate asked for the floor to respond to the charges. Joined by several Third World countries, the Arab delegates left the floor.³⁷

* Established primarily to alleviate the refugee problem in the Middle East, the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) gradually was infiltrated by the PLO. Though UNRWA has provided emergency assistance for Palestine refugees, it has received little help from Arab nations. In 1979, Arab states were paying a mere 5 percent of UNRWA's budget (rich Kuwait paying less than one-half of one percent, half as much as Israel); in 1981, the Arab contribution increased but only to 9.5 percent.³⁸ The U.S. share is nearly 34 percent.

In the late 1970s, UNRWA became increasingly involved with the PLO. In its December 1982 issue, the U.N. Chronicle reported that Olof Rydbeck, UNRWA's Commissioner-General, admitted that a U.N. investigation "found evidence of misuses of the [Agency's Sibliin Training] Center [near Sidon, Lebanon] before June 1982, beginning probably at the end of 1979 or early 1980."³⁹ The investigation revealed that PLO military personnel had been permitted to occupy rooms near the Center's dormitories, arms were stored in a basement, and the premises had been used to provide military training. The U.N., however, passed no resolutions condemning this blatant misuse of a U.N. agency to house the enemies of a member state and give them a military base.

³⁶ "The U.N. Decade for Women: A Brief Discussion of the Major Decisions, Programs of Action and Conventions adopted at Mexico (1975) and Copenhagen (1980)," unpublished, pp. 3-5.

³⁷ Discussion in Herzog, Who Stands Accused? p. 131.

³⁸ 30th Annual Report, U.S. Contributions to International Organizations, Report to the Congress for FY 1981, U.S. Department of State Publication 9276, September 1982, pp. 22-23.

³⁹ U.N. Chronicle, December 1982, Volume XIX, Number 11, p. 94.

Human Rights Commission (HRC)

The U.N.'s campaign to isolate Israel is perhaps best illustrated by the HRC. It started as early as March 1968 in the HRC and then later that year at the International Conference on Human Rights held in Tehran. At issue was the alleged oppressive condition of the Arabs in the Israeli occupied territories. Though the U.N. found time to criticize Israel in 1968, it was silent as Soviet tanks rolled into Prague. Since 1968, the question of Arab human rights in the occupied territories has become a fixture on the HRC's agenda.

In the meantime, a genocide took place in Burundi,⁴⁰ with no "Emergency Special Session" or any other session in the U.N. That year also, Israeli athletes were massacred by the PLO at the Munich Olympics--again, with not a murmur from the U.N. except for a general condemnation of "terrorism." Observes Allan Gerson, a member of the U.S. Mission to the U.N., about the U.N.'s attack on Israel for its human rights record: "It is disgusting that the majority of the nations self-righteously against Israel have human rights records that are among the world's most shameful."⁴¹

The double standard extends to the other side of the refugee problem: the HRC has ignored the plight of Jews in Arab countries.⁴² In Syria, Jews have been denied free movement or contact with the outside world. In Iraq, the Jewish community has been "politically, physically, and mentally crippled."⁴³ But no one points a finger at the Arab states for their stingy support of the refugee program or for their contributing to the creation of the refugee problem.

WHY IS THE U.N. AGAINST ISRAEL?

Bloc Voting

The U.N. bloc voting practice has contributed enormously to the U.N. attack on Israel. Many countries are pledged to support the policies of the blocs to which they belong. Such a system

⁴⁰ Stanley Meisler, "Holocaust in Burundi, 1972," in Case Studies on Human Rights and Fundamental Freedoms, Vol. V (The Hague, Netherlands: Martinus Nijhoff, 1976), pp. 225-238.

⁴¹ See also Allan Gerson, "State Department Reporting on Human Rights Violations: The Case of the West Bank," Middle East Review, Winter 1980-81, p. 24.

⁴² Maurice M. Roumani, "The Case of the Jews from Arab Countries: A Neglected Issue," Case Studies on Human Rights and Fundamental Freedoms, Vol. V, pp. 69-100.

⁴³ Ibid., p. 93.

encourages "deals" between blocs, and curious coalitions.⁴⁴
Explains Ambassador Kirkpatrick:

the waters at the U.N. are not only muddied but churned up by the participation of parties that have no direct interest in settling the Arab-Israeli conflict and, in many instances, are committed precisely to its perpetuation and intensification.⁴⁵

Certain African Third World diplomats concur. Special Representative of the Ivory Coast M. Amara Essy told The Heritage Foundation that, in his opinion, the bloc voting mechanism galvanizes radicalism in the U.N., especially on Middle East issues.

The U.N. voting record vis-à-vis Israel is striking. In what became a watershed, the Western bloc in 1973 began to abstain more frequently on resolutions attacking Israel, rather than backing Israel. In the past decade, the situation has deteriorated further. As Victor Gauci, Rapporteur of the Division for Palestinian Rights, pointed out in his December 1982 report:

With minor annual fluctuations, dependent on the actual texts of the draft resolutions [of the General Assembly], the affirmative vote [on issues relating to the Middle East] has gone up from 93 [against Israel] in 1975 to 127 in 1982...[while] the combined negative and abstention vote has been reduced from 45 in 1975 to 2 in September of 1982.⁴⁶

Soviet Intentions

Though the Soviet Union originally supported Israel's membership in the U.N., it has shifted dramatically, particularly since 1967. The anti-Israel movement offers the Soviets an anti-Western, anti-U.S. propaganda weapon and, according to U.S. representative to the Human Rights Commission Richard Schifter, it allows them to divert attention from issues like Afghanistan. By its opposition to Israel, moreover, the Soviets can pose as an ally of the Third World. On October 19, 1982, the Soviet party organ Pravda reported the Arab efforts to expel Israel from the IAEA with the comment: "This step would be justified both in form and in meaning."⁴⁷

⁴⁴ See Arie Eilan, "Soviet Hegemonism and the Nonaligned," Washington Quarterly, Winter 1981, and "[The Soviet Union and] Conference Diplomacy," Washington Quarterly, Autumn 1981.

⁴⁵ Kirkpatrick, The Reagan Phenomenon, p. 112.

⁴⁶ Division of Palestinian Rights, Volume V, Bulletin No. 12, December 1982, no. 83-03533, p. 11.

⁴⁷ In Foreign Broadcast Information Service, October 19, 1982, p. H1.

The most striking evidence of Soviet use of the U.N. forum against Israel came in the 1975 "Zionism is a form of racism" resolution. Carl Gershman of the U.S. Mission to the U.N., told The Heritage Foundation that he believes "the 1975 U.N. Zionism resolution was a result of an eight-year campaign by the Soviet Union." As early as June 9, 1967, in remarks made to the Security Council, the USSR's chief delegate, Nikolai Fedorenko, denounced Israel's advance into Syria as following in "the bloody footsteps of Hitler's executioners,"⁴⁸ a charge repeated by Premier Aleksei N. Kosygin ten days later before the General Assembly.⁴⁹ Thus, a Soviet prime minister identified Israeli policy with Hitlerism.

The USSR's anti-Israeli, anti-Zionist campaign in the General Assembly is coupled with a vigorous pro-PLO stand. The Soviet Union has encouraged the "struggles" of the PLO as a "national liberation movement,"⁵⁰ and has been instrumental in gaining the U.N. support, both political and financial, for such radical movements.⁵¹

Western Vulnerability

While the USSR's intentions in attacking Israel and Zionism are fairly clear, the motives of the Western European reluctance to defend Israel are complex. One high-level official from the U.S. Mission to the U.N. observes that "some Europeans are not terribly worried about Israel's survival. Particularly those with close economic ties to the Arabs wish it would just go away so their economic relations with the Arabs would go unhampered."

⁴⁸ U.N. Security Council Official Records, 22nd Year, S/PV.1352 and S/PV.1352 (June 9, 1967).

⁴⁹ Kosygin stated: "In the same way as Hitler's Germany used to appoint gauleiters in the occupied regions, the Israeli government is establishing an occupation administration in the territories it has seized...." See U.N.G.A. Official Records, Fifth Emergency Special Session, June-July 1967. Cited and discussed in William Korey, The Soviet Cage, p. 127.

⁵⁰ The Soviet Union's efforts to have the U.N. recognize "national liberation movements," started by Soviet Premier Nikita Khrushchev in 1960, culminated in Resolution 2105(XX) of December 20, 1965, which recognized "the legitimacy of the struggle of the peoples under colonial rule to exercise their right to self-determination and independence, and invite[d] all states to provide material and moral assistance to the national liberation movements in colonial territories." This was followed in 1970 by an endorsement of using "all the necessary means at their disposal" to achieve their ends (Resolution 2708(XXV) of December 15).

⁵¹ The enormous dimensions of Soviet-PLO cooperation are evident from PLO documents recently captured by Israeli forces. See Raphael Israeli, ed., PLO in Lebanon, Ch. V, "The Communist Bloc Connection," pp. 33-168. For a comprehensive picture of the PLO-Soviet as well as PLO-neoNazi connection, see Claire Sterling, The Terror Network (New York: Platt, Rinehart and Winston, Reader's Digest Press, 1981), Ch. 15, pp. 272-285.

Yehuda Millo, Counsellor at the Israeli Mission to the U.N., states that "the Western Europeans like to vote in a bloc, and do not judge the Israeli case on its merits." An analysis of last year's European voting pattern on issues regarding the Middle East, for example, indicates a Western European 65 percent agreement with Arab nations and a mere 13 percent agreement with Israel.

A survey of major Western diplomats reveals some of the reasoning for the European voting pattern. Their tone is cautiously anti-Israeli, decidedly pro-Palestinian and occasionally openly pro-PLO.

A British diplomat, who preferred to remain unidentified, admitted that, particularly since 1973, the Europeans have become more sympathetic toward the Palestine cause due to "a combination of real influence of the Arab world and stronger support for the Palestinian people." Though he denies that the Europeans wish Israel did not exist," he notes that "we have to accept that most Palestinians support the PLO," and points to Israeli moves, like the settlement of territories on the West Bank and Gaza strip, as "clear and serious violations of international law."

West German Permanent Representative to the U.N., Guenther von Well, also admitted to The Heritage Foundation that since 1973 the Europeans have maintained "a fairly constant attitude" toward Israel. He added, however, that "The Arab-Israeli conflict has probably gone in the wrong direction in the U.N. and too much harm might already have been done." He confirmed the wish of the members of the European community to vote with one voice.

Commenting on the proposition that the U.N. might be exacerbating the Middle Eastern conflict, a high-level diplomat from Ireland agrees that "there is something to the idea that group pressures can exacerbate problems." He cited several reasons why he thought Israel had become a pariah at the U.N., for example, that "anti-colonialism is a strong theme; it is now easier to identify Israel with the bad guy, it is no longer little David against big Goliath." Regarding the PLO, he said: "It is very debatable whether the existence of the PLO is such a bad thing." He noted that the Europeans are leaning toward accepting the PLO as the spokesman for the Palestinians.

Another West European diplomat, who wishes to keep even his country of origin a secret, noted that Israel has not respected "any U.N. resolutions," including 242. After denying that "any of Israel's expansionist actions are justified either politically or morally," he attacked Israeli Ambassador Blum personally, saying: "If a delegate comes to the U.N. neutral toward the Jews he becomes anti-Semitic only by looking at Blum, who is a very ugly fellow, and by seeing his behavior." The diplomat admitted that Ambassador Blum was very cordial in private.

The U.N.'s Political Culture

The Western diplomat's criticism of Blum personally was echoed by both an African diplomat and an Arab. But a senior U.S. diplomat at the U.N. said of Blum: "He is lucky that he can speak the truth; we sometimes have to be a bit more cautious." Indeed, Blum delights in exposing the U.N.'s political culture, attacking countries whose record on human rights is dismal compared with Israel's, and assailing the double standard prevalent at the U.N.

Members of the Israeli mission do maintain close contact with delegates from Europe, Africa, Asia, and Latin America. In private, many African diplomats complain about pressure tactics by Arab countries. There is widespread resentment among black delegates that the Arabs monopolize the U.N. agenda with attacks on Israel, leaving too little time for other issues of much greater interest to African nations--many of whom feel much friendlier toward Israel than their voting record might indicate.

Israeli U.N. diplomats Yehuda Millo and Judith Dranger point out that Israel is "much more immersed even in the Middle Eastern environment than the U.N.'s voting record might indicate." The relations between Israel and other nations in the region, that is, should not be judged by U.N. rhetoric alone. Ambassador Blum told Heritage that the thought "the U.N. is a good platform for propaganda, but it has not real influence." He agreed, however, that "the damage done by such documents as the Zionism resolution of 1975 cannot be ignored."

The U.N.'s political culture does appear to exacerbate the Middle Eastern conflict. When words do not mean quite what they appear to mean, it is possible to twist them and create an Orwellian Big Lie. Walter Berns, the John M. Olin Distinguished Scholar in Constitutional and Legal Studies at the American Enterprise Institute and U.S. representative to the U.N. Human Rights Commission, noted that "the U.N. is the only international institution where it is taken for granted that people do not always speak the truth." Under these circumstances, diplomats will cast votes implicitly approving words that threaten the very existence of another member state while shrugging their shoulders that "it does not matter." Yet words, particularly when legitimized by an international forum, do matter.

IMPACT OF THE U.N.'S WAR AGAINST ISRAEL

Words that are systematically misused eventually will discredit not the object of their abuse but the agent who perpetrated the abuse. The principal casualty of the U.N.'s attack on Israel may well be the U.N. itself. The British Economist, on October 23, 1982, congratulated the U.S. when it responded to the Arab expulsion of Israel from the International Atomic Energy

Agency (IAEA) by threatening to halt the U.S. share of contribution to IAEA. "In Arab eyes," said the Economist, "the U.S. may appear to be simply defending Israel. In fact, it is defending the whole U.N. system." For the anti-Israel campaign defies not only rules of fair play and principles of justice but the very ideals of the U.N. Charter. This is also the perception of the U.N. Secretary-General Javier Perez de Cuellar, who told The Heritage Foundation that the problems of the Middle East require more than "rhetoric and confrontation" in order to be resolved.

Just as important, the barrage of anti-Israel resolutions leave their mark on Western perceptions of Israel. The Western media in particular have become more hostile to Israel during the past decade. David Horowitz, President of the U.N. Correspondents' Association, told The Heritage Foundation that "there is no doubt that the one-sided U.N. resolutions have had a considerable influence on the media and on Western public opinion."

Correspondingly, the PLO has gained stunning respectability, considering its role as the leading world terrorist group. Britain's John Laffin asks in the subtitle of his 1982 book The PLO Connections: "How has the wealthiest, most bloodthirsty terrorist organization in the world become accepted--even respectable?" The answer, he believes is primarily the U.N. Terrorism by the PLO, he writes, has increasingly become almost justified in the West, which "is a logical development of the reception of Yasser Arafat at the U.N. Nobody wants to admit that a man received into the General Assembly is a terrorist or that he represents a terrorist organization."⁵²

The general shift of Western opinion against Israel notwithstanding, the U.N.'s unfair attack on Israel has galvanized sentiment in the U.S. against the U.N. In October 1975, as the U.N. was working on declaring Zionism a form of racism, the U.S. Senate, by unanimous vote, warned that the U.S. would not stand for such a disgrace. The House passed a similar resolution, cosponsored by 436 members. On November 11, the House and Senate unanimously adopted identical resolutions, which not only condemned the action of the General Assembly in passing the resolution the day before, but also opposed participation by the U.S. in the Decade for Action to Combat Racism and Racial Discrimination, now poisoned by the resolution.

⁵² John Laffin, The PLO Connections (London: Transworld Publishers, 1983). See also journalist and scholar Hillel Seidman's view that Kurt Waldheim, former U.N. Secretary-General, "placed the stamp of U.N. legitimacy on international terrorism, of which the PLO is the most abhorrent agent," in his United Nations: Perfidy and Perversion (New York: M.P. Press Inc., 1982) p. 67.

There were other moves, too, involving the specialized agencies. The U.S. withdrew temporarily from the International Labor Organization (ILO) in 1977, in response to the politicization and the double standard there.

UNESCO has also aroused the ire of U.S. legislators. Section 109 of P.L. 97-241, involving the State Department Authorization Act for the year 1982-83, prohibits U.S. funds from being used to pay the U.S. assessed contribution to UNESCO if the agency restricts the free flow of information. An amendment also restricts payments to UNESCO for projects that promote the PLO.

The U.N.'s contribution to the PLO in other U.N. organs has aroused congressional concern. Paragraph (a) of Section 104 of P.L. 97-241, passed in August 1982, prohibits the U.S. from contributing its assessment for the Palestine Committee, for the Special Unit on Palestinian Rights, and for projects "whose primary purpose is to provide political benefits to the PLO or entities associated with it." In each instance, the U.S. was to have provided 25 percent of the cost.

The American people, through their representatives and the President, are making it clear that they will not tolerate the double standard at the U.N., which threatens not only Israel but the values of freedom and democracy as well.

The U.S. Senate and House agreed that the U.S. will not tolerate the U.N.'s attack on democratic states. S. Con. Res. 68, unanimously agreed to by the Senate on April 14, 1982, made it clear "that if Israel or any other democratic state is illegally expelled, suspended, denied its credentials, or in any other manner denied its right to participate in the General Assembly of the U.N. or any specialized agency of the U.N.," the U.S. should suspend its participation in the General Assembly and withhold its assessed contribution to the U.N. or to the agency involved until the action is reversed. A month later, the House overwhelmingly passed (401 aye, 3 nay, 28 abstaining) a similar measure.

CONCLUSION

The American public is opposed to the U.N.'s double standard against Israel. In a poll by Sindlinger & Company for The Heritage Foundation in early 1983, the question was asked: "Should the U.S. continue to insist that U.N. resolutions on the Middle East that criticize Israel also, when appropriate, criticize Palestinian and other Arab actions in that area?" An overwhelming 82.9 percent of the respondents said "yes." The U.S. must not tolerate the U.N.'s unilateral attack on Israel. Washington should take strong measures to resist the U.N.'s violations of procedure and the singling out for attack of a beleaguered democracy. It should also resist U.N. support for Israel's

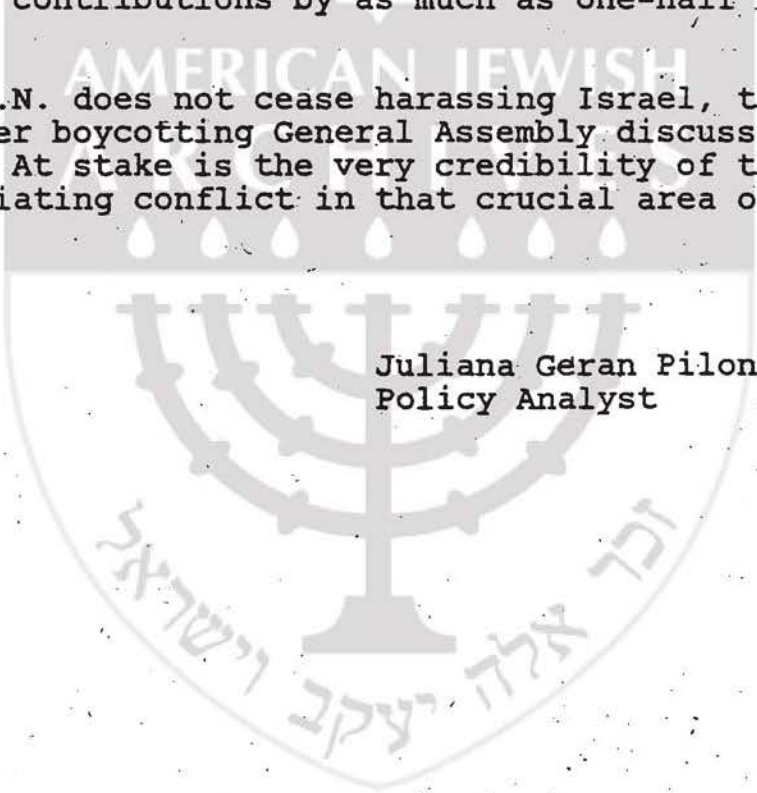
principal enemy, the PLO, in conformity with already existing U.S. legislation. Accordingly:

Congress should hold hearings to determine exactly how U.N. money is spent in support of the PLO.

The U.S. should take whatever action is necessary to protest against the International Conference on the Question of Palestine, including withholding funds.

The U.S. should continue to protest against the politicization of U.N. Specialized Agencies and their unfair--often quite unsubstantiated--attacks on Israel. In the case of the more serious violators, such as UNESCO, the World Health Organization, and the International Labor Organization, the U.S. should reduce its voluntary contributions by as much as one-half the present amount.

If the U.N. does not cease harassing Israel, the U.S. should consider boycotting General Assembly discussions on the Middle East. At stake is the very credibility of the U.N. as a forum for mediating conflict in that crucial area of the world.



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The Executive Memorandum

The Heritage Foundation

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WHAT DOES THE U.N. HAVE AGAINST ISRAEL?

The United Nations is waging a war against Israel and has been doing so for years. The recent anti-Israeli moves at the International Atomic Energy Agency, the International Telecommunications Union, and even the General Assembly, are only the latest instances of this. It is not necessary to condone all the policy decisions of the Israeli move into Lebanon to recognize that the U.N.'s treatment of the Jewish state in recent years amounts to sheer harassment. Secretary of State George Shultz's determination to leave any U.N. body that expels Israel, echoing the near-unanimous decision of Congress to that effect on May 13, 1982, amounts to a refusal to go along with the U.N.'s double standard.

Although the U.N. maintains an eerie silence about such blatant human rights violators as the Soviet Union, Cuba, Pol Pot's Kampuchea, and Idi Amin's Uganda, Israel was condemned in 1982 as a "non-peace-loving state"--the only U.N. member so named. Since the Charter restricts U.N. membership to "peace-loving" states, this language opens the door to Israel's expulsion from the U.N.

The U.N.'s campaign against Israel can be traced back at least to 1967, following the Six-Day War. Since then, nearly two hundred resolutions hostile to Israel have been adopted in the Security Council, the General Assembly and the Commission on Human Rights. In recent years half the time of the Security Council and half the total of its resolutions have condemned the Jewish state, with practically no mention of PLO and other Arab contributions to Middle East tensions and violence. The double standard is glaring. A proposed Security Council resolution in 1975 to condemn Israeli raids on Palestinian targets in Lebanon failed to mention Arab violence against Israel.

The anti-Israel campaign pervades the entire U.N. system. In the last decade Israeli participation has been attacked in virtually every Agency of the U.N. system except the General Assembly. Israel, for example, is no longer a member of the Commission on Human Rights though most of the Commission's members have far worse human rights records than Israel. Israel is also the only country in the world subject to special sanctions by the U.N. Educational Scientific and Cultural Organization (UNESCO). Though Israel and South Africa were condemned as "an unholy alliance" by the General Assembly in Resolution 3151 G(XXVII) of December 14, 1973, not even South Africa is subjected to such sanctions.

The watershed year at the U.N. was 1974: on November 13, the General Assembly session was addressed by PLO chief Yassir Arafat. For

the first time in its history, the U.N. extended observer status to a non-nation. In November and December of that year, UNESCO's general conference approved a series of resolutions condemning Israel on various grounds and blocking its requested membership in the organization's European regional grouping. UNESCO specifically condemned Israel for allegedly endangering Moslem monuments in Jerusalem--a charge later shown to be unfounded. The organization then cut off all funds for Israeli projects.

A year later, UNESCO inserted into an official document a reference to the infamous "Zionism is racism" General Assembly resolution 3379 (XXX), a document that infuriated even long-time supporters of the U.N.

On May 17, 1976, the World Health Organization refused to consider an expert committee's report that health services in Israeli-occupied Arab territories, far from having deteriorated, had seen a "slow but steady" improvement since 1967. This conclusion was not what the Third World majority at WHO was looking for. It was therefore rejected despite the fact that two of the three experts on the committee were from countries having no diplomatic relations with Israel.

Since 1975, the U.N. majority has escalated its attacks on Israel. About 40 resolutions passed by the 36th General Assembly in 1981 dealt with the Middle East, invariably chastising Israel while not mentioning PLO attacks on Israeli civilians, including women and children.

For at least a decade and a half, Israel has been badgered by the U.N.'s new majority. Ignoring, at times, both facts and legal provisions, this majority has chosen to chastise Israel while worse human rights offenders go completely without reproof and Arab hostilities and terrorist acts go unmentioned.

Whatever its transgressions--and surely no state is devoid of sins--Israel does not deserve to be denied participation in the General Assembly and membership in the U.N. agencies. If it does, so do the great majority of U.N. members. What does the U.N. have against Israel? It is a puzzle--despite the thousands of hours of rhetoric devoted to the issue. Indeed, it seems that the U.N. can make no solid, juridical or moral case against Israel. As such, the U.N. majority--cowed by the Soviet Bloc and radical Arab states--resorts to a sordid double standard. Israel deserves better. So does the U.N.

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United Nations Assessment Project

This report is based on an internal Heritage Foundation study, part of which is to be published shortly.

For further reading see:

Marjorie Ann Browne, "Credentials in the United Nations General Assembly: Selected Precedents," Congressional Research Service, September 30, 1980.

Daniel G. Partan, Documentary Study of the Politicization of UNESCO, American Academy of Arts and Sciences, November 1975.

Juliana Geran Pilon, "Through the Looking Glass: The Political Culture of the U.N.," Heritage Backgrounder #206, August 30, 1982.

A United Nations Assessment Project Study

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U.N. PEACEKEEPING: AN EMPTY MANDATE

INTRODUCTION

Born in 1945 from the devastation of a world war that produced almost 49,000,000 military and civilian deaths, the United Nations was to many a new hope for a more peaceful world. The U.N. Charter, ratified by the U.S. Senate in July 1945, ambitiously stated the primary aim of the U.N. to be the maintenance of international peace and security. For this purpose, the Charter's framers attempted to revive an unsuccessful proposal for the League of Nations by calling upon "all members of the United Nations...to undertake to make available to the Security Council... armed forces, assistance, and facilities."¹

Yet the world has hardly enjoyed the peace and security that the United Nations and its advocates promised. British Prime Minister Margaret Thatcher told the U.N. Second Special Session on Disarmament in June 1982 that, since 1945, the world has witnessed some "140 conflicts, fought with conventional weapons, in which up to 10 million people have died."² Certainly these conflicts are not the fault of the U.N. Still, the U.N. has done little to prevent them or to restore the peace--despite an expenditure of at least \$3 billion on peacekeeping, of which the United States paid about \$1 billion.

An expert on the U.N., Mark Zacher, has identified 93 conflicts between 1946 and 1977 in which the U.N. generally had very little influence.³ The United Nations, Zacher maintains, engaged

¹ U.N. Charter, Article 1 and Article 43.

² Address by the Right Honorable Margaret Thatcher before the U.N. Second Special Session on Disarmament, June 23, 1982, U.N. Doc. A/S-12/PV. 24, June 26, 1982, p. 4.

³ Mark Zacher, International Conflicts and Collective Security, 1946-1977 (New York: Praeger, 1979), p. 54.

in even limited debate on only 40 of these conflicts and did not contribute significantly to the resolution of any of them. Fifty-three of the conflicts were not even debated. The U.N. peacekeeping efforts, in short, amount to a chronicle of an empty Mandate.

Major conflicts that the U.N. either did not address at all or addressed only ineffectively include the Pakistan-Afghanistan conflict (1955 and 1961); the Soviet invasion of Hungary (1956); the war between the Netherlands and Indonesia (1962); the Soviet invasion of Czechoslovakia (1968); the Vietnam Wars (1945-1975); the Ethiopia-Somali conflict (1977); Cuban aggression in Ethiopia (1977 to the present); the Zaire-Angola conflict (1977); the Vietnamese invasion of Cambodia (1977 to the present); the Sino-Vietnamese border war (1979); the Soviet invasion of Afghanistan (1979 to the present); the Iran-Iraq war (1980 to the present); the Ecuador-Peru conflict (1980); and the Falkland Islands war (1982).

In some cases, where the U.N. has actually intervened with peacekeeping or observer missions, it has fueled the violence by supporting wars of national liberation and by failing to control international terrorism.⁴ In almost all cases, particularly during the last two decades, the U.N. has exacerbated the tensions between nations by "globalizing" each crisis as it arises; by opening up sensitive regional and international issues to the divisive scrutiny of the General Assembly; and by allowing the Soviet Union, through its veto in the Security Council, to exercise its influence in situations where maintaining tensions works to Soviet advantage.

The framers of the U.N. Charter proposed a complete system of international peace and security to address the problems arising from the World War and to seek solutions to these conflicts. As the implementing arms of this system, they envisioned the formation of peacekeeping forces under the control of the Security Council. In twelve of the scores of conflicts since 1945, the U.N. has established peacekeeping or military observer operations to carry out often unclear and ambiguous functions.

The most recent of these efforts was the 1978 establishment of the U.N. Interim Force in Lebanon (UNIFIL). Its indefinite mandate and its inability to control the terrorist activities of the Palestine Liberation Organization (PLO) in Southern Lebanon clearly helped rekindle the conflict in June 1982.

Instead of U.N. peacekeeping forces, multinational units under French, Italian, or American command now stabilize the region, secure and protect the civilian populace in and around

⁴ See L. C. Green, "The Legalization of Terrorism," in Yonah Alexander et al. eds., Terrorism: Theory and Practice (Boulder: Westview Press Inc., 1979), pp. 175-197.

Beirut, and provide time for negotiations toward the eventual withdrawal of Israeli, Syrian, and PLO forces. In the Sinai, peace is maintained also without U.N. help. A Multinational and Observer Force (MFO) has been established in accord with a protocol to the Camp David Treaty.

Multinational or national forces have been used before and after the creation of the United Nations to protect or evacuate nonbelligerents and patrol and maintain cease-fire lines. These have included: the deployment of British Royal Marines to Tanganyika in 1964 to quell a national army uprising; U.S. intervention in Lebanon in 1958 with 10,000 troops deployed simultaneously with two British battalions; and French and Belgian intervention in Zaire in 1977 to protect nonbelligerents and prevent Communist forces in Angola from gaining control of mineral rich Katanga. In at least two instances--the Congo in 1960 and Cyprus in 1964--national forces, if properly employed, could have precluded the later deployment of U.N. forces.⁵

The United Nations clearly deserves failing grades for peacekeeping. The primary rationale for establishing a costly United Nations was that it would help build a more peaceful world. After nearly four decades, however, the U.N. peacekeeping record is very poor. This should prompt serious questioning of the U.N.'s raison d'etre.

THE RECORD OF U.N. PEACEKEEPING

The Machinery for U.N. Peacekeeping

The United Nations Charter gives "primary responsibility" and considerable discretion for maintaining international peace and security to the Security Council.⁶ It is authorized under Chapter VII of the Charter to determine the existence of any threat to peace, breach of peace, or act of aggression, and to make recommendations and decisions as to whether economic or even military sanctions should be employed.⁷ Such a decision of the

⁵ This would have been the case if the interested Western powers had either provided their forces with more authority at an early stage in the conflict (the Belgian forces in the Congo in 1960) or maintained a longer presence in the country (the British forces in Cyprus in 1964). For a criticism of the Belgian intervention in the Congo, see Ernest W. Lefever, "The Limits of U.N. Intervention in the Third World" (Washington, D.C.: The Brookings Institution, 1968), p. 13. For an examination of the British involvement in Cyprus, see Anthony Verrier, International Peacekeeping (London: Penguin Books, 1981), pp. 82ff.

⁶ U.N. Charter, Articles 27 and 39.

⁷ U.N. Charter, Articles 38, 41, 42.

Council is binding upon member states under Article 25. At the same time, the five permanent Security Council members can veto any enforcement action. Permanent members never have agreed on the specific forces that were to have been made available to the Security Council under Article 43. The Soviet Union and the United States, in particular, have not been able to agree on such matters as size and composition of the armed forces to be contributed by the permanent members, the provision of the bases, the basing of forces when not in action, and the time of their withdrawal.⁸ For this and other reasons, the Security Council has not made binding decisions to use force. The frequent threat or use of the Soviet veto over peacekeeping operations has contributed to the collapse of the Charter concept of Security Council acting in concert and supported by a permanent peacekeeping force.⁹

The concept of a permanent peacekeeping force was first set forth in a 1947 report of the U.N. Military Staffs Committee, whose authority was established by Chapter VII of the Charter, and whose representatives came from the military chiefs of staff of the five permanent members of the Security Council. The concept called for forming trained units of all arms and services, earmarked for U.N. service and provided with adequate support.¹⁰ The West European Allies' reluctance to encourage the independence of their former colonies and their desire to maintain control of disputes arising in those countries, however, worked against translating the notion of a permanent peacekeeping force into reality.¹¹

The concept of U.N. peacekeeping forces "with teeth" was also resisted by the Soviet Union, which had no intention of allowing the U.N. or any other military force to interfere with its existing empire in Asia or the recently gained territory in Eastern Europe--a policy which continues to this day. Moscow remains in arrears, in fact, for assessed contributions to peacekeeping operations in the amount of approximately \$119.3 million.

With the rejection of the concept of a permanent force, U.N. peacekeeping has been limited to a "watchdog" function--serving, with their consent, as a buffer or "plate glass window" between the parties to a dispute.¹² It is a referee rather than a peace enforcer.¹³

⁸ Leland M. Goodrich, The United Nations in a Changing World (New York: Columbia University Press, 1974), p. 113.

⁹ John Murphy, The United Nations and the Control of International Violence (Totowa, New Jersey: Allanheld, Osmun and Co., Inc., 1982), p. 21.

¹⁰ P.W. Bowett, United Nations Forces: A Legal Study of United Nations Practice (London: Stevens and Son, 1964), pp. 12-18.

¹¹ Verrier, op. cit., p. xx.

¹² Murphy, op. cit., p. 22.

¹³ William E. Mulligan, "Military Peacekeeping in the Middle East," The Link, Volume 16, No. 1 (January-March 1983), p. 1.

Among the few exceptions was the Korean War of 1950-1953. At that time, a procedural device was adopted to allow General Assembly action if a veto paralyzed the Security Council. This technique is the famous "Uniting for Peace" resolution, calling on the "good offices" of the Secretary General to investigate "any matter which in his opinion may threaten the maintenance of international peace and security."¹⁴ The resolution provided the United Nations a means to exercise "enforcement" against Communist aggression in Korea when the Soviet Union vetoed Security Council resolutions on September 6, 12, and November 30, 1950.

The lack of specific authority in the Security Council has meant that the individual units of U.N. forces are subject only to the authority of their own governments. The commanders of those forces, on the other hand, are appointed by the Security Council or Secretary General and are subject to U.N. authority. This compounds the difficulties when units are "directed" to carry out action to which their governments or commanders object.¹⁵

The individual units also reflect national attitudes toward peacekeeping. In many cases, these differ dramatically from a realistic interpretation of resolutions or from the demands of the local situation. Some U.N. soldiers, for instance, in Cyprus after 1964 and in the Congo after 1960,¹⁶ impressed with the idea that peacekeeping must involve the exercise of peaceful measures, surrendered their weapons on demand of local warring factions.

U.N. supervisory and observer missions have been mounted in twelve different crises since 1948:

- oo The U.N. Truce Supervisory Organization (UNTSO), established in 1948 to monitor the cease-fire between Israel and neighboring Arab states;
- oo The U.N. Observer Group in India-Pakistan (UNMOGIP) sent to observe lines of armistice between India and Pakistan in 1949;
- oo The first U.N. Emergency force (UNEF-I), established in 1956 and lasting to 1967, to patrol the Egypt-Israel border and to interpose itself between forces of both countries;

¹⁴ In 1947, the Military Staffs Committee Report, referred to earlier, was sought by the General Assembly as the basis for U.N. Operations. Under the terms of the "Uniting for Peace Resolution," the U.N. forces in Korea held authority under Chapter VI of the U.N. Charter ("Pacific Settlement of Disputes"), and not Chapter VII.

¹⁵ Verrier, *op. cit.*, p. xxiii.

¹⁶ One observer of U.N. peacekeeping operations maintains in the Congo, U.N. forces gave up their weapons because of fear or confusion. But there was a common demonstration of lack of training and discipline in both the Congo and Cyprus operations. See: Verrier, *op. cit.*, p. xxiv.

- oo The U.N. Observer Group in Lebanon (UNOGIL) set up in 1958 for six months to patrol Lebanon's borders;
- oo The U.N. Organization in the Congo (ONUC) which functioned from 1960 to 1964 for purposes of internal pacification;
- oo The U.N. Yemen Observer Mission lasting fifteen months;
- oo The U.N. Security force (UNSF) in Dutch West New Guinea (West Irian) for internal pacification of that region (1962-1963);
- oo The U.N. force in Cyprus (UNFICYP) for the internal pacification of Cyprus from 1964 to the present;
- oo The U.N. India/Pakistan Observer Mission (UNIPOM), established in 1965 for six months, to supervise a cease-fire in the Ram of Kutchian India-Pakistan border;
- oo The second U.N. Emergency Force (UNEF-II) established in the Sinai in 1973 to serve as a buffer force between Israel and Egypt;
- oo The U.N. Disengagement and Observer Force (UNDOF) established in the Golan Heights in 1974 as a buffer force between Israel and Syria;
- oo The U.N. Interim Force in Lebanon (UNIFIL), established in 1978 for internal pacification.

These operations have fielded almost 370,000 troops and officers from more than 50 U.N. member states. More than 600 soldiers have been killed on duty. The costs of the UNEF-II, UNDOF, and UNIFIL operations alone are estimated at \$973 million, of which the U.S. has contributed between 27 and 30 percent. The Soviet Union has paid virtually nothing.¹⁷ There also have been substantial costs for planning the operational and logistical support for such forces and for moving those forces into place.

Of the twelve operations, five remain active--the U.N. Truce Supervisory Organization (UNTSO), which has worked closely with UNIFIL in Lebanon since 1978; UMOGIP on the India-Pakistan

¹⁷ The Soviets do pay a small amount, about 10 to 15 percent of their assessment for the U.N. Disengagement and Observer Force in the Golan Heights (UNDOF). However, the three Soviet U.N. member states alone have withheld \$21.5 million for support of UNDOF and the U.N. Emergency Force in the Sinai (UNEF-II) since 1973.

border; UNFICYP in Cyprus; UNDOF in the Golan Heights; and UNIFIL.

What have these forces achieved? Have they enforced armistice lines and improved the prospects for peace in the areas in which they operate? The record is disappointing. In the cases of the Sinai in 1956, the Congo beginning in 1960, Cyprus beginning in 1964, and Lebanon in 1978, the opportunities for continued conflict were not reduced by the U.N. In several instances, the poor performance of some U.N. operations led to the reemergence of intensive levels of fighting.

The varied levels of performance of these operations and, in particular, the significant problems that U.N. peacekeeping and observer missions encounter, if not employed at an early stage in conflict or after a settlement between the conflicting parties has been achieved, is apparent from analysis of several such operations.

The U.N. Truce Supervisory Organization (UNTSO)

In Spring 1948, when the United Kingdom issued its Mandate for Palestine and the State of Israel emerged, the United Nations created its first international military peacekeeping organization. The Security Council appointed a Palestine mediator, Count Folke Bernadotte, who formed UNTSO with several hundred officer-observers from member states of the Palestine Truce Commission--Belgium, France, and the United States. The first round of the Arab-Israeli conflict was fought between May 1948 and March 1949. During this time, there were two truce periods during which UNTSO encountered the first of many problems that would beset that organization for the next 35 years.

During the truce, Israel received increased stocks of arms and ammunition in contravention of the truces, as did the Arab nations in the area. U.N. military observers from UNTSO were not permitted on the docks or at the airports through which this material flowed. They were therefore unable even to attempt to enforce the truce provisions.¹⁸

After armistice agreements were concluded in 1949, UNTSO remained in the Middle East for 34 years, providing staff and support to four other U.N. peacekeeping operations: UNEF-I and II, UNDOF, and UNIFIL. During this time, there were five conflicts in the Middle East--in 1956, 1967, 1978-1971, 1973, and 1982. By the time of the Six Day War of 1967, UNTSO had grown to 140 officer-observers and 400 staff. Equipment included a DC-3 observation aircraft, a fleet of jeeps and other vehicles, and an excellent communications system, which gave UNTSO direct contact with U.N. headquarters in New York.¹⁹ Despite the burgeoning

¹⁸ Mulligan, *op. cit.*, p. 2.

¹⁹ Mulligan, *op. cit.*, p. 3.

staff and resources, UNTSO had become even less able to inspect military units for arms in demilitarized zones or to monitor border violations. UNTSO had no authority to prevent or control such violations and could only report any infractions to the U.N. headquarters in New York or to other peacekeeping mission commanders. With only indirect influence over local events, the UNTSO observers have been aptly described by one Middle East correspondent as mere "adjuncts to persuasion."²⁰

The U.N. Observer Group in India and Pakistan (UNMOGIP)

Peace in the Middle East is clearly a more difficult goal for the U.N. than was the border conflict between India and Pakistan. Today the question of Kashmir, over which the Indians and the Pakistanis have waged two wars, is no longer a pressing matter before the Security Council or the General Assembly, although it remains an important issue between the governments of Pakistan and India.

In 1949 UNMOGIP was formed to observe the armistice lines drawn between India and Pakistan at the conclusion of a 14-month border war. U.N. observers continued to perform this function through January of 1957, when India annexed Kashmir. Despite U.N. disapproval of this annexation, observers were unable to prevent it. UNMOGIP went right on observing the situation through August 1965, when war again erupted. By the end of August, U.N. truce observers arranged a cease-fire--perhaps their greatest achievement in sixteen years of observing, but not of much help in the resolution of the conflict. Success was short-lived, collapsing in September when Pakistan launched a major offensive across the cease-fire lines.

At last, both parties agreed to a lasting cease-fire--but only after the U.S., Great Britain, and Australia had halted arms shipments, and Communist China threatened Indian border positions in the Himalayas. UNMOGIP then became the nucleus of yet another U.N. mission, this time named the U.N. India/Pakistan Observer Mission (1965-1966), which assisted in supervision of the new cease-fire. This temporary Observer Mission was soon phased out, but UNMOGIP still operates. Anthony Verrier, a British correspondent and analyst of U.N. peacekeeping efforts, could find no higher compliment to pay UNMOGIP than that "Its continued existence shows that when nations fail to settle disputes and seek U.N. help, they are usually loth [sic] to dispense with it."²¹

Throughout the history of U.N. peacekeeping operations, nations involved in conflicts and faced with the intervention of

²⁰ Verrier, op. cit., p. 13.

²¹ Verrier, op. cit., p. 5.

the U.N. either during or afterward have indeed found that U.N. peacekeeping operations seem to have a life of their own. But once they determine that their objectives cannot be reached without resort to the use of force, these nations do not let the presence of U.N. forces stand in their way.

The U.N. Emergency Force in the Middle East (UNEF-I) (1956-1967)

UNEF-I is considered the U.N.'s first police and patrolling force. It was organized under General Assembly auspices as part of a "Uniting for Peace" initiative for a cease-fire in the 1956 Arab-Israeli War, "to secure and supervise the cessation of hostilities" and to provide a buffer force along truce lines, achieved by consent of the parties concerned and not by direct military action.²²

Most scholars who analyze this U.N. effort agree that the ten years of UNEF-I patrolling the Sinai (1956-1966) brought an era of peace that may be considered one of the U.N.'s greatest contributions to the Middle East.²³ Yet this interpretation requires a strange definition of "contribution." For one thing, UNEF-I exhibited extraordinary weaknesses in its command structure. Writes Verrier:

UNEF would not be a force whose units would take 'orders' from their commander; it would not be a force with a deterrent function. Not only was UNEF in the territory of and of the borders of only one combatant--on whom a cessation of hostilities had, indeed, been imposed by its enemy--but its freedom of movement would be subject to the acts of a 'host' government which had accepted U.N. intervention to cover the humiliation of defeat.²⁴

For another thing, UNEF-I can hardly be credited with contributing to peace since it failed to halt that long series of incidents that brought the Middle East two more major wars. Through the latter part of 1966, UNEF-I watched helplessly as the Fedayeen, precursors of al-Fatah militant wing of the PLO, attacked Israel with increasing intensity. Israel eventually lost patience and, exasperated by UNEF's inaction, launched reprisal raids.²⁵ Neither the observer machinery nor the peacekeeping capabilities of UNTSO and UNEF-I had provided effective protection against Fedayeen terrorists.²⁶

²² Mulligan, *op. cit.*, p. 3.

²³ See Milligan, *op. cit.*, p. 4; Verrier, *op. cit.*, pp. 14-38; Zacher, *op. cit.*, pp. 73-74.

²⁴ Verrier, *op. cit.*, p. 21. The problem of restrictions on freedom of movement would reoccur in the Congo and in Lebanon.

²⁵ Shubtai Rosenne, "Israel and the United Nations: Changed Perspectives: 1945-1976," *American Jewish Yearbook*, 1978, pp. 25-26.

²⁶ Brian Urquhart, Under Secretary General of the U.N. for Special Political Affairs, in *Hammaraskjold* (New York, 1973), quoted in *Ibid* at note 30.

Another problem which beset the UNEF-I force was financing. Paying for the force was intended to be a matter of adjustment among the U.N., Egypt, and the troop-contributing nations.²⁷ This adjustment was never made, and the lack of proper financing became an issue that would haunt the U.N. for the next 27 years.

In May 1967, Egyptian President Nasser demanded that U.N. Secretary-General U Thant withdraw UNEF forces from the Egyptian-Israeli border. Without consulting the General Assembly or the Security Council, Thant complied.²⁸ The Secretary-General's decision was symptomatic of the weakness and limitations of U.N. peacekeeping capabilities in the face of firm local opposition. U Thant himself, in the 1967 report on UNEF-I, wrote:

An operation such as UNEF's is not an end in itself.... It is not an enforcement agent and can expect at best to exercise only a very limited degree of authority; an authority, moreover, which, unless specifically defined in its mandate and consequent agreements with the host country, automatically and instantly vanishes once it is challenged by the host government.²⁹

The U.N. Organization in the Congo (ONUC) 1960-1964

The U.N. force in the Congo at best was a stopgap until the basic structure of central authority and internal security could be established. At worst, the U.N. mission postponed effective assistance from the industrialized countries and complicated the resolution of major internal crises within the country by internationalizing what was basically a local crisis.³⁰ For this effort, the U.N. invested \$411.2 million, of which the U.S. contributed \$170.7 million or 41.5 percent. Financing the other 58.5 percent of the costs was a serious problem for the U.N., and the issue of peacekeeping costs remains critical today.

The U.N. Force Cyprus (UNFICYP) 1964 to the Present

The U.S. established UNFICYP in 1964 with the consent of the Government of Cyprus after an unsuccessful U.S. and British attempt to establish an international peacekeeping operation. The need for an effective peacekeeping force became particularly critical when armed clashes between Greeks and Turks spread throughout the island, following the efforts of Archbishop Makarios, first President of Cyprus, to revise the Cypriot Constitution to reduce the rights of the Turkish minority. British troops might have been able to maintain the peace on the island, leaving the

²⁷ Verrier, *op. cit.*, p. 20.

²⁸ Verrier, *op. cit.*, p. 36. Many participants in UNEF already felt its usefulness was at an end by that point.

²⁹ Quoted in Verrier, *op. cit.*, p. 36.

³⁰ Lefever, "The Limits of U.N. Intervention," p. 11.

U.N. to concentrate on other matters, if Great Britain had been willing to provide the security force on other than a temporary basis.³¹

During the ten years following the establishment of the U.N. mission, UNFICYP had only mixed success in deterring violence. It was, however, clearly incapable of deterring the 1974 Turkish invasion and seizure of the north coast of Cyprus. The conflict reignited because Turkey became convinced that the Turkish Cypriot minority was in grave danger and that the United Nations could not protect it.³² UNFICYP, like the U.N. Organization in the Congo, did not have the proper tools for pacification and patrol. Other problems also prevented UNFICYP from fulfilling its mandate. Among them:

- oo The distinct difference in the initiative and training between various contingents of the U.N. peacekeeping force. For example, Scandinavian commissioned and noncommissioned officers in UNFICYP, unlike those in the British and Canadian contingents, were not expected to act on their own initiative. These officers, when ordered by a British or Canadian commander to act, often referred the order to their home governments.³³
- oo The resistance and aggression offered by armed bands of Greek and Turkish Cypriots to the UNFICYP contingents. The U.N. forces had, great difficulty in knowing whom to trust.³⁴
- oo The overwhelming lack of logic in the initial deployment of U.N. forces on Cyprus. Deployment that was, for example, tactically sound in Nicosia would have been pointless in open country.³⁵

³¹ Verrier, op. cit., p. 82. While they were on Cyprus before coming under U.N. command, the British forces deterred various communities by a presence that would have forced the warring elements to involve the peacekeepers in direct conflict.

³² John F. Murphy, The United Nations and the Control of International Violence (Totowa, New Jersey: Allanheld, Osmun, and Company, Inc., 1982), p. 54.

³³ Verrier, op. cit., p. 84.

³⁴ In late 1973 and early 1974, regular Turkish and Greek Army units supported their national counterparts on the island of Cyprus. Arms smuggling was endemic and, unlike the second U.N. Emergency Force in the Sinai (UNEF-II), UNFICYP was unwilling or unable to establish any means to curtail it.

See Verrier, op. cit., p. 85.

³⁵ Verrier, op. cit., p. 86.

- oo The drastic reduction in force in UNFICYP, beginning in 1966, to a level far too low for effective operations. In early 1974, UNFICYP numbered less than 3,000, down from around 6,500 a few years before.³⁶
- oo In some instances of local conflict on the island, U.N. forces stood their ground against various Cypriot groups; in other instances, however, they withdrew from the conflict area rather than get involved in the fighting itself.

In general, UNFICYP helped keep the level of violence on Cyprus to tolerable levels, except in those instances where either the government of Cyprus or that of Turkey decided to engage in large-scale military assaults. In these instances, the force could not be expected to prevent violence, since it was not equipped by its mandate to serve as an enforcer of the peace, but only operated as a peacekeeping force designed to cope with small-scale outbreaks of violence. It depended, in particular, on the continuing consent of the Cypriot government for the fulfillment of its mandate.³⁷

The United Nations Interim Force in Lebanon (UNIFIL) (1978-present)

UNIFIL is the most recent example of the U.N. peacekeeping efforts and of a mission which, like many of its predecessors, has failed on at least three levels.

At one level, UNIFIL has failed to fulfill its mandate because that mandate was unclear and poorly defined. At another level, UNIFIL has suffered from factors beyond its control--such as the numerous often indistinguishable groups of Muslim and Christian factions and members of various wings of the Palestine Liberation Organization. Finally, UNIFIL failed because of the uneven performance of its various contingents, many of which wittingly and unwittingly encouraged violence and raised the level of tension among warring factions in the entire region.

Before and after the 1967 war, Israel had suffered a variety of guerrilla attacks from Egypt, Jordan, and Syria. With the defeat of the Arab armies in the October War of 1973 and the Israeli occupation of the West Bank, the Gaza Strip, and the Golan Heights, Lebanon became a refuge for the Palestine Liberation Organization, a center for the training of terrorists from around the globe, and, in particular, a jumping-off point for guerrilla attacks into Israel. Israel brought the issue of these attacks

³⁶ The U.N. forces dispatched to the Sinai and Syria in the aftermath of the October 1973 Arab-Israeli War drew initially, and heavily, on UNFICYP. Even if they had not done so, there is little doubt that financial stringency would have led to a reduction in the latter's numbers. See Lt. Col. R.C. Harvey, The Operational Effectiveness of United Nations Peacekeeping Forces, unpublished thesis, Keele University, October 1973-September 1975, quoted in Verrier, op. cit., p. 92 at note 25.

³⁷ Murphy, op. cit., p. 53.

to the Security Council on several occasions, but its protests were in vain.³⁸ The Soviet veto, as in many previous instances, paralyzed the Council.

On March 14, 1978, Israeli forces attacked the PLO terrorists at their base camps in Lebanon. In response, the Security Council adopted a U.S. sponsored resolution calling on Israel to observe a cease-fire and withdraw from Lebanon. At the same time, the Security Council established a peacekeeping force, the U.N. Interim Force in Lebanon (UNIFIL).

Security Council Resolution 425 (1978) gave UNIFIL the mandate to (1) confirm the withdrawal of Israeli forces, (2) restore international peace and security, and (3) assist the Lebanese government to reestablish its authority in the occupied area. There was an option to renew this six-month mandate for a further period if necessary. This force was initially to number 4,000 troops and remain in Lebanon for six months. The force is still in Lebanon and has grown to 6,300.

Most analysts generally agree that the UNIFIL assignment has been difficult and that the U.N. force, for reasons beyond and within its control, has failed to carry out its responsibilities effectively. Evidence shows in some cases that UNIFIL units facilitated the movements and activities of the PLO in southern Lebanon, thus contributing to the destabilization that triggered the renewal of hostilities in June 1982.

Among the most important factors affecting UNIFIL performance are:

1. Uneven ability of UNIFIL to assert necessary authority in pursuing its mandate.

The UNIFIL performance demonstrates that active deterrence of conflict can only be carried out by trained soldiers determined to assert authority when necessary.³⁹ Among the UNIFIL contingents, the Nepalese, Fijians, and French have earned the respect of all other forces in the area. French and Fijian units, for instance, have acted boldly against PLO contingents moving through their areas of control, particularly in 1978 and 1979. But because not all units exercised such authority, the adversaries were able to identify soft spots in the UNIFIL line through which they could and did maneuver.

2. Lack of familiarity with terrain.

Lack of familiarity with local terrain and inadequate intelligence were problems UNIFIL shared with earlier U.N. missions.

³⁸ See: Yehuda Z. Blum, "The Beirut Raid and the International Double Standard," American Journal of International Law, 64 (1970):73, pp. 98-104.

³⁹ Verrier, op. cit., p. 136.

3. Lack of freedom of movement and inability to control movements within the area of operation.

Former U.N. Secretary-General Kurt Waldheim failed to deal adequately with the issue of "freedom of movement" at the time of the initial UNIFIL mandate. Continuing inability to resolve this problem has been at the root of many UNIFIL difficulties.

4. The warring factions and religious groups in Lebanon.

The presence of various factions of the PLO, the Syrian armed forces, Maronite Christians and Druse, and Shi'a and Sunni Moslems pose enormous problems for the Lebanese government and all peacekeeping efforts. There are severe limits to what any outside agency can do in a state torn by tribal, class, and religious conflict.⁴⁰

5. The Christian Militia in southern Lebanon.

Following the initial Security Council resolution, the Israelis persisted in their intention to keep the Christian Militia, commanded by Major Sa'ad Haddad, in a buffer zone along the Israeli border with southern Lebanon, resisting the replacement of these forces with UNIFIL. U.N. officials who set up the UNIFIL mission, particularly Brian Urquhart, Undersecretary-General for Special Political Affairs and Director of all U.N. peacekeeping operations, maintain that the exact role Haddad was to play was left entirely unclear and made the UNIFIL mission that much more difficult.

Major General E. A. Erskine, the Chief of Staff of the U.N. Truce Supervisory Organization (UNTSO) and the interim Force Commander of UNIFIL established fourteen Observation Posts in the Christian Militia area and patrolled through it. This deterred the Christian Militia from any direct attack on PLO positions north and east of the Litani River.⁴¹ It also weakened any excuse the UNIFIL forces might otherwise have had for not better deterring the PLO infiltration and aggression in these same areas.

6. The inability of UNIFIL to control PLO attacks.

The PLO managed to use the U.N. "peacekeepers" to create chaos and confusion in Lebanon. Reports issued after the Israeli forces swept through the PLO camps in Lebanon during 1982 have indicated that there was "close and systematic intelligence cooperation between UNIFIL personnel and the PLO," and that UNIFIL officers and soldiers had even passed intelligence information to the PLO on a regular basis.⁴² On one occasion, the PLO

⁴⁰ Lefever, *op. cit.*, p. 17.

⁴¹ Verrier, *op. cit.*, p. 135.

⁴² Joshua Brilliant, "Eitan Accuses U.N. Troops of Passing Information to the PLO," *Jerusalem Post*, July 29, 1982.

was able to induce UNIFIL to supply it with sophisticated communication equipment.⁴³ As reported by John Laffin, a noted military historian and as confirmed by additional documents made available to The Heritage Foundation, other advantages gained by the PLO through UNIFIL beneficence include:

- oo PLO liaison officers were allowed to move fully armed with an armed escort through UNIFIL "controlled" territory;
- oo Explosives were carried into Israel by individual UNIFIL officers for use by PLO terrorists;
- oo UNIFIL officers were persuaded by the PLO to inform village leaders 24 hours in advance of any impending search for concealed weapons.⁴⁴

Further evidence uncovered after the 1982 Israeli operations (and almost ignored by the Western press) confirmed that the PLO had used refugee camps established by the U.N. Relief and Works Agency in Lebanon to teach fellow terrorists Marxist ideology and such tactics as those used in the devastating attacks on Israelis at the Munich Olympic Games in 1972 and Lod Airport in 1974.

The UNIFIL mandate, which had emphasized a particular need to restore "international peace and security" in Lebanon, remained unfulfilled at the time of last year's Israeli strike into Lebanon and is unfulfilled today. It is true that Lebanon provided an unusual test for U.N. peacekeeping operations and that, under enormously difficult circumstances, some contingents of the UNIFIL force did exercise enforcement authority against both the PLO bands and Haddad's Christian Militia.⁴⁵ But UNIFIL did not take those measures that would have made PLO infiltration of the Israeli-Lebanese border more difficult. UNIFIL did not maintain "peace and security" in southern Lebanon, and for this reason, has earned widespread skepticism and distrust--particularly of the Israelis.

FINANCING U.N. PEACEKEEPING OPERATIONS

The financial problems that have confronted U.N. peacekeeping efforts have created a large cash deficit.⁴⁶ Some nations,

⁴³ John Laffin, The PLO Connection (London: Corgi Books, 1982), p. 58. This information has also been corroborated by unpublished documents.

⁴⁴ Ibid., p. 59.

⁴⁵ The United Nations has lost 89 UNIFIL troops in Lebanon since 1978, most in confrontation with one of the major combat groups or in attacks on U.N. positions.

⁴⁶ Ruth B. Russell, The United Nations and United States Security Policy (Washington, D.C.: The Brookings Institution, 1968), p. 333.

primarily the Soviet Union and its East bloc allies, failed to pay their assessments for the first and second U.N. Emergency Force in the Sinai (UNEF-I in 1956, and UNEF-II in 1973), the U.N. Organization in the Congo (ONUC in 1960-64), the U.N. Disengagement and Observer Force in the Sinai (UNDOF in 1974), and the U.N. Interim Force in Lebanon (UNIFIL in 1978).

The dispute over peacekeeping financing remains unresolved. In practice, some peacekeeping efforts are financed voluntarily, as in the case of operations in Cyprus. Others, such as UNEF-II and UNDOF, have been created by the Security Council, with maintenance costs included as "expenses of the Organization" under Article 17 of the Charter.⁴⁷ The Soviets and their allies continue to oppose the application of Article 17 to peacekeeping. When they feel their interests are served by so doing, the Soviet Union abstains from voting on peacekeeping issues, rather than exercise its veto power to block them. Even when it allows peacekeeping forces to be established, however, it pays almost nothing for their support and maintenance.

By December 31, 1982, the deficits for three separate peacekeeping operations were substantial.

--For the U.N. forces in the Sinai (1973-79) and in the Golan Heights (1974-present), \$62.2 million, which includes a deficit of \$35.9 million in the "Special Account."⁴⁸ For these two operations, current estimated Soviet arrears are \$21.5 million, or 35 percent of the entire U.N. deficit for these operations.

--For the U.N. Interim Force in Lebanon (1978-present), \$143.7 million, which includes a deficit of \$19.5 million still existing in the Special Account. Since 1978, the Soviets have withheld approximately \$97.8 million for UNIFIL, or 68 percent of the total deficit for this operation.

The U.N. deficits would be much larger if not for the financial support of the United States in assessed and voluntary contributions. For the above operations, the United States has paid the U.N. \$279.6 million in assessed contributions and \$13.1 million in voluntary contributions. This total of \$292 million is about 30 percent of the total cost of these operations.

For the 1960 peacekeeping operation in the Congo, the U.N. is still \$13.1 million in the red, despite \$35.9 million realized

⁴⁷ Murphy, *op. cit.*, p. 83.

⁴⁸ The Special Account is a bookkeeping device used by the General Assembly to cover the deficit from unpaid assessed contributions. This device allows the General Assembly to keep current peacekeeping operations going, by shifting funds from one account to another. It is basically a bail-out for the Soviet Union, which is the system's largest debtor.

from the sale of U.N. bonds. The total cost of the Congo operation was \$411.2 million, of which the U.S. paid \$132.3 million in assessed contributions. This figure includes cash contributions and airlift services of \$10.3 million for which the U.S. did not charge the U.N. Voluntary contributions, however, bring the total figure close to \$170.7 million, or 41.5 percent of the total U.N. costs in the Congo. When the Soviet Union refused to contribute any funds to this U.N. operation, the U.S. purchased \$100 million in U.N. bonds to cover additional Congo operation costs. At the time of the bond issue, the U.S. accepted the provision that interest and amortization payments be included in the regular budget assessment each year. Thus the U.S. has paid for the Congo operation four times: through assessed contributions, through additional voluntary contributions, through the purchase of U.N. bonds, and through the payments for interest and amortization on those bonds.

A year's operating expenses for the U.N. Interim Force in Lebanon is \$180 million. In 1982, the U.S. contributed about \$54.5 million to UNIFIL or about 32 percent. In the same period, the Soviet Union withheld its total assessed contribution of \$21 million or 12 percent. Since 1978, the Soviets have withheld \$97.8 million from UNIFIL, representing 58 percent of their total withholdings from the U.N. budget. The U.N. forces in Lebanon continue to provide the Soviet Union with some influence in determining the outcome of current negotiations. As long as they can continue to threaten the existence of the UNIFIL mandate through their veto power in the Security Council, the Soviets will continue to have such influence.

At some point, perhaps by the end of this decade, the Soviet Union will be in danger of losing its voting rights under Article 19 of the Charter which provides that a U.N. member may lose his vote in the General Assembly if he falls behind in his assessed contributions to the U.N. by an amount equal to or greater than his previous two years' assessed contributions.

The United States, however, should not wait until then to raise the issue of Soviet delinquency on peacekeeping assessments. The UNIFIL mandate will have to be considered again this June, by which time the issue of Soviet nonsupport should be raised.

For the U.S., the question must be: What does the U.S. gain from its large investment in U.N. peacekeeping? Is the U.S. actually improving the prospects for peace and security in Lebanon and the Middle East by supporting the concept of U.N. peacekeeping? There are few Americans probably who would not have the U.S. take some risks in the Middle East and provide financial support for the peacekeeping, if this investment genuinely improved prospects for attaining and maintaining peace in the region. UNIFIL, however, fails to fulfill the U.N. Mandate. In the light of the steps it has already taken to try to stabilize the current situation, particularly through the deployment of U.S. Marines in the Multinational Force in Beirut, the U.S. should examine closely the future viability of the UNIFIL mission.

NON-U.N. MULTINATIONAL FORCES IN PEACEKEEPING

In August 1982, a Multinational Force, led by the United States, and comprised of troops from the U.S., Italy, and France, moved into Beirut to handle the peacekeeping duties traditionally handled by United Nations troops. The U.N. was left on the sidelines for the second time that year.⁴⁹ At the conclusion of the Camp David Peace Treaty in 1979, the Soviet Union opposed and thereby defeated a plan to have the Treaty monitored by U.N. forces. A separate protocol was subsequently negotiated, and in March 1982, the Multinational Peacekeeping Force and Observers (MFO) was created. Nine nations contributed almost 2,100 peacekeeping troops to the MFO force. U.N. peacekeeping forces were not used in Lebanon primarily because these forces had proved ineffective.

The experience of the Multinational Force (MNF) in Beirut has demonstrated that peacekeeping in such a complex political environment as that of Lebanon today is by no means an easy task. The original mandate of the Multinational Force--to assure the safety of departing PLO forces, to assure the safety of the civilian population in the area, and to foster the restoration of the sovereignty and the authority of the Government of Lebanon over the Beirut area⁵⁰--has posed an enormous challenge to the participating Multinational Force countries. Yet using U.S. forces as part of the Multinational Force may be preferable to once more relying on the U.N. peacekeeping operation which has not thus far contributed to the improvement of security in that region.

CONCLUSION

The U.N. peacekeeping forces have not been able to deter aggression and conflicts or maintain peace between factions, groups, or nations. Crossing the "thin blue line" of U.N. peacekeeping operations has become all too common.

In his recent report on the work of the U.N., Secretary-General Javier Perez de Cuellar affirmed that:

Peacekeeping operations can function properly only with the cooperation of the parties and on a clearly defined mandate from the Security Council. They are based on

⁴⁹ Madeleine G. Kalb, "The U.N.'s Embattled Peacekeeper," The New York Times Magazine, Sunday, December 19, 1982, p. 43.

⁵⁰ Letter from the Lebanese Deputy Prime Minister of Foreign Affairs to Robert Dillon, U.S. Ambassador to Lebanon, August 18, 1982.

the assumption that the parties, in accepting a United Nations peacekeeping operation, commit themselves to cooperating with it. This commitment is also required by the Charter under which all concerned have a clear obligation to abide by the decisions of the Council. United Nations peacekeeping operations are not equipped, authorized, or indeed made available, to take part in military activities other than peacekeeping. Their main strength is the will of the international community, which they symbolize. Their weakness comes to light when the political assumptions on which they are based are ignored or overridden.⁵¹

This report and the Secretary-General's comments on U.N. peacekeeping and peacemaking have been rightfully lauded as one of the first efforts by a Secretary-General to make that organization more effective in maintaining international peace and security. Yet a single speech cannot erase thirty-four years of history. The U.N.'s peacekeeping performance at best has been ineffective. Many U.N. peacekeeping contingents have not maintained a neutral stance in a dispute and might have harmed the already damaged reputation of the U.N. in many areas of the world, particularly the Middle East.

Fifteen years ago, Ernest Lefever, writing on U.N. peacekeeping operations in the Congo, concluded: "In the management of crises between states that threaten the peace, the U.N. instrumentality can be effectively employed only at an early stage or after a settlement between the conflicting parties has been achieved."⁵² Today, U.N. forces may be ineffective even in these situations, particularly since, as the recent conflicts in Lebanon and the Falkland Islands demonstrated, a "settlement" between conflicting parties may be very difficult to attain, and if attained, may not last. If U.N. peacekeeping forces are inserted after the settlement between parties is achieved, they may be caught in a situation where they have no enforcement authority if the settlement is broken and conflict renewed. This happened in the Congo in 1964, in the Sinai in 1967, and in Lebanon in 1978.

In an interview with The Heritage Foundation in January 1983, Brian Urquhart, Under Secretary-General of the U.N. for Special Political Affairs, maintained that one of the advantages of the U.N. Interim Force in Lebanon is that its contingents take "necessary risks," and that they accept the casualties incurred in taking such risks. Urquhart also noted, however, that it was necessary for U.N. forces to stay above the conflict and to

⁵¹ Report of the Secretary-General on the Work of the Organization, General Assembly, Thirty-Seventh Session, September 7, 1982, Doc. a/37/1, p. 7.

⁵² Lefever, op. cit., p. 14.

enforce certain "rules" by passive measures only. The Under Secretary-General admits, as do several of his colleagues at U.N. Headquarters in Manhattan, that even the record of attempted enforcement has been less than consistent with the needs of peacekeeping, particularly in Lebanon, and that some contingents will not take the "necessary risks."

Since the Security Council is not likely in the foreseeable future to authorize enforcement measures against a state under Chapter VII of the U.N. Charter, U.N. peacekeeping forces will not have the authority to enforce the peace and deter aggression. For this reason, the United States should be wary of supporting future U.N. peacekeeping operations that do not carry such authority. And Americans should be wary of crediting the U.N. with "successes" in peacekeeping that the U.N. has failed to achieve.

Roger A. Brooks
Policy Analyst



A United Nations Assessment Project Study

December 13, 1982

UNESCO, WHERE CULTURE BECOMES PROPAGANDA

AMERICAN JEWISH ARCHIVES

INTRODUCTION

It was supposed to be a conference dealing with cultural issues. But the United Nations gathering in Mexico City last July turned into the kind of three-ring political circus that is now the modus operandi of the United Nations Education, Science, and Cultural Organization, known as UNESCO.

At the conference, called Mondiacult '82, French Cultural Minister Jack Lang, though not mentioning the United States by name, blasted the U.S. with charges of "financial and intellectual imperialism" in the export of American cultural products ranging from films to fashions. The Arab nations attacked Israel for invading Lebanon. Argentina attacked Britain for invading the Falkland Islands. Mexico took a political potshot at the U.S. by introducing a resolution to guarantee welfare rights for all migrant workers, legal or illegal. In sum, as in the case of the Education and Social Science components of UNESCO activities, the Mexico City conference served mainly as an arena for communist and Third World political machinations. There were no limits on the speeches in the plenary sessions. Resolutions were delivered to delegations only hours before the vote--without translations. American Ambassador to UNESCO, Jean Gerard, described the whole conference as "procedural chaos." A Dutch delegate was heard to remark that UNESCO meant "U never eat, sleep, or cogitate."

In the midst of the political pandemonium at Mondiacult, Soviet bloc and Third World delegates predictably managed to attack the United States, the Western nations, and multinational corporations for "cultural imperialism" and "neocolonialism." Cuba submitted a classic Moscow-brand resolution called "Culture and the Control of Information." Co-sponsored by Madagascar, Angola, Vietnam, Nicaragua, Grenada, and Sao Tomé and Príncipe, the original version of this resolution blamed cultural problems worldwide on Western capitalism. It asserted that:

...transnational corporations...largely control the cultural industries, distort the identity process of the developing nations and affect the cultural and educational context through their policy of indiscriminate consumption,
...ignore the cultural values of the so-called Third World countries, and promote behavior patterns alien to their legitimate traditions,
...derive more than 50 percent of their income from foreign sales and...are basically concerned with profit and not with the cultural and socio-economic advancement of the developing countries....

Attacks on U.S. and Western culture and the delivery of that culture through modern telecommunications technology are nothing new at UNESCO. Mexico City marked the second World Conference on Cultural Policies. The first was in Venice in 1970 and the tone was anti-capitalist and pro-socialist even at that time.

In Mexico City, Director General of UNESCO, Amadou-Mahtar M'Bow of Senegal, opened the conference by leading the charge against Western media and cultural products. He said there was great cultural potential in modern media technology, including cable-TV, video-discs, and video-cassettes. But, he added, the "general trend" in films, records, radio, and television

...continues to be towards mass production and consumption and increasingly uniform products.

Within UNESCO, M'Bow's seemingly vague keynote statement has precise meaning. It mirrors the mounting spiral of anti-capitalist, anti-free market resolutions and rhetoric at UNESCO culture conferences and in UNESCO publications dating back to at least 1970. Opposed to the free market, free enterprise, and the proved concepts of supply and demand, UNESCO and the M'Bow Secretariat are committed to a centrally planned socialist economic model, not only for individual nations but for the entire world. In fact, since the mid-1970s, a crescendo of demands has been building for the so-called New World Cultural Order (NWCO).

The NWCO is yet another political strategy growing out of the "New International Economic Order," a resolution passed by the U.N. General Assembly in 1974. The NIEO, is one of the most ambitious versions to date of Fabian socialist theories. This utopian scheme extends to poor nations the false hope that wealth can be taken from developed industrial nations, like the U.S., West Germany, and Japan, and somehow redistributed to the advantage of the "have-nots" of Africa, Asia, and Latin America. The well-documented fact that the developed nations achieved their high living standard through the free enterprise system is completely ignored. Nor does the NIEO address the reality of the rapid economic progress of those developing countries of the so-called Third World who have adopted a free market economy--Taiwan, South Korea, Hong Kong, Malaysia, Kenya, Brazil, Ivory Coast, and Singapore.

UNESCO's biased socialist cultural policy has evolved steadily over the past twelve years largely because of the efforts of the Soviet aligned nations and the Group of 77 (so-called because of its origin as a voting group of 77 socialist dominated developing nations but now numbering over 120). Because of the one-nation, one-vote procedure at UNESCO conferences, they have been able to institute their socialist "New World Cultural Order" as the official UNESCO cultural policy. This of course was particularly evident at Mondiacult '82 in Mexico City, where the "key players" in the game of "cultural imperialism" were unmistakably identifiable once and for all. Cultural imperialism is the main component in these players' NWCO attack on Western culture and cultural industries. Their ideology argues that Western culture lays waste to any other native culture it contacts. Their thesis appears under the cover of such UNESCO-speak slogans as "democratization of culture" or "participation in culture."

As a part of the larger NIEO propaganda war at UNESCO, such activities clearly do not fulfill UNESCO's stated mission: "to collaborate in the work of advancing the mutual understanding and knowledge of all peoples."

THE DEVELOPMENT OF UNESCO'S CHIEF CULTURAL PROJECTS

"Culture", of course, is part of the acronym, UNESCO--the United Nations Education, Science and Cultural Organization. UNESCO's wide ranging cultural mission for the 1980s boasts a 1981-1983 budget of nearly \$59 million out of a total UNESCO budget of over \$1 billion. In 1949, UNESCO's cultural budget was only \$653,823 and the total UNESCO budget just \$8.5 million.

More than 40 percent of the current UNESCO culture budget goes for the highly publicized star projects of the "Preservation and Presentation of the Cultural and Natural Heritage" that range from the restoration of famous monuments, such as Borobudur, the great Buddhist "temple mountain" of Java or Angkor Wat in Cambodia to constructing museums in Egypt, studies and research on cultural heritage, and the training of specialists in monument preservation techniques.

Also written into the 1981-1983 UNESCO mandate for culture and communication, however, are endorsements of the NIEO and its socialist offspring, "the New World Information and Communication Order," better known as simply the New World Information Order or NWIO. And in fact, the \$22 million segment of the culture budget designated for communications helps to fund attempts by the UNESCO Secretariat and radical members of UNESCO to promote NWIO proposals to license journalists and censor Western owned international news and information services. These come under the guise of such studies as one on the "right to communicate," which translates from UNESCO-speak as the right to control Western news correspondents, especially those working within developing nations.

Another UNESCO culture program, budgeted at nearly \$13 million for the 1981-1983 triennium, is called "Appreciation and Respect for Cultural Identity." Underlying the studies of this program is the bias of UNESCO, which regards the West, and particularly the U.S., as a colonial aggressor. For the UNESCO Secretariat under M'Bow claims that colonialism and exploitation today take the form of U.S. and Western domination of the international wire services, television, radio, and the motion picture industry. Export of these and other Western cultural products is portrayed as cultural imperialism in UNESCO publications and at UNESCO's international conferences and meetings of experts.

Under M'Bow, UNESCO is pushing "cultural development" in a way that advocates a world welfare state supported by Western industrialized countries. Projects like the \$14 million "Participation in Cultural Life" illustrate the irony of this so-called cultural development agenda. At least 65 percent of the funding is provided by the U.S. and the Western nations, yet the study focuses on topics like "Cultural Foundations of the New International Economic Order." Not only are the U.S. and the West underwriting projects designed to undermine the West, but these projects also exclude Western culture from the "legitimate" development process. Any contact with Western culture and ideas somehow has been deemed contaminating to developing nations. This is the NIEO cultural philosophy of UNESCO.

The motive here is political. UNESCO's Secretariat and the UNESCO voting majority do not want Western cultural influences to make contact with the people of the developing nations. Perhaps M'Bow and his staff fear that, if the free market influences were to touch the Third World, the idea of individual economic initiative inherent in Western society and the accompanying ideas of free speech, free press, the right to religion, and free assembly would also eventually take hold. The irony here is that the ubiquitous NIEO is rooted in the same state planned centralized theories of government that have failed so miserably among its chief advocates, such as the USSR and the Eastern bloc. Algeria, which originally proposed the NIEO, is now bailing out its troubled socialist economy with free enterprise reforms.

Cultural Jargon at UNESCO

UNESCO's many documents, publications, and conferences on culture have a common vocabulary that muddies the real meaning of the UNESCO cultural debate for the uninitiated. Essential UNESCO-speak on the subject of culture includes such terms as: "democratization of culture"; "access to culture"; "participation (of all) in culture"; the "right to culture"; and "cultural democracy." Through use of these terms, all roughly equivalent in meaning and purpose, the NIEO socialist doctrine is subtly blended into the fabric of all UNESCO discussions on culture. For instance, the term "democratization of culture" is used to convey the idea that culture, like the wealth of the Western industrialized nations, must be redistributed to the masses. This redistribution concept is the central force of the NIEO doctrine.

Why does culture have to be redistributed? Because it is hoarded by the "elites," according to UNESCO's cultural theorists. Who are the elites? They are especially the educated classes of the developing countries, who, because of their Western education, enjoy the plays, novels, operas, and other cultural products that derive from the Western tradition. According to UNESCO's official documents, this must be stopped.¹ Similarly the "fragile" native cultures of the developing countries are considered to be in grave danger because of the influence of Western culture and entertainment. Especially threatening, says UNESCO, are such popular Western forms of entertainment as movies and music delivered by the mass communications media of radio, television, and satellite technology.

What is UNESCO's solution to this supposed threat of "cultural elitism" and Western culture? According to numerous UNESCO publications and conference resolutions, the solution is a highly centralized matrix for state controlled cultural planning. In other words, the way to "protect" the masses from "contamination" by Western culture is for the state to determine in advance the kind of culture to be allowed in a developing nation. What M'Bow apparently seeks is creation of an elite of cultural commissars, dictating to their fellow countrymen what can and cannot be read or viewed. Surely such cultural authoritarianism was not the intent of the U.N.'s founders.

The New World Cultural Order and Its Birth in Venice

UNESCO's utopian theory of a "New World Cultural Order" (NWCO) is the cultural corollary of the New International Economic Order and one of a series of "new orders" popularized at UNESCO, particularly since Director-General M'Bow came to office in 1974. M'Bow has wholeheartedly embraced the NIEO as his theory of "development" for UNESCO. He has even set the goal of realizing the New International Economic Order by the year 2000.

At the UNESCO World Conference on Cultural Policies in Mexico City, several speakers emphasized that the "democratization of culture" had to be based on the "democratization of society as a whole, which might require far-reaching changes in economic and social relations."² In other words, the NIEO must first be established before the new cultural order could be born.

Even before the NIEO and the present spate of "new world orders" were formally instituted at UNESCO under M'Bow in 1974, a

¹ See Final Report, UNESCO Intergovernmental Conference on Cultural Policies in Europe, Helsinki, June 19-28, 1972, p. 57; Thinking Ahead: UNESCO and the Challenges of Today and Tomorrow, (Paris: UNESCO 1977), p. 129; "Problems and Prospects," World Conference on Cultural Policies, Mexico City, July 26-August 6, 1982 (UNESCO, June 21, 1982), p. 13.

² Op. cit., Commission II report, p. 9.

strong socialist bias was present in UNESCO cultural policy. At UNESCO's first World Conference of Cultural Policies held in Venice in 1970, the basic, socialist New World Cultural Order agenda surfaced to become the model for future conference resolutions. The Director-General of that time, René Maheu of France, affirmed "the right to culture" in his address.³ This "right," derived from the 1948 U.N. Universal Declaration of Human Rights, guarantees a state funded and directed cultural program for all. The 1948 Declaration further guarantees the social welfare state economy to the entire citizenry of a nation. The U.N. treaty, based on the Declaration, long has been opposed by the U.S. and has not been ratified by the Senate. The NIEO of 1974 also embodies the state welfare society concept from the 1948 Declaration. These notions are reinforced by the concept of "lifelong education," also endorsed at the 1970 Venice conference. Lifelong education is meant to serve, as it does in the socialist countries today, as a state controlled institution for continuing political reeducation of the populace to accept the NIEO and the other aims of an international, centrally planned economy.⁴

The all-important recommendations for centralized, government controlled cultural policy planning were made in the Venice Conference Resolutions #12-17. This policy has been tied to international funding through the United Nations Development Program (UNDP) and other international aid agencies. There was as well a call for a UNESCO Cultural Development Bank to be run like the international banks.⁵ By tying UNESCO to international lending facilities, this resolution was intended to give UNESCO an uncontrolled source of funding outside the U.N. budget.

The Regional Cultural Policy Conferences: 1972-1981

Between the Venice and Mexico City conferences on cultural policy, a series of "regional" cultural conferences has been held. The European regional meeting took place in Helsinki in 1972. There the ground for the NIEO was broken by reaffirming the ideas of "the right to culture" and "cultural democracy," the latter to be implemented through lifelong education.⁶ At the same time, cultural "elitism" was condemned.⁷

The scene shifted to Asia for the regional conference of 1973 at Jakarta, Indonesia. Lifelong education was again affirmed

³ Final Report, UNESCO Intergovernmental Conference on Institutional, Administrative and Financial Aspects of Cultural Policies, Venice, August 24 (Paris: UNESCO, September 2, 1970), Appendix II, p. 43.

⁴ Thomas G. Gulick, "For UNESCO, A Failing Grade In Education," Heritage Foundation Backgrounder No. 221, October 12, 1982, p. 10-11.

⁵ Ibid., p. 23.

⁶ Final Report, UNESCO Intergovernmental Conference on Cultural Policies in Europe, Helsinki, June 19-28, 1972 (Paris: UNESCO 1972), pp. 22 and 28.

⁷ Ibid., p. 57.

and recommended as the preferred way to "restructure" national educational systems. The issue of Westernized "cultural imperialism" conveyed through the mass media was raised, and there was a recommendation to protect national cultures against "vulgar mass-produced culture."⁸ Once again, the only solution offered for cultural development was a centrally controlled, state cultural policy for each nation. In fact, Recommendation #1 at this conference called for legislating a legal "right to culture." (Culture then would be defined and administered by the state for the masses.)

The next UNESCO regional cultural conference was held in Accra, Ghana, in 1975. The African delegates emphasized "cultural identity" as "an act of liberation." The conference debated at some length the evils of Western cultural imperialism, especially mass media "imperialism," and recommended a high degree of government involvement in formulating cultural policy, including a state cultural policy for radio and television. One recommendation warned against subversion of African national culture by Western direct broadcast, satellite (DBS) programming.⁹ But for all the anti-Western rhetoric there were substantial requests for cultural funding from the World Bank and the United Nations Development Program, both largely supported by Western industrialized countries.

At UNESCO's Latin American regional conference on cultural policies in Bogota, Colombia, in 1978, most of the anti-Western talk was aimed at the media. Recommendation #2 lashed out at cultural "adulteration." Incorporating cultural policy into state "central planning systems" was emphasized.¹⁰ And there was a strong recommendation to create government controlled mass media institutions to "balance" private sector communications.¹¹ "Balancing" here refers to counteracting the alleged threat from U.S. and Western European TV, movies, and other cultural products. Again, the delegates asked for large amounts of funding from the World Bank, United Nations Development Program (UNDP), and several Latin American development banks, all of which depend heavily on the U.S. and its Western allies for their loan capital. M'Bow set the tone for this conference with his own reference to "cultural alienation," which he said was induced by Western mass media.¹²

⁸ Final Report, UNESCO Intergovernmental Conference on Cultural Policies in Asia, Jakarta, December 10-19, 1973, Recommendation #2, Paragraph I, Item #1.

⁹ Ibid., Recommendation #14.

¹⁰ Final Report, UNESCO Intergovernmental Conference on Cultural Policies, in Latin America and the Carribean, Bogota, January 10-20, 1978 (Paris: UNESCO, 1978), Recommendation #15, p. 35.

¹¹ Ibid., p. 43.

¹² Ibid., p. 72.

Arab cultural ministers met in Baghdad for a 1981 regional cultural conference organized by ALESCO, the Arab nations' counterpart of UNESCO. The Arabs also endorsed the "right to culture" and its implementation via highly centralized cultural policy planning.

From the results and the rhetoric of the UNESCO cultural conferences held since Venice in 1970, a definite political strategy has emerged among the developing nations of Asia, Africa, and Latin America. All attack alleged Western cultural imperialism, and yet all ask for substantial Western aid money to build their own cultural and communications infrastructures. A certain bargaining logic can be seen here. First the "hard line" and the tough talk is directed at the Western industrialized states, such as the recent threats to censor or cut off the access of international news services to developing nations. Then the soft approach is used. For example, in the UNESCO debate over a "New World Information Order," the "compromise" reached between the Western powers and the developing nations was the creation of the International Program for the Development of Communications (IPDC), a UNESCO bureau to funnel money and communications technology and know-how to the developing countries. Though the IPDC has only about \$900,000 in development funds so far, the organization has been created as a bargaining chip in the larger NIEO ideological war. The anti-Western forces at UNESCO can be expected to "raise the ante" of threats against Western news/communications media and Western "cultural industries." The purpose: to shake loose more Western capital for IPDC and for other agencies they may try to create at UNESCO and elsewhere in the U.N. arena. Indeed, the voting majority at UNESCO seems bent on NIEO wealth redistribution schemes while ignoring free market approaches to development.

HOW THE "CULTURAL IMPERIALISM" GAME WAS PLAYED AT MEXICO CITY

Because of the time spent on noncultural issues at the Mexico City Cultural Policy Conference--such as the debates over Israel's invasion of Lebanon, the Falkland Islands crisis, and the rights of migratory workers--cultural imperialism never took center stage in Mexico City. Key anti-Western players at the Conference nonetheless passed several resolutions meant to be the seeds for future cultural imperialism battles. Even after "sanitizing" amendments forced by an uncharacteristically tough U.S. delegation, a resolution drafted by Cuba still was able to convey the message that Western mass media endanger native cultures.¹³ The Cuban resolution provides for studies on the "impact" of Western cultural products delivered by telecommunications, including satellite, into developing nations. Both Cuba and the Soviets called for more funding of IPDC, the symbol of the New World Information Order war against the West.

¹³ Allen Weinstein, Vice Chairman of U.S. Delegation to UNESCO World Conference on Cultural Policies, Mexico City, 1982, draft of article on Mexico Conference for World Press Freedom Committee (Reston, Va.: WPFCC), p. 5.

Algeria, backed by France, Zimbabwe, Nicaragua, and several African nations including Zaire, Zambia, and Guinea, submitted a resolution on "cultural industries." It endorsed NWIO and the "democratization of culture" (the UNESCO-speak attack on Western "cultural elitism"), called for a UNESCO study on the "impact of cultural industries on developing countries," and suggested that the IPDC set up "subregional" and national cultural industries in developing nations. Using the IPDC as a "middleman" at UNESCO, is yet another example of the socialist governments' strategy of funneling money and technology to developing countries and to themselves without ever exposing their populations to direct business or cultural relations with the Western capitalist nations.

The Soviets submitted a resolution called "The Role of the Mass Media in the Development of Contemporary Culture." It too paid homage to the IPDC and endorsed the NWIO--two important propaganda points for the socialists. In addition, it called for a wide range of studies covering satellite broadcasting and its effect on native cultures, a study on the NWIO in general, and a study on the influence of mass media on culture. Studies on these questions may seem harmless, but are hardly so in view of the NIEO bias of the UNESCO Secretariat and of the mainly leftist scholars that the UNESCO cultural hierarchy usually assigns to them.

Examples of this leftist bias abound in UNESCO literature. Before the Mexico City Mondiacult '82, for instance, UNESCO's monthly magazine, Courier, ran a special issue on "Peoples and Cultures." Seven of its eight articles are unmistakably biased in favor of NIEO socialism's centrally planned, state controlled media and culture. Of these seven, three are openly Marxist in ideology; one is pro-Maoist. That adds up to a UNESCO magazine, distributed in 158 member countries with the official UNESCO seal, 65 percent financed with Western money, and yet nearly 90 percent socialist, Marxist, and Maoist in political content. The lead article by Director-General M'Bow contains passages similar to the anti-American speech given by French cultural minister Jack Lang later that month in Mexico City.

UNESCO hired French culture consultant Claude Fabrizio to write a preparatory paper for the Mexico City conference, which was later incorporated into the official UNESCO pre-conference brochure, "Problems and Prospects."¹⁴ The report backs the NIEO plan for Third World development to the hilt. It never considers the free market system as a viable alternative and fully endorses centralized, state controlled cultural planning and traces this kind of planning to its origins in the socialist nations. It

¹⁴ Claude Fabrizio, "Attempt to Analyze the World Cultural Problems and Outline the Prospect for World Cultural Development," Preparatory Paper for Mondiacult '82, Mexico City; UNESCO document #CC-81/615/Ref.

does not mention that these nations suppress the works of their own artists, who dare to criticize the socialist economy or communist society. Fabrizio also is featured in a recent UNESCO book called Cultural Development: Some Regional Experiences.¹⁵ In this volume, Fabrizio and four other authors all describe some phase of the NIEO as indispensable for cultural development.

UNESCO publishes a series of paperbacks entitled: Cultures. In the volume called "Cultural Values: The Cultural Dimension of Development," only three out of eleven articles are not radically socialist and based on the NIEO. The three nonpoliticized articles deal with academic or technical aspects of art and sociology. Likewise, in the Cultures volume entitled "Culture and Communication;" five out of nine articles endorse the Fabian socialist NIEO. Two of these five are clearly Marxist and quote Marxist authors in support of their theses. The other four articles are not political. In neither of these volumes on controversial aspects of cultural policy and the development of the poor nations is the alternative Western approach to culture and communications represented.

Even further back in UNESCO publication history is a 1974 study called: "Television Traffic--A One Way Street?" It presented the argument that Western TV exported more shows than it imported. This study subsequently became a major reference work for the future New World Information Order theorists at UNESCO. It completely neglects to mention that Western television programs are generally higher quality products than those produced in the socialist countries or the Third World. Nor does it mention the factor of state censorship and the denial of free speech and free press as key elements in the low quality TV entertainment in many of these non-Western countries. Finally, one of the two authors of the study, Kaarle Nordenstreng, is the President of the International Organization of Journalists, an organization closely aligned with the editorial policies of Moscow. And so it goes. There is no attempt whatsoever to accommodate pro-Western writers or nonsocialist views in UNESCO publications. To what avail is it for the free nations of the West to finance 65 percent of UNESCO's worldwide publicity operation, when that operation mainly serves socialism and consistently attacks free enterprise. The Soviets also revealed part of their future agenda for culture and communications at UNESCO by calling for "careful preparations" for a scheduled 1983 UNESCO meeting--possibly in Moscow--on implementing the NWIO. Allen Weinstein, Vice-Chairman of the U.S. delegation to the Mexico City Conference, noted that the G-77 voting bloc at UNESCO, was forced at the Mexico City conference to "defer until later [UNESCO] conferences a full-fledged assault upon the free media."¹⁶

¹⁵ Cultural Development: Some Regional Experiences, (Paris: UNESCO Press, 1981).

¹⁶ Ibid., p. 8.

Among the likely opportunities for such an assault next year may be a meeting scheduled for June 1983 in Grenada, Spain, sponsored by UNESCO and some of its nongovernmental organizations. Entitled "Communications for Democracy," it features agenda items like "advertising and democratization." This could well develop into a Group of 77 strategy to control Western--especially U.S.--media advertising in developing nations or even to take a share of Western profits earned through advertising exported to poor countries.

Also scheduled for 1983 is a world conference on allocating the earth's orbital slots for communications satellites. This meeting, called the World Administrative Radio Conference '83, will be held in Geneva and sponsored by the U.N.'s International Telecommunications Union (ITU). It is the satellite phase of the NIEO battle. Developing nations--especially the radical G-77 countries--are expected to demand many satellite slots even though they lack satellite technology. This debate is closely tied to the UNESCO debate over the proposed regulation of program content in transborder satellite communications.

There were also Mexico City resolutions, in the tradition of previous conferences, calling for more centralization of government cultural policy-making bodies and more World Bank and international lending agency funding for cultural programs and industries in the developing world. Translated, this means increased U.S. and Western funding for UNESCO's anti-Western activities.

How did the U.S. fare at the Mexico City Conference? By comparison to the socialists and communists, very poorly. One important American sponsored resolution on the freedom of religion as a cultural right was passed. But an American resolution declaring "freedom of media as a basic cultural right" was defeated; in fact, it failed to attract even a single co-sponsor, a typical illustration of the West European habit of bowing to Third World pressures at the U.N.

A particularly disturbing development in Mexico City was the increasingly radical and anti-U.S. stance being taken by French cultural minister Jack Lang, a long-time socialist and supporter of Castro's Cuba. This has serious implications for UNESCO, which is headquartered in Paris and where the French left wing has had a tremendous political influence, especially during UNESCO's early years in the 1950s.¹⁷

According to Judson Gooding, the U.S. cultural attaché at the U.S. Mission to UNESCO in Paris, Cuba may well play a key role in a world cultural conference, the États Généraux de la Culture Mondiale, planned by France for 1983. Considering the attacks against the U.S., Great Britain, Israel, Western culture, business, and media at the Mexico City UNESCO conference, a

¹⁷ Gulick, op. cit., p. 4.

French États Généraux on culture could become a political free-for-all. Likely targets of the leftist governments would be: NATO defense policy and the nuclear freeze issue as well as Western news and communications media including satellite communications. French President Francois Mitterand has asked for UNESCO's support of the États Généraux, a political gesture likely to be realized in view of the socialist kinship of the M'Bow Secretariat at UNESCO and the Mitterand government of France.

THE FAILURE OF THE U.S. TO FIGHT BACK AT UNESCO

Although the attack on U.S. culture at UNESCO is of long standing, the United States rarely has fought back against the barrage of socialist, Marxist, and NIEO assaults. Rather, as at Mexico City, the U.S. strategy has been "damage control," that is, limiting or minimizing the political damage inflicted on the U.S. by hostile resolutions such as that by Cuba on "Culture and the Control of Information." And in fact, the damage was limited in this and other resolutions when the U.S. delegation was able to excise the most offensive language from these documents.

But there was no response to Jack Lang's all-but-frontal attack on U.S. "financial and intellectual imperialism." American Ambassador to UNESCO Jean Gerard said in her address to the conference, in reference to the attacks of Lang and others, "I have no intention of responding to criticism at this time." But why not? The timing was perfect for a response and a defense of American freedoms and free society. Nor was there any real response at the U.S. press conference following Gerard's nonresponse. If U.S. and Western values are not strongly asserted at UNESCO, then socialism, the NIEO, and the tyranny of the closed society--as in the Soviet Union, mainland China, and Tanzania--win by default. The record shows that this has been happening during at least the last twelve years of debate on culture and communications in the UNESCO forum.

Time after time, the American representatives at UNESCO have caved in to the assault of the radical NIEO political strategy of the G-77. The New World Information Order debate, for instance, is a major tactic in the G-77 war on Western free enterprise. But it is also closely tied to the entire New World Cultural Order debate. NWIO supporters seek to control the Western media delivery systems and services--the wire services, their journalists, their telexes, telephone systems, etc. NWCO, on the other hand, aims at the content of modern mass media--movies and TV shows, Western music and entertainment on records, videotapes, video-cassettes. Even Western fashions have been attacked as cultural imperialism by NWCO advocates.

The great war on Western media and cultural products began in earnest at a 1975 UNESCO meeting in Paris on the mass media. The events subsequent to that meeting are a perfect example of the U.S. policy of "damage control" at UNESCO. During the 1975

Paris meeting, a preparatory session for the 1976 General Conference, all Western nations except Switzerland and Austria, walked out during an attack against Israel led by Algeria. After the walkout, the Soviets were able to force passage of a resolution calling for state control of mass media. The West consequently threw out this resolution at the 1976 UNESCO General Conference in Nairobi and turned the mass media issue back to UNESCO's Director-General M'Bow.

By the time of the 1980 UNESCO General Conference, held in Belgrade, Yugoslavia, the MacBride Commission Report commissioned by UNESCO to study international communication problems was ready. Its recommendations included several measures designed to introduce state control over the content of news media reports; an international "code of ethics" for journalists; and an international regulatory agency to monitor the "protection" of journalists.

The U.S. delegation at Belgrade and its allies among the Western nations again resorted to "damage control" as these issues were raised. Most of the resolutions aimed at state control of the media and free press were not passed. However, many anti-Western culture and anti-free press recommendations were passed in the form of "studies." Typical of these was a UNESCO study to investigate "the impact of advertising, particularly on the content of messages and on the management of communication media." The response to these studies by the chairman of the U.S. delegation, Robin Chandler Duke, was characteristically weak. She did not reject the proposals for the studies, but merely labeled them "impractical, unnecessary and counterproductive." She stated that the study on advertising would "move UNESCO in a highly unhelpful direction."¹⁸ These and other resolutions antithetical to Western media goals were then passed by the UNESCO majority at Belgrade essentially without Western protest.

The very idea of proposing studies on subjects like the control of advertising content and the "protection" (read licensing) of journalists is an NIEO strategy of the Group of 77 and the Soviet bloc. Typically, the results of these biased studies are eventually released at future UNESCO meetings and again come up for a vote.

Indeed, mass communications and Western cultural industries were major topics at the UNESCO Extraordinary Session of the General Conference November 23 to December 3, 1982, in Paris. The Executive Council meeting of the International Program for the Development of Communication (IPDC), on December 13-20, 1982, also in Paris, is another likely place for renewed debate. Surprisingly, the U.S. State Department appointed no professional media experts from the private sector to the Extraordinary Session.

¹⁸ Proceedings, of the UNESCO General Conference, Belgrade, Yugoslavia, September 23 - October 28, 1980, Vol. III of Records of the General Conference, pp. 1353-1354.

The White House claimed to lack the staff and funding adequate to have an experienced, well-prepared team of experts in media, education, culture and science on hand.

UNESCO: CULTURE AND CAPITALISM

The anti-Western, anti-free enterprise ideology of the "New International Economic Order" is so ingrained in UNESCO's cultural agenda that it may be irreversible. And what is true for the cultural sector of UNESCO applies as well to its education and social science programs.¹⁹

A kind of "preview of coming attractions" in the UNESCO cultural debate is readily available in the draft of the UNESCO Medium Term Plan for 1984-89. The final form of this plan and the funding for it were negotiated in Paris during the Extraordinary Session of the UNESCO General Conference, November 23 through December 3. The first part of the Medium Term Plan contains a section called "Uncertainties and the Renewal of Values." In this section all Western cultural products and industries are lumped together and accused of circulating cultural "stereotypes."²⁰ Indeed, "stereotypes" is only the latest in the dictionary of UNESCO cultural buzz words aimed at discrediting Western business and multinational corporations, which stem from the New International Economic Order doctrine, inspired by the socialist nations. Unsurprisingly, the most strictly regulated cultural codes--true "stereotypes"--which characterize the culture and art of the socialist nations, particularly the Eastern bloc, the Soviet Union, and Red China, are not so cited by UNESCO. Many Russian and Eastern European artists have defected to the West seeking the artistic freedom offered by the Western nations. Few Western artists have chosen to move to the USSR or Eastern Europe.

The first part of the UNESCO Medium Term Plan goes on to say: "The very logic of these [Western cultural] industries leads them to foster the expansion of an 'escapist culture,' which presents to sight and hearing acts that society does not allow."²¹ The passage continues by stating that Western cultural industries are polluting the countries of the "Third World" with "standards and values specific to certain industrialized societies" (i.e. the U.S. and Western Europe). These values include:

...a trend towards cutthroat competition and rivalry, and the frenzied pursuit of power or of individualized status as represented by income, regardless of the means by which such goals are reached. This trend is often reinforced by certain aspects of modern educational systems and by a number of economic, administrative and

¹⁹ Gulick, *op. cit.*

²⁰ Draft: Medium Term Plan (1984-1989), UNESCO, "First Part," 4 XC/4, p. 28.

²¹ *Ibid.*,

even political structures.²²

This passage from the Medium Term Plan makes plain how pervasive the attack on Western society is at UNESCO. All aspects of Western life are condemned from culture to education to commerce to government.

There are many other disturbing sections in the 1984-1989 Medium Term Plan: a suggestion that international satellite communication and its cultural programming be regulated;²³ a Marxist-oriented critique of the production cycle of cultural industries:

...since these industries subject art to the laws of industrial production--higher production and turnover rates, the needs for short-term amortization, cost factors and profit margins--they have profoundly modified the conditions under which creation takes place, undermining some of its forms and even in some instances bringing about a deterioration in the economic and social status of the artists.²⁴

But no critique at all of artistic repression in the socialist nations is to be found in the Medium Term Plan.

The Medium Term Plan also refers to the "flowering of genuine cultural democracy," suggesting a kind of majority rule in national culture to the exclusion of individual cultural freedom.²⁵ This notion is confirmed elsewhere by the Assistant Director-General for cultural affairs at UNESCO, Makaminan Makagiansar of Indonesia, who wrote in the UNESCO periodical Cultures:

If cultural values are recognized as an essential component of integrated development, if culture is not seen as the prerogative of the privileged classes but a common heritage whose democratization is bound up with economic growth and social justice, it seems necessary

to place cultural policy in the wider context of general national policy.²⁶

Here again, at the highest level of the UNESCO cultural sector hierarchy is the paternalistic, socialist bias that the faceless "masses" must be protected against the unnamed "elites," who, upon closer examination, turn out to be the educated middle

22 Ibid.

23 Ibid., "Second Part," XI. Culture and the future, Paragraph 11030.

24 Ibid., Paragraph 11034.

25 Ibid., Paragraph 11025.

26 Makaminan Makagiansar, "Preservation and Further Development of Cultural Values," Cultures, Vol. VI, No. 1, 1979, p. 13.

and upper middle class strata of Western and Third World society. And these masses must be protected, naturally, by a centralized state run cultural agency that is part of socialist, centralized, planned economy.

Another UNESCO author, Felipe Herrera, former Chilean Minister of Finance, former Executive Director of the International Monetary Fund and former President of the Inter-American Bank for Development, gives another slant on the utility of a centralized culture bureaucracy. His reasoning: culture must be state controlled and centralized because that is preferred by international, multinational lending institutions.²⁷ In any case, what is critical is that Herrera joined in the chorus calling for repressive centralization of culture.

Another highly placed UNESCO cultural official, Janusz Ziolkowski, Director of the Division of Cultural Development in the UNESCO cultural sector, argues that Western free market economics is too decadent to be the development model for the Third World--that the pace of industrialized life produces "certain forms of stress" sometimes leading to violence and a "breakdown of the sense of values."²⁸ This leads in turn, he says, to a "fascination with material wealth" which the corrupted desire to have without expending any effort."²⁹

In the classic UNESCO work on culture, Cultural Industries, the foreword, written by the M'Bow Secretariat staff states:

It is already ten years since UNESCO, moving away from the view of culture as something spontaneous and unconditioned, sought to give due recognition to the importance of analysis and critique of the nature, dimension and impact of mass culture, all issues which largely coincide with those raised by cultural industries.³⁰

From a Western or American point of view, it might well be said that this is where UNESCO went wrong in its cultural policy--when it moved away from culture "as something spontaneous and unconditioned." In so doing, UNESCO has obviously chosen to politicize culture, thus snuffing the spark of life so essential to genuine cultural creativity.

Cultural Industries is a caricature of UNESCO prejudice. Only four of its seventeen authors are even slightly pro-Western. The rest are decidedly leftist and NIEO-oriented. At the extreme left wing are French coauthors Armand Mattelart and Jeanne-Marie

27 Cultural Development: Some Regional Experiences, p. 88.

28 Janusz Ziolkowski, in Cultures, op. cit., p. 21.

29 Ibid.

30 Cultural Industries: A Challenge for the Future of Culture (Paris: UNESCO, 1982), p. 12.

Piemme, who speculate that the culture industries will merge with their respective state governments to usher in a kind of Marxist Armageddon in which the goal is a "multinationalization of economies," a withering away of the nation-state and a global culture.³¹

UNESCO studies, of course, are entitled to criticize and even attack Western culture. What is unacceptable in an international organization, however, is the obsessive double standard: denunciations of the West are okay, denunciations and critiques of the Soviet bloc and the developing states are not.

CONCLUSION

Given the deep and extensive penetration of UNESCO by the socialist cultural doctrine of the New International Economic Order, the time has come for the U.S. and its Western allies to fight back or get out of UNESCO. Like its education sector, UNESCO's cultural sector has worthwhile programs. But the few good programs serve as a convenient cover-up for what UNESCO really is: a very large amphitheatre for international political propaganda, as proved at the Mexico City World Cultural Conference. The ongoing drama in this theatre is controlled almost exclusively by the opponents of the U.S. and the West. They have written all the heroic lines for themselves as socialist champions of a "New International Economic Order." The U.S. and its allies consistently are assigned roles as capitalist villains.

What is needed is a new script. The U.S. and the West no longer can afford mere "damage control" at UNESCO. They need to discredit the dangerous myths of the NIEO. UNESCO players surely are well aware that these myths can become reality only if U.S. and the West acquiesce. But the West must play the political game or suffer enormous losses to its credibility as a world leader. This is particularly true of the United States.

The U.S. must provide a powerful free enterprise alternative to the NIEO--a kind of Freedom in Free Enterprise strategy for free market development in the developing world. Once devised, this plan should be raised by the U.S. at every available UNESCO forum, particularly the General Conference scheduled for Paris in 1983. Whether a free enterprise development plan would win majority backing at UNESCO is not the point. The battle itself would impress and educate a number of key developing states. Simultaneously, the U.S. must lobby UNESCO delegates one-on-one with vigor, as do its anti-American opponents. In this regard, the U.S. and Western missions to UNESCO in Paris should work closely with representatives of their respective private business and entrepreneurial firms.

But a Western free market plan for development is not enough. The U.S. and its allies also must fight the charges of "cultural

³¹ Ibid., p. 58.

imperialism" by stressing what is never mentioned at UNESCO, the total denial of cultural and artistic freedom in the USSR, Eastern Europe, Red China, and elsewhere in the socialist and communist world. Much should be made of the persecution of artists and political dissenters in these countries. The persecution of religious minorities in the communist world should be exposed as well.

Finally, with 65 percent of UNESCO's budget coming from Western funding sources--more than 25 percent of it from the United States alone--the West must begin to use its economic weapon to stop the NIEO plan. Funds should be cut to UNESCO programs advocating NIEO concepts, the New World Information Order, or the New World Culture Order. If these ideologies persist and the UNESCO effort to curtail Western cultural industries and mass communications businesses continues, all U.S. funds to UNESCO, assessed and unassessed funds as well as U.S. funding of UNESCO through United Nations Development Program, international lending institutions, and regional banks, should be discontinued.

UNESCO's mandate to "give a fresh impulse to popular education and to the spread of culture" and to advance "the mutual understanding and knowledge of all peoples" is being completely subverted by the M'Bow administration at UNESCO. Under M'Bow, UNESCO has concentrated on attacking the West for its wealth, its economic and technological successes, and its social and cultural freedom. It has embraced in the NIEO a socialist economic development plan that has all but killed the once thriving cultures of Russia, Eastern Europe, and mainland China. This virulent anti-Western bias of UNESCO is, regrettably, becoming typical of the entire United Nations.

As in its education policy, UNESCO must excise the socialist, anti-Western propaganda from its cultural agenda or lose its chief supporters, the citizens of the United States. For their part, Americans and all free world citizens must refuse to let their elected representatives at home and their diplomats assigned to UNESCO continue the game of "damage control." They should insist that a firm Western voice be heard at UNESCO exposing the NIEO and the New World Cultural Order for what they are--an attack on the freedoms of the Western world. If this voice is not raised, then the U.S. and the Western nations should pull their logs out of the UNESCO fire and go home.

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THE UNITED STATES AND THE UNITED NATIONS: A BALANCE SHEET

INTRODUCTION

Born from the ashes of a devastating world war, the United Nations was to many a new hope for a more peaceful world. The United States gave its blessings: on July 28, 1945, the U.S. Senate ratified the U.N. Charter by a vote of 89 to 2. Were the vote to be taken today, the tally probably would be reversed. Not only has the U.N. failed to fulfill the lofty hopes of its founders, but it has itself become -- in the eyes of growing numbers of American observers -- a major cause of global disharmony. To some, indeed, the U.N. has become -- to cite the titles of two books about the organization -- "a dangerous place."¹ And to many Americans, the U.N. has become an object of suspicion and, perhaps worse, of ridicule and derision.

What has happened to the U.N. since its founding? Or, at least, what has happened to American perception of that institution? Why does the U.S. find itself under almost constant siege at the U.N.? These are questions which American policymakers ought to be and are asking. How they are answered may well determine for the rest of this century the role of the U.S. in the U.N. -- or even whether the U.S. chooses to stay in the U.N.

By almost any measure, the U.S. has been the world's most enthusiastic booster of the U.N. From the outset, American

¹ Abraham Yeselson & Anthony Gaglione, A Dangerous Place: The United Nations as a Weapon in World Politics (New York: Grossman Publishers, 1974); Daniel Patrick Moynihan, A Dangerous Place (New York: Berkley Books, 1980).

generosity exceeded that of any other nation. Until 1964, the U.S. paid almost 40 percent of the U.N. assessed budget, gradually reducing this to 25 percent in 1974 (still the current percentage). By contrast, the U.S.S.R. pays less than 13 percent. From 1946 to 1980, the U.N. cost U.S. taxpayers nearly \$10 billion. In 1980 alone, the U.S. paid more than \$500 million in voluntary contributions, in addition to its \$350 million membership assessment. This does not include the billions of U.S. dollars for direct or indirect foreign aid, which often find their way to the U.N. and other international organizations since many developing nations are dependent on Washington for the money with which they pay their dues.

Nothing has changed the nature of the U.N. as much as its exploding membership. In his article "The United States in Opposition," former U.S. Ambassador to the U.N. Daniel Patrick Moynihan traces the problem to "the British revolution" of 1947, when Britain granted India independence.² The other great empires, except the Russian, soon broke up as well, resulting in a tripling of U.N. membership within less than four decades. From 51 members in 1945, the U.N. grew to 82 by 1958, 115 in 1964, and now stands at 157; three states were admitted in 1981. Few observers realized in the early years that the new nations, most of them plagued with internal economic and political problems, would be interested less in international stability and more in asserting "the international power to which [they] feel entitled by virtue of their numbers."³

U.N. membership did not inevitably have to expand so rapidly. The Charter had stipulated that membership be restricted to "peace-loving states" which are both "able and willing to carry out the [Charter] obligations." This provision, however, was modified substantially in practice: in 1955, ignoring an advisory opinion by the International Court that each application for membership be considered on its own merits,⁴ the Soviet Union and the United States agreed to a "package deal" whereby sixteen new states were admitted to membership. Such a package seemed necessary to avoid a paralyzing stalemate. By 1964 sixty-six additional members had joined the U.N., many of them freshly emerged from

² Daniel Patrick Moynihan, "The United States in Opposition," Commentary, March 1975.

³ Joseph E. Johnson, "Helping to Build New States," in Francis O. Wilcox and H. Field Haviland, Jr., The United States and the United Nations (Baltimore, Maryland: Johns Hopkins Press, 1961), p. 3.

⁴ In 1947, the General Assembly (on Western initiative) requested the International Court to define membership criteria more clearly -- in particular, to decide whether a member was juridically entitled to make its consent to admission dependent on an additional condition that other states be admitted simultaneously. In 1948, the court advised that it was not so entitled; the vote was 9-6. Cited in Ruth B. Russell, The United Nations and United States Security Policy (Washington, D.C.: The Brookings Institution, 1968), p. 360.

colonial dependency, not always able or willing to carry out their Charter obligations.⁵

Problems were quick to surface. Since each member is entitled to an equal voice in the General Assembly, a discrepancy between voting power and financial contribution is inevitable. As Ambassador Edward Hambro of Norway remarked in 1970: "It is ridiculous, of course, that we have a voting majority that pays only 3% of the budget."⁶ During fiscal year 1980-1981, for example, rich Saudi Arabia paid only .58 percent of the U.N. budget and Kuwait paid a mere .2 percent, compared to 4.4 percent for the relatively poor United Kingdom, .5 percent for Norway and 1.7 percent for Spain.⁷ In fact, the entire "Group of 77," whose more than 120 members -- among them Saudi Arabia -- aggressively urge economic redistribution to benefit developing countries, contributes only about 8.8 percent of the total U.N. budget. Yet the policies endorsed by many of the smallest U.N. contributors have serious negative implications -- both political and economic -- for its largest supporter, the U.S. It is no wonder, therefore, that the American public is becoming increasingly disenchanted with the U.N.

THE PUBLIC VIEW

The American public originally had welcomed the U.N.⁸ Even in 1959, the Gallup Poll reported that 87 percent of Americans thought the U.N. was doing a good job. But within little over a decade, on October 24, 1970, Thomas Vail, a member of the President's Commission for the Observance of the 25th Anniversary of the U.N., was to report that public faith in the U.N.'s peacekeeping ability had declined to 50 percent. The following year, the Gallup Poll reported a drop to 35 percent. On November 19, 1980, George Gallup revealed that the public's rating of the U.N. performance had dropped to a 35-year low: only three out of ten Americans felt the U.N. was doing a "good job" in trying to solve the problems it has had to face, while 53 percent felt it was doing a "poor job." In his report, Gallup noted that his poll "has measured the public attitudes toward the U.N. since its formation in 1945, using questionnaires appropriate to the internal

⁵ The nations admitted in 1955 were: Albania, Austria, Bulgaria, Cambodia, Ceylon, Finland, Hungary, Iceland, Italy, Jordan, Laos, Libya, Nepal, Portugal, Romania, and Spain.

⁶ Thomas A. Hoge, "The United Nations' Happy (?) 25th Birthday," The American Legion Magazine, July 1970, p. 4.

⁷ See "Statement of Assessment of Member States' Contributions to the United Nations Regular Budget for 1981," ST/ADM/Ser. B/250, January 2, 1981, pp. 3-9.

⁸ See Public Attitudes Toward the U.N., Hearings before the Subcommittee on International Operations of the Committee on Foreign Relations, U.S. Senate, July 27, 1977. Also, William A. Scott and Stephen B. Withey, The U.S. and The U.N.: The Public View 1945-1955 (New York: Manhattan Publishing Company, 1958).

situation at the time. At no point since then has satisfaction with the overall performance of the world organization been so low as it is today."⁹ The trendline continues to plunge. A March 1981 Roper poll indicates that only 10 percent of the American public believes the U.N. has been "highly effective" in keeping world peace or in carrying out other functions. Americans, it seems, are well aware that the U.N. is not fulfilling its dream and has become an increasingly dangerous place.

INSTITUTIONAL BARRIERS TO EFFECTIVE U.N. ACTION

Many in the United States had unrealistically high hopes for the U.N. Coming back from the Yalta conference, President Franklin Roosevelt said the U.N.:

spells the end of the system of unilateral action and exclusive alliances and spheres of influence and the balances of power, and all the other expedients which have been tried for centuries -- and have failed. We propose to substitute for all these a universal organization in which all peace-loving nations will finally have a chance to join.¹⁰

But the U.N. can do no more than what its Charter -- and its members -- allow. Professor Ruth Russell observes:

The system provided for in that Charter could come fully into being only as the Members of the United Nations fulfilled their commitments to its peaceful purposes and principles. Such a state of affairs did not obtain after the end of the war. Instead, the United States found the Soviet Union seeking to achieve atomic standing and to force world politics into a mold very different from that hoped for by the United States and outlined in the Charter. Lesser powers also complicated the picture with their own conflicts.¹¹

Even the lofty language of the Charter was to be used against the intentions of the idealistic American Founders. The provision "to employ international machinery for the promotion of the economic and social advancement of all peoples" has become the banner of the underdeveloped Third World governments' attempt to grab the wealth of the developed nations.¹² The provision that

⁹ The Gallup Poll, released November 20, 1980, p. 3.

¹⁰ Cited in Ruth B. Russell, A History of the U.N. Charter (Washington, D.C.: The Brookings Institution, 1958), p. 547.

¹¹ Russell, The United Nations and United States Security Policy, p. 3.

¹² For an attempt at defining the "Third World," see Alfred Reifman, "Developing Countries -- Definitions and Data; or Third World, Fourth World, OPEC, and Other Countries," Congressional Research Service, Library of Congress, March 22, 1976.

nothing contained in the Charter "shall authorize the U.N. to intervene in matters which are essentially within the domestic jurisdiction of any state" did not prevent Soviet tanks from rumbling into Czechoslovakia in 1968. As the Soviet delegate to the U.N. argued at the time, "events in Czechoslovakia were a matter for the Czechoslovakian people and the states of the Socialist community, linked together as they were by common responsibilities, and for them alone."¹³ The Security Council, as a result, did nothing to help the Czechs.

Another institutional flaw was soon reflected in the staffing problems of the U.N. Secretariat. In addition to the pathetic inefficiency for which that office is now known,¹⁴ there is growing evidence of "political pressure and interference exerted by member governments at all levels of the Secretariat in the areas of recruitment and promotion."¹⁵ Major offenders are the Soviet Union and its satellites, which regard as legitimate the use of political pressure to affect personnel decisions. According to Moynihan, moreover, Moscow has violated Article 100 of the U.N. Charter, by placing Soviet KGB agents in the Secretariat.¹⁶ Two Soviet U.N. employees arrested by the FBI in 1979 were subsequently convicted of espionage. Former U.N. Secretary General Kurt Waldheim even appointed a KGB officer as head of Personnel in Geneva, where the U.N. now has more employees than at its New York headquarters. In fact, according to Arkady Shevchenko, the highest ranked Soviet official at the U.N. before his defection in 1978, a very high percentage of Soviet delegates assigned to the U.N. Secretariat and other internationally staffed U.N. organizations, as well as the Soviets' own U.N. mission, report in one way or another to the KGB. A highly respected Swiss daily, the Tribune de Geneve, noted in its March 12, 1980, article "The KGB in Geneva," that "in terms of numbers, the Genevan capital represents the No. 1 stronghold of the Soviet secret service" -- anywhere from 25 to 60 percent according to Western

¹³ "Situation in Czechoslovakia," UN Monthly Chronicle, August-September 1968, p. 40. For the broader legal and political context of this action see William O. Miller, "Collective Intervention and the Law of the Charter," Naval War College Review, April 1970, pp. 71-100.

¹⁴ See Robert Rhodes James, Staffing the U.N. Secretariat (Sussex, England: Institute for the Study of International Organizations, 1970); Report of the Joint Inspection Unit on Personnel Problems in the U.N., a/6454, October 5, 1971 (New York: UN, 1971); also, Richard Gardner, ed., The Future of the U.N. Secretariat (New York: UNITAR, 1977).

¹⁵ Seymour Maxwell Finger and Nina Hanan, "The United Nations Secretariat Revisited," Orbis, Spring 1981, p. 198. It is noteworthy that the Under Secretary for Political and Security Council Affairs has always been a Russian appointee.

¹⁶ Testimony of Senator Daniel Patrick Moynihan of New York in Hearings before the Subcommittee on International Organizations of the Committee on Foreign Affairs, House of Representatives, U.S. Participation in the U.N. and U.N. Reform, March 22, 1979, p. 11.

counterespionage. And Arnaud de Borchgrave wrote in Newsweek on May 7, 1979:

Recently, the United Nations organization in Geneva and a dozen other international organizations in Geneva have been infiltrated by a rapidly increasing number of Soviet and East European spies. According to Western intelligence sources and Swiss security officials, 78 of the 300 Soviet employees serving the various organizations are agents of the KGB or GRU, Moscow's civilian and military intelligence services. They work closely with 50 intelligence operatives at the Soviet consulate and mission, with about 130 Swiss-based spies from East Europe and Cuba and with an additional 100 Third World or Swiss nationals recruited by Communist agents. Geneva, with a population of 325,000, has more Soviet-bloc spies per capita than any other city in the West -- and many diplomats contend that their presence is undermining the work of the United Nations.

The exact number of KGB spies at the U.N. cannot, of course, be known in the West. Yet the FBI appears to have a fairly good idea; Senator Jesse Helms of North Carolina has repeatedly requested publication of those figures.¹⁷ Finally, allegations that Secretariat officials have been taking payoffs from individuals seeking jobs are currently being investigated by a Secretariat committee.

In addition to the potential espionage activities of Secretariat staffers, there are many opportunities for spying for members of the various delegations to the U.N. This may have been one of the reasons why the U.S.S.R. insisted that the U.N. be located in the U.S.¹⁸ Some U.N. diplomats have also expressed concern over the inexplicably large number of staff members of other Communist missions, notably the Cuban.¹⁹

¹⁷ The discussion of KGB infiltration in the U.N. may be found in "Nomination of Jeane J. Kirkpatrick," Hearing before the Committee on Foreign Relations, U.S. Senate, 97th Congress, 1st Session, especially pp. 99-106.

¹⁸ Trygve Lie in his book In the Cause of Peace: Seven Years with the U.N. (New York: The Macmillan Company, 1954) records that the American delegate Philip Noel-Baker had been against a U.S. site, while "Andrei Gromyko of the U.S.S.R. had come out flatly for the U.S. As to where in the U.S., let the American Government decide, he had blandly told his colleagues. Later the Soviet Union modified its stand to support the East Coast." (p. 60). See also Angie L. Magnusson, "Location of the United Nations," Library of Congress Study, July 27, 1967, unpublished.

¹⁹ "Many Western diplomats believe that Cuba's U.N. mission is, indeed, a nest of spies....Westerners point out that Cuba's U.N. mission numbers 43, while countries of comparable population such as Madagascar, Belgium, and Greece maintain staffs of a dozen or under. 'If the Cubans are not spying, what do they need all those people for?' asks one suspicious European diplomat. 'There just isn't that much paperwork for a nation that small.'" U.S. News & World Report, September 22, 1980, p. 21.

Though the Charter and Secretariat bear considerable responsibility for today's disillusion with the U.N., the major culprits are the Security Council and the General Assembly and its affiliated agencies.

DISAPPOINTMENT WITH THE SECURITY COUNCIL

The Security Council might have been a powerful instrument for keeping peace. But given the ideological gulf between the Soviet Union and the other permanent members of the Security Council (the United Kingdom, France, Nationalist China, and the U.S.), it could never have performed its principal function. In the first two decades alone, the Soviet Union cast over 100 vetoes. Half of them killed membership applications from countries with non-communist governments. This made it impossible to create an international organization as broad as possible (within the limits of the Charter) and certainly frustrated the desires of the U.S.

Other Soviet vetoes:

- five vetoes (on September 20, 1946, July 29, twice on August 19, September 15, 1947) to protect Greece's Communist neighbors during the Greek civil war of 1946-1947, by refusing to endorse Security Council resolutions to investigate the conflicts in Northern Greece;
- the veto on May 24, 1948, of a U.N. probe into the Communist take-over of Czechoslovakia;
- the veto on October 25, 1948 of U.N. efforts calling for action to resolve the Berlin blockade;
- vetoes of resolutions on Korea on September 6, 12, and November 30, 1950, where U.N. action against Communist aggression was originally undertaken only because the Soviet Union had been absent from the Security Council on June 25, 1950;
- the veto of a Security Council resolution on November 4, 1956, calling upon the U.S.S.R. to desist from the use of force in Hungary;
- vetoes of U.N. actions concerning the Congo (on September 16 and December 13, 1960, and then again in 1961 -- two vetoes on February 20 and two on November 24).

The Congo provides a good example of Soviet tactics and American response. Dissatisfied with U.N. activities in that area, Moscow decided not to pay its assessed \$40 million share of the cost of African peace-keeping, despite a ruling by the International Court of Justice that it was obliged to pay. In the face of Soviet adamancy, the U.S. backed down and chose to ignore

Article 19 of the Charter, which stipulates that a two-year payment delinquency by a member state is punishable by expulsion. Though Congress approved a \$100 million bond issue in 1962 to bail out the U.N. only after obtaining a firm pledge that Washington would not let the Soviet Union get away with nonpayment, the U.S. nevertheless decided not to press the issue two years later. According to the latest State Department figures, the Soviet Union remains delinquent: it owes the U.N. a staggering \$180,035,000 -- most of it for peace-keeping operations.

Equally troublesome has been U.S. readiness to endorse the Security Council double-standard. On November 20, 1965, and then again on May 29, 1968, the Council voted mandatory sanctions against Rhodesia's new government headed by Ian Smith. Some observers questioned the wisdom of having the U.S. delegation go along with this: U.S. News & World Report, for instance, saw the action as "cracking down on a country at peace" while the U.N. ignored "Red aggression in Asia."²⁰ But U.S. Ambassador Arthur Goldberg countered that in Rhodesia "we have witnessed an illegal seizure of power by a small minority bent on perpetuating the subjugation of the vast majority."²¹ Could the same not be said of the Soviet Union? Indeed, the sanctions against Rhodesia forced the U.S. to buy chrome, a strategic mineral, from the Soviet Union, at a greatly increased price. Senator Harry F. Byrd, Jr., of Virginia was thus prompted to introduce an amendment -- not approved by the Congress until 1977 -- to permit the U.S. to import strategic materials from Rhodesia if those items were also being bought from Communist nations.

In the seventies, the U.S. found itself increasingly on the losing side. The Security Council seat of Nationalist China was given to the People's Republic of China in 1971, while the U.S. compromise proposal that Taiwan be allowed to retain a seat in the General Assembly was soundly defeated.

Now finding itself, as Moynihan puts it, "in opposition," the U.S. turned reluctantly to the weapon it had abjured for a quarter century: the veto. Washington cast its first Security Council nay on March 17, 1970, joining the United Kingdom in blocking a resolution which would have condemned Britain's refusal to use force against the Ian Smith regime in Southern Rhodesia, and would have severed all diplomatic, consular, economic, military, and other relations with that country. Then-U.S. Ambassador to the U.N. Charles W. Yost said that it was a "most serious" decision for the U.S. to veto a resolution of the Security Council but that the U.S. could not support a move implicitly calling on Britain to use force to overthrow the Smith regime, nor could it agree to measures that cut off the means by which Americans might leave Rhodesia.

²⁰ "Double Standard for U.N.? Action on Rhodesia and Vietnam," U.S. News & World Report, April 25, 1966, p. 50.

²¹ U.S. Department of State Press Release 304, December 29, 1966, p. 6.

Two years later, on September 10, 1972, the U.S. stood alone in its veto of a resolution that called for an immediate halt to military operations in the Middle East but failed to mention the terrorist acts -- the Israeli Olympic team murders -- that led to Israeli strikes against Syria and Lebanon. U.S. Secretary of State William P. Rogers said that the U.S. intended to use the veto again; too often in the past, he told reporters, other delegations had persuaded the U.S. to soften its position so that the Soviet Union or some other permanent member of the Security Council would not use the veto.²² In 1973, the U.S. vetoed another Security Council resolution concerning the Middle East, only to witness, a year later, the spectacle of the General Assembly welcoming to its podium Yassir Arafat, the Chairman of the Palestine Liberation Organization, a Soviet-backed terrorist organization dedicated to the annihilation of Israel. This was the first time that a representative of any group lacking official U.N. status had appeared before the General Assembly.

Also in 1974, the U.S., along with Britain and France, blocked a resolution to expel South Africa from the U.N. Whatever one may think of South Africa's separatist policies, they argue, that country represents no great threat to international peace -- no greater, certainly, than the U.S.S.R. -- and is thus entitled to participate in the Assembly.

Some comfort might be gained from the belief that the Security Council, if often ineffective, at least did not harm the U.S. But according to another point of view, ably articulated by Senator Henry Jackson of Washington, the U.N. prevented the U.S. from acting more vigorously in pursuit of its own interests. And the very existence of the U.N. might have hampered a wiser definition of American national interest.

DISAPPOINTMENTS IN THE GENERAL ASSEMBLY

The principal action of the U.N. takes place in the General Assembly. This is due in part to the paralysis of the Security Council. Indeed, as soon as the U.S. recognized that the Security Council would be at the mercy of Soviet vetoes, it turned to the General Assembly in the hope that it could appeal to the moral sense of the majority of its members. The U.S. took advantage of Article 10, which empowers the Assembly to discuss any questions or matter "within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter." This made it possible for the U.S. to propose the "Uniting for Peace Resolution" on November 3, 1950, to deal with the Korean crisis. The General Assembly asserted its right to meet in emergency session whenever there was a threat to the

²² M. A. Farrar, "U.S. to Use U.N. Veto More, Rogers Says," New York Times, October 15, 1972.

peace and the Security Council was unable to agree upon a course of action. That resolution added to the prestige, if not the power, of the General Assembly.²³ In retrospect, however, it is questionable whether the prestige of the Assembly should have been enhanced. By the mid-1970s, the Assembly had become a center of anti-Western rhetoric and action. Some examples are:

- inflammatory rhetoric condemning the U.S. and its allies on almost every political, economic and social issue;
- measures designed to redistribute to the developing states the economic resources of the industrial nations, especially the U.S., and to control the activities of Western businessmen;
- measures designed to curtail the free flow of information;
- measures to aid terrorists.

INFLAMMATORY RHETORIC

The crescendo of inflammatory rhetoric under the auspices of the General Assembly is one of the most disturbing features of that organization. Initially, it was the Soviet Union that delivered the anti-American speeches. After 1961, when the size of U.N. membership had more than doubled, the attacks echoed in other quarters as well. Ideology was being formed, and terms redefined. In 1961, for example, India's Krishna Menon stated that "colonialism is permanent aggression." The phrase was soon to assume a life of its own. Professor Ali A. Mazrui explains:

This became an important theme in Afro-Asian argumentation mainly following India's annexation of Goa....The more militant attitude toward colonialism which now characterizes the General Assembly both reflects and helps to consolidate new attitudes toward that phenomenon. And even the criteria of what constitutes domestic jurisdiction and external intervention and interference may imperceptibly be undergoing a legal re-definition as the old principles are newly tossed around in the tussle of United Nations politics.²⁴

²³ Besides being invoked during the Korean crisis, the "Uniting for Peace" Resolution has been used eight times. One recent case was in 1980 to respond to the Soviet invasion of Afghanistan, and another was in September of 1981 to condemn South Africa's occupation of Namibia.

²⁴ Ali A. Mazrui writes in his article "The U.N. and Some African Political Attitudes":

Krishna Menon started invoking the concept of "permanent aggression" to reporters (the BBC broadcasted the doctrine) even before he

A few years later, in 1965 and in 1966, the General Assembly declared the continuation of colonial rule and the practice of racial discrimination to be crimes against humanity and threats to international peace. These words later would be used by the Soviet Union and Third World delegates to attack the U.S. action in Vietnam, the policies of South Africa and the actions of Israel -- among others.

Throughout the sixties, the U.S. was charged increasingly with enormous crimes against humanity. Among them was "racism." As early as 1964, when the U.S. joined Belgium to send a mercy mission to Stanleyville in the Congo to rescue not only whites but Asians and blacks as well who were suffering from the war in that area, eighteen black African governments protested that the mercy lift was an act of aggression, colonialism, and imperialism.

By 1971, the U.S. was routinely being condemned as an imperialist aggressor in the halls of the General Assembly. In November of that year, when the representative of the People's Republic of China replaced the Taiwanese delegate at the U.N., a decisive turn against the U.S. had taken place. The U.S. had previously been able to marshal enough support to block Peking's admission to the U.N. The seating of Peking symbolized America's shrinking power in the U.N. In his acceptance speech, the Chinese ambassador accused the U.S. of aggression for sending U.S. naval forces into the Taiwan Strait, and for military intervention in Vietnam, Cambodia, and Laos. George Bush, then-U.S. Ambassador to the U.N., chastised the Chinese for "intemperate language" and for firing "empty cannons of rhetoric."

Volleys were fired constantly from other Third World nations. Consider the outrageous statement by M. S. Aulagi, representative of South Yemen, in the General Assembly on October 11, 1971:

The insistence of the U.S. in continuing [its imperialist and colonialist] policies, which are in contradiction of the interests of humanity in progress and cooperation, will lead that country once again into isolation and eclipse, against its own will.

In fact, reading through speeches made by representatives from Cuba, Libya, Niger, Albania, and most of the other Third World nations over the next decade reveals a disturbing rhetorical

arrived at the U.N....Professor W. H. Abraham of Ghana lent philosophical backing to Menon's approach by reaffirming that "colonialism is aggression." [See his Mind of Africa (London: Weidenfeld and Nicholson, 1962), p. 152.] This idiom may have started as merely figurative use of the word "aggression." But it would not be the first instance in which a figurative use of a given term later took on a literal meaning as well.

International Organization, vol. XVIII, No. 3, Summer 1964, p. 506.

battle. Yet it has taken years for the U.S. to realize its significance. It is this which prompted Moynihan in 1975 to accuse the U.S. of "complacency" which could only be due, he charged, to "the failure to perceive that a distinctive ideology was at work [in the Third World], and that skill and intelligence were required to deal with it successfully."²⁵

A major victory for the proponents of that ideology was the condemnation, on November 10, 1975, of Zionism as "a form of racism." This move so outraged American lawmakers, who saw the resolution as an insult to language and to common sense, that many questioned whether the U.S. should continue contributing money to the U.N. The following day, the Senate unanimously called for prompt hearings to "reassess the U.S.' further participation in the U.N."²⁶ In the Senate debate, Robert Packwood of Oregon said, "I can't think of anything in the last 30 years as odious. Wherever Hitler may be I am sure he drank a toast to the devil last night."²⁷

A more recent case of the anti-American offensive took place at the end of September 1981, when ninety-three Third World nations endorsed a document accusing the U.S. of being the only threat to world peace and prosperity today. Then on October 1, Ethiopian Foreign Minister Feleke Gedle-Giorgis unleashed a tirade from the General Assembly podium.

International imperialism, spearheaded by the United States, has intensified its futile effort to reverse national liberation and social emancipation in southern Africa....We are being daily threatened by United States imperialism. There are some ten United States military bases in and around our region alone. These keep a constant watch on countries in the region which are not amenable to Washington's dictate. The now all too familiar bogey being employed is, of course, the Soviet threat. No one, except those who worship the demi-god in Washington, will be fooled by such a smoke-screen.

Gedle-Giorgis went on to claim that the U.S. was "bent on dominating the people of Africa, Asia, Latin America and the Caribbean."

²⁵ "The United States in Opposition," p. 36.

²⁶ This was not a move to get the U.S. out of the U.N. Rather, it was a call for a reassessment of U.S. participation in the U.N. Calls to get the U.S. out of the U.N. have been made in Congress ever since 1950 (H.R. 5080 and H.R. 5081, both asking to rescind membership of the U.S. in the U.N.). Many other similar bills have been introduced (e.g., H.R. 164 on January 4, 1965; H.R. 11465 on July 13, 1967; H.R. 360 and H.R. 2632, both in January 1971) but none have met with much support.

²⁷ See Daniel Patrick Moynihan, A Dangerous Place, Chapters 9 and 10, for a detailed description of the circumstances surrounding the vote.

The next afternoon, U.S. Ambassador to the U.N. Jeane Kirkpatrick stingingly countered with a hard-hitting speech condemning the Ethiopian minister's "strident and vituperative attack on the United States." She accused him of the "Big Lie":

The pattern is a simple one: He accuses others of committing crimes which have, in fact, been perpetrated by his own regime and by those countries with which his regime is allied....He speaks, for example, of "the determination of Africans"....In fact, it is his own regime that is guilty of the very savagery of which he speaks....It is estimated that some 30,000 persons in Ethiopia were summarily executed for political reasons between 1974 and 1978 -- 10,000 in 1977 alone.

Adding that Cambodia "is occupied by 200,000 troops from Vietnam," the Ambassador said "these are the 'imperialist meddlers.'" In her closing words, she expressed U.S. commitment to international cooperation, but warned that this country "cannot sit by quietly when the Big Lie echoes in these chambers." The speech expressed well the frustration of the American people when faced with such rhetoric.

It is this Big Lie that has made a mockery of General Assembly human rights discussions. As Ambassador Kirkpatrick said on November 24, 1981, "no aspect of United Nations affairs has been more perverted by politicization in the last decade than have its human rights activities." Moreover, what the U.N. has not done is no less part of the record, with all the cries of outrage it has not uttered, all the moral indignation it did not express. The human rights agencies of the United Nations have been silent while 3 million Cambodians died in Pol Pot's murderous Utopia; the human rights agencies of the United Nations have been silent while a quarter of a million Ugandans died at the hands of Idi Amin. The human rights organizations of the United Nations have been silent about the thousands of Soviet citizens denied equal rights, equal protection of the law, denied the right to think, write, publish, work freely, or to emigrate to some place of their own choosing.

ECONOMIC MEASURES

More serious than the rhetorical offensive, however, are the actions by the General Assembly and its related agencies which attempt to redistribute U.S. resources and to regulate activities of American businessmen dealing in the Third World. Although not explicitly coordinated, the regulatory programs debated and sometimes adopted at the U.N. share common principles and common methods of implementation.

One of the earliest attempts to use the U.N. to transform rapidly the economics of the Third World was the U.N. Conference on Trade and Development (UNCTAD). Established in 1964 as a

permanent body for formulating general rules on trade between rich and poor countries, UNCTAD soon began working on so-called codes of conduct designed specifically to help non-Western nations. UNCTAD also served as midwife at the birth of the U.N. Charter of Economic Rights and Duties of States, adopted on December 12, 1974, by a General Assembly vote of 120 to 6 (including the U.S.), with 10 abstentions.²⁸ A new breed of self-styled international regulators cites this charter, along with The New International Economic Order (NIEO), to justify schemes for recasting world economic relations.²⁹ In essence, these efforts aim at creating an elaborate system of redistribution which would compel the U.S. to share its technological resources and output with developing nations.³⁰

Perhaps the most celebrated of the efforts for a new economic order is the draft treaty by the U.N. Conference on the Law of the Sea which has been meeting since 1973. It would create a major multilateral body called "the Seabed Authority," authorized to allocate mining sites, conduct its own seabed explorations, control private competitors and levy its own taxes.

In March 1981, before the opening of what was to be the Law of the Sea Conference's final session, the Reagan Administration announced that it would not, as the Carter Administration had agreed, conclude the treaty by May 1981. The reasons for the delay, explained by the Administration, are that the Law of the Sea treaty, as it stands,

- discriminates against private mining enterprise;
- inadequately protects development investments made before the treaty's effective date;
- fails to make any provisions for arbitration of disputes between the mining industry and governments; and

²⁸ The Economic Charter was adopted in GA Res. 3281 (XXIX), 29 UN GAOR, Supp. (No. 31) 50, UN Doc. A/9631 (1974). The countries that joined the U.S. in its vote against the Charter were Belgium, Denmark, the Federal Republic of Germany, Luxemburg, and the United Kingdom.

²⁹ "The Economic Charter, a consensual U.N. declaration, arguably has legal force that delineates the rights and duties of member states." Edward A. Laing, "International Economic Law and Public Order in the Age of Equality," Law & Policy in International Business, vol. 12: 727, 1980, p. 754. Laing's article provides useful background discussion and analysis of the history and implications of the Economic Charter.

³⁰ See Richard Berryman and Richard Schifter, "A Global Straightjacket," Regulation, September/October 1981, pp. 19-28. For a good discussion of the implications of U.N. regulatory action see Raymond J. Waldham, Regulating International Business Through Code of Conduct (Washington, and London: American Enterprise Institute, 1980).

- fails to make any provisions for arbitration of disputes between the mining industry and governments; and
- subjects U.S. interests to decisions made by a forum in which the U.S. would carry very little weight.

Other areas potentially rich in important natural resources are also targets of U.N.-inspired international regulation. An Agreement Governing the Activities of States on the Moon and Other Celestial Bodies took effect in 1980; it establishes an international regime to govern exploration and extraction activities in outer space with an eye to favoring the enterprises of developing nations. Lacing this agreement are theoretical implications hostile to the principles of free enterprise. Though Jimmy Carter eventually decided not to endorse the treaty, the issue is by no means dead.

Another scheme designed to benefit the developing nations at potentially great cost to the Western industrial societies is the Code of Restrictive Business Practices, adopted by the General Assembly in 1980. This Code forces multinational corporations to sell their technology and know-how more cheaply and less efficiently for the benefit of Third World nations.³¹

An equally alarming UNCTAD action is the Code of Conduct for Liner Conferences to take effect when the European Economic Community ratifies it, as it soon is expected to do. This Code aims at promoting the maritime industries of developing nations by allocating shipping tonnage.³² If the Code goes into effect this year -- and it may -- it could bring some far-reaching changes to American shipping:

- freight rates would be subject to large jumps every fifteen months;
- the U.S. could lose liner cargoes because these would be shifted to more specialized carriers;
- American laws would have to be changed extensively, resulting in increased regulations; and

³¹ A useful discussion of international regulation affecting the transnational corporation may be found in Studies in Transnational Economic Law, vol. I: Legal Problems of Codes of Conduct for Multinational Enterprises, edited by Norbert Horn (Deventer, the Netherlands: Kluwer Publishers, 1980).

³² For a useful recent analysis of the Liner Code see Stefan Lopatin, "The UNCTAD Code of Conduct for Liner Conferences: Time for a U.S. Response," 22 Harvard International Law Journal, 1981, pp. 355 ff. For a brief discussion of the development of the liner conference system, see Department of Transportation, "Potential Economic Impact Non-Market Cargo Allocation in U.S. Foreign Trade," Report No. DOT-TSC OST-76-31, pp. 19-20.

- disputes would be settled by a conciliation process; this reverses the longstanding U.S. practice of maintaining open liner conferences and ignores U.S. laws requiring that government and government-financed shipments be carried by U.S. flagships.

The disadvantages to signing the Code may be less onerous, however, than outright refusal to ratify, which would leave the U.S. out of important negotiations that might permit working out mutually acceptable arrangements.³³

Another major target of U.N. regulatory activity is the pharmaceutical industry. During the past six years, four different U.N. entities -- UNCTAD, the U.N. Center for Transnational Corporations, the U.N. Industrial Development Organization (UNIDO), and the World Health Organization (WHO) -- have begun trying to control pharmaceuticals. WHO, for instance, has passed a code recommending regulation of breast-milk substitutes; this has serious implications for the regulation of food products in general, and drugs in particular. UNIDO is trying to redistribute the revenues of the pharmaceutical companies by limiting royalties and prices; it is also seeking ways to obtain licensing information and technology transfer for the benefit of underdeveloped countries. Moreover, WHO is planning to regulate drug quality by establishing a body that would, in effect, supersede the U.S. Food and Drug Administration. In his "Background Paper on the North/South Dialogue and the New International Economic Order," prepared for the Pharmaceutical Manufacturers Association in June 1980, Paul Belford complains: these efforts "have generally been politically motivated, poorly researched, and biased against private industry."

The regulatory efforts of the U.N. and its agencies are heading full-speed ahead into 1982. The General Assembly, for example, has instructed the Centre on Transnational Corporations on December 22, 1981, to prepare a "register" of profits as part of an effort to regulate the economic activities of foreign interests which ostensibly impede the achievement of independence by peoples under "colonial domination" as defined in the Declaration of Independence to Colonial Countries and Peoples. The United States and other Western countries strongly opposed the resolution calling for this "register" on the grounds that it was ideologically motivated and completely failed to recognize the benefits of foreign investments in developing areas.

The economic offensive against the industrial nations shows no sign of abating. Indeed, the new Secretary General of the U.N., Javier Perez de Cuellar of Peru, has called on the U.N. to

³³ For a fine, thorough study of the Liner Code and various options available to the U.S., see the four-volume study by E. G. Frankel, Inc., entitled "Impact of Cargo Sharing on U.S. Liner Trade with Countries in the Far East and South East Asia," released by the Federal Maritime Commission in late December 1981.

continue and accelerate its efforts at redistribution. In his speech of December 15, 1981, Cuellar noted that he was assuming his new post at a time when "the longstanding initiative for the renewal of global negotiations between North and South is coming back within the purview of the U.N....This coincides with one of the most serious world economic crises of the past few decades, the most sorely pressed victims of which are the populations of the developing countries." By way of relief, he proposes to champion the cause of those whose "right to a better distribution of wealth and social well-being [is] in fact being infringed."

THREATS TO THE FREE FLOW OF INFORMATION

Better covered by the press than efforts to regulate business activities are plans by the U.N. Educational, Scientific, and Cultural Organization (UNESCO) to censor the flow of information. Since a 1976 Conference in Nairobi, UNESCO has been at work outlining a New World Information Order (NWIO) whose principal purpose is to alter the role of the media.³⁴ The Third World governments want to use the press to further their national ideologies. To this end, UNESCO produced a study in 1980 entitled Many Voices -- One World which recommends that journalists be "licensed" and "protected" and calls for a code of ethics for journalists. Congressman John J. Rhodes of Arizona commented:

Understandably, the U.S. -- and, in fact, all nations that cherish a free press and the free flow of information -- strongly oppose implementation of the NWIO. Questions of news content and news values do not belong on intergovernmental agendas.³⁵

An amendment to a State Department Authorization bill, which goes to conference in February 1982, would provide that none of the funds that go toward the assessed U.S. contribution to UNESCO will be paid in the event that the NWIO is implemented.

This is not the first time the U.S. has threatened to cut off funds to a U.N. agency. In November 1975, for example, the U.S. withdrew from the International Labor Organization (ILO) largely because of objections by American labor organizations. The list of American grievances included the ILO's recognition in June 1974 of an observer from the PLO, as well as the double-standard implicit in the ILO attacks on the human rights record of such countries as Chile and Tanzania while remaining silent on the Soviet and Eastern European dictatorships. At congressional

³⁴ An enormous amount of material has been written on the NEIO. A concise set of papers was included in The Media Institute's Issues in International Information, vol. I, distributed on November 13, 1981, and vol. II, forthcoming.

³⁵ Human Events, December 12, 1981, p. 17.

hearings on May 12, 1981, Ambassador Kirkpatrick recommended the U.S. cut off funds from the ILO and urged using that method again. "I think that we have in a way acquiesced in the perversion of a good many of the U.N. agencies and activities," she said, "by failing to object as vigorously as we should have, or to demonstrate our unhappiness, for example, by withholding funds." She was especially concerned that such agencies as UNESCO, the U.N. Environmental Program (UNEP), and the Women's Decade Conference, have been transformed into platforms for anti-U.S. demagoguery.

U.N. AID TO TERRORISTS

Since November 13, 1974, when Yassir Arafat appeared before the General Assembly, the PLO has enjoyed observer status at the U.N. Food and Agricultural Organization, joined the U.N. Economic and Social Council's Commission for Western Asia (the first time a non-nation had been granted full membership in a U.N. agency), and was authorized to use U.N. funds for propaganda purposes by the U.N.-sponsored Mid-Decade Women's Conference held in Copenhagen in July 1980.

As Evelyn Sommer testified before Congress in May 1981, she was shocked by the fact that Forum 80, the daily newspaper of the Copenhagen conference funded by the U.S., carried interviews with PLO members. On January 30, 1981, the U.N. Postal Administration even went so far as to issue a set of three stamps commemorating the "Inalienable Rights of the Palestinian People." The main sponsor of the stamp project was the Committee on the Exercise of the Inalienable Rights of the Palestinian People which, according to Congressman Hamilton Fish, Jr., of New York, "is merely a front in the U.N. for the PLO."

Another terrorist group that receives U.N. assistance is the South West African People's Organization (SWAPO). According to a 1979 study by the London-based Foreign Affairs Research Institute:

The United Nations Commissioner for Namibia, his three offices in New York, Luanda and Botswana, the UN Council for Namibia, the UN fund for Namibia and the UN approved Institute for Namibia are all organizations which co-operate closely with SWAPO as the "sole authentic representative of the Namibian People." All are bodies in receipt of generous funds from the UN budget. The UN Commission for Refugees and the Economic and Social Council's United Nation's Development Programme are other organisations providing "humanitarian aid" on a lavish scale for refugees and others from Namibia. The United Nations Development Programme (UNDP) provided \$31,500 to SWAPO for "education and training in the field of public information" during the year 1976-1977. It has also provided \$151,000 in general education assistance to SWAPO within Angola.³⁶

Almost as an aside, the report adds: "During the course of raids by the South African Army on SWAPO bases in Angola during the summer of 1979, food cartons...originating from the UN's world food programme were found in the camps."

On October 2, 1978, SWAPO president Sam Nujoma told a meeting of non-aligned nations in New York that his organization shares a common bond of militant comradeship and solidarity with Rhodesia's terrorist Patriotic Front, the terrorist PLO, and "other gallant forces of liberation."

Moreover, there is evidence that UNICEF has been helping terrorists: for example, in 1979, UNICEF money turned up in Mozambique following a raid by troops from Zimbabwe-Rhodesia. Consequently, there are calls in Congress for both the State Department appropriations bill and the Foreign Assistance Act appropriations bill to contain a specific prohibition against the use of tax dollars by the U.N. to finance terrorism.³⁷ Neither of these bills, however, contains any provision to prohibit tax dollars from use in programs that finance SWAPO.

SELECTED ABUSES

In addition to measures which could seriously impair the activities of American businessmen and journalists, the U.N. is plagued by other abuses which call into question the organization's usefulness. Among them:

- Fraud. According to Business Week on July 20, 1981:

The evidence is mounting that the U.N.'s \$300 million plus economic research programmes are being manipulated to promote the "new international economic order".... Appointments to the organization's professional staff of 3,000 economists have become increasingly politicized and, more important, numerous studies of world trade and growth -- many of them by outside experts -- have been suppressed, altered, or so stripped of detail that they have become useless as a basis for setting policy.

Professor Ingo Walter of New York University and other consultants charge that some of the most egregious instances of altered work have occurred at UNCTAD.

³⁶ Cited in Robert E. Lee, The United Nations Conspiracy, pp. 208-209. Elsewhere, the F.A.R.I report asserts: "Despite its [SWAPO's] lack of military success, incessant lobbying at the United Nations resulted in the astonishing decision [by the General Assembly] to grant it recognition as the sole legal representative of the Namibian people despite the known minority nature of its support."

³⁷ See, Congressional Record, October 5, 1981, p. E4628.


- Misallocation of Resources. On November 15, 1981, CBS-TV's "60 Minutes" spotlighted the inefficiencies of UNICEF and other U.N. organizations in helping refugees, particularly in Uganda in the Spring of 1980. At UNICEF, politicization is also a serious problem. The UNICEF Executive Board, for example, in 1970 approved a \$200,000 purchase of cloth for North Vietnamese children's clothing. It was purchased from the Soviet Union and supposedly was delivered to North Vietnam by the Soviet Union in 1972. UNICEF has no way of making sure, however, that the supplies were actually distributed to children.
- Indoctrination. Some U.N. activities are used to indoctrinate the participants. As Evelyn Sommer told Congress in May 1981, the Women's Decade Conference shocked her with "the brutal indoctrination espoused by many of the forum's participants"; she was also disturbed by the draft declaration submitted originally by East Germany and other Communist and so-called non-aligned countries, which is "an anti-West, hypocritical, controversial document that has no value whatsoever in achieving progress for women."
- Puerto Rico. In September of 1972, by a 12 to 0 vote, with 10 abstentions, the U.N. Special Committee on Colonialism ordered a study of Puerto Rico as a colonial territory of the U.S. Washington objected that consideration of the island's status was "totally improper" and interfered in the "purely domestic affairs of the U.S." On August 20, 1981, however, the Committee -- composed largely of Soviet bloc and Third World nations -- returned to the issue over the protest of the U.S. For the moment, the U.S. has prevented a General Assembly discussion of the issue; should the Assembly take it up in the future, however, it would undoubtedly become a real problem.
- Representation in the Statistical Commission. For the first time in U.N. history, the U.S. in May 1981 was denied a seat on the Statistical Commission. This shocked the U.S. and its allies. Said Ambassador Kirkpatrick, "we -- by not sitting on that commission -- are denied an opportunity to effectively or even ineffectively work hard to influence its policies." She suggested "that our contribution in the form, for example, of technical expertise, ought also to be reduced commensurate with our opportunity for input and policies."

CONCLUSION

Not all U.N. activities are flawed, of course. Ambassador Kirkpatrick has praised some of the programs of the World Health Organization, the refugee efforts, and meteorological organizations, as well as some of those agencies fighting hunger and advancing science.

The ultimate question, of course, is whether these relatively few praiseworthy programs are worth the cost. While the World Health Organization distributes vaccines, for instance, it is also drafting codes to control Western food and drug companies for the sake of Third World nations. The refugee programs, besides helping the homeless, also aid terrorists. Even the scientific organizations are not immune to politicization. The U.N. Civil Aviation Organization (CAO), for example, granted observer status to the PLO in 1977. It was undoubtedly highly instructive to the terrorists, for the CAO then was discussing ways to prevent air piracy. Other examples abound.

For good reason, therefore, the worth of the U.N. is more suspect than at any time in its history. It was not solely an exaggeration when James J. Kilpatrick wrote on September 22, 1981, in The Baltimore Sun that "the purpose [of the U.N.] as a forum has been reduced to a nullity," and suggested that the media "should carry news of the U.N. back on the comic pages to dwell with Doonesbury and his friends." There are questions, too, as to whether the U.S. is benefiting from its U.N. membership, given the paralysis of the Security Council and the anti-American, anti-Western, anti-industrial, anti-capitalist majority in the General Assembly. Is the U.S. getting much of value for all that it is spending in resources and energy on the U.N.? These are questions which the Reagan Administration and the U.S. public must -- with urgency -- begin addressing.



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SEYMOUR SIEGEL

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May 26, 1983

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The U.N.
AMERICAN JEWISH
Under Scrutiny

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Ambassador Jeane J. Kirkpatrick
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Introduction

By any standard, the United Nations is an imposing organization. Its 46,000-person staff and scores of agencies oversee hundreds of projects throughout the world. The United States supports these efforts enthusiastically and most generously—in 1980 contributing \$866 million of the organization's \$2.4 billion budget.

Is this generosity warranted? The General Assembly chamber resounds with attacks on the free enterprise system—the very system that enables the United States to be so lavish in its support. The West and the private sector are vilified at every turn as Third World nations tout the bankrupt nostrums of the so-called New International Economic Order.

It is no wonder, therefore, that sober and responsible critics are questioning the role of the U.S. in the U.N. To address this, The Heritage Foundation United Nations Assessment Project assembled in New York City a panel of experts for a half-day conference on June 7, 1982. Their remarks, reprinted here, mirror Americans' deep and growing concern over the perils and problems facing the U.S. at the U.N.

Reprinted also are the formal presentations to the U.N.'s Second Special Session on Disarmament by Heritage Foundation President, Dr. Edwin J. Feulner, Jr., a member of the United States delegation, and Heritage Vice President Burton Yale Pines.

The U.N. and The Free Enterprise System

BURTON YALE PINES

By any standard, the United Nations is an imposing organization—a 1982 budget of \$2.4 billion, headquarters in at least a half-dozen cities, a payroll of \$46,000 and scores of agencies overseeing hundreds of projects. The U.S., this year, will contribute about \$850 million to the U.N. budget—a hefty sum even if we weren't struggling to trim federal spending. Over the years, the U.S. consistently has been the most generous and one of the most enthusiastic U.N. boosters.

Has such enthusiasm and generosity been warranted? The closer I look at the U.N., the more I wonder. Indeed, in recent months, I've been taking a very close look as the Heritage staff studies and probes U.N. As such, I have learned, for example,

***that the Center on TransNational Corporations has a subsidiary created, among other things, to encourage developing countries to battle and restrict multi-national corporations;

***that the U.N. Industrial Development Organization (UNIDO) has taken action which could restrict severely the health programs in developing countries that now are carried on by private pharmaceutical companies—even though study after study shows and officials in developing countries privately admit that the only functioning health care systems in their countries are those designed and maintained by the private firms;

***that the U.N. is developing for firms with international operations a Code of Conduct which would be binding and enforceable under law and which would erase many of the long-established principles and procedures of international law that have fostered trans-national economic development.

These cases are not unique, not an aberration. They are, alarmingly, just a few examples of similar and increasing behavior at the U.N., in the General Assembly, at its committees, in its agencies. What has been happening, in fact, is that the U.N.—a body conceived and created to work for world peace—seems to be declaring an all-out war, a war on the free enterprise system.

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In almost every U.N. body, and almost always in the General Assembly, seldom is an opportunity lost to attack the free enterprise system. These assaults come on many fronts:

§§As attacks directly on the Western industrial democracies, the main capitalist nations—as last September (1981) when 93 Third World nations endorsed a document accusing the U.S. of being the only threat to world peace;

§§As attacks on individual industries through increasing regulatory efforts going under such names as Codes of Conduct, Restrictive Practices Codes and others;

§§As attacks on the most successful of the capitalist enterprises, the corporation which has grown beyond the boundaries of the country in which it was founded and in which it is headquartered. These firms are often called multinational corporations or transnational corporations—MNCs and TNCs. They are denounced for “flying no flag but profit” and for causing the “decay and de-skilling of industrial economies.” The pharmaceuticals are attacked, for example, for being “harmful to public health and welfare” and for marketing both the “cause and cure” of illness. The international firms are blamed for causing inflation, unemployment, poverty and political repression in Third World countries. So persistently vilified are the large international enterprises that the very terms MNC and TNC themselves have become tainted, burdened with opprobrium and used not unlike cuss words;

§§And there are the attacks on the very essence and philosophical base of the free enterprise system. It is an attack which argues—almost always without supporting evidence—against the notion that the dynamo of growth and economic expansion is individual initiative, creativity and the incentive provided by profit-maximization. This kind of attack, amazingly, typically even repudiates the notion of economic growth and, in its place, raises to the level of gospel a number of naive and economically suicidal precepts.

For example, their argument advocates the redistribution of wealth rather than the creation of wealth; it endorses the omniscience of government planners rather than the efficiency of the impersonal marketplace; it champions the idea that all have an equal claim to the fruits of man’s output rather than having rewards distributed according to merit; and it rests on the naive faith that wealth—goods, crops, minerals, technology—simply exists in nature rather than being produced through creativity, risk capital and hard work.

The U.N.'s attacks on the free enterprise system are occurring with increasing frequency. I cite seven examples:

1) It happens at the World Health Organization, which at one time was concerned almost entirely with encouraging medical research and planning and executing health programs. In recent years, however, WHO has moved dramatically into the field of regulation and has become politicized on the all-too-familiar lines of the developed North versus undeveloped South or Third World. Thus WHO now advocates the creation of a Third World purchasers "cartel" to deal with the pharmaceutical manufacturers.

2) There are efforts underway to regulate the international flow of data. If the Third World has its way, restriction will be placed on a company's access to information stored in its subsidiary or its headquarters if they are in different nations. And there will be taxes imposed on the movement of data into and out of countries.

3) The International Telecommunications Union, for decades an agency concerned only with the technical problems of transmitting communications between nations, is becoming increasingly politicized. Within the ITU, the Third World majority is now demanding that underdeveloped countries be granted a very large share of the world's radio frequencies, no matter that they do not now have and may never have the technological ability to use them. This Third World majority is also insisting that rents be paid for the geo-stationary orbital slots in which satellites are parked. Rents paid to whom? And set by whom? Why not charge rents for ships using ocean lanes? Or for planes using air lanes?

4) The U.N. has inspired something called an "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies." It establishes a U.N.-affiliated regime to govern exploration and extraction activities in outer space and endorses guidelines favoring state-owned agencies at the expense of private enterprise.

5) The U.N. has created the Center on Transnational Corporations which is preparing a "register" of profits as a key step towards regulating the activities of international firms.

6) The General Assembly has approved the Code of Restrictive Business Practices (1980). When enforced, it would compel multinational corporations to sell their technology and know-how at punitively low prices in Third World markets. Nowhere in the Code will you find acknowledgment of the widely recognized con-

tributions made by the multinationals in spurring the development of economically backward states.

7) There are moves to limit the force of patents to allow Third World nations to exploit new technology without paying for it.

Much of the flavor of the U.N.'s war on the free enterprise system will be evident next month (July 1982) in Mexico at the World Conference on Cultural Policies. The innocent sounding name of the gathering masks what Third World literature is welcoming as a major opening shot in an attack on Western-style advertising. Through international consumerist groups wielding enormous clout with U.N. agencies, a campaign is underway to regulate advertising by forcing firms, primarily international companies, to include something called a "social criterion" in their ads. What this means, according to the advocates of such a scheme, is that ads for products in Third World countries must describe, among other things, the availability of competitors' cheaper alternatives to the advertised product.

Although there is no carefully coordinated or centrally directed grand conspiracy at the U.N. to undermine the free enterprise system, there is a well-formulated blueprint or manifesto, a kind of grand strategy enthusiastically endorsed by just about all of the 120 or so underdeveloped states and even accepted (with reservations) by a number of West European industrial nations. This strategy is known as the New International Economic Order and was adopted in 1974 at the plenary meeting of the main Third World body, the U.N. Council on Trade and Development—or UNCTAD.

Officially called the Charter of Economic Rights and Duties of States, the NIEO is a blueprint for assuring that the free enterprise system never takes root in the Third World. It is a blueprint designed to penalize not only capitalist firms and capitalist states, but also the citizens of capitalist societies. The NIEO won powerful champions over the years, such as key Carter Administration officials like Cyrus Vance and Andrew Young. Promoting adoption of the NIEO is the sole purpose of the Brandt Commission, headed by the former Chancellor of West Germany, Willy Brandt, and endorsed by a number of American groups like the ODC. In short, what NIEO wants to do is to force the transfer to undeveloped countries of the wealth, technology and research from those industrial nations which have created this wealth, technology and research. The transfer is to be mandatory and perpetual; there

will be only limited, if any, compensation for the enormous assets involved.

The NIEO is not going to be enacted *in toto* or enforced *in toto* on the industrial West. But the underlying philosophy of the NIEO provides the conceptual rationale and guidance for the U.N.'s attack on the free enterprise system. It is a blueprint providing a checklist of specific anti-free enterprise measures which the U.N. and its agencies individually and gradually can enact. The NIEO is a call to battle and a strategy which the defenders of the free enterprise system can ignore only at their peril.

There are, in fact, at least two critically important areas in which the NIEO already is close to enactment.

The first is what is called the New International Information Order. It is an attempt to restrict the operations of the Western press and give legitimacy to the state-controlled press of the Communist countries and most Third World nations. You will hear more about this shortly.

But I want to stress that it is not only the matter of press freedom at issue in the New International Information Order. The UNESCO Declaration advocating the New Information Order is explicitly biased against the private sector. It calls for preference to be given to non-commercial forms of mass communication. The reason for this, states the Declaration, is to "reduce the negative effects [of] the influence of market and commercial considerations."

The second important area in which the NIEO is already close to enactment is in the Law of the Sea Treaty. After nearly a decade of negotiations, during which the Carter Administration made some devastating concessions, the Treaty draft last month reached what may be its final stages. The U.S., as you know, refuses to sign the draft—so far. What is important for us to keep in mind is that the Law of the Sea Treaty is a statement repudiating the free enterprise system. It establishes a Third World-dominated cartel; it is designed to control the marketplace; it discriminates against private deep-sea mining ventures; and it declares that those intrinsically valueless metallic nodules at the seabed, which are transformed into useable and valuable resources only through the costly mining technologies developed by private firms—that these are somehow part of what is called the Common Heritage of all mankind. As such, Third World nations insist that they are entitled to a large share of the financial proceeds of the mining. And as such, the pioneering technologies and state-of-the-art know-how of deep-sea mining are to be given to developing countries.

There are many other problems with the Law of the Sea Treaty beyond its assault on the free enterprise system. But not the least of its dangers is that it is designed to serve as a model treaty for other issues, a model by which the industrial West is to be coaxed and intimidated into surrendering a portion of its national sovereignty and to undermine its economic system for the sake of the underdeveloped world which prefers to strive to get a share of the West's wealth as a kind of welfare transfer payment rather than to work at creating its own wealth.

Why does the majority controlling the U.N. make this choice? Why does it choose the economically catastrophic model of a Tanzania rather than the economically booming model of a Taiwan or Singapore? Why has the U.N. majority made the free enterprise system its enemy rather than embracing the one economic system with a proven record of success?

In large part, I suspect, it is ignorance. Daniel Moynihan has written that many leaders of the countries which once were colonies—the majority of U.N. members—were educated in West European universities, such as the London School of Economics, where they learned the economics of socialism. As leaders in their own nation's drive against colonial rule, they apparently became intoxicated with the heady rhetoric of socialism, rejected much of what their colonial rulers stood for and swallowed Lenin's contention that imperialism was a direct stage in the development of capitalism—an assertion for which there is no evidence. Indeed, the major imperialistic power of the past quarter-century has been the Soviet Union.

To a great extent, therefore, the Third World knows little about how capitalism works and how capitalism succeeds. The U.N., moreover, does little to enlighten the Third World. The economic studies and analyses produced by U.N. agencies and departments, including the New York-based Department of Public Information, have a strong anti-free enterprise and pro-socialist bias.

The U.N. majority also opposes the free enterprise system, I believe, because the Third World is influenced by the Soviet Union and its clients, such as Cuba, and their often successful maneuvering at the U.N. Moscow's role and successes at the U.N. are inexplicable—and a topic for another talk and for a Heritage Foundation Study—but they are a fact.

Lastly, I think that the U.N. majority wars against the free enterprise system because the free enterprise system is rightly seen as a threat—not as a threat to a developing nation or society, but

a threat to the authoritarianism of the regimes running these societies. Capitalism is the best guarantor of liberty yet devised. About this there can be little dispute. Irving Kristol points out: "Never in human history has one seen a society of political liberty that was not based on a free economic system—a system based on private property, where normal economic activities consisted of commercial transactions between consenting adults. Never, never, never. No exceptions."

The free enterprise system permits the emergence of important centers of independent power which successfully rival and check the power of the state. To regimes whose only legitimacy is their monopoly of the state's coercive power, existence of the independent power centers of the large corporation, the free trade union, the business association are unacceptable. The U.N. opposes the free enterprise system because a majority of U.N. members would be threatened by the political and social pluralism concomitant with free enterprise.

What is to be done about the U.N.'s war on the free enterprise system? What can you do?

First, you must insure that you remain aware of how developments at international organizations can affect the free enterprise system. In some instances, these international bodies can actually legislate for us and restrict us. At the least, they provide a forum for anti-free enterprise ideas. Participating officially in U.N. proceedings are such anti-free enterprise groups as the Interfaith Center on Corporate Responsibility, the Institute for Policy Studies, the World Council of Churches, the National Council of Churches and similar organizations. They swell the anti-capitalist chorus. And, as we have seen, their ideas gradually take hold. Do not underestimate the power of ideas; they have enormous consequences. Do not support those ideas. Do not fund those organizations supporting those ideas.

Second, you must pressure Washington to resist the ideas and arguments coming from the anti-free enterprise majority at the U.N. You must support the Reagan Administration's efforts at limiting the U.N.'s technical and economic bodies to technical and economic matters. The White House needs help in its fight against the politicization of U.N. bodies.

This is much more difficult than you may imagine. Few things seem to have more power within government than bureaucratic inertia. Once a process begins and a bureaucratic vested interest emerges, it is very difficult to stop the process.

Cyrus Vance, Andrew Young and other Carter Administration

officials endorsed the U.N.'s anti-free enterprise rhetoric. The State Department is filled with professional negotiators who seem to relish the very process of negotiating. And then they fight tenaciously for the treaty or agreement which emerges as the product of their negotiations. They are a powerful lobby within government which urges compromise and accommodation when compromise and accommodation are not warranted. They are a lobby which, in terms of many of the issues relating to the Third World demands, argues that, if you can't get a whole loaf, you should settle for a slice, or the crust—or a crumb. The White House always needs pressure from outside to counter the career accommodators at the State Department.

The place for you to start is with pressure against the Law of the Sea Treaty. You must help stop it. While it may not affect you directly, it is a model for an anti-free enterprise strategy which eventually will affect your own industry, your own company—and certainly your nation's economy. Be aware of similar U.N. activities, innocent sounding—as the cultural conference in Mexico is or the upcoming Third Decade of Development or UNESCO's educational programs—innocent titles and rhetoric which may be masking a hidden anti-free enterprise system agenda.

Be aware that the U.N. majority has made you its enemy.

You ignore this at your peril.

The U.N. and Press Freedom

LEONARD J. THEBERGE

There is no issue more contentious and potentially destructive confronting the United Nations today than UNESCO's handling of freedom of the press within the context of its New World Information and Communications Order (NWICO). The ownership and control of information networks mirror the economic and social system within different countries. Three distinct models can be discerned. One model reflects the open society in the United States and other liberal democratic societies where there is a minimal involvement of the government in the affairs of the press. The opposite model is the Soviet Union and other totalitarian nations where there is total government control of information and communications. And the third model is a hybrid which reflects societies that permit a free and independent press but with considerable government authority and intervention in directing and controlling the flow of news and information.

Particular countries have chosen one model or another because that model suits their economic and social system. The United Nations claims that it respects the values of pluralism in information and communications. However, UNESCO has been actively engaged in encouraging the totalitarian and authoritarian models and has been attacking the Western media and the values of Western journalism on the assertion they undermine economic and social development.

My presentation today will explore the political question of whether UNESCO's efforts to bring about a NWICO poses a danger to a free press and an open society. In order to answer the question we need to understand the genesis and philosophical underpinning of a NWICO as it relates to the press. Also, we need to understand the charges made against the Western press and the flow and presentation of news in the West. And finally, an examination of UNESCO's activities during the past decade will provide some insight into that organization's intent and the response it has caused.

Perhaps the most difficult task is to define the NWICO, also known as the New World Information Order, also known as the

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New International Information Order. First of all, it is neither new nor an order. The debate about information, and its appropriate use, has been going on in the United Nations since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948. The UDHR came out four square for the free flow of information and for individual freedom of expression and use of the media.

Issues involving press freedom have been with us since the first political ruler recognized the potential for "mischief" in an independent source of criticism that could be widely disseminated. In a way, the NWICO recalls the struggles in the 17th and 18th centuries when Western rulers sought to control the press through taxation, alien and sedition laws and licensing of printers.

Nor is the NWICO an order. There is no charter or document or set of international agreements that one can examine. In fact, it is an aspirational list of what many Third World nations believe are necessary conditions to achieve economic and social development. It is also closely linked with a set of overlapping aspirations contained in the New International Economic Order, another concept championed mainly by Third World nations.

A word of caution is in order. Many of the terms used in discussing global issues are bound to be imprecise and "Third World nations" is one of them. Third World nations differ greatly in size, resources, gross national product and levels of communications. We use that term advisedly, in recognition that many, but not all, of them share a common belief that the Western media, technological developments and the free flow of information are a hindrance rather than a help to their social and economic development.

If the term NWICO is unclear, what do we mean when we use that term? Let us examine the writings of some of the prominent spokesmen in UNESCO and the United Nations to help define, if not a clear meaning, at least their usage of the term.

According to Narinder K. Aggarwala, Regional Information Office, Asia and Pacific United Nations Development Programme, the NWICO embraces everything from politics to technology:

The New Order deals with the totality of information, technical, political, social and economic. It covers all means of information—media, books, films, data banks, documentaries and all kinds of instructional material. It encompasses all aspects of information tech-

nology—communication satellites, press cable rates, telecommunications as well as national and international press regulations. Media, print and electronic, are but a small—though admittedly most controversial—part of NIIO which its protagonists envision as a process for “intellectual decolonization” of the Third World.¹

The “totality of information” is a term that suggests that NWICO covers control of the flow of all news and information to, from and within any country. The need to control the flow of news is based on what the Third World considers “imbalances, inequalities and inequities” in that flow as it now exists.

Mr. Doudou Diene, Director of UNESCO, New York office, sees the problem in cultural terms:

A few major communication industries [read the Western communications industries] with enormous material and technical facilities under their control are spreading more and more generally the use of standardized products which make for world-wide uniformity of cultural models and consumer networks. Mass-produced messages originating from a few centers are commanding increasing attention in all other countries. This is already leading to a weakening of national and local forms of expression, and to growing repression of the potential for creative participation among peoples, who are often reduced to the role of passive recipients of messages.²

The overarching complaint of cultural and commercial dominance, articulated by Doudou Diene is, of course, the easiest flow to control. Since most broadcasting outlets are state controlled, even in the West, no government is compelled to purchase “standardized products” it finds objectionable. The reason they purchase Western programs is because that is what their people find amusing or entertaining.

1. Narinder K. Aggarwala, “An Introduction to the New International Information Order,” *The Crisis in International News*, Columbia University Press (forthcoming book).

2. Doudou Diene, *UNESCO and Communications in the Modern World*, Trustees of Columbia University, 1982.

On the news front, Western journalists are accused of reporting only sensational and negative news—political instability, human rights violations, natural disasters and corruption. The result, it is alleged, is a poor international image that impairs trade and other economic relations that would stimulate development.

Favorable images are considered a key to national development and have given rise to “development journalism” which we would call in the West “public relations journalism.” UNESCO’s call for a “responsible media” and a “balanced flow of information” is based on the belief that Western commercial media monopolize the flow of news, have a cultural bias, emphasize negative news, and thus undermine social, economic and political values essential for development. The role of the media in the West as independent watchdogs and critics of government and other institutions is widely perceived as a luxury poor nations cannot afford.

The four international news agencies—United Press International, Associated Press, Reuters, Agence France-Presse—which circulate about 85 percent of the international news come in for the bulk of criticism. They are accused of failing to provide a truly international service because too little news about developing countries appears in the Western media. By selecting news in terms of Western attitudes and interests and by “selling” their news product as a commodity, the news agencies are accused of imposing “alien perspectives” on Third World affairs.

It is undoubtedly true that Western news reporting about the Third World could be improved. We know from experience that news reporting about the events with which we are familiar could be improved. But Western news sources properly deny the charges that they ignore the Third World.

As a matter of fact, many of the assertions made by UNESCO and its supporters about imbalances in the flow of information do not bear critical scrutiny. The four world news agencies do not operate in a vacuum. In addition to Tass, the Russian world news agency, “there are more than 120 regional and national news agencies including major ones such as the Deutsche Presse Agentur, Japan’s Kyodo or China’s Hsinhua which all have extensive international networks. . . .”³ While the four Western agencies clearly outweigh the others in size, manpower and technology, there is no lack of alternate sources of information.

3. Rosemary Righter, *Whose News? Politics, The Press and the Third World*, Times Books, 1978, p. 50.

The real problem is the inability to absorb and use available information. Sergio Lepri of Italy's ANSA news agency believes it is a false proposition to talk about the need to increase the flow of information. As he puts it, "ANSA receives, on merely average equipment working only fifteen hours a day, 220,000 words from socialist countries; 110,000 from the Third World and 250,000 from international agencies. A third of our output is foreign news. It stands to reason that most of what we receive goes into the rubbish-bin . . ."⁴

A recent study by Professor Wilbur Schramm, "Circulation of News in the Third World—A Study of Asia," examined Asian development news reported by the four Western agencies, and found a high output on those development issues that the Third World claim are not adequately reported. The problem is that local newspaper editors in the Asian papers surveyed do not use the material. Newspaper readers in the Philippines, at least their editors believe, are not interested in a new dam or irrigation project in India. Independent news judgments around the world tend to be similar.

Another study, titled *Assessment of the New World Information Order*, by Professor Kenji Kitatani, found that international affairs coverage by the seven major television networks in Japan, Great Britain and the United States was extensive. As Professor Kitatani found:

Despite the widely accepted view that the First World media do not treat Third World affairs on the same level as First World affairs, there is evidence that the Western media neither inform less frequently or spend less money and effort to report the news stories about the Third World. Three findings support this conclusion: (1) the Japanese and British networks appear to spend as much or perhaps more money and effort to report on events in developing nations than on events in the developed nations; (2) the American networks provide a higher number of news stories on the Third World than on the First World; and (3) the American networks spent as much or more money to report on events in the Third World as on events in the First World.⁵

4. *Ibid.*, p. 51.

5. Kenji Kitatani, *Assessment of the New World Information Order*, Department of Communications, Washington State University, 1981.

The charge of cultural bias is undoubtedly true to some extent, but what the effects are is not so apparent. Audiences in the Third World are not the "passive recipients of messages," Mr. Doudou Diene asserts, unless they differ completely from audiences elsewhere. Many development economists argue that economic and social developments will only occur with profound shifts in attitudes and cultures within developing countries. Isolation from cultural developments elsewhere may discourage the development process. It has been tried with disastrous consequences in Burma and China. Whatever benefits those countries gained from complete isolation from Western information and culture was outweighed by the destruction to their economies, which after all is what UNESCO claims its NWICO is supposed to help develop.

And finally, when the Third World charges that Western news agencies are incapable of providing an objective news service either about their own development or about Western news, the news agencies reply that their standard must be one of objectivity if news is to be acceptable in countries of left and right with different social and legal principles, who may be at war or near war with one another. But to respond in this fashion does not meet the underlying issue of who is to direct and control news which is the essence of UNESCO's NWICO.

The words one hears over and over again in UNESCO and by Third World leaders are "dominate" and "commercial." The Western media dominates the world. It dominates cultures; it dominates political events; it dominates all other social and economic forces at work in any society. And it does this "commercially" for profit and not for the "good" of society. The hollow intellectual jargon one finds frequently used by Western left wing radicals, one finds in abundance at UNESCO. Mr. Christopher Nascimento, former and now honorary Minister of Information in Guyana and currently a special consultant at UNESCO, has stated, "The truth is that the cherished Western concepts of media ownership and communications freedoms die hard...but die they must." Mr. Nascimento's country followed his advice and eliminated a free, independent and commercial press. The benefits it has reaped are extremely difficult to discern.

The political process within UNESCO feeds upon real and imagined inequities between developed and developing countries and contributes to the problem. UNESCO is a legitimate world forum for political discussions and a multinational agency for ad-

ministering projects in education, science, culture and information. The problem in this forum is that the U.S. and other nations that share a common set of values about an independent media are in a very small minority. The result of this real political "imbalance" is that evidence, the analysis of issues and the testing of the truth through vigorous debate are meaningless. The majority constituency UNESCO is faithfully representing has an unshakable, one-dimensional view of the Western media that is both hostile to liberal democratic societies and sympathetic to totalitarian and authoritarian societies of left and right.

Gerald Long, former managing director of Reuters, now managing director of *The Times* of London, sees the problem as an extension of "two fundamentally different views of the role of information in society." The first, according to Long, sees information as a carrier of freedom. The best expression of that view is the United States Constitution and, in particular, the First Amendment. The second view is that information is a carrier of power, and must be used by governments as a way of carrying out their policies. Long charges that UNESCO, and by implication, the NWICO, want to transfer media technology to the countries that do not have it, while encouraging them to use that technology to control information for the purpose of government.

If Long's view is correct, and I believe it is, we are getting very close to the answer to our question, "Does UNESCO pose a danger to press freedom?" Monopoly control and direction of the content of news, whether by a government, a single corporation or a single individual, is an obvious threat to press freedom. More importantly, it poses a danger to the pursuit of truth upon which liberal democracies are dependent. As Dr. Johnson, a hard-pressed and poverty stricken journalist for most of his adult life, observed: "If nothing may be published but what civil authorities shall have previously approved, power must always be the standard of truth...."

Rosemary Righter, a British journalist who has written a thought-provoking book, *Whose News? Politics, the Press and the Third World*, finds:

Most of those who attack the existing structure insist that they do not seek to block the free flow of information. On the contrary, they seek to make it genuinely free—free of domination by the powerful few, free of Western "ethnocentric prejudices," free "to defend the

interests of society as a whole, and the rights of entire peoples to make known...their preoccupations, their difficulties and their aspirations for a better life." Free of the distortions of the market and thus able to "respond to the real development needs of Third World countries."⁶

According to Righter, the political force behind the NWICO stems from the nations which made up the Non-Aligned Movement in the 1950s and 1960s. From a small group of radical, anti-colonial and socialist nations, it has grown in the 1970s to become an established force in international politics, including most of the Third World nations.

At the Fourth Summit of the non-aligned governments in Algiers in 1973, a Yugoslav initiative established a link between economic coordination and international information structures. The seventy-five heads of government in Algiers stated it to be "an established fact that the activities of imperialism are not confined solely to the political and economic fields, but also cover the cultural and sociological fields, thus imposing an alien ideological domination over the peoples of the developing world." To meet 'the cultural alienation and imported civilization imposed by colonialism and imperialism', the non-aligned governments resolved to effect a 'repersonalization by constant and determined resources to the people's own social and cultural values which define it as a sovereign people.' The search for an alternative model had begun."⁷

One can follow the genesis of the NWICO in UNESCO when, in 1972, the Soviets prepared a "Draft Declaration on the Use of the Mass Media," which tacitly supported state control of the media. For the first time in UNESCO, the press was being discussed as a "tool" of the state with a political agenda. In 1974, the Soviet draft declaration became a divisive issue when a number of Western delegates walked out in protest against anti-Israel language that had been incorporated into the increasingly politicized proceedings. As a result, in 1975 the United States cut off funds to UNESCO.

By the 1976 UNESCO General Conference, U.S. funding was restored and the contentious Soviet proposal postponed until 1978. The resolution adopted by acclamation at UNESCO's 1978

6. Rosemary Righter, *Whose News?*, p. 99.

7. *Ibid.*, p. 104.

General Conference in Paris was sanitized and received a new title, "Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War." But the issues were not put to rest and a spin-off of these media debates was the creation of the UNESCO International Commission for the Study of Communication Problems, commonly known as the MacBride Commission after its chairman, Sean MacBride, who uncommonly holds both the Lenin and Nobel Peace Prizes.

The MacBride report was noted at UNESCO's 1980 General Conference in Belgrade and none of its 82 resolutions were adopted. The report was essentially a compromise which contained something for everyone. For example, it recommended the right of journalists to have access to news services both private and official; it denounced censorship and opposed measures for protection of journalists, an international code of ethics and an international right of reply and rectification. On the negative side, the MacBride report exhibits bias against private ownership of news media and suggests studies to reduce the negative influences of the marketplace.

The ebb and flow of the political agenda at UNESCO took a turn for the worse in February 1981 when, in spite of its claims to the contrary, UNESCO organized a meeting to discuss plans for a new international organization for the protection of journalists. This meeting was originally a closed session limited to Eastern Bloc and Third World invitees and revealed, for anyone willing to see, UNESCO's real agenda. When the secret meeting came to the attention of the U.S. State Department, our government insisted that Western representatives participate and the proposal for a UNESCO commission to issue identity cards was derailed.

While UNESCO has been pursuing with single-minded determination an avenue to establish statist news and communications policies, the U.S. proposed a practical result-oriented program for less developed nations to improve their news and communications development. Now, a part of UNESCO, the international program for the development of communications (IPDC) could become a vehicle for channeling UNESCO and other resources into areas of technical training and advice and provision of equipment and technology and hopefully away from non-productive

ideological approaches. The U.S. has adopted a cautious attitude because of the past activities at UNESCO and has not committed funding directly to IPDC.

It is too early to tell what the final outcome of the NWICO will be. UNESCO is committed to an ideological program for communications that separates it from the mainstream of Western values about the nature of the media. UNESCO's activities have raised deep concern in Congress and amendments to the funding bills for UNESCO could cut off U.S. support for that organization.

UNESCO has not, however, achieved any of its objectives for Western journalists that would put it into a direct confrontation with its Western members and the U.S. Congress. There are no identity cards, ethical rules, or commissions to enforce them.

The NWICO continues to be an evolutionary and continuous process which could lead either to much-needed assistance and improvements in communications or to a blind alley of closed societies maintaining the status quo while preaching radical change. It is clear that U.S. participation in UNESCO has helped to preserve the values of press freedoms that we believe are essential to free and democratic societies. It has been accomplished with some pain and compromise, but it is likely the results would have been worse without the effort. I believe our Department of State has earned and deserves a "well-done."

The U.N. and U.S. National Interests

MIDGE DECTER

The United Nations itself as an institution was an effort to sell American values, American political values, to the world. It was an invention of the United States, and one might say in admiration of this country, and also in despair for the quality known as American innocence, that only the United States *could* have invented such an institution as the United Nations. For it was an effort to offer to the world a model of the liberal parliamentary order. A parliament of nations. And unlike earlier parliaments of nations, this one, said its inventors, was going to be truly representative. Therefore it included a body, the General Assembly, which gave equal voice and equal representation to all the sovereign nations. This resulted in its being unable to reflect the realities of power in the world, which is undoubtedly one of the reasons why it has been unable to function really as a peacekeeping organization. I am not going to go through a taxing history, but what has become of this American liberal invention we know. It has been turned around 180 degrees into a center for the articulation and the legitimization of tyranny, in the names of "justice," "freedom," and all those other words which we contributed and which daily in that institution get perverted.

We find ourselves now in a peculiar predicament. We are not only the founding spirit behind this organization, we are its major funder. It sits, appropriately to its initial intention, in the city of New York, the symbol in this country of the uplifting of the formerly downtrodden (which was surely the impulse behind the creation of the institution), and it sits in the city that in this country typifies that process. And yet its major role in the world now is to be the center for agitation against the values by which, under which, it was created. The U.N. is a center of agitation against the democratic order, not to say American society, and certainly not to say American national interest. How have we gotten ourselves into this spot, where we are the host and the major funder of an institution most of whose deliberations, and particularly those to which the press and the public pay no attention, are inimical not only to our interests and not only to our survival but to the

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very things that we and this institution itself stand for? Well, we do not have to discuss now the process by which this happened. The question is, what should we do about it? Ambassador Lichtenstein said he was not going to address himself to the question of taking the U.N. seriously because Jeane Kirkpatrick is going to do that. I think that I am undoubtedly going to preempt her and I am undoubtedly in agreement with her, when I say that one of the ways we have allowed this process to happen under our very noses is that we have not taken the United Nations seriously. We have paid for it; we have genuflected before it; we have been unfailingly polite toward it. We have sent children out with little boxes every Halloween. We have not taken it seriously. By not taking the U.N. seriously I mean we have not, certainly not as a nation, sufficiently attended to what was being said there, to what was being put into the documents of that institution. That we now have a Mission to the United Nations which *does* take it seriously in this way, which exercises the right of reply, which makes the argument, is unusual, possibly unique. But this cannot be counted on in the long political future because it very much depends on who is at the Mission. And it seems to me, I hope that my friends who are members of USUN will not misunderstand the spirit in which I say this, it seems to me somewhat like locking the barn door after the horse has been stolen. The damage has been done.

A major damage—and it is a major damage to a democratic society—has been the corruption of language. This is also a subject about which Ambassador Kirkpatrick feels very strongly. The corruption of language, the distortion of the word justice, even distributive justice, that lies behind the notion of the New International Economic Order, the New World Information Order—and who knows what other new world orders lie in store for us—the notion that the free nations of this world are to be lectured to and hectored and made demands of by some of the most tyrannical nations on Earth, in the name of justice, is a perversion of language and thought that we have permitted to happen and that has left us all in a state of deep and dangerous befuddlement. The result is it takes us ages simply to sort out a question before we can even begin to address ourselves to it. Having said this, I suppose it will not surprise you to hear me offer, with all the seriousness I can command, the proposition that it is possible that the course of peace and the course of justice, not only here but throughout the world, would be best served if the United States left the United Nations.

Of course, as Frank Shakespeare suggested about the salutary effect on UNESCO that Elliot Abrams had when he threatened it with a shaky future, merely proposing that the U.N. should leave New York City might exercise a great and salutary disciplinary influence on the delegates, and particularly on members of the secretariat to the United Nations, who get to live here all the time regardless of what happens in their governments.

The Heritage Foundation is putting out a series of papers telling us what has been going on in this institution with our passive collusion over the years: among other nice things, the support for terrorism and the house room given to Soviet intelligence agents. So I am not being frivolous, nor am I being a little old lady in tennis shoes, when I say to you that for the sake of international relations, as well as the sanity of American thought, we ought to confess our error to ourselves and get out. I know the argument is made that there is great value for us in remaining at the U.N. and talking to its delegations and continuing to conduct dialogue with them. But I think that genuine dialogue is impossible when people do not agree even on first principles and so I have come here today to propose that it is time for us to reconsider our membership in, which is to say, the future assured existence of, what has proven to be a ghastly institution.

The best example of the linguistic corruption I referred to is the invention and dissemination and complete acceptance of something called the "Third World." I submit that there is no such thing as the Third World, and I submit that all our pieties toward this non-existent construct have not conduced to the welfare of the people living in the countries that are supposed to be included in it. There is really no such category. What can you say about an idea that includes Taiwan and Uganda? What you can say about it is that it is an intellectual confusion and a linguistic perversion, and that aside from what it has done to our capacity to think through our problems has undoubtedly contributed in immeasurable ways to the further immiseration of the world. This is not what we had in mind, and I think the time has come for us no longer to participate in the process. Thank you.

The U.N. and The U.S.

JEANE J. KIRKPATRICK

I understand that the previous speaker has just called for U.S. withdrawal from the United Nations. I disagree. I know, indeed no one knows better, that the United Nations poses a problem for the United States. It's expensive, it's often ineffective, it seems particularly inclined to push policies that we do not desire to adopt, decisions from which we dissent, agreements with which we disagree. My analysis of the causes and the possible cures of these problems at the United Nations has undergone significant evolution during my nearly 18 months now at Turtle Bay. [According to our statistical analysis, the median and average (social scientists distinguish between those two) tenures of U.S. permanent representatives to the United Nations is about 18 months. I am right now in the middle of my eighteenth month.]

In that eighteen months I have not become an expert on that institution. Eighteen months is not long enough to become expert about any complex institution, and God knows the United Nations is a complex institution. Eighteen months, however, is long enough to have observed a full cycle of U.N. activity. It took a while to become sufficiently acclimatized to understand a bit about what we were seeing. Eighteen months is long enough to have observed at first hand the relative powerlessness of the United States at the United Nations, to have felt in virtually all the arenas of that body our lack of influence, long enough to have watched others—the Soviets, the ASEAN states, Syria, PLO, and most recently, the British—exercise influence that we cannot even hope to approximate. We have observed in that eighteen months the operation of bloc politics, and, equally interesting, we have observed from time to time, the virtual paralysis of the blocs. We have observed the power of the Soviets and their principal clients, and from time to time their inability to shape outcomes in ways that they desire. We have watched the political ineffectiveness of the Latin Americans and thought about how it compares with the effectiveness of the ASEANS. Above all, I have been occupied, preoccupied, with our own American incapacities, our inability in

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this organization to find reliable allies, to make persuasive arguments, to put together winning combinations.

To avoid possible misunderstanding, I desire to emphasize that the lack of influence of the United States in the United Nations does not represent some sort of worldwide revulsion against the Reagan Administration or even against me. The fact is that we have been virtually powerless in the United Nations for more than a decade. Our friend, the senator from New York, Daniel Patrick Moynihan, wrote in his book, "A Dangerous Place," that in 1974 the U.S. was frequently reduced to voting in a bloc of three, alongside Chile and the Dominican Republic. Since then, we have lost Chile and the Dominican Republic as reliable voting allies. The analysis of voting patterns at the U.N. reveals that the decline in U.S. influence, which began around 1966 or 1967, continued precipitously for about five to seven years at which point it reached a low level around which it has stuck ever since through both Republican and Democratic administrations. This low level of influence persisted through the administrations of Andrew Young and Donald McHenry as well as those of Daniel Patrick Moynihan and Jeane Kirkpatrick. That is another way of saying it has persisted through changes in U.S. permanent representatives, ideologies and styles. Throughout, we have continued to be the largest financial contributors, paying first 30 percent, then 25 percent of the operating expenses of the organization.

There was a time when I believed that our impotence was a kind of inevitable consequence of the changed character of the membership of the United Nations. Certainly that composition changed. When the United Nations was established, there were approximately fifty members, and though they were not all democracies, most of the members were stable, older nation states, experienced in international affairs, democracies who had some sort of commitment to international law and to liberal principles.

There was a degree of falsification introduced into the United Nations from the very beginning because of the presence of the Soviet Union, certain of its client states, and selected autocracies into an organization committed to the principles of freedom and democracy and self-determination. But that degree of falsification was relatively small and the facts of the United Nations were not too far from the principles enunciated in the Charter.

Today there are some 157 members of the United Nations. There have been three members admitted during my eighteen months there. Most of the nations that have been admitted since

the U.N.'s establishment are new nations, former colonies. The big influx of the former colonies into the U.N. occurred alongside the beginning of the decline of U.S. influence. Someone noted that 1964 was a watershed year. During that year seventeen new nations were admitted to membership, some fifteen of whom were African nations. Many of these new nations have unstable boundaries, their whole national history has been lived out in the post-war period during which the United Nations has been an important arena of international action. They have never known a world without the U.N. Most of these nations are, to paraphrase my friend, Dick Scammon, unrich, unpowerful and unhappy. Most are miserably poor; most of them are non-democratic, in the sense that they do not enjoy democratic political institutions. Some do but most have had a great deal of trouble establishing and maintaining democratic institutions.

These nations have had two overriding preoccupations which have dominated the U.N. agenda since then: decolonization, since they have been involved in establishing their own national independence; and economic development. Now, in principle, the United States should be the last country in the world to have problems with an organization whose agenda is dominated by decolonization and economic development.

As a former colony, we have been involved with decolonization literally all our national life. We have regularly, in the period before and after World War II, supported national independence and aspirations to independence of the colonies of our best friends. We have not been a colonial nation. We have no apologies to make to the world for our colonial past. We do not share the colonial guilt of many European allies. Similarly, with economic development. Many of us think we practically invented economic growth as a process of internal transformation which is continually at work in our own society—destroying traditional barriers of class and caste, achieving a good life for all. We almost invented economic development assistance with President Truman's Point Four Program in the post-war period. (A little noticed fact, by the way, about the Point Four Program was that it was enunciated in President Truman's Inaugural Address, of which Point One was that the United Nations would serve as the foundation of American foreign policy henceforth.) Decolonization, economic development, and development assistance are utterly consistent with our national experience, our values and our practices.

Why would we have problems with an organization most of

whose members are concerned with them? It is an interesting question on which I have been reflecting for months now, and I have concluded that it was not the influx of new nations that accounts for the U.S. position at the United Nations. It is not the changed composition of the United Nations that accounts for our fall from influence to impotence.

I have also examined the hypothesis that the bloc system accounts for the absence of American influence in the United Nations. Certainly it makes its contribution. The United Nations functions a lot like a legislature with a multi-party system and the parties in that system are the overlapping blocs, some of which are cohesive such as the Soviet bloc, the ASEAN states, and the EC-10. Some of the blocs are loose and not cohesive, such as the Non-Aligned Movement which embraces some 96 nations, or the G-77 (once a group of 77) which is today a group of 126. Some of the blocs are based on geography like the Organization of African States, some on culture like the Islamic Conference. We are a country without a party in the United Nations and that fact, that absence of a party, certainly is relevant to our impotence in that body. But I do not think it explains the whole problem.

Yet another hypothesis with which I have attempted to explain U.S. impotence is the structure of the United Nations itself: the rules, especially the practice of applying in the General Assembly the principle of one-man-one-vote to an international assembly of terribly unequal nations. Under that practice, one nation-one vote, we have one vote, Vanuatu has one vote. Obviously, that kind of principle creates a disjunction between power and responsibility because some of the nations who have the power to influence decisions, financial decisions for instance, or the nations who have the resources to implement decisions, are not identical with those who have the power to vote to make them. An extreme example of that was the Golan Heights Resolution, passed at one of the many recent Special Sessions of the General Assembly. It was a particularly obnoxious resolution which laid the framework for a challenge to Israel's credentials. Some 86 nations voted in favor of that resolution. Though I have not verified it, I am informed by a reliable assistant that the financial contributions of all 86 of the nations who voted for the resolution do not equal that of the United States. It is argued that only Third World countries get a good deal from the U.N. Nonetheless, I do not believe this or any other basic structural flaw accounts for our impotence.

There is, I fear, another explanation, which was implicit in the

drama I saw acted out on the issue of the Falklands. Watching the British Permanent Representative, an enormously skillful diplomat, operating in relationship to the Falklands crisis was tremendously impressive. It was almost traumatic, because in his conduct I have seen what a Western democratic nation could do inside the United Nations. The British have done it. They have made the organization function in ways that are responsive to their interests and their policy goals, and the fact they have been able to do it means it can be done. Why, then, haven't we been able to achieve our goals inside this organization?

My tentative conclusion is that it is due to our lack of skill in practicing international politics in multilateral arenas. It is also part and parcel of the decline of U.S. influence in the world. It is, I believe, a direct reflection of what has been a persisting U.S. ineptitude in international relations that has dogged us all our national life; an ineptitude that has persisted through centuries, through administrations headed by different parties, through different presidents, and is especially manifest in our multilateral politics. It has persisted more recently through administrations that brought to the United Nations different styles of operations.

We have not been effective in defining or projecting in international arenas a conception of our national purpose. Through decades, we have not been good at politics at the United Nations.

It is a political arena and we have not understood it accurately or adequately as a political arena. We have not, therefore, been able to take an effective part in the politics of the United Nations. We have treated it as though it were something other than a political arena. It is a strange thing that we Americans who are very gifted at clubhouse politics, statehouse politics, the politics of voluntary associations, at legislative politics in Washington and presidential politics, should be so inept at international politics in multilateral arenas like the United Nations. It is a strange thing, really. The more one reflects upon it, the stranger it becomes.

I believe that we have not understood that the same principles of politics that apply in our national life apply in multilateral international institutions as well.

We have also suffered from too rapid turnover, for example, in our Permanent Representatives. (I hasten to say that I am not making an application for long tenure; I couldn't stand it.) But I believe, in principle, that we ought to have Permanent Representatives who stay there long enough to come to know the scene. When a freshman Senator goes to Washington, we do not expect

that he is going to be effective quickly in the U.S. Senate, we don't expect that he will become a power in the Senate until he has learned the rules and the players, and how to make the rules work for him and how to make the players responsive. But we keep changing U.S. Permanent Representatives. We also keep changing Assistant Secretaries of International Organizations. Their tenure is no longer than our Permanent Representatives. This means the two principal policymaking offices of our international organizations operation are involved in musical chairs—not staying long enough to really get to know the job well.

Another consequence of ignoring the political character of the U.N. is that we operate as though there were no difference between our relations with supporters and opponents, with no penalties for opposing our views and values, and no rewards for cooperating. We have also operated as though we had no persistent, coherent national purposes which link issue to issue. We act too often as if we changed our minds and basic national interests as issues change, and certainly as administrations change. We have not cultivated reliable voting alliances in the way, for example, the British carefully have nurtured Commonwealth relations, or the French nurture relations with their former colonies. By not really learning the rules, the players, the game, we have often behaved like a bunch of amateurs in the United Nations. Unless or until we approach the United Nations as professionals—professionals at its politics—with a clear-cut conception of our purposes and of the political arena in which we operate, knowledge of the colleagues with whom we are interacting, and of their goals and interests, then we won't ever know whether the United Nations could be made a hospitable place for the American national interest. Until then it would be unreasonable even to think about withdrawing from the United Nations.

The Search for a Lasting Peace

EDWIN J. FEULNER, JR.

Mr. President:

Let me express to you the admiration of my delegation for the way you have presided over our deliberations, and through you to express our sincere and deeply felt appreciation to Ambassador Adeniji who guided the work of this conference with sensitivity, dedication, and most of all wisdom.

My delegation has been an active participant in these vital discussions. We believe that the words that come out of this Session should be considered soberly—and not merely as another rhetorical exchange. It was because of our commitment to this Session that President Reagan addressed this body on June 17; that our delegation was composed of Senators and Congressmen from both political parties and representatives from other sections of American life. It was because we wanted to reach an enduring consensus on these critical questions of war and peace that we—along with many other delegations—labored long into the night.

Sadly, we were unable to achieve that full consensus we all so ardently hoped for. But we shall continue to work in this forum as well as others in search of the goal of lasting peace.

As we look back over these past weeks, we must look at both our successes and failures and carefully consider the tasks that lie ahead. But first we must review the lessons of the past.

In 1978 the First Special Session produced a Final Document which embodied many of the aspirations of the world community. But why have we not at this Session been able to come to a consensus on the implementation of that Document?

Let's look at the historical record. Shortly after the First Special Session, one major power violated the most fundamental principles of the U.N. Charter, and invaded its non-aligned neighbor. They continue to occupy that hapless country. A war of aggression continues in Southeast Asia; other regional conflicts rage unabated; subversion is being exported to Central America, Africa, and other areas; and the quest for freedom is still suppressed in Eastern Europe. In short, the world increasingly lives in fear.

Edwin J. Feulner, Jr., is President of The Heritage Foundation. He delivered this address as representative of the United States to the Second Special Session on Disarmament.

Small wonder, then, that the implementation of the lofty goals of the Final Document has remained a distant and illusive dream.

Given their transgressions against the most sacred tenets of the U.N. Charter since the First Special Session, it is not surprising that some nations argued against language recounting the history of the past four years.

But we must now look to the future. The major project before this conference was, as President Reagan noted, "To chart a course of realistic and effective measures in the quest for peace"—a Comprehensive Program of Disarmament. Progress was made, but the task remains unfinished. We have all reaffirmed the validity of the Final Document and pledged ourselves to renewed efforts toward disarmament. Let me restate that pledge today for the United States.

The United States is proud of its record in disarmament. President Reagan has outlined a clear program to deal with the most pressing and dangerous problems. We have called for real and militarily significant arms reductions, particularly in the field of nuclear weapons. We have called for a one-third reduction in strategic ballistic missile warheads, the elimination of all land-based intermediate range missiles, and new safeguards to eliminate the risk of accidental war. Moreover, just two days ago, the United States and its allies introduced a comprehensive draft treaty in the Mutual and Balanced Force Reduction Talks in Vienna. This proposal calls for a substantial reduction of ground forces on both sides and the implementation of a package of associated confidence-building and verification measures. In all these negotiations, we have offered neither unverifiable measures nor meaningless rhetoric, but rather concrete proposals for major reductions in the arms and armed forces of the United States and of the Soviet Union.

Make no mistake. We are not satisfied with the current international situation and intend to do our part for peace and stability on this small planet.

Mr. President, at this Special Session on Disarmament, we have been considering the most important issue facing mankind—how to prevent war. Or, to put it in a more positive sense, how to establish a secure peace. Regrettably, there is no magic formula or instant panacea to attain that peace we all so fervently desire; it cannot be mandated by committees or by resolutions.

We have heard, again today, the reiteration of the Soviet "no-first-use" of nuclear weapons pledge. Our policy goes far beyond

this pledge. The Soviet representative attempted to denigrate the NATO policy. But he cannot. As the leaders of NATO declared at their recent Summit, "None of our weapons will ever be used except in response to an attack." This is our pledge and our policy.

But we believe there is a better way, and we will continue to seek it as we have done at this Session.

During the past weeks we have offered concrete proposals and initiatives on a wide range of issues.

We are dedicated to a real World Disarmament Campaign. We believe that the open and universal availability of information on disarmament matters is vital. Excessive secrecy can only create mistrust and misunderstanding among the peoples of this world; such secrecy is a true enemy of peaceful relations among nations. The United States, as an open society, publicly makes available vast amounts of information on the momentous issues of war and peace.

We have no illusions as to the serious obstacles which have frustrated the objective of a free flow of information in the past. We are all well aware that while hundreds of thousands demonstrated openly and peacefully for disarmament in the streets of New York and other cities of the world, seven people who dared unfurl a banner calling for "Bread, Life, and Disarmament," were arrested in Moscow. It is a sad commentary that to some societies these words are considered "anti-state" when used domestically, but are considered "state policy" when used internationally.

In the spirit of open discussion, President Reagan has offered President Brezhnev the opportunity to address the American people on our TV on the vital questions of peace and disarmament in exchange for a chance to address the Soviet people. In this Session, we have offered specific proposals for similar multilateral discussions and regional seminars throughout the world. We believe that an informed world public is the best guarantee for peace and understanding among nations.

In addition to our proposals regarding the World Disarmament Campaign, we have offered other concrete initiatives at this Session. During the past several years, disturbing reports have reached the outside world that toxins and other lethal chemical weapons are being used in conflicts against people in remote regions of the world. Unfortunately, the borders of these regions remain sealed to the world community. We have therefore urged that the General Assembly call on the Soviet Government, as well as the Governments of Laos and Vietnam, to grant full and free access to

areas where chemical attacks have been reported so that the U.N. Group of Experts can conduct an impartial investigation.

We have also called for the convening of an International Conference on Military Expenditures. Such a conference would build on past U.N. efforts calling for universal adherence to a common reporting and accounting system on military expenditures. The frightening reality of vastly increased military budgets has been documented by recognized centers for disarmament throughout the world. Yet for the past ten years, one superpower has provided a manifestly ridiculous figure for its military budget to the world community. This universally discredited figure underscores the need for an International Conference on Military Expenditures.

As we conclude our work of this Second Special Session on Disarmament, I am again struck by the awesome task before us. Never have so few been responsible for the fate of so many. Let us not forget or shirk this responsibility as we continue our search for a true and lasting peace.

Thank you, Mr. President.



Are We Serious About Disarmament?

BARTON YALE PINES

I welcome the opportunity and am grateful for the honor that I, on behalf of The Heritage Foundation, am being allowed to address this United Nations gathering on disarmament. Disarmament is a very serious matter. That the nations of the world should devote fewer resources to weapons and more to meeting mankind's social, cultural, economic and political needs is the very serious desire of all civilized peoples. How to reduce military arsenals is a very serious challenge. Of this there can be no question.

What is questionable, however, is just how serious is this Second Special Session on Disarmament. All that can be done here for five weeks is talk. And while words can be powerful weapons, they can be so only if they are spoken and taken seriously. The question is: Are we here engaging in serious discussion or merely playing a ritualistic parlor game? I wonder.

A serious discussion of disarmament must be willing to abandon slogans and confront the most urgent problems affecting peace today. How can we talk about preventing future wars without first raising our voices in outrage at current wars? How can we talk about future disarmament treaties without first condemning violations of existing treaties? How can we focus almost exclusively on nuclear and other exotic weaponry, which have taken absolutely no lives since World War II, without exhausting our efforts to limit and even reduce the arsenals of those conventional weapons which, since 1945, have been used in more than 100 wars and have killed tens of millions of our fellow men?

For those serious about disarmament, no issue can be higher on their agenda than those weapons which today—at this minute—are being used against innocent populations. Can there be any higher priority for this gathering and for a serious disarmament effort, therefore, than to halt the two-year-long Soviet invasion of Afghanistan and the unprovoked, brutal killing of Afghan women, children and men by Soviet troops.

Can there be any higher priority for this gathering than to find a means for stopping the Soviet Union from further use of chemical and biological weapons in Afghanistan, Kampuchea and Laos. Hundreds of reports from refugees, freedom fighters, defectors, doctors in refugee camps and newsmen provide the undeniable

evidence that as many as 50,000 men, women and children have suffered the agony of grisly deaths after being attacked by Soviet chemical and biological weapons. Should not this costly meeting on disarmament, in these elegant and even luxurious surroundings, be dedicating itself to investigating and halting the current killing—at this very moment—of victims by chemical and biological means?

Where is the outcry from this conference—from the official delegates and from my fellow representatives of Non-Governmental Organizations—against weapons being used at this moment? Why do so many of you from Third World nations seem to be more concerned with the distant and extremely unlikely threat of nuclear arms than with the present use and further imminent threat of chemical arms which a highly industrialized country is using against Third World populations? Can it be that you and your nations are not really serious about disarmament?

Those serious about it also must confront the nasty reality that some countries which have signed arms limitation agreements are not abiding by their solemn promises. Before we talk about new disarmament measures, we must demand that existing treaties be honored. We should ask: Why does the Soviet Union violate its signature on the 1925 Geneva Protocol banning the use of chemical and bacteriological warfare? Why does Moscow mock its signature on the 1972 Biological Warfare Convention? Why do Soviet leaders cheat on both substance and spirit of the 1972 SALT accord to limit nuclear arsenals? A serious discussion of disarmament must ask such questions.

Just as a serious discussion must ask the question: Which arms have been and remain the greater threat to world peace and which devour more of the planet's scarce resources—nuclear arms or conventional arms? The answer, of course, is conventional arms. They have been killing the innocents and they have been consuming more than 95 percent of the world's weaponry expenditures.

The international trade in such arms is booming—not so much because they are being pushed by sellers but because of the enormous demand from Third World buyers. In the 1970s, in fact, imports of arms by the Third World soared 150 percent. Those with the most voracious, insatiable appetites for arms have been Libya, Iraq, Syria, Iran, Viet Nam and India. A serious discussion of disarmament must ask why these nations buy so many arms.

It must ask also why Third World countries like Iraq, Libya, Syria, Tanzania and South Yemen as well as the Soviet Union

and its East European allies have been spending more of their gross national product on arms than have NATO members on average. Why indeed has the Soviet Union, for more than a decade, been amassing arms at a historically unprecedented sustained rate and been building its arsenal to unprecedented levels of destruction? During almost the entire period in which this has been occurring, the U.S. had frozen or even was reducing its arsenal. Why also are Nicaragua, Cuba, Libya and India amassing arsenals far greater than needed for defensive purposes? At a time when we hear so much touching rhetoric about the tragic hunger, poverty and illness that chronically plague much of the Third World's populations, why do these Third World nations spend so much of their scarce resources on instruments of violence?

Certainly a serious conference on disarmament would be most concerned with the world's most rapidly expanding arsenals.

I have been listening to and reading the statements emanating from this podium and from the other platforms at this Special Session. I have been visiting the exhibits and closely examining the literature being distributed by organizations in and around these buildings. And I am shocked that these questions and issues almost universally are being ignored.

I realize that these are tough issues to address and tough questions to ask. Perhaps they are too tough for a conference restricted by diplomatic conventions and by the chronic limitations of the United Nations system. But unless these issues are confronted and questions are raised, I cannot take seriously any disarmament conference. I doubt if many of my fellow Americans will either.

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- Edwin J. Feulner, Jr., is President of The Heritage Foundation, and served as U.S. representative to the U.N. Special Session on Disarmament
- Ambassador Jeane J. Kirkpatrick is the U.S. Ambassador to the United Nations
- Burton Yale Pines is the director of The Heritage Foundation's United Nations Assessment Project
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