INTERNATIONAL COURT OF JUSTICE

CASE CONCERNING APPLICATION OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

(QATAR *v.* UNITED ARAB EMIRATES)

PRELIMINARY OBJECTIONS OF THE UNITED ARAB EMIRATES

Volume III of IV

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United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
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THIRD COMMITTEE, 1346th MEETING

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1221, L.1237, L.1239, L.1241, L.1249, L.1251, L.1262, L.1266, L.1268, L.1270 to L.1273, L.1274/Rev.1, L.1278, L.1289)

ARTICLES ON MEASURES OF IMPLEMENTATION (continued)

1. Mr. NETTEL (Austria) said that, since the articles on measures of implementation, on which the Committee had still to take a decision, were just as important as the substantive articles of the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1239, L.1241, L.1249, L.1262), the Committee should examine them more closely and not merely try to put them into a more easily acceptable form. No purpose would be served by reaching agreement, by hard work, on implementation clauses which were purely symbolic, and leaving to a future session the far harder task of drawing up genuine implementation measures. The Committee should therefore strive to finish the examination and preparation of the clauses relating to those measures and the final clauses, in order to produce a complete final text.

2. With regard to the argument put forward to the effect that a fact-finding and conciliation committee of the type envisaged in the Philippine proposals (A/C.3/L.1221) and in the amendments submitted by Ghana (A/C.3/L.1274/Rev.1) might tend to encroach upon the sovereign rights of States Parties to the Convention, his delegation found it difficult, from the legal standpoint, to follow the reasoning of the delegations which supported that view. It was certainly true that, if the committee in question performed functions outside the scope of the Convention—i.e., in connexion with a State that was not a party—it would be acting in violation of the principle of non-intervention. However, its activities would never constitute a violation of State sovereignty at international law if they were performed within the scope of the Convention, i.e., with the consent which each State Party implicitly gave in signing and ratifying the instrument.

3. Mr. A. A. MOHAMMED (Nigeria) said that the many legal, political and moral implications of the measures to implement the draft International Convention on the Elimination of All Forms of Racial Discrimination required most attentive scrutiny. Racial discrimination had been for centuries an obstacle to progress. Mutual respect, which was the hallmark of man's superiority over the rest of creation, was also the prerequisite for the co-operation which was the basis of United Nations activities.

4. That was the spirit in which his delegation had approached the consideration of the Convention and the measures of implementation which, it hoped, would be added to the Convention there and then. In its opinion, everything concerning the Convention should be adopted during the twentieth session. His delegation did not consider that the Commission on Human Rights should first study the proposed measures and submit a draft text to the Committee, because the political implications of the subject made it more a matter for the Committee. Again, Nigeria could not subscribe to any proposal which would lead to the adoption of half-measures; if there were legal obstacles, it was for the Committee to surmount them. The Committee should decide when it wanted the proposed measures adopted and how much ground they were to cover.

5. In his delegation's opinion, the measures of implementation should meet the following requirements: first, there must be a means of ascertaining that those States which had acceded to the Convention were applying its provisions effectively; that presupposed the existence of an impartial body to interpret the articles of the Convention. Secondly, there must be a body of competent and impartial persons responsible for conciliation in the event of disputes between States Parties to the Convention. Lastly, there must also be a body to which individuals or groups of individuals could address petitions when they considered that they had been subjected to discrimination in violation of any of the articles of the Convention.

6. There would of course be problems of organization and financing to solve when those bodies were established. Account must also be taken of the political complications which might arise in connexion with the powers of those bodies which, at the same

time, must be made effective enough to ensure respect for the Convention. A variety of opinions had been expressed regarding the advantages and disadvantages of a committee of experts as against a committee of plenipotentiaries. His delegation had no fixed opinion regarding the composition of the committee which was to consider reports from States Parties to the Convention on the methods adopted for its implementation; but the conciliation body should, in its view, be composed of impartial experts of complete integrity. In order to guarantee maximum impartiality in the arbitration of petitions, the same body of experts, or a similar body, should undertake that task. His delegation agreed with others that the expenses of the conciliation body should be borne by the States parties to a given dispute.

7. Whatever method of reporting was chosen, it should be straightforward and should provide adequate safeguards for the interests of the States Parties to the Convention. With regard to financing, his delegation found it natural that the States parties to a dispute should bear the cost of the conciliation committee's work, but it doubted the fairness of asking States Parties to the Convention to bear the expenses of their nationals elected to the committee which was to consider reports on an international basis.

8. His delegation considered it very important that individuals and groups of individuals should have an opportunity to present petitions to a committee. It was in favour of the establishment of a national committee to hear petitions at the initial stage, as envisaged in article XII of the Ghanaian text (A/C.3/L.1274/Rev.1). However, a time-limit should be set after which, if the persons concerned had not obtained satisfaction from the national committee, they could bring the matter before a committee of the United Nations. As the Ghanaian representative had pointed out, it was the individual who fell victim to racial discrimination, especially if he was coloured; and when he suffered discrimination in violation of the provisions of the Convention, it was right that he should have the opportunity to apply to an impartial body if the national committee did not show the necessary objectivity in dealing with his case.

9. He was glad the Ghanaian draft had some affinities with the basic ILO texts. In his view certain features of that text needed elucidation, but it would form, together with the Philippine text (A/C.3/L.1221), a useful basis for discussion.

10. His delegation might have occasion to speak on the matter again at a later stage in the discussion.

11. Mrs. CABRERA (Mexico) said that the whole structure of the Convention rested on the implementation measures. The participants in the United Nations Conference on International Organization at San Francisco in 1945 had found it essential to define human rights, and the Charter proclaimed the necessity of protecting them, but it was essential to provide international machinery capable of ensuring that they were respected. At the San Francisco Conference, the Panamanian delegation had proposed[1] that a declaration of the rights of the individual should be embodied in the Charter, but that idea had not been accepted. However, the need for a universal declaration, to be supplemented by agreements imposing specific obligations, had been recognized. Especially in time of crisis, it was difficult to reconcile individual interests with the general interest, and the developing countries should take care, in particular, that industrialization did not prejudice the rights of their citizens.

12. The Commission on Human Rights had made a very thorough study of the problem of measures of implementation. In view of the time it took international bodies to draft and adopt pacts or conventions, it was appropriate to make an historical approach and work with future generations in mind. Very serious difficulties would arise in establishing an international body to protect universal rights. For countries which already had a satisfactory national system, the sole incentive to incur new obligations was that other countries, which did not provide their citizens with the same safeguards, would also undertake to guarantee those rights. Where economic and social rights were concerned the greatest caution must be exercised, for any action taken to strengthen control measures might disrupt the internal structures of countries whose economy was still weak.

13. The covenants and conventions adopted by the ILO and UNESCO were of limited scope but were designed to guarantee respect for civil rights. With the exception of certain characteristics peculiar to those agencies, the machinery they had set up might serve as an example. It was possible to envisage procedures similar to those instituted by the two organizations, which would give each State Party to the Convention the possibility of lodging a complaint against another State Party with a permanent organ. Recourse to that type of international machinery was a somewhat delicate matter, and must be regulated if it was not to be misused. The middle course that had been contemplated did not entitle individuals or organizations to address petitions direct to the permanent executive organ. It had the advantage of eliminating groundless complaints but at the same time it set a serious limitation. It left it to the State to deal with complaints, and made the rights of the individual a matter for high-level political negotiation.

14. Her delegation had studied with interest the Saudi Arabian text, which might be said to contain a new element of protection for the individual and which at the same time precluded intervention by other States, particularly where there was no adequate national machinery for the individual's protection.

15. Her delegation urged the Committee to adopt texts which went to the core of the problem and which offered realistic and effective solutions.

16. Mr. K. C. PANT (India) said that the preparation of implementation measures was not a simple matter, as witness the fact that, despite extensive consultations, the Committee still had before it two detailed proposals and a number of amendments.

17. To judge from the statements made so far, the Committee strongly favoured the adoption of measures of implementation; that attitude was a logical sequel

[1] See United Nations Conference on International Organization, G/7 (g) (2) (vol. 3, p. 265).

to its enthusiastic reception of the Convention. Apart from that, experience showed that it was useless to adopt texts unaccompanied by measures of implementation. Thus, despite the Universal Declaration of Human Rights of 1948, racial discrimination was still a scourge. At the first session of the General Assembly in 1946, the Indian delegation had raised the first protest against racial discrimination in South Africa. At the time India had been represented by Mrs. Pandit, who had been the only woman leading a delegation. The fact that many more women now represented their countries at the United Nations was a sign of progress at least in women's emancipation. There was no doubt that much ground had been covered since 1946: the conscience of mankind condemned racial discrimination, and in many countries legislative and other measures had been taken against it. Yet only a few days previously the Government of Southern Rhodesia, representing no more than a twentieth of the country's total population, had defied the world by showing that it was determined to keep almost the entire population under tutelage, and that its domination was based on racial discrimination. While it was important to adopt the Convention, its limitations must nevertheless be recognized. It would become binding only on States which ratified it. The adoption of such an instrument would undoubtedly create an international climate that would exert moral pressure on all States, but there was little chance that Governments such as those of the Republic of South Africa or Southern Rhodesia would ever accept the Convention or allow themselves to be disciplined by it. They would have to be disciplined by other means.

18. Since the States acceding to the Convention would be those wishing in good faith to eliminate racial discrimination, it was logical to assume that they would honour their commitments with regard to the implementation of the Convention. Those that had reservations would not become parties to it. Nevertheless, implementation measures were necessary because disputes might arise or decisions might be required as between differing interpretations; but implementation of the Convention by sovereign States would be essentially voluntary. It was very difficult to go further. Although the principle of international supervision could be said to flow logically from the adoption of an international convention, sovereign States were hesitant to accept the scrutiny and judgement of an international body over their actions. The difficulty started when an attempt was made to give shape and form to the idea. His delegation was grateful to those which had tried to do so. It had to be remembered that the present was the first time an attempt had been made to include far-reaching implementation measures in the body of a United Nations convention. To do so would create precedents, so the task must be approached with great care.

19. His delegation would have preferred the Committee to work on a text that had the prior approval of the Commission on Human Rights. The Third Committee was not a drafting committee, and it did not possess as much as would be desirable in the matter. Moreover it was disturbing to note that within the space of a few days the Ghanaian delegation had given the Committee two drafts (A/C.3/L.1274 and L.1274/Rev.1) which differed substantially from each other. That fact underlined the difficulties of such drafting.

20. The two proposals (A/C.3/L.1221 and L.1274/Rev.1) before the Committee related to three levels of implementation: they provided for a reporting system; they set a procedure for the settlement of disputes between States; and they provided for the right of petition by individuals.

21. His delegation was in favour of the establishment of a body to examine reports from signatory States on the legislative, administrative, judicial or other measures they had adopted, and to make recommendations or suggestions concerning them. His delegation was not opposed in principle to the establishment of some machinery to deal with disputes between States; it was to be feared, however, that States might resort to that organ less in order to succour the oppressed than to pursue political ends. Furthermore the question arose how an ad hoc, non-judicial committee could exercise judicial functions. If two States wished in good faith to settle their differences, it would always be open to them to adopt the process of agreed conciliation. As to the ad hoc committee, if the solution it proposed was not binding, it could hardly be of any practical value; yet it would be difficult to make it binding. The freedom of an injured person to lodge a complaint would appear to be the natural and inalienable right of the individual. The idea of a national committee to deal with individuals' petitions was accordingly an attractive one. However, when an individual was given the right to appeal against his Government to an international body, the State must voluntarily surrender to that international body part of its jurisdiction over its citizens. The nature of such an international body to which individuals might submit their complaints, and the type of guarantees it was to give, would have to be very precisely defined.

22. Some delegations had referred to inter-governmental organizations in Western Europe and Latin America whose agreements included implementation provisions. However, those bodies were regional in character and served homogeneous areas, and had consequently been able to work out measures acceptable to all. The International Convention on the Elimination of All Forms of Racial Discrimination, on the other hand, would have to apply to every country in the world. From 1955, when the provisions relating to petitions of the European Convention for the Protection of Human Rights and Fundamental Freedoms had come into effect, until 1962, 1,749 petitions had been filed but only seven admitted, and in only one case had a decision been made in favour of the petitioner. His delegation therefore considered the establishment of a reporting system to be the essential minimum. As to the other measures, it would be advisable to bear in mind the Committee's ultimate goal, which was to ensure the widest possible acceptance of the Convention.

23. Mr. ABDEL-RAHIM (Sudan) said that his delegation, which had always acknowledged its involvement in the fight against all forms of racial discrimination and its willingness to do its utmost to bring that fight to a successful conclusion, strongly supported the principle of implementation and trusted

that all of the members of the Committee would do likewise.

24. With regard to the ways and means of implementation, his delegation considered that nothing should be left undone to guarantee the effective implementation of the Convention, including the institution of the proposed system of periodic reports and the establishment of a good offices committee. However, it also considered that, in elaborating the details of the various procedures contemplated, the Committee must be careful to avoid doing anything contrary to the accepted principles of the United Nations, especially that of the sovereignty of Member States, which was of basic importance, especially for the newly independent States, and which should in no way be compromised as a result of any action taken by the Committee.

25. Mr. ABDEL-HAMID (United Arab Republic) said that, in view of the seriousness of the issue dealt with by the Convention, it was most important to refrain from polemics and to act with the greatest vigour to put an end to racial discrimination. There were three possible ways of ensuring implementation of the Convention: by including measures of implementation in the body of the Convention; by drawing up a separate protocol containing measures of implementation; or by setting up machinery of implementation that would be generally acceptable as an important factor in the adoption of the Convention.

26. With regard to the first method, he observed that there were certain grave circumstances in which the machinery of the United Nations was not always equal to its task, despite all the powers of implementation which it enjoyed through some of its organs, and he gave his opinion that an organ of the kind which it was proposed to set up, whatever the powers that might be vested in it, would not be able to ensure that the provisions of a legal instrument would be carried out. It was necessary to count above all on the sincere devotion of the States Parties to the principles of the Convention. While paying a tribute to the efforts of the Philippine and Ghanaian delegations, he wondered whether it was really necessary to consider in detail all the legal questions raised by their proposals. In that connexion he remarked that the principle of the sovereignty of States was deeply rooted among Members of the United Nations, and that anything that might affect it should be examined with the greatest care. Consequently, those who were asking for more time to study the matter were quite right to do so.

27. Turning to the second possibility, and replying to those who felt that the fact of having a separate protocol for measures of implementation would reduce the Convention to a mere declaration of intentions, he said that his delegation based itself on the principle that Member States signed and ratified international instruments in order to apply them, and that the Convention would therefore lose none of its force, even if it contained only substantive articles. His delegation was convinced of the importance of international co-operation based on the principles of the Charter and therefore considered that the third method, which would consist in agreeing on measures of implementation, was the one best adapted to the difficulties encountered by the Committee and most likely to make the Convention a generally acceptable international instrument. He set great store by that method of co-operation and was prepared to offer to co-operate in drafting measures of implementation together with the appropriate safeguards against abuses and excesses. He took the opportunity to express his astonishment at the sharp contrast between the resistance to certain matters of principle, shown by certain States where racial discrimination existed, and their insistence on measures of implementation.

28. Miss WILLIS (United States of America) joined those delegations that had urged the Committee to consider the measures of implementation as an integral part of the Convention. As the United Kingdom representative had said, implementation meant that the United Nations would be doing something practical about racial discrimination. She also agreed with the delegation of the USSR that in the first instance the elimination of racial discrimination must depend upon domestic measures, but that international measures played a very important role.

29. Her delegation was willing to work with other delegations as long as necessary for the adoption at the present session of a convention together with effective measures of implementation and final clauses.

30. The importance her delegation attached to the measures of implementation derived in part from the experience which the United States itself had had in its efforts to eliminate racial discrimination. Racial discrimination had persisted even though civil rights were guaranteed to all citizens by the Constitution. In taking measures to eradicate racial discrimination, the United States Government had paid particular attention to procedures and institutions, rather than to the further formulation of general principles and the proclamation of rights. It was in that spirit that it had adopted the Voting Rights Act of 1965, which established procedures for the implementation of existing rights.

31. The Netherlands representative had pointed out that there were three basic and complementary approaches to the implementation of the Convention: reports from States Parties on compliance; complaints by States Parties concerning non-compliance by other States Parties to the Convention; and petitions received from individuals and non-governmental organizations. The principle of a system of reports on compliance seemed to meet with general approval. The establishment of a committee to consider those reports and make recommendations should not give rise to any major difficulties.

32. With regard to the second basic aspect of implementation, the two texts before the Committee (A/C.3/L.1221, L.1274/Rev.1) revealed a somewhat different approach. The United States delegation would prefer the approach taken by the Philippines, but was confident that it would be possible to work out a single draft that could command a large majority. There were also differences in approach with regard to the third element in implementation, the right to petition. She was prepared to vote for a text providing for the right of petition where the States Parties had given their specific approval to the use of such a procedure.

33. The United States delegation reserved the right to go into the details of the various proposals at a later stage in the debate, and in particular to explain its amendments (A/C.3/L.1271) to the Philippine proposals. Like the Italian delegation, it hoped that the views of the Ghanaian and the Philippine delegations could be brought into harmony with each other, and her delegation would give its maximum co-operation to that end.

34. In her opinion, the draft measures of implementation provided an excellent basis to work from, and the Committee should spend whatever time was necessary to reach agreement on the implementation provisions. The Committee's work should be guided by three considerations: respect for the sovereignty of the States Parties to the Convention; the importance of effective measures; and the importance of their wide acceptability.

35. Mr. BLANCO (Argentina) observed that the members of the Committee agreed on the need to supplement the Convention with measures of implementation without which it would be no more than a declaration of intentions with no binding force upon any State.

36. During the discussion, the question had arisen whether the measures of implementation might infringe upon the sovereignty of States. In his opinion, once States had recognized the need to stamp out racial discrimination in their territory, they ought to accept the logical consequences of that position. Moreover, since they had exercised their sovereignty by adopting the Convention together with its measures of implementation, the execution of those measures could hardly infringe upon their sovereignty.

37. He wished to emphasize, as the French representative had done, the need for the Committee to pursue its work in an atmosphere of realism and objectivity. The aim was to prepare, not an ideal convention, but an instrument which the Committee had worked out, taking into account the points of view of the various States and which would be accepted by them. Each representative should therefore make his utmost contribution to the discussion, so as to produce the best and most complete synthesis of the various points of view represented in the Committee. In the course of their work, it had to be borne in mind, as the Tanzanian representative had emphasized, that, however important the idea of sovereignty might be, the Committee's work was aimed essentially at preventing violations of human rights and fundamental freedoms.

38. Mr. DAS (Secretary of the Committee) said that the Secretary-General wished to state that the revised amendments submitted by the Ghanaian representative in document A/C.3/L.1274/Rev.1 would not call for any revision of the statement on financial implications contained in document A/C.3/L.1278. He therefore drew the Committee's attention to paragraph 3 of the latter document, in which the relevant financial and other implications were set forth.

39. Mr. LAMPTEY (Ghana) suggested that representatives including those who had submitted amendments to the Philippine proposals, should come together the following day as a working group to prepare a text that would combine the delegations' various points of view and thus be likely to win the widest possible support.

40. After an exchange of views on the membership of the working group, in which Mr. ZULOAGA (Venezuela), Mr. OUEDRAOGO (Upper Volta), Miss FAROUK (Tunisia), Mr. CHKHIKVADZE (Union of Soviet Socialist Republics), Miss TABBARA (Lebanon), Mr. A. A. MOHAMMED (Nigeria), Mr. SHARAF (Jordan), Mr. KOCHMAN (Mauritania), Mr. CAPOTORTI (Italy) and Mr. COCHAUX (Belgium) took part, the CHAIRMAN proposed that the group should comprise the sponsors of amendments to the Philippine proposals, since a small group would be better able to work effectively.

It was so decided.

The meeting rose at 6.10 p.m.

Litho in U.N. 77301—September 1966—2,175

Annex 21

Third Committee, 1347th meeting, 18 November 1965,
doc. A/C.3/SR.1347

United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

THIRD COMMITTEE, 1347th MEETING

Thursday, 18 November 1965, at 3.20 p.m.

NEW YORK

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1221, L.1237, L.1239, L.1241, L.1249, L.1251, L.1262, L.1266, L.1268, L.1270 to L.1273, L.1274/Rev.1, L.1278, L.1289, L.1290)

ARTICLES ON MEASURES OF IMPLEMENTATION (continued)

1. Mr. KOCHMAN (Mauritania), speaking as sponsor of the sub-amendments (A/C.3/L.1289) to the revised amendments submitted by Ghana (A/C.3/L.1274/Rev.1) to the Philippine proposals (A/C.3/L.1221) relating to measures of implementation of the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1239, L.1241, L.1249, L.1262), said that he had decided to submit his text after having heard the statements made in the Committee and the discussion in the working group. His delegation wanted to go beyond theoretical statements and expression of ideals and urged the adoption of practical and effective measures of implementation. His Government's position on racial discrimination was well known and, during the recent events in Southern Rhodesia, Mauritania and the three States bordering the Senegal River had adopted at Nouakchott a resolution condemning racial discrimination.

2. In view of the technical complexity and the seriousness of the undertakings envisaged in the proposals under consideration, his delegation suggested that the Committee should adopt a text in first reading and then submit it to Governments for their observations, as had been done in the case of the draft Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. If such a procedure could be followed for a declaration, it could a fortiori be applied in the case of a convention. It was only right that Governments should be able to make their views known. In that connexion, he drew the Committee's attention to Economic and Social Council resolution 1075 (XXXIX), which sought to review the experience with existing arrangements and procedures and requested that reports on "existing organizational and procedural arrangements for the implementation of conventions and recommendations in the field of human rights" should be prepared and submitted to the Council.

3. The CHAIRMAN observed that the Committee could not take a decision, even on first reading, on the substance of the measures of implementation of the Convention without prejudging its position.

4. Mr. KOCHMAN (Mauritania) announced that he would submit a draft resolution requesting that the Committee consider his amendments before proceeding to vote on the measures of implementation.

5. The CHAIRMAN suggested that the Committee should conclude the general debate on measures of implementation before considering the Mauritanian proposal.

6. Mr. AL-RAWI (Iraq) said that the delicate and important question which the Committee was discussing must be given careful study. In his view, the draft articles were too theoretical and difficult to apply. They encroached upon the sovereignty of States, a fundamental principle of international law, to which all States, particularly the small States and those which had recently attained independence, attached great importance. His delegation was in favour of measures of implementation, for a convention without such measures would be of little use. However, such measures must serve the aims of the Convention and must be based on the principle of non-intervention in the domestic affairs of States.

7. The draft articles contained some principles new to international law, which should be approached with the utmost circumspection. Those articles were not clear and they proclaimed ideals instead of providing practical means of implementation. Their adoption might disturb international peace and impair friendly relations between States. It might serve to extend the cold war by permitting any State, person or non-governmental organization to submit a petition against a State and to interfere in its domestic affairs. The articles were contrary to the principles of the Charter of the United Nations, particularly Article 2, paragraph 7.

8. In his opinion, to adopt such principles would be to embark upon a very dangerous adventure.

9. Mr. JERNSTROM (Finland) observed that the main problem that had always faced legislators in

the field of international law had been the difficulty of finding a way to ensure the practical implementation by States of the rules and principles they had agreed upon. That was a problem confronting all who were concerned with international relations governed by the rule of law.

10. Accordingly, while the Charter of the United Nations was one of the basic sources of modern international law and the Member States that had ratified it had pledged themselves to adhere to its rules, yet their implementation constantly presented problems. The Sixth Committee, for instance, was seeking practical means of implementing the provisions of Article 2 of the Charter, which urged Member States to settle their disputes by peaceful means. That was a universally recognized principle but the manner in which it was to be implemented had yet to be worked out.

11. Until the problems of implementation were solved, the principles that had been agreed upon, however lofty and important they might be, would remain a dead letter, whatever the instrument in which they were embodied. Since the Convention under consideration concerned one of the most fundamental of human rights and would become an instrument of far-reaching importance and since the General Assembly (resolution 1906 (XVIII)) had decided at its eighteenth session to give absolute priority to the Convention at its nineteenth session, the Committee should take seriously to heart the need to complete its work.

12. Since the Convention on the Elimination of All Forms of Racial Discrimination was intended to become a part of international law, his delegation considered it most important that the Committee should draw up an effective international instrument and not merely a declaration. With that aim in view, his delegation was prepared to give careful consideration to all proposals, amendments and compromise texts that might emerge from the consultations in progress and might wish to speak again at a later stage in the debate.

13. Miss TABBARA (Lebanon) said she believed that, in view of the sense of responsibility and conciliatory spirit always shown by the members of the Committee and their desire to strengthen international law and order, the Third Committee would successfully complete its task, despite the difficulties involved.

14. As had been said, the Convention's effectiveness would clearly depend, in the long run, on the legislative, administrative and jurisdictional arrangements which the States Parties adopted in order to eliminate racial discrimination and the instrument would obviously apply only to those countries which had shown their good faith by ratifying it.

15. However, the adoption of measures of implementation would be of unquestionable value. First of all, it would undoubtedly impel States to take at an earlier date the measures required to eliminate discrimination. Furthermore, the desire to avoid international opprobrium would probably induce countries to adopt legislation more in conformity with the principles of the Convention. Lastly, the very fact that a State had not acceded to the Convention would be enough to cast doubt on its good faith and the equity of its legislation.

16. The main difficulty the Committee would have to face would be in reconciling the principle of international control with State sovereignty. In that connexion, any further recognition of the principle of international control could only serve to strengthen the international institutions themselves. The Committee had one advantage in that the Convention with which it was dealing concerned a virtually universally accepted principle. The States which still opposed that principle were publicly and almost daily assailed in the United Nations. The concern of those States which feared for their national sovereignty was shared by the majority of delegations and the United Nations was in a particularly good position to understand them. The Committee should therefore consider the principles one by one and see what measure of agreement could be reached.

17. In that connexion, she wished to pay a tribute to the efforts of the delegations of the Philippines and Ghana, as a result of which the Committee had before it documents which could serve as a useful basis for its work.

18. Her delegation believed that it was in the interest of all countries to carry out that task. There was no need to take any hasty decisions; on the contrary, the Committee should devote all the time necessary to the task and, provided all showed goodwill, its efforts should yield positive results.

19. Mr. INCE (Trinidad and Tobago) said that he wished to reiterate his delegation's stand against racial discrimination. The draft Convention would be but a paper tiger unless it included measures of implementation. Some delegations had stated that racial discrimination was unknown in their countries; those which had admitted the existence of certain forms of discrimination had stressed the efforts that were being made to eliminate it. The time had come to put those professions of good faith to the test by drawing up measures of implementation.

20. His delegation realized the difficulties which the drafting of such measures would involve, but it was aware also that the countries which claimed to have no racial discrimination would take refuge in their national sovereignty and maintain that any complaint that might be made was a matter within their domestic jurisdiction. In that connexion, he recalled the opinion of distinguished international authorities, such as Professor Lauterpacht of the United Kingdom and Professor Cassin of France, who maintained categorically that, as a result of the adoption of the Charter, human rights had become part of international law and no longer fell essentially within the domestic jurisdiction of States. If, then, measures of implementation were adopted, States Parties to the Convention would be at least morally bound by the terms of the Convention. The obligation would be chiefly a moral one, for he wondered how a State would react if a judgement were pronounced against it. However, it was probable that many States would sign the Convention in order not to incur general opprobrium. Ratification of the Convention would therefore be regarded as evidence of good faith on the part of States and that was why some

delegations were seeking to water down the implementation provisions.

21. His delegation welcomed the observation that the European Convention for the Protection of Human Rights and Fundamental Freedoms contained articles which were stronger than those at present under consideration, and yet did not infringe the sovereignty of States. He was also fully aware of the difficulties that would persist even after the adoption of a convention, and to which the Indian representative had referred in connexion with the European Convention.

22. He was prepared to support any satisfactory method which the Committee might decide upon for setting about its work on the individual articles. He reserved the right to intervene again at a later stage in the debate.

23. Mr. BENGTSON (Sweden) said that it was reassuring to see that, in spite of certain differences of view, all the statements so far made had stressed the extreme importance of the subject dealt with in the draft Convention and the support which all countries planned to give to the achievement of its aims.

24. The Swedish people, which thanks to its relative homogeneity had perhaps been less exposed to the dangers of racial discrimination, was fully aware of the persistence of racism in the world and of the necessity to fight it wherever it appeared, in order to prevent it from spreading. It was the duty of all countries to combat racism.

25. The United Nations was confronted with a difficult task, but present events should spur Member States to even greater efforts to eliminate the dangers of racial hatred and to be faithful to the pledge they had taken under the Charter. His delegation did not favour postponing the item once again; on the contrary, in view of its urgency and importance, the Committee should devote sufficient time to it at the present session and avoid, by further delays, providing ammunition for those who refused to believe the United Nations could play a decisive role in promoting universal respect for human rights. His delegation therefore associated itself with those which requested that effective implementation clauses should be incorporated in the Convention without delay.

26. The two main texts before the Committee—the Philippine proposals (A/C.3/L.1221) and the amendments thereto submitted by Ghana (A/C.3/L.1274/Rev.1)—had much in common and it should not be impossible to find a compromise formula. The first of the means of implementation envisaged in the two drafts, namely the reporting system, could be effective only if the reports of States Parties were subjected to critical and objective study within the reporting country and by an international body, whose members should be fully devoted to the cause of human rights. In that connexion, the machinery proposed in the two texts under consideration was not entirely satisfactory. However, his delegation, knowing that some States, such as Mauritania, considered the compulsory reporting system proposed by Ghana and the Philippines too rigid, was inclined to accept in a spirit of compromise the measures proposed in the two drafts before the Committee.

27. With regard to the procedure for conciliation between States Parties to the Convention, through the good offices of an international body, he noted that the implementation measures proposed in that respect would allow a State Party to lodge a complaint against another contracting State regarding infringement of the provisions of the Convention, even if the victims were nationals of the State accused. That involved an interesting principle of international law, which was still at an early stage of development and which, unless abused for political reasons, might be of great value in protecting human rights and individual freedoms by placing on the international community the responsibility for ensuring that those rights and freedoms were respected. In the particular case of the present Convention, there was reason to believe that complaints of that kind would be the exception; they might arise, for instance, where ethnic bonds made the initiative taken by the complaining State justifiable. In every case an amicable solution to the problems raised should be sought, with the assistance of an international body set up in conformity with the provisions of the Convention.

28. However, like the Netherlands delegation, the Swedish delegation believed that the most effective means of implementation would be acceptance of the right of petition for individuals or groups of individuals, as the two texts under consideration envisaged, although in somewhat different forms. His delegation supported the Philippine proposals making the right of appeal dependent upon recognition by the State Party involved of the competence of the body entrusted with receiving petitions. It did not seem advisable, as the Ghanaian amendments proposed, to introduce by way of the Convention, i.e., for the purpose of screening the petitions, a domestic remedy to be added to the national machinery of justice already in existence. His delegation preferred the solution proposed by the Netherlands delegation (A/C.3/L.1270), which gave the Committee receiving petitions the right to reject, after a preliminary examination, all petitions which appeared to it to be useless.

29. Mr. SHARAF (Jordan) said that the adoption of a Convention on the Elimination of All Forms of Racial Discrimination was an act of great import which would be a landmark in the history of the United Nations. However, the value of that instrument would depend on the implementation clauses which it contained. The Afro-Asian countries, of which Jordan was one, were among the main victims of racial discrimination. It was their responsibility to see that the Convention was a potent and effective instrument of human justice.

30. His delegation recognized the validity of the reservations expressed by certain States which were anxious to preserve their sovereignty. However, it did not see any incompatibility between establishment of implementation machinery and respect for the sovereignty of States. For its part, Jordan had never felt any qualms about its sovereignty when it had joined the United Nations. The meaning of sovereignty had changed. It had lost its absolute character. By joining the United Nations, States lost their competence to give an a priori interpretation of sovereignty. Jordan did not consider that its

sovereignty would be in any way diminished if it acceded to a convention on racial discrimination which had implementation clauses of reasonable magnitude, designed to safeguard human dignity.

31. It was reasonable to assume that State Parties to the Convention would endeavour to guarantee the right of their citizens to be free from discrimination based on race or colour. Nevertheless, citizens should be ensured the possibility of seeking redress first of all in their own country, as provided in article XII of the Ghanaian amendments and then, if their appeal went unheeded, before a higher body. However, the precise form of international or world body which would examine complaints still remained to be defined.

32. Some Governments would no doubt find it impossible to resist the temptation of using the international machinery for political ends, but that should not prevent the United Nations from seeking to build an international community capable of guaranteeing the principles of human justice and basic rights. The ideal which inspired the Organization should not be impaired by pessimistic views, and it was precisely in order to put an end to a disheartening daily reality that effective implementation machinery must be set up.

33. His delegation believed that the establishment of a system of reporting on the implementation of the Convention was the minimum measure that could be taken.

34. That was a common practice in the United Nations, even in respect of recommendations of secondary importance. The right of individuals to submit petitions should be thoroughly studied, together with conciliation procedures.

35. Mr. BECK (Hungary) said that his delegation had given whole-hearted support to the preamble and the substantive articles of the Convention. It believed that implementation clauses should be worked out with equal enthusiasm at the present session. The Hungarian delegation was prepared to co-operate towards the successful discharge of that task.

36. He believed that the draft submitted by Ghana, the Philippines and Mauritania, and most of the amendments, contained a number of common elements which should command a wide measure of support. Thus there had been no objection to the principle of preparation of reports. As it proceeded with its work, however, the Committee should bear in mind a number of principles, particularly respect for national sovereignty and the effectiveness of the proposed measures and the likelihood of their being accepted by the majority of delegations.

37. Mr. MUMBU (Democratic Republic of the Congo) said that pending the submission of the joint text which was to emerge from the present negotiations, his delegation would confine itself to general comments on the substance of the documents submitted to the Committee by the delegations of the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1); it reserved the right to speak again during the detailed consideration of the various tests proposed.

38. Realizing the cardinal importance of the question of eliminating racial discrimination, his delegation, which had voted for the draft Convention, believed it essential that the instrument should have implementation clauses. Nevertheless, although it unreservedly endorsed the principle of measures of implementation, it could not say that it was fully satisfied with the manner in which the measures were set forth in the drafts submitted by the Phillipine and Ghanaian delegations. It appealed to those delegations to bring forward a single document for the Committee's consideration as soon as possible. His delegation also asked the sponsors of amendments and sub-amendments to withdraw those of their proposals which did not relate to matters of substance. When the Committee had the new text before it his delegation proposed to make its own contribution to the consideration of the question.

39. He considered the Mauritanian amendments (A/C.3/L.1289) inopportune at the present stage of the Committee's work, but his delegation would support the majority view if it favoured those amendments.

40. Miss Groza (Romania) said that her Government, which supported the abolition of all forms of racial discrimination, could not but subscribe to the idea of establishing supplementary implementation procedures for the Convention.

41. With regard to the actual principle of measures of implementation, her delegation associated itself with those which had contended that only States, and hence their Governments, could ensure the implementation of the provisions of an international instrument by which they were bound, as they alone could adopt the economic, social, political, administrative and other measures required. Secondly, the implementation measures should be entirely consistent with scrupulous respect for the principle of national sovereignty and non-interference in the internal affairs of States. Lastly, on the question whether the implementation measures should appear in the body of the Convention itself, or in a separate document attached to it, her delegation favoured the second alternative.

42. She welcomed the setting up of a working group, which had the difficult task of presenting the Committee with draft implementation measures reflecting the views expressed by all delegations in the course of the discussion.

43. Miss KING (Jamaica) considered that the proposals submitted by the delegations of the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1) merited the Committee's close attention; their moderation and legal value made them an excellent starting point for the discussion.

44. Her delegation took the view that a convention which did not incorporate implementation measures have no legal value and would meet neither the practical concerns nor the needs of peoples. Moreover, such measures were urgently needed and should be adopted at the present session. The question dealt with in the Convention was too important for the consideration of implementation measures to be postponed or referred to another body. She appealed to those supporting such a procedure to withdraw their proposals to that effect.

45. As far as the texts before the Committee were concerned, her delegation supported in principle the proposals of Ghana and the Philippines for a periodic reporting system, which could be accepted without difficulty. Her delegation attached great importance, however, to the examination and evaluation of such reports. The two other methods proposed—a procedure for settling disputes between States and petitions from individuals—also seemed to her essential for the balanced implementation of an international instrument.

46. Since in the case of large ethnic and racial groups it was the individual who was primarily affected by racial discrimination, individuals must have access to national and international machinery through which they could seek redress for damage they might suffer.

47. At the national level, the establishment of a national committee as contemplated in the Saudi Arabian amendment (A/C.3/L.1290) to article XII of the Ghanaian text, was an excellent suggestion which should be adopted in the final text; despite its imperfections and the difficulties it might present, the proposed arrangement had the great merit of permitting all States, including those whose legal system did not provide for implementation machinery, to assume responsibilities for the Convention's application. The arrangement was not fully adequate, however, since the conditions in which it would be applied were not ideal, and it would be naive to think that individuals would succeed, in all cases and all countries, to secure full redress by such means. It was accordingly necessary to provide also for an international body to consider disputes between States Parties, which latter should try to overcome the fears they entertained with regard to the sanctity of their national sovereignty and should be prepared, not to sacrifice that sovereignty, but to adjust it to a fuller awareness of the importance of the question of racial discrimination.

48. Her delegation reserved its right to speak again in greater detail on the amendments before the Committee. For the time being it would simply state that it firmly supported the adoption of implementation measures, hoping that it would be followed in that course by all members of the Committee.

49. Mr. OUEDRAOGO (Upper Volta) said that, while he recognized the urgency of adopting the International Convention on the Elimination of All Forms of Racial Discrimination, he thought it would be advisable to proceed with caution and patience so that the final text might gain general acceptance, the sine qua non of an effective international instrument.

50. Although the various delegations that had spoken before him had not stressed the political problems raised by the question of measures of implementation, he himself was convinced that those very problems were slowing down the Committee's work. He subscribed to the views that had been expressed regarding the legal difficulties, and considered it desirable that a specialized United Nations body should study the matter and give the Committee its opinion.

51. His delegation would not comment on the texts before the Committee inasmuch as negotiations were under way for the preparation of a single text, but it might wish to speak again later.

52. Mr. LAZAVERIĆ (Yugoslavia) said that his delegation had already stressed that the situation prevailing in the matter of racial discrimination necessitated the prompt adoption of an effective convention on the elimination of such discrimination, formulated in such a way that it could be incorporated in the various legal systems of the signatory countries. That applied not only to the substantive articles, which the Committee had already succeeded in adopting thanks to the spirit of co-operation shown by its members, but also to the measures of implementation, which must also be acceptable to the great majority of countries. Fully aware of the difficulties involved, his delegation would continue to lend full support to all suggestions and proposals made with the end in view.

53. In his opinion, the implementation of the Convention would depend first and foremost on the States Parties to it. Once the Convention had been signed and ratified, its provisions were, according to established practice, automatically incorporated in the domestic legislation of the signatory State and constituted obligatory legal norms for national organs and law courts. Every signatory State was consequently obliged to adopt, if necessary, appropriate provisions for the application of the Convention—i.e., in the case in point, provisions for eliminating all forms of racial discrimination. Apart from national measures of implementation, however, it was imperative to set up an international system that would enable signatory States to settle differences in regard to the interpretation or application of the provisions of the Convention.

54. His delegation had studied with close attention the implementation measures proposed by the Philippine and Ghanian delegations, as well as the amendments submitted by other countries. In view of the complexity and importance of the question, the short time at the Committee's disposal and the differences of views that had become apparent in the discussions, his delegation wondered whether the Committee would not be well advised to adopt only the essential measures of implementation at the current session and leave the others until later.

55. His delegation was in favour of instituting a system of reporting, as proposed by Ghana. It also favoured the establishment of a committee, provided that clear answers were found to all the questions involved in the creation, terms of reference and role of that body.

56. Mr. KOCHMAN (Mauritania) said that, in a spirit of co-operation and in order not to delay the work of the Committee, his delegation would not submit its draft resolution.

57. Mr. ALONSO OLEA (Spain) expressed the hope that the sponsors of the various proposals and amendments, especially the Philippine and Ghanaian delegations, whould be able to agree upon a single text.

58. His delegation too was convinced of the necessity of complementing the Convention on the Elimination of All Forms of Racial Discrimination with measures for ensuring its application. Whoever accepted moral obligations must comply with them in practice: in other words, he must be willing to turn them into legal obligations. That was especially true in the case of racial discrimination, which not only posed a problem of conscience but was an everyday reality.

59. The reluctance of some States to adopt measures of execution seemed to be prompted by the desire to keep their national sovereignty intact. Some concessions, however, were inevitable and necessary, although they must be kept within reasonable limits. The machinery advocated in the various texts before the Committee should arouse no apprehension in that respect, since it took the form of a committee whose members would be chosen from among the States Parties, and elected by them, and a temporary or permanent conciliation committee would be persons of high moral standing and acknowledged impartiality, trusted by the parties to the dispute.

60. Miss HART (New Zealand) said that the Committee's task was not an easy one, for its decisions on the implementation machinery of the Convention would have a significant bearing on other instruments concerning human rights. However, there were precedents to guide the Committee, in particular the work done on the implementation of the draft convenants and, above all, the tried and tested measures that had been adopted to implement conventions on human rights drawn up by specialized agencies, such as the ILO and UNESCO, and by regional organizations. In none of those instruments had it been considered adequate to leave it to States Parties to take the necessary measures of implementation. Instead the view had been taken that, to ensure scrupulous observance of the obligations undertaken and the amicable settlement of disputes regarding the application of such conventions, some form of international supervision was required. Admittedly, such international supervision was still an exceptional feature of contractual relations between States. However, it was precisely because the treaties themselves were exceptional, involving, among other things, relations between a State and its own nationals, and because they were of a relatively new type, that reliance on the principle pacta sunt servanda was not enough; new methods of implementation had to be provided. The common elements in those instruments were a system of reports combined with a procedure for the examination of complaints of violations by an independent, impartial and permanent conciliation body. The particular merit seen in that procedure was that it helped to avoid the protracted and possibly bitter arguments that might otherwise arise. In her delegation's view, a system of reporting and conciliation should form the basis for the implementation provisions of the Convention on the elimination of racial discrimination if it was to be an effective instrument.

61. There had been comment about the need to avoid implementation provisions which would invade State sovereignty. For the past twenty years, however—beginning with the Charter—it had been recognized that the protection of human rights was a matter of international concern. In any case, the kind of implementation measures envisaged could not reasonably be regarded as an invasion of State sovereignty. On becoming parties to the Convention, States would accept the obligation to take certain measures to eliminate racial discrimination in their territories; they would cease to be accountable solely to their own peoples for their policy in regard to human rights, and would assume a legal responsibility to the international community. If any surrender of sovereignty was involved, it would surely arise from the acceptance of that responsibility, which was not enlarged by the acceptance at the same time of machinery designed to secure the scrupulous observance of the Convention and the amicable settlement of disputes concerning its interpretation and application.

62. Her delegation found the Mauritanian representative's amendments (A/C.3/L.1289) insufficient, since they left reporting entirely to the discretion of States and avoided any decision on substantial measures of implementation.

63. The amendments of the Latin American countries (A/C.3/L.1268) seemed to imply that no other procedures apart from an amended article 1 were envisaged; those measures were also insufficient.

64. The proposals submitted by the delegations of the Philippines and Ghana provided an appropriate basis for discussion. There were a number of similarities between the two texts; hence there was every hope that the Committee would succeed in preparing an appropriate text which would win general approval. She wished to refer to certain differences in the two documents.

65. The Ghanaian proposals concerning the financial aspects of implementation were useful and merited further attention.

66. With regard to reporting procedures, both texts envisaged that reports would be submitted to a committee of a political nature, which would also be entrusted with the general supervision of the implementation of the Convention. Under the Philippine proposals, that body would be the Economic and Social Council; under the Ghanaian proposal, it would be a committee elected by States Parties to the Convention. The representative of France, among others, had rightly pointed out that States which were not parties to the Convention should not in principle be in a position to comment on the manner in which States Parties were fulfilling their obligations. With the committee advocated by the Ghanaian delegation, on the other hand, it would seem difficult to uphold the principle of due regard for the representation of geographical regions, different legal systems and different civilizations. A committee elected by the States Parties to the Convention would obviously tend to reflect, at least initially, the participation in the Convention. Since her delegation considered that the body receiving reports should be broadly representative in character, it favoured the Philippine text on that point.

67. Her delegation also considered that any body set up to deal with conciliation should, as far as

possible, be impartial, and the same concern appeared to have prompted the Philippine text. The representative of Ghana had also recognized that a political committee was not an appropriate instrument for bringing about conciliation and for settling disputes. Her delegation shared that view, and wondered whether the Ghanaian proposal in particular, was acceptable in that respect since, under that proposal, a political committee would be responsible for deciding whether the conciliation procedure was to be invoked in a particular case. Moreover it was specified that recourse to that procedure required the unanimous consent of the parties to the dispute; she feared that, in such circumstances, the pressures to which the Ghanaian representative had referred might well be brought to bear. Since there was no certainty that the conciliation commission would be set up if other methods of settlement failed, an interminable and insoluble dispute might ensure and the whole purpose of the machinery would be frustrated.

68. Mr. RESICH (Poland) said that his delegation recognized that the Convention on the Elimination of All Forms of Racial Discrimination should be equipped with measures of implementation, provided, firstly, that such measures did not result in interference in the domestic affairs or encroachment upon the sovereignty of States Parties to the Convention and, secondly, that they were calculated to gain the approval of the greatest possible number of States. The best way to meet those conditions would be to draw up an additional protocol containing measures of implementation. However, if that suggestion appeared unacceptable, the most controversial measures of implementation might be embodied in optional clauses whose application would be subject to the agreement of the contracting States.

69. In his view, such clauses should cover at least two points: the jurisdiction of the International Court of Justice and the receivability of petitions from individuals. The compulsory jurisdiction of the Court was even more controversial in the case of individual petitions, since under international law the International Court of Justice was not competent to deal with disputes between individuals and States.

70. The same was true for the national committee, and they too should therefore come under an optional clause. Moreover the establishment of such committees was not essential, for the substantive articles, and articles II and VI in particular, obliged States Parties to take legislative action to provide individuals with judicial, administrative and other forms of protection against racial discrimination. Again, it was obvious that a committee of that kind could function only after all remedies under municipal law had been exhausted; that was not made sufficiently clear in the Ghanaian draft.

71. The Committee also had to decide whether the examination of reports and the functions of conciliation would be entrusted to different bodies or to a single body. His delegation considered that the Committee should avoid setting up too many bodies and should endeavour to work out the simplest and cheapest possible system.

72. The Philippine and Ghanaian delegations deserved thanks for having submitted detailed proposals on implementation which would probably enable the Committee to complete its work by adopting the Convention in its entirety at the General Assembly's current session, in accordance with the resolutions adopted at the seventeenth (1780 (XVII)) and eighteenth (1906 (XVIII)) sessions.

73. Mr. RIOS (Panama) said that he had already stated his intention to give his unreserved support to an instrument designed to wipe out the monstrous aberration of racial discrimination. However, he considered a convention to be of no value unless it included measures to facilitate its rapid application. Articles 2 and 3 of the Philippine text provided for the establishment of the bodies required to interpret and apply the Convention. The other articles were aimed at safeguarding and strengthening the right of every man to live in peace with his fellows. History showed that man suffered less from the absence of good laws than from the ill will and prejudice of those responsible for applying them. For example, it might be said that the Kings of Spain and their advisers had not been indifferent to the condition of the American Indians; the latter had been governed by legislation which in many respects had been very humane, notwithstanding all the injustices that had been committed. Whatever mistakes had been made in the past, he did not propose to criticize a country which had left Panama a civilization and principles which were still alive today. Instead of persisting in bitterness it was necessary to build a new world, free from injustice and discrimination; and that would require more understanding and good will than ever before, for the population explosion was daily increasing the seriousness of human conflicts. That meant drawing up well-thought-out instruments, including measures to ensure their effective application. In the case of the Convention, the Committee could achieve that result by amalgamating the Philippine and Ghanaian texts and the various amendments submitted.

74. Mr. SABEV (Bulgaria) said that, in common with the majority of delegations, he attached great importance to the adoption of a convention on the elimination of all forms of racial discrimination, a convention equipped with effective measures of implementation which, by laying specific obligations upon States, would in some degree supplement the Universal Declaration of Human Rights. His delegation was therefore glad that the Committee, after long and difficult labours, had managed to adopt the preamble and the substantive articles of the draft Convention; that result demonstrated the spirit of co-operation shown by delegations.

75. In his delegation's view, the effectiveness of the Convention would depend essentially on the extent to which the States Parties to it strictly complied with their obligations and adopted, both in the field of civic and political rights and in the economic, social and cultural fields, measures designed to eliminate racial discrimination. In addition, however, an international control system should be established which would show sufficient respect for State sovereignty to win the support of the great majority but which would be effective enough to ensure the application of the Convention. In that connexion, his delega-

tion considered that the reporting system and the establishment of an international committee, composed of representatives of States Parties to the Convention should prove useful in the application of the Convention. At all events it would be regrettable if the adoption of the Convention was delayed under the pretext of difficulty or impossibility of reaching common agreement on all implementation clauses. His delegation, for its part, was ready to co-operate with all members of the Committee in order to hasten the adoption of a convention which included effective measures of implementation. His delegation was grateful to those delegations which had submitted texts and amendments on the subject, and it expressed the hope that a joint text could be prepared in the near future.

76. Miss ADDISON (Ghana) said that she did not wish to prejudge the outcome of the consultations now in progress and would therefore refrain from commenting on the amendments before the Committee. She hoped that the text prepared as a result of those consultations would retain the best features of the Philippine and Ghanaian proposals—which, although differing on some important points, nevertheless had many similarities—and of the amendments submitted. She also hoped that the measures of implementation would be effective enough to guarantee the application of the Convention.

77. Her delegation would have had to vote against the Mauritanian amendments if they had been pressed, for they represented a step backwards from what had already been accomplished.

78. Mr. KOCHMAN (Mauritania) pointed out that the amendments (A/C.3/L.1289), submitted by his delegation, were still before the Committee.

79. Mr. BAROODY (Saudi Arabia) observed that many delegations feared, firstly, that the international committee provided for in article I of the Ghanaian text might jeopardize the sovereignty of States Parties, and secondly that States divided by ideological or political differences might be tempted to overwhelm it with mutual denunciations and accusations. However, every State was jealous of its prestige and would certainly take care to make as much use as possible of its national committee before the matter was taken before an international body.

80. Nevertheless the fears expressed were legitimate, and the Committee must take them into account even if that meant contenting itself with a compromise solution which might be weaker, than the formula originally proposed. He therefore proposed in his amendment (A/C.3/L.1290) that article XII, paragraph 4, of the Ghanaian text should provide for appeal, not to the committee of eighteen members, but to a national tribunal specially constituted for examining any violations to the rights set forth in the Convention. That body might well be an existing judicial body whose members would be under a duty to make an especially thorough study of the Convention. He keenly hoped that the representatives of Ghana and the Philippines would be able to accept that amendment, so that the Convention might be adopted during the current session.

The meeting rose at 6.10 p.m.

Litho in U.N. 77301—September 1966—2,175

Annex 22

Report submitted to the Commission on Human Rights by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, 5 December 1947, doc. E/CN.4/Sub.2/38

UNRESTRICTED

ECONOMIC AND SOCIAL COUNCIL

CONSEIL ECONOMIQUE ET SOCIAL

E/CN.4/SUB.2/38
5 December 1947
ENGLISH
ORIGINAL: FRENCH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

FIRST SESSION

REPORT SUBMITTED TO THE COMMISSION ON HUMAN RIGHTS BY THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

(DRAFT)

The Sub-Commission started the work of its first session on 22 November 1947, and finished it on ..... having held .....meetings.

The following were present:

Mr. W.M.J. McNAMARA	(Australia)
Mr. J. NISOT	(Belgium)
Dr. C.H. WU	(Deputy for Mr.Chang (China)
Mr. A. Meneses PALARES	(Ecuador)
Mr. S. SPANIEN	(France)
Mr. H. ROY	(Haiti)
Mr. M.R. MASANI	(India)
Mr. Rezazada SHAFAQ	(Iran)
Mr. E. EKSTRAND	(Sweden)
Mr. BORISOV	(U.S.S.R.)
Miss E. MONROE	(United Kingdom)
Mr. J. DANIELS	(United States of America)

Mme. LEFAUCHEUX (France), representing the Commission on the Status of Women, who was invited by the Sub-Commission in virtue of a decision of the Economic and Social Council, also took part in the discussions insofar as they dealt with discrimination on grounds of sex.

The Secretariat of the United Nations was represented by Professor J.P. HUMPHREY, Mr. E. LAWSON, Professor E. GIRAUD and Mr. A.H. HEKIMI.

The Sub-Commission appointed Mr. E. EKSTRAND as Chairman, Mr. H. ROY as Vice-Chairman, and Mr. J. NISOT as Rapporteur.

The present Report gives the result of the work of the Sub-Commission's first session. In particular, it contains, in addition to the recommendations or proposals made by the Sub-Commission, dissident opinions or other observations, drafted in their own terms by certain members of the Sub-Commission who asked for their insertion in the Report.

Terms of Reference of the Sub-Commission

The Sub-Commission's terms of reference had been laid down by the Commission on Human Rights as follows:

"(a) In the first instance, to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of the prevention of discrimination on grounds of race, sex, language or religion, and in the field of the protection of minorities, and to make recommendations to the Commission on urgent problems in these fields.

"(b) To perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights."

There were several discussions in the course of the session as to the exact meaning of these terms of reference, and the Sub-Commission finally decided to submit the following recommendation:

"The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities recommends that the Commission on Human Rights be good enough to re-examine its terms of reference in order to clarify them and extend their scope".

This recommendation was adopted by 9 votes with 3 abstentions.

I.

DRAFT DECLARATION ON HUMAN RIGHTS

The Sub-Commission had before it the draft International Declaration on Human Rights drawn up by the Drafting Committee (E/CN.4/21, Annex F.). It noted that certain articles in the draft were designed to prevent discrimination and protect minorities. Consequently, although the Draft Declaration had not yet been officially communicated to the Sub-Commission considered that it should take tha rtant document into account. It felt that the best way of obtain ncrete results of immediate value was to start by dealing with the ubjects coming under its terms of reference within the framework of those articles of the Draft Declaration which had been indicated as relating to those terms of reference.

The Sub-Commission therefore proceeded to study the following articles of the Draft Declaration: article 6, article 13, article 15, article 28, and article 36. For the most part this study resulted in amendments being proposed.

1) Article 6.

Text proposed by the Sub-Commission:

"Every one is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, sex, language, religion, political or other opinion, property status, or national or social origin." (1)

(Adopted by 9 votes to 1, with 1 abstention).

(1) The Drafting Committee's text was as follows:

Every one is entitled to the rights and freedoms set forth in this Declaration without distinction as to race, sex, language, or religion.

The Sub-Commission, in adopting the text, thought there was no need for a special mention of "colour", as that was included in "race".

It also considered that in completing by the words "political or other opinion, property status, or national or social origin", the list given in paragraph 3 of Article 2 of the Charter ("without distinction as to race, sex, language, or religion"), it had not added to that list, but had merely interpreted and clarified it by means of examples. The Sub-Commission's text ("without distinction of any kind such as race.....etc.") is, moreover, intended to show that its list is not exhaustive.

It will be seen that the Sub-Commission has referred in the article to "all the rights.....etc." It intended to show in this way that it was not necessary to develop the idea further in Article 6, as the substance of the rights and freedoms was established in the other articles of the Declaration.

Finally, the Sub-Commission wished to make it clear that the words "national origin" should be interpreted by taking the idea of "nationality" not in its legal sense (subject of a State), but in its sociological sense (national characteristics).

Remarks by Mr. Nisot (Belgium):

"I abstained from voting on Article 6, since, in my view, it should have reproduced only the enumeration found in the Charter: 'without distinction as to race, sex, language or religion', instead of increasing this enumeration. The terms of the Charter, beyond all possible dispute, are binding upon all the Members of the United Nations. It would, therefore, have been wise strictly to adhere to them owing to the organic nature of the text in question (the Declaration)."

Remarks by Mr. Borisov (Union of Soviet Socialist Republics):

"As drafted by the Sub-Commission Article 6 is not satisfactory. In particular, there is no mention of prevention of racial discrimination and no direct reference to enjoyment of equal rights for all in the fields of economic, cultural and social-political life. Even part of these omissions would prevent the rights of everyone "without distinction of race, sex, language or religion" from being secured by the Article."

Mr. McNamara and Dr. Wu submitted a text amending a proposal of Mr. Borisov. Its wording was as follows:

"Any advocacy of national, racial and religious hostility and any action establishing a privilege or a discrimination based on distinctions of race, nationality or religion shall be prohibited by the law of the State."

This text was not adopted, there being 5 votes for and 5 against, with 1 abstention.

On the other hand, the Sub-Commission adopted, by 10 votes with 1 abstention, the following recommendation:

"The Sub-Commission recommends to the Commission on Human Rights the inclusion in the proposed Convention or in the Declaration of Rights, in the appropriate places, of clauses condemning incitement to violence against religious groups, nations, races, and minorities."

2) Article 13

Text proposed by the Sub-Commission:

"Subject to any general law not contrary to the purposes and principles of the United Nations Charter and adopted for specific reasons of security or in the general interest, there shall be liberty of movement and free choice of residence within the territory of each State.

Individuals shall be free to leave their own country and to change their nationality to that of any country willing to accept them." (1)

(Adopted by 8 votes to 2, with 1 abstention).

Discussion centred on the right to circulate outside the country and to emigrate and to change nationality. In the text proposed by the Sub-Commission, the right to emigrate and change nationality is not made dependent upon a condition.

Remarks by Mr. Borisov (Union of Soviet Socialist Republics):

"Mr. Borisov is in favour of deleting the second paragraph of Article 13."

Remarks by Mr. McNamara (Australia):

"Mr. McNamara proposes the following text for consideration by the Commission on Human Rights, and by any Drafting Committee:

"Further, any general law referred to herein shall not be inconsistent with Article 6 of the International Declaration on Human Rights, as amended by this Sub-Commission."

Remarks by Mr. Nisot (Belgium):

"I was unable to agree to Article 13, because of the absolute bearing of its second sentence, which is not subject to the reservation (concerning laws in conformity with the Charter) by which the first sentence is governed. In the absence of such a reservation, the possibility for individuals to leave their country or relinquish their nationality is made dependent, in principle, on their sole will, without the State being able, even for reasons of general interest or national security, to limit this possibility, in particular by making it contingent on authorisation. Such a radical provision cannot, in my view, but diminish the probabilities of the Declaration being, on this point, accepted or observed by Governments."

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(1) Text established by the Drafting Committee:

"There shall be liberty of movement and free choice of residence within the borders of each State. This freedom may be regulated by any general law adopted in the interest of national welfare and security.

Individuals may freely emigrate or renounce their nationality."

3) Article 15.

Article 15 of the Drafting Committee's text (1) gave rise to discussion.

Finally, by 7 votes to 2 (with 2 abstentions) the Sub-Commission decided to take no decision on this Article at the present stage, since the Commission on the Status of Women, which was to meet in January next, was the proper body to make an exhaustive study of the Article, particularly from the point of view of marriage, and the Sub-Commission should await its findings.

Remarks by Mr. McNamara (Australia):

Mr. McNamara submitted the following text for consideration by the Human Rights Commission or by a Drafting Committee:

"The following words to be added after "everyone has the right":

"On the basis of Article 6 as amended by this Sub-Commission"

Remarks by Mr. Masani (India) and Mr. Daniels (United States)

"In view of the decision of the Sub-Commission that this Article was not open to discussion at this stage, in the absence of any recommendations from the Commission on the Status of Women, we would like to place on record our view that this Article should guarantee the right to everyone to consult with and be represented by counsel of his own choice".

Remarks by Miss Monroe (United Kingdom):

"Since the Sub-Commission decided that there should be no discussion on the merits of Article 15, Miss Monroe wished it to be recorded that the right to be represented by counsel does not exist in some native courts in the British Colonial Empire. Representation by counsel has proved to be an alien importation into the judicial process of many backward people, and since it is the British practice to allow Native Courts to develop in the manner best suited to the community which they serve, some courts still adhere to their customary procedure. Since the right to be represented by counsel is recognized in higher courts, including those which hear appeals from the Native Courts in question, the practice is not discriminatory".

Remarks by Mr. Borisov (U.S.S.R.)

"He said that the Drafting Committee of the Human Rights Commission had requested the Sub-Commission to take a decision not on Article 15 as a whole but only on the question of marriage.

As regards the question of marriage, this should, he thought be protected and regulated by law on the basis of equality between men and women, without discrimination of race, religion or origin."

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(1) Everyone has the right to a status in law and to the enjoyment of fundamental civil rights.

Everyone shall have access to independent and impartial tribunals for the determination of his rights, liabilities and obligations under the law. He shall have the right to consult with and to be represented by counsel.

4) Article 28

Text adopted by the Sub-Commission.

"Everyone shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen. Access to examination for public employment shall not be a matter of privilege or favour." (1)

(Adopted by 9 votes with 2 abstentions)

This article was adopted in the form in which it had been drawn up by the Drafting Committee, after a discussion in the course of which the value of examinations as an impartial method of selection was questioned by certain members of the Sub-Commission.

Remarks by Mr. McNamara (Australia)

"In the second sentence of Article 28, the words 'and the subject matter of such examinations' should be inserted after the words 'public employment'."

Remarks by Mr. Borisov (U.S.S.R.)

"He observed that the system of examinations in various forms facilitated discrimination and non-admission of the poorer classes to public office or employment. The examination system had not proved satisfactory, as was shown by the second paragraph of Article 28 itself, according to which examinations were not open to all and involved privileges and favours for certain persons. He thought that the second paragraph of Article 28, which restricted the rights mentioned in the first paragraph of that article, should be omitted."

5) Article 36

Text proposed by the Sub-Commission

"In States inhabited by well defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population and which want to be accorded differential treatment, persons belonging to such groups shall have the right as far as is compatible with public order and security to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose." (2)

(Adopted by 6 votes to 4, with 2 abstentions)

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(1) Text drawn up by the Drafting Committee.

Everyone shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen. Access to examination for public employment shall not be a matter of privilege or favour.

(2) The following was the text prepared by the Drafting Committee: "In States inhabited by a substantial number of persons of a race, language or religion other than those of the minority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right as far as compatible with public order to establish and maintain their schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the State".

This text differs from the one prepared by the Drafting Committee in that it further defines what is meant in the Article by a minority group:

1. It no longer requires that a "substantial number" of individuals should be involved;

2. It requires that "well defined groups" should be involved;

3. It requires that such groups should be "clearly distinguished from the rest of the population" (objective criterion);

4. It requires that such groups should "want to be accorded differential treatment" (subjective criterion). (1)

In addition, the new text has the following special feature. Under its terms the determination of the persons who are to enjoy the rights enumerated in the Article (which henceforth include the right to use their own "script") is based on the definition of the groups to which they belong.

Under the terms of the text, protection is granted to "persons" and not reserved for "citizens". There is, therefore, no need to make a distinction as to whether the individuals concerned are or are not nationals of the country in which they are established.

Remarks by Mr. Nisot (Belgium):

"This Article has given rise to a long debate, bearing, in particular, on the question whether its benefit should be limited to nationals, or, on the contrary, should be extended to all individuals, nationals or aliens, members of the groups concerned. The latter solution prevailed: the word "persons" was inserted in the text in preference to the word "citizens". This is why I was unable to agree to Article 36. It appeared to me indeed excessive to grant the differential treatment in question to aliens. These, moreover, may be established on the territory only temporarily (tourists, migrant workers....etc.). It is hardly necessary to recall that the treaties and declarations on minorities which came into being between the two wars apply, in this connection, to nationals alone. It will be for the Commission on Human Rights to study the Draft Declaration from the view point of its compatibility with paragraph 7 of Article 2 of the Charter, which forbids organs of the United Nations to intervene in matters essentially within the domestic jurisdiction of the member States. In my view, such a study will be particularly indicated with respect to Article 36 as adopted by the Sub-Commission."

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(1) Mr. Roy had submitted an amendment proposing the deletion of the final words of the Article: "if they so choose". This amendment was not adopted, there being 5 votes in favour, 5 against and 2 abstentions.

Remarks by Mr. McNamara (Australia):

Mr. McNamara had proposed to modify as follows the text of the Drafting Committee:

1. Delete the words "a substantial number of";

2. Delete the words, "as far as compatible with public order," - and substitute for them the words, "on the basis of loyalty to the State of which they are resident members";

3. Add the words, "where they have not a practicable facility in the official language" between the words "and" and "before", in the last line but one.

(To be continued)

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ECONOMIC AND SOCIAL COUNCIL | CONSEIL ECONOMIQUE ET SOCIAL | E/CN.4/Sub.2/38 (Continuation) 5 December 1947

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

FIRST SESSION

REPORT SUBMITTED TO THE COMMISSION ON HUMAN RIGHTS BY THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

(DRAFT) (Continuation)

Communications concerning Discriminations and Minorities.

First decision:

The Sub-Commission considers that its task would be facilitated if the Economic and Social Council were requested by the Human Rights Commission to modify and extend its resolution of August 5th, 1947, on "communications concerning Human Rights", and to direct the Secretary-General to perform the same service for the Sub-Commission with respect to communications dealing with discriminations and minorities; with respect to such communications, to give the members of the Sub-Commission the same facilities as are enjoyed by members of the Commission.

(Adopted by 10 votes to 1 with 1 abstention)

Second decision:

The Sub-Commission asks the Economic and Social Council through the Human Rights Commission to extend its decisions in its Resolution of August 1947 concerning communications as to include the following words, 'that the Secretary-General tactfully request by official letter, the governments affected to give any comment or information they desire on the petitions'.

(Adopted by 2 votes to 1 with 8 abstentions)

Communications concerning particular cases.

1. Communications from the National Association for the Advancement of Coloured People.

Decision of the Sub-Commission:

"The Sub-Commission recommends to the Human Rights Commission that the Social and Economic Council be moved to instruct that petitions received from the National Association for the Advancement of Coloured People be circulated to members of this Sub-Commission and resolves that their consideration be placed on the agenda of the next meeting of this Sub-Commission."

(Adopted by 9 votes with 3 abstentions)

This question gave rise to a lengthy discussion. A proposal by Mr. Borisov was to the effect that the Sub-Commission should undertake the study of the said petitions without delay.

That proposal was rejected.

It was pointed out that at the present stage it was impossible to proceed to examine petitions as there were no appropriate rules, the Declaration and the Convention being still only in the form of drafts.

Remarks by Miss Monroe (United Kingdom): "Miss Monroe abstained from voting on the para. 1 proposed by Mr. Borisov, because, while strongly in favour of the right of coloured groups and of women to present petitions, she felt that to single out two such groups for most favoured treatment was invidious and unfair to other coloured and women's groups who may have submitted petitions of equal weight."

Nine members of the Sub-Commission associated themselves with these remarks.

2. Communication from the International Democratic Federation of Women.

Decision of the Sub-Commission.

"The Sub-Commission recommends to the Commission on Human Rights that the petition from the International Democratic Federation of Women be considered by this Sub-Commission after it has been studied by the Commission on the Status of Women."

(Adopted by 6 votes to 2 with 4 abstentions)

A suggestion to this effect had been made by Mme. Lefaucheux, who represented the Commission on the Status of Women.

IV

MACHINERY FOR THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

Decision of the Sub-Commission

"1. The Sub-Commission is of the view that the implementation of the rights formulated in those parts of the proposed Declaration and Convention on Human Rights which deal with the prevention of discrimination and the protection of minorities will be of vital importance."

(Adopted by 11 votes with 1 abstention).

"2. The Sub-Commission recognizes that the machinery covering this matter forms but one part of the machinery for implementation of Human Rights as a whole. The Sub-Commission feels, however, that its opinion on the formulation of such part of that machinery as concerned it might be of service to the Human Rights Commission, and it, therefore, recommends that the Sub-Commission be invited to meet and formulate its proposals for the machinery in question at the earliest appropriate date."

(Adopted by 8 votes to 2 with 2 abstentions).

Several members of the Sub-Commission had submitted proposals for the establishment of an organised system for the examination of petitions, powers being conferred for this purpose on the Secretary-General of the United Nations, special committees (committees of three) and even on the International Court of Justice.

The Sub-Commission had considered these solutions premature, seeing that no Declaration on Human Rights or Conventions had yet been adopted and, moreover, the Sub-Commission had not been asked to go into the matter.

V

SCOPE OF THE CONCEPTS OF DISCRIMINATION AND MINORITIES

Dicision of the Sub-Commission:

The Sub-Commission submits to the Human Rights Commission that the final drafting of Articles on the prevention of discrimination and the protection of minorities may be facilitated by the following considerations:

1. Prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish.

2. Protection of minorities is the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population. The protection applies equally to individuals belonging to such groups and wishing the same protection. It follows that differential treatment of such groups or of individuals belonging to such groups is justified when it is exercised in the interest of their contentment and the welfare of the community as a whole. The characteristics meriting such protection are race, religion and language. In order to qualify for protection a minority must owe undivided allegiance to the Government of the State in which it lives. Its members must also be nationals of that State.

If a minority wishes for assimilation and is debarred, the question is one of discrimination and should be treated as such.

(Paragraph 1 was adopted by 9 votes to 1, with 2 abstentions; Paragraph 2 was adopted by 7 votes to 3 with 2 abstentions.)

The opinion was put forward in the Commission that it was not possible, at the present stage, to frame definitions which could be made binding upon Member States; in other words, juridical definitions. The formulation of such definitions pre-supposes, in fact, the existence of rules which are to be enforced, or, in this case, of a Declaration or a Convention. However, such instruments are still in course of drafting and have by no means reached their final form.

Although this point of view was not shared by all its members, the Sub-Commission decided not to submit definitions, and to confine itself to indicating the considerations which in its opinion should be taken into account in framing provisions (Declaration or Convention) to be put into effect. Such, therefore, is the scope of the above texts, which relate on the one hand to the prevention of discrimination, and on the other to the protection of minorities.

Remarks by Mr. Shafaq (Iran):

"while not in disagreement with the text proposed as to the definition of Discrimination and of Protection of Minorities, may I declare that the main reasons of my abstention from voting are as follows:"

"1. It fails to extend the protection offered to a minority, not wishing assimilation, to the majority. The majority should also be given the right to refuse assimilation with a minority in the sense of intermarriage and the like.

"2. It fails to mention that a minority's wish for differential treatment on certain scores must be conscious and spontaneous. Unless this is mentioned the description given fails to draw a sufficient distinction between a genuine minority and one artificially created for spurious political purposes."

Mr. SHAFAQ submits the following amendments:

"Protection of minorities is the protection extended to them as citizens (whether groups or individuals) against assimilation for which they do not wish. This is not meaning that the dominant group is not subject to the same protection."

"A minority is a non-dominant group possessing basic characteristics of a distinctive nature which is spontaneously conscious of its status as a minority."

Remarks by Mr. McNAMARA (Australia):

Mr. McNAMARA makes the following reservations concerning Document E/CN.4/Sub.2/35, as amended and adopted (Protection of Minorities):

"1. "Prevention of Discrimination" is the prevention of any action which denies to individuals, or to groups, essential equality of treatment, on the grounds (inter alia) of race, distinctive national origin, language and religion.

"2. "Prevention" is distinguished from "protection" by referring to steps taken to forestall the origination of such discriminatory action, whereas "protection" refers to steps taken to correct such discriminatory action after it has been originated.

"3. "Discrimination" is any action, as referred to above.

"4. "Protection of Minorities" is the protection (as defined above) of groups or individuals against discriminatory action (as defined above).

"5. Differential treatment of such groups or individuals is justified when it is exercised in their interest and the welfare of the community as a whole.

"6. Protection", as defined, can be claimed only on the basis of allegiance to the Government against which such protection is claimed.

"7. The term "minority" in the above contexts has no necessary numerical significance, but connotes an unequal discriminatory status.

Comment

"In the above attempt at a definition of the terms referred to us for definition, all the terms (and not only some, as in E/CN.4/Sub.2/35, as amended) are defined, including "Prevention" as distinct from "Protection"; and I feel that there is a unity in it that is lacking in E/CN.4/Sub.2/35, as well as an avoidance of a number of dangerous new problems raised by E/CN.4/Sub.2/35."

VI

STUDIES TO BE UNDERTAKEN

1st Decision of the Sub-Commission:

a) Discrimination.

"The Sub-Commission recommends that the Economic and Social Council be moved to request the Secretary-General to organize studies and prepare analyses designed to assist this Sub-Commission in determining the main types of discrimination which impede the equal enjoyment by all of

human rights and fundamental freedoms, and the causes of such discrimination. He will consider whether such groups are of recent or long historic origin, and whether in the past they have been in the nature of active protesting minorities. Such statement to be made available to delegates to the Sub-Commission on Minorities and Discrimination."

b) Minorities.

"The Sub-Commission recommends to the Human Rights Commission that it adopt a proposal instructing the Secretariat to prepare a statement, setting out the various racial, national or religious groups in each nation; the statement to give known or estimated totals, to indicate whether the groups are compact or scattered, whether such groups are of recent or long historic origin, and whether in the past they have been in the nature of active protesting minorities. Such statement to be available to delegates to the Sub-Commission on Minorities and Discrimination."

(Adopted by 7 votes to 2 with 3 abstentions).

Remarks by Mr. Daniels (United States):

"Mr. Daniels suggested that, in connection with the proposed studies, the Secretariat take into consideration the statement of the American Federation of Labor contained in Document E/CN.4/Sub.2/16."

Second Decision:

"The Sub-Commission considers that, in order satisfactorily to fulfil its task and effectively to protect minorities, it must have at its disposal, for purposes of its future work, all information that it may require in order to distinguish between genuine minorities and so-called minorities which might be created for propaganda purposes.

It therefore recommends the Commission on Human Rights to secure the adoption by the Economic and Social Council of such measures as are necessary to this end".

(Adopted by 8 votes to 1 with 2 abstentions).

VII

EDUCATION

1. Education Programme

Decision of the Sub-Commission:

"The objectives of the United Nations in the fields of the prevention of discrimination and protection of minorities can be achieved only as the peoples of the world are willing to end discrimination and to give due respect to the rights of minorities;

"This can result from universal recognition of the dignity and worth of the human person and of the equal rights of men and women and of peoples;

"Therefore the Economic and Social Council requests the Secretary-General

1. In connection with any studies which he may be directed to make in the fields of the prevention of discrimination and the protection of minorities, to keep in mind the possible desirability of formulating effective educational programs in these fields and to report any findings that may assist the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in making appropriate recommendations to this end.

2. To advise UNESCO of the interest of the United Nations in such programs, to request UNESCO to make available any relevant materials or analyses that may result from that Organization's proposed study of Social Tensions or from any other UNESCO programs, and to suggest collaboration between the United Nations and UNESCO in the possible formulation of such a program.

3. To suggest that UNESCO consider, as a first step, the desirability of initiating and recommending the general adoption of a program of disseminating scientific facts with regard to race."

(Adopted by 10 votes against 1 and 1 abstention)

2. Committee on Education

Decision of the Sub-Commission:

"The Sub-Commission recommends that UNESCO be asked to consider the creation of a Committee of world leaders in educational theory and practice, which should make its business to study and select the most common and basic principles of a democratic and universal education in order to combat any spirit of intolerance or hostility as between nations and groups."

(Adopted by 5 votes to 3 with 4 abstentions)

VIII

PEACE TREATIES: PROTECTION OF MINORITIES

Decision of the Sub-Commission:

"The Sub-Commission requests the Human Rights Commission to declare that in any peace treaties still to be ratified there be included wherever appropriate specific clauses seeking to protect minority rights."

(Adopted by 6 votes to 4 with 2 abstentions)

Remarks by Mr. Nisot (Belgium):

"The possibility of introducing clauses into treaties normally arises during negotiation prior to signature. A treaty may not be ratified and yet be already signed. In such a case it is too late to act."

IX

SURVIVAL OF CERTAIN TREATIES AND DECLARATIONS

Communication from the Sub-Commission to the Commission on Human Rights

"The attention of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities has been drawn to League of Nations document C.L.110.1927 (Annex), which reproduces a large number of texts of treaties and declarations relating to international obligations undertaken to combat discrimination and protect minorities.

"The question has been raised whether, and to what extent, these treaties and declarations should be regarded as being still in force, at least for as much as they would entail, between contracting States, rights and obligations of which the existence would be independent of their guarantee by the League of Nations.

"The Sub-Commission has not attempted to answer this question. However, because of its bearing upon the matter in issue, the Sub-Commission feels unable to abstain from bringing it to the notice of the Commission on Human Rights. In so doing, the Sub-Commission confines itself, for its part, to expressing the view that there is here involved a juridical situation which, owing to its implications and possible consequences, should, in any event, be elucidated, possibly through a request for an advisory opinion addressed by the Economic and Social Council to the International Court of Justice."

(Adopted by 8 votes to 1)

More than fifteen declarations or treaties came into existence between the two wars; they are of great interest in combating discrimination and protecting minorities. In particular, they go further in that direction than the draft Declaration proposed by the Drafting Committee. While the latter (Article 5) would seem, in the matter of equality of treatment, to prescribe only equality in law, the above-mentioned texts prescribe in addition equality in fact. The difference is essential (cf.: Permanent Court of International Justice, Advisory Opinions, No.6 and No.7). The competent organs of the United Nations cannot pursue their activity in this domain without concerning themselves as to what remains at this time of the international rights and obligations resulting from these declarations and treaties. It would seem that one could not do better to elucidate this question than inconsulting the International Court of Justice.

APPENDIX

Agenda of the next session

"The Sub-Commission will place on its agenda for its next session the question of full Commission status for the Sub-Commission."

(Adopted by 9 votes with 1 abstention)

Annex 23

Report submitted to the Commission on Human Rights by the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, 6 December 1947, doc. E/CN.4/52

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ECONOMIC AND SOCIAL COUNCIL | CONSEIL ECONOMIQUE ET SOCIAL | E/CN.4/52
6 December 1947

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

FIRST SESSION

(24 November - 6 December 1947)

REPORT SUBMITTED TO THE COMMISSION ON HUMAN RIGHTS

Rapporteur: Mr. Joseph NISOT (Belgium)

(20 p.)

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INTRODUCTION

The Sub-Commission started the work of its first session on 22 November 1947, and finished it on 6 December, having held 18 meetings.

The following were present:

Mr. W.M.J. McNAMARA	(Australia)
Mr. J. NISOT	(Belgium)
Dr. C.H. WU	(Alternate for Mr. C.F. Chang China)
Mr. A. Meneses PALLARES	(Ecuador)
Mr. S. SPANIEN	(France)
Mr. H. ROY	(Haiti)
Mr. M.R. MASANI	(India)
Mr. Rezazada SHAFAQ	(Iran)
Mr. E. EKSTRAND	(Sweden)
Mr. A.P. BORISOV	(Union of Soviet Socialist Republics)
Miss E. MONROE	(United Kingdom)
Mr. J. DANIELS	(United States of America)

Mme. LEFAUCHEUX (France), representing the Commission on the Status of Women, also took part in the discussions insofar as they dealt with discrimination on grounds of sex.

The International Labour Office and the Secretariat of the United Nations Educational, Scientific and Cultural Organization were represented by observers.

The Secretariat of the United Nations was represented by Professor J.P. HUMPHREY, Mr. E. LAWSON, Professor E. GIRAUD and Mr. A.H. HEKIMI.

The Sub-Commission appointed Mr. E. EKSTRAND as Chairman, Mr. H. ROY as Vice-Chairman, and Mr. J. NISOT as Rapporteur.

The present Report gives the result of the work of the Sub-Commission's first session. In particular, it contains, in addition to the recommendations or proposals made by the Sub-Commission, dissident opinions or other observations, drafted in their own terms, by certain members of the Sub-Commission who asked for their insertion in the Report.

Terms of Reference of the Sub-Commission

The Sub-Commission's terms of reference had been laid down by the Commission on Human Rights as follows:

"(a) In the first instance, to examine what provisions should be adopted in the definition of the principles which are to be applied in the field of the prevention of discrimination on grounds of race, sex, language or religion, and in the field of the protection of minorities, and to make recommendations to the Commission on urgent problems in these fields.

"(b) To perform any other functions which may be entrusted to it by the Economic and Social Council or the Commission on Human Rights."

SECTION 1

Draft Declaration on Human Rights

The Sub-Commission had before it the draft International Declaration on Human Rights drawn up by the Drafting Committee (E/CN.4/21, Annex F). It noted that certain articles in the draft were designed to prevent discrimination and protect minorities. Consequently, although the Draft Declaration had not yet been officially communicated to it, the Sub-Commission considered that it should take that important document into account. It felt that the best way of obtaining concrete results of immediate value was to start by dealing with the subjects coming under its terms of reference within the framework of those articles of the Draft Declaration which had been brought to its notice by the Drafting Committee as relating to those terms of reference.

The Sub-Commission therefore proceeded to study the following articles of the Draft Declaration: article 6, article 13, article 15, article 28, and article 36. For the most part this study resulted in amendments being proposed.

ARTICLE 6

Text proposed by the Sub-Commission:

"Every one is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, sex, language, religion, political or other opinion, property status, or national or social origin." (1)

(Adopted by 9 votes to 1, with 1 abstention).

The Sub-Commission, in adopting the text, thought there was no need for a special mention of "colour", as that was embodied in the word "race".

It also considered that in extending by the words "political or other opinion, property status, or national or social origin", the enumeration given in Article 6 as drawn up by the Drafting Committee ("without distinction as to race, sex, language, or religion"), it had not added to that enumeration, but had interpreted and clarified it by means of examples. The Sub-Commission's text ("without distinction of any kind such as race .....etc.") is, moreover, intended to show that its enumeration is not exhaustive.

---

(1) The Drafting Committee's text was as follows:

Every one is entitled to the rights and freedoms set forth in this Declaration without distinction as to race, sex, language, or religion.

It will be seen that the Sub-Commission has referred in the article to "all the rights .... etc." It intended to show in this way that it was not necessary to develop the idea further in Article 6, as the substance of the rights and freedoms was established in the other articles of the Declaration.

Finally, the Sub-Commission wished to make it clear that the words "national origin" should be interpreted by taking this conception, not in the sense of citizen of a State, but in the sense of national characteristics.

Remarks by Mr. Nisot (Belgium):

"I abstained from voting on Article 6, since, in my view, it should have reproduced only the enumeration found in the Charter: 'without distinction as to race, sex, language or religion', instead of increasing this enumeration. The terms of the Charter, beyond all possible dispute, are binding upon all the Members of the United Nations. It would, therefore, have been wise strictly to adhere to them owing to the organic nature of the text in question (the Declaration)."

Remarks by Mr. Spanien (France):

The French expert is compelled for the following reasons to abstain from voting on the second part of the amendment to Article 6 which was proposed by the Soviet expert under the heading: "Mr. BORISOV's opinion".

The place proposed for this amendment within Article 6 of the Draft Declaration; its introduction in a passage dealing with principles and not, as would have been logical, in a passage concerned with implementation; the vagueness of its provisions, at least as they appear in the French translation, in which incongruous notions are assimilated to each other; the arbitrary splitting up of the text, which results from a vote taken phrase by phrase. All this, in his view, makes it impossible for him to follow a course other than abstention.

The French expert, however, anxious to avoid any ambiguity or misunderstanding, would like to make it clear that he approves of Mr. BORISOV's idea - if that is indeed the sense of his proposal - of applying penal sanctions to any infringements of the principle of non-discrimination.

Furthermore, the French expert feels he should state that when the Sub-Committee is in a position, at the present or at a later session, to enter into the discussion of this problem, he will be prepared to advocate or propose any text based on the following principles:

I. The principle of making it compulsory for the various national constitutions and laws to include in their relevant statutes provisions for the punishment of infringements of the principles of non-discrimination and for redress of such infringements.

II. The principle of setting up an International Tribunal of Human Rights.

to be enforced by means of conventions based on an appropriate limitation of national sovereignty.

IV. The principle of the responsibility of public officials before the municipal and the international law.

V. The principle of repudiating the plea of immunity based either on sovereign power or on obedience to higher orders.

In addition, the role which the Sub-Commission might have to play, in an informal fashion, in facilitating conciliation during the period preceding any formal procedure, would deserve a special study.

Mr. McNAMARA and Dr. WU submitted a text amending the second paragraph of a proposal by Mr. BORISOV. Its wording was as follows:

"Any advocacy of national, racial and religious hostility and any action establishing a privilege or a discrimination based on distinctions of race, nationality or religion shall be prohibited by the law of the State."

This text was not adopted, there being 5 votes for and 5 against, with 1 abstention.

On the other hand, the Sub-Commission adopted, by 10 votes with 1 abstention, the following recommendation:

"The Sub-Commission recommends to the Commission on Human Rights the inclusion in the Declaration of Rights or in the proposed Convention, in the appropriate places, of clauses condemning incitement to violence against religious groups, nations, races, or minorities."

ARTICLE 13

Text proposed by the Sub-Commission:

"Subject to any general law not contrary to the purposes and principles of the United Nations Charter and adopted for specific reasons of security or in the general interest, there shall be liberty of movement and free choice of residence within the territory of each State.

"Individuals shall be free to leave their own country and to change their nationality to that of any country willing to accept them." (1)

---

1) Text established by the Drafting Committee:

"There shall be liberty of movement and free choice of residence within the borders of each State. This freedom may be regulated by any general law adopted in the interest of national welfare and security.

"Individuals may freely emigrate or renounce their nationality."

(Adopted by 8 votes to 2, with 1 abstention).

Discussion centred on the right to move freely outside the country and to emigrate and to change nationality. In the text proposed by the Sub-Commission, the right to emigrate and change nationality is unconditional.

Remarks by Mr. McNAMARA (Australia):

"Mr. McNAMARA proposes the following addition to the first paragraph of the text for consideration by the Commission on Human Rights, and by any Drafting Committee:

"Further, any general law referred to herein shall not be inconsistent with Article 6 of the International Declaration on Human Rights, as amended by this Sub-Commission."

Remarks by Mr. NISOT (Belgium):

"I was unable to agree to Article 13, because of the absolute bearing of its second sentence, which is not subject to the reservation (concerning laws in conformity with the Charter) by which the first sentence is governed. In the absence of such a reservation, the possibility for individuals to leave their country or relinquish their nationality is made dependent, in principle, on their sole will, without the State being able, even for reasons of general interest or national security, to limit this possibility, in particular by making it contingent on authorisation. Such a radical provision cannot, in my view, but diminish the probabilities of the Declaration being, on this point, accepted or observed by Governments."

Remarks by Mr. Meneses PALLARES (Ecuador):

"In my opinion, paragraph 2 of Article 13 should also embody the following concepts:

"No State may refuse to grant its nationality to persons born upon its soil;

"No person may be deprived of the nationality of his birth, unless by his own free choice he acquires another nationality;

"Every person is obliged to renounce the nationality of his birth or adoption upon acquiring a new nationality."

ARTICLE 15

Article 15 of the Drafting Committee's text(1) gave rise to discussion.

Finally, by 7 votes to 2 (with 2 abstentions), the Sub-Commission decided to take no decision on this Article at the present stage, since the Commission on the Status of Women, which was to meet in January next, was the proper body to make an exhaustive study of the Article, particularly from the point of view of marriage, and the Sub-Commission should await its findings.

(1) Text established by the Drafting Committee:
(1) "Everyone has the right to a status in law and to the enjoyment of fundamental civil rights.
"Everyone shall have access to independent and impartial tribunals for the determination of his rights, liabilities and obligations under the law. He shall have the right to consult with and to be represented by counsel."

Remarks by Mr. SPANIEN (France):

Apart from the right of consultation and representation, Article 15 should cover the idea of assistance by counsel before the courts.

On the one hand, the right to be assisted by counsel constitutes the most essential guarantee for the defendant. On the other hand, in a penal procedure, under which the accused is liable to detention, representation by counsel is not permitted under the laws of some countries.

Remarks by Mr. McNAMARA (Australia):

"Mr. McNAMARA submitted the following text for consideration by the Human Rights Commission or by a Drafting Committee:

"The following words to be added after 'Everyone has the right':

"On the basis of Article 6 as amended by this Sub-Commission".

Remarks by Mr. MASANI (India) and Mr. DANIELS (United States):

"In view of the decision of the Sub-Commission that this Article was not open to discussion at this stage, in the absence of any recommendations from the Commission on the Status of Women, we would like to place on record our view that this Article should guarantee the right to everyone to consult with and be represented by counsel of his own choice."

Remarks by Miss MONROE (United Kingdom):

"Since the Sub-Commission decided that there should be no discussion on the merits of Article 15, Miss MONROE wished it to be recorded that the right to be represented by counsel does not exist in some Native Courts in the British Colonial Empire. Representation by counsel has proved to be an alien importation into the judicial process of many backward people, and since it is the British practice to allow Native Courts to develop in the manner best suited to the community which they serve, some Courts still adhere to their customary procedure. Since the right to be represented by counsel is recognized in higher courts, including those which hear appeals from the Native Courts in question, the practice is not discriminatory."

ARTICLE 28

Text adopted by the Sub-Commission:

"Everyone shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen. Access to examination for public employment shall not be a matter of privilege or favour." (1)

(Adopted by 9 votes to one with 2 abstentions)

This article was adopted in the form in which it had been drawn up by the Drafting Committee, after a discussion in the course of which the value of examinations as an impartial method of selection was questioned by certain members of the Sub-Commission.

Remarks by Mr. McNAMARA (Australia):

"In the second sentence of Article 28, the words 'and the subject matter of such examinations' should be inserted after the words 'public employment'."

Remarks by Mr. MENESES (Ecuador):

In the second sentence of Article 28, the words "when required by the State" should be inserted after the words "public employment".

ARTICLE 36

Text proposed by the Sub-Commission:

"In States inhabited by well defined ethnic, linguistic or religious groups which are clearly distinguished from the rest of the population and which want to be accorded differential treatment, persons belonging to such groups shall have the right as far as is compatible with public order and security to establish and maintain their schools and cultural or religious institutions, and to use their own language and script in the press, in public assembly and before the courts and other authorities of the State, if they so choose." (2)

(Adopted by 6 votes to 4, with 2 abstentions)

(1) Text drawn up by the Drafting Committee.

"Everyone shall have equal opportunity to engage in public employment and to hold public office in the State of which he is a citizen. Access to examination for public employment shall not be a matter of privilege or favour."

(2) The following was the text prepared by the Drafting Committee: "In States inhabited by a substantial number of persons of a race, language or religion other than those of the minority of the population, persons belonging to such ethnic, linguistic or religious minorities shall have the right as far as compatible with public order to establish and maintain their schools and cultural or religious institutions, and to use their own language in the press, in public assembly and before the courts and other authorities of the State".

Remarks by Mr. NISOT (Belgium):

"This Article has given rise to a long debate, bearing, in particular, on the question whether its benefit should be limited to nationals, or, on the contrary, should be extended to all individuals, nationals or aliens, members of the groups concerned. The latter solution prevailed: the word "persons" was inserted in the text in preference to the word "citizens". This is why I was unable to agree to Article 36. It appeared to me indeed excessive to grant the differential treatment in question to aliens. These, moreover, may be established on the territory only temporarily (tourists, migrant workers....etc.). It is hardly necessary to recall that the treaties and declarations on minorities which came into being between the two wars apply, in this connection, to nationals alone. It will be for the Commission on Human Rights to study the Draft Declaration from the view point of its compatibility with paragraph 7 of Article 2 of the Charter, which forbids organs of the United Nations to intervene in matters essentially within the domestic jurisdiction of the member States. In my view, such a study will be particularly indicated with respect to Article 36 as adopted by the Sub-Commission."

Remarks by Miss MONROE (United Kingdom) and Mr. SPANIEN (France):

Mr. SPANIEN and Miss MONROE submitted the reservation that it would be necessary to make the word "persons", in the article as drafted, subject to a definition which excludes aliens from the privileges accorded to minority groups within the framework of national unity.

Remarks by Mr. McNAMARA (Australia):

Mr. McNAMARA proposes to modify as follows the text of the Drafting Committee:

1. Delete the words "a substantial number of"

2. Delete the words, "as far as compatible with public order," - and substitute for them the words, "on the basis of loyalty to the State of which they are resident members";

3. Add the words, "where they have not a practicable facility in the official language" between the words "and" and "before", in the last line but one.

SECTION II

COMMUNICATIONS CONCERNING DISCRIMINATION AND MINORITIES

1st decision:

The Sub-Commission considers that its task would be facilitated if the Economic and Social Council were requested by the Human Rights Commission to modify and extend its resolution of August 5th, 1947, on "communications concerning Human Rights", and to direct the Secretary-General to perform the same service for the Sub-Commission with respect to communications dealing with discrimination and minorities; and with respect to such communications, to give the members of the Sub-Commission the same facilities as are enjoyed by members of the Commission.

(Adopted by 10 votes to 1 with 1 abstention)

2nd decision:

The Sub-Commission asks the Economic and Social Council through the Human Rights Commission to extend its decisions in its Resolution of August 1947 concerning communications so as to include the following words: 'that the Secretary-General tactfully request by official letter, the governments affected to give any comment or information they desire on the petitions'.

(Adopted by 2 votes to 1 with 8 abstentions)

SECTION III

COMMUNICATION FROM THE INTERNATIONAL DEMOCRATIC FEDERATION OF WOMEN.

Mr. BORISOV had proposed that the Sub-Commission should study the communication from the International Democratic Federation of Women. The Representatives of China and Australia proposed an alternative text to replace Mr. BORISOV's proposal. After discussion the following decision was taken:

Decision of the Sub-Commission:

"The Sub-Commission recommends to the Commission on Human Rights that the petition from the International Democratic Federation of Women be considered by this Sub-Commission after it has been studied by the Commission on the Status of Women."

(Adopted by 6 votes to 2 with 4 abstentions)

Remarks by Miss MONROE (United Kingdom)

Miss MONROE abstained because to single out this one society for most favoured treatment was invidious and unfair to other women's organizations who may have submitted petitions of equal weight.

SECTION IV

MACHINERY FOR THE PREVENTION OF DISCRIMINATION AND THE PROTECTION OF MINORITIES

"1. The Sub-Commission is of the view that the implementation

of the rights formulated in those parts of the proposed Declaration and Convention on Human Rights which deal with the prevention of discrimination and the protection of minorities will be of vital importance."

(Adopted by 11 votes with 1 abstention)

"2. The Sub-Commission recognizes that the machinery covering this matter forms but one part of the machinery for implementation of Human Rights as a whole. The Sub-Commission feels, however, that its opinion on the formulation of such part of that machinery as concerns it might be of service to the Human Rights Commission, and it, therefore, recommends that the Sub-Commission be invited to meet and formulate its proposals for the machinery in question at the earliest appropriate date."

(Adopted by 8 votes to 2 with 2 abstentions).

Remarks by Mr. NISOT (Belgium)

Mr. NISOT was of the opinion that the report of the Sub-Commission should have given concerning this Article the following explanation:

> Several members of the Sub-Commission submitted proposals for the establishment of an organised system for the examination of petitions, powers being conferred for this purpose on the Secretary-General of the United Nations, special committees (committees of three) and on the International Court of Justice.
>
> The Sub-Commission had considered these solutions premature, seeing that no Declaration on Human Rights or Conventions had yet been adopted and, moreover, the Sub-Commission had not been asked to go into the matter.

Remarks by Miss MONROE (United Kingdom)

Miss MONROE was opposed to any interim arrangements for the handling of petitions. As no international declaration or convention as yet exists, any attempt to implement them by international action is premature.

Remarks by Mr. MASANI (India)

I must record my regret that the majority of the members of the Sub-Commission, while expressing broad agreement with the machinery for implementation set out in my proposal (Document E/CN.4/Sub.2/27), decided not to consider the matter at this meeting but to take it up at the next meeting, some time in 1948. I fear this will mean that the Sub-Commission has denied itself an opportunity to express itself effectively in regard to implementation.

Remark by Mr. McNAMARA (Australia):

Reservation to Paragraph 2 of the decision on "Machinery".

I demur strongly to the delay in achieving some effective

machinery for handling petitions which is involved in Paragraph 2 of this decision.

I submit that some, at least, of the machinery proposed in Document E/CN.4/Sub.2/11, 2/12, 2/27, should receive careful consideration by the Human Rights Commission with a view to adopting some of them during the present session of the Commission.

Remarks by Mr. Meneses PALLARES (Ecuador)

"The enumeration is indeed exemplary and not exhaustive, but in order to preserve intact the organic unity and correlation of the Charter and its subsidiary Instruments I should prefer the following text:

"Every one is entitled to all the rights and freedoms set forth in this Declaration without distinction of any kind, such as race, sex, language or religion, or on such grounds as political or other opinion, property status and national or social origin."

The enumeration should have also instanced the right to protection against arbitrary discrimination in the provisions and application of the law because of race, religion, sex or any other reason".

SECTION V

SCOPE OF THE TERMINOLOGY REGARDING PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES.

Decision of the Sub-Commission

The Sub-Commission submits to the Human Rights Commission that the ~~final drafting~~ of Articles on the prevention of discrimination and the protection of minorities may be facilitated by the following considerations:

1. Prevention of discrimination is the prevention of any action which denies to individuals or groups of people equality of treatment which they may wish.

2. Protection of minorities is the protection of non-dominant groups which, while wishing in general for equality of treatment with the majority, wish for a measure of differential treatment in order to preserve basic characteristics which they possess and which distinguish them from the majority of the population. The protection applies equally to individuals belonging to such groups and wishing the same protection. It follows that differential treatment of such groups or of individuals belonging to such groups is justified when it is exercised in the interest of their contentment and the welfare of the community as a whole. The characteristics meriting such protection are race, religion and language. In order to qualify for protection a minority must owe undivided allegiance to the Government of the State in which it lives. Its members must also be nationals of that State.

If a minority wishes for assimilation and is debarred, the question is one of discrimination and should be treated as such.

(Paragraph 1 was adopted by 9 votes to 1, with 2 abstentions; Paragraph 2 was adopted by 7 votes to 3 with 2 abstentions.)

The opinion was put forward in the Commission that it was not possible, at the present stage, to frame definitions which could be made binding upon Member States; in other words, juridical definitions. The formulation of such definitions pre-supposes, in fact, the existence of rules which are to be enforced, or, in this case, of a Declaration or a Convention. However, such instruments are still in process of drafting and have by no means reached their final form.

Although this point of view was not shared by all its members, the Sub-Commission decided not to submit definitions, and to confine itself to indicating the considerations which in its opinion should be taken into account in framing provisions (Declaration or Convention) to be put into effect. Such, therefore, is the scope of the above texts, which relate on the one hand to the prevention of discrimination, and on the other to the protection of minorities.

Remarks by Mr. Meneses PALLARES (Ecuador)

Unless the right to self-determination is enforced, not only in regard to ethnical groups, but also to the individual men and women comprising such groups, by means of an international authority, and unless in such way, the trend to assimilation is fostered, the result will be the stratification of cultural pockets which can be used as tools for international friction and may eventually lead to armed conflict.

The various cultures within a Nation must be given every opportunity to develop and expand, reveal their innate qualities and contribute to the larger group, in order to promote the creation of such conditions as will permit their fusion into a single common culture under the individual sign of a single national ideal.

In the complex process of aculturization as a whole, the persistence of a minority represents a transitional and rather anomalous status, and every effort should be made to accelerate their natural trend for assimilation."

Remarks by Mr. McNAMARA (Australia)

Reservation to the clause "Its members must also be nationals of that State" (at the end of Paragraph 2 of V):

The retention of these words opens the way to extremely dangerous discriminatory practices, including denial of religious freedom to refugees and aliens who may not have been resident long enough to acquire citizenship.

Remarks by Mr. SHAFAQ (Iran)

"While not in disagreement with the text proposed as to the definition of Discrimination and of Protection of Minorities, may I declare that the main reasons of my abstention from voting are as follows:

"1. It fails to extend the protection offered to a minority, not wishing assimilation, to the majority. The majority should also be given the right to refuse assimilation with a minority in the sense of intermarriage and the like.

"2. It fails to mention that a minority's wish for differential treatment on certain scores must be conscious and spontaneous. Unless this is mentioned the description given fails to draw a sufficient distinction between a genuine minority and one artificially created for spurious political purposes."

Mr. SHAFAQ submits the following amendments:

"Protection of minorities is the protection extended to them as citizens (whether groups or individuals) against assimilation for which they do not wish, this not meaning that the dominant group is not subject to the same protection."

"A minority is a non-dominant group possessing basic characteristics of a distinctive nature which is spontaneously conscious of its status as a minority."

Remarks by Mr. McNAMARA (Australia)

Mr. McNAMARA makes the following reservations concerning Document E/CN.4/Sub.2/35, as amended and adopted (Protection of Minorities):

"1. "Prevention of Discrimination" is the prevention of any action which deniesto individuals, or to groups, essential equality of treatment, on the grounds (inter alia) of race, distinctive national origin, language and religion.

"2. "Prevention" is distinguished from "protection" by referring to steps taken to forestall the origination of such discriminatory action, whereas "protection" refers to steps taken to correct such discriminatory action after it has been originated.

"3. "Discrimination" is any action, as referred to in 1 above.

"4. "Protection of Minorities" is the protection (as defined in 2 above) of groups or individuals against discriminatory action (as defined above).

"5. Differential treatment of such groups or individuals is justified when it is exercised in their interest and for the welfare of the community as a whole.

"6. "Protection", as defined, can be claimed only on the basis of allegiance to the Government against which such protection is claimed.

"7. The term "minority" in the above contexts has no necessary numerical significance, but connotes an unequal discriminatory status.

(In the above attempt at a definition of the terms referred to us for definition, all the terms (and not only some, as in E/CN.4/Sub.2/35, as amended) are defined, including

"Prevention" as distinct from "Protection": and I feel that there is a unity in it that is lacking in E/CN.4/Sub.2/35, as well as an avoidance of a number of dangerous new problems raised by E/CN.4/Sub.2/35).

SECTION VI

STUDIES TO BE UNDERTAKEN

Texts adopted by the Sub-Commission

1. Discrimination

"The Sub-Commission recommends that the Economic and Social Council be moved to request the Secretary-General to organize studies and prepare analyses designed to assist this Sub-Commission in determining the main types of discrimination which impede the equal enjoyment by all of human rights and fundamental freedoms, and the causes of such discrimination. He will consider whether any groups involved are of recent or long historic origin, and whether in the past they have been in the nature of active protesting minorities. Such statement to be made available to delegates to the Sub-Commission on Minorities and Discrimination."

(Adopted by 7 votes to 2 with 3 abstentions).

Remarks by Mr. DANIELS (United States):

"Mr. DANIELS suggested that, in connection with the proposed studies, the Secretariat take into consideration the statement of the American Federation of Labor contained in Document E/CN.4/Sub.2/16."

2. Minorities

"The Sub-Commission considers that, in order satisfactorily to fulfil its task and effectively to protect minorities, it must have at its disposal, for purposes of its future work, all information that it may require in order to distinguish between genuine minorities and spurious minorities which might be created for propaganda purposes.

"It therefore recommends the Commission on Human Rights to secure the adoption by the Economic and Social Council of such measures as are necessary to this end."

(Adopted by 8 votes to 1 with 2 abstentions).

Remarks by Mr. SHAFAQ (Iran)

I believe this Sub-Commission is not called upon to protect the minorities. The protection of minorities is within the rights of United Nations. Therefore, in spite of the fact that a part of the first paragraph is suggested by myself, I propose to suppress the phrase: "and effectively to protect minorities."

SECTION VII

EDUCATION

1. Education Programme

Decision of the Sub-Commission:

"The objectives of the United Nations in the fields of the prevention of discrimination and protection of minorities can be achieved only as the peoples of the world are willing to end discrimination and to give due respect to the rights of minorities;

"This can result from universal recognition of the dignity and worth of the human person and of the equal rights of men and women and of peoples;

"Therefore the Economic and Social Council requests the Secretary-General:

1. In connection with any studies which he may be directed to make in the fields of the prevention of discrimination and the protection of minorities, to keep in mind the desirability of formulating effective educational programs in these fields and to report any findings that may assist the Sub-Commission on the Prevention of Discrimination and Protection of Minorities in making appropriate recommendations to this end.

2. To advise UNESCO of the interest of the United Nations in such programs, to request UNESCO to make available any relevant material or analyses that may result from that Organization's proposed study of Social Tensions or from any other UNESCO programs, and to suggest collaboration between the United Nations and UNESCO in the forumlation of such a program.

3. To suggest that UNESCO consider, as a first step, the desirability of initiating and recommending the general adoption of a program of disseminating scientific facts with regard to race."

(Adopted by 10 votes to 1 with 1 abstention).

Remarks by Mr. McNAMARA (Australia):

Mr. McNamara, endorsed by the Chairman, the Vice-Chairman, Mr. Daniels, Dr. Wu, Miss Monroe, Mr. Meneses Pallares and Mr. Spanien, held that the intention behind the last paragraph would be clearer if it ended with the words: "..... since all these facts tend to remove racial antagonisms and discriminatory practices

2. Committee on Education

Decision of the Sub-Commission:

and practice, which should make it its business to study and select the most common and basic principles of a democratic and universal education in order to combat any spirit of intolerance or hostility as between nations and groups."

(Adopted by 5 votes to 3 with 4 abstentions)

SECTION VIII

PEACE TREATIES: PROTECTION OF MINORITIES

Decision of the Sub-Commission:

"The Sub-Commission requests the Human Rights Commission to declare that in any peace treaties still to be ratified there be included wherever appropriate specific clauses seeking to protect minority rights."

(Adopted by 6 votes to 4 with 2 abstentions)

Remarks by Mr. NISOT (Belgium)

"The possibility of introducing clauses into treaties normally arises during negotiation prior to signature. A treaty may not be ratified and yet be already signed. In such a case it is too late to act."

SECTION IX

SURVIVAL OF CERTAIN TREATIES AND DECLARATIONS

Communication from the Sub-Commission to the Commission on Human Rights

"The attention of the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities has been drawn to League of Nations document C.L.110.1927 (Annex), which reproduces a large number of texts of treaties and declarations relating to international obligations undertaken to combat discrimination and protect minorities.

"The question has been raised whether, and to what extent, these treaties and declarations should be regarded as being still in force, at least for as much as they would entail, between contracting States, rights and obligations of which the existence would be independent of their guarantee by the League of Nations.

"The Sub-Commission has not attempted to answer this question. However, because of its bearing upon the matter in issue, the Sub-Commission feels unable to abstain from bringing it to the notice of the Commission on Human Rights. In so doing, the Sub-Commission confines itself, for its part, to expressing the view that there is here involved a juridical situation which, owing to its implications and possible consequences, should, in any event, be elucidated, possibly through a request for an advisory opinion addressed by the Economic and Social Council to the International Court of Justice."

(Adopted by 8 votes to 1)

Remarks by Mr. NISOT (Belgium)

More than fifteen declarati ns or treaties came into existence between the two wars; they are of great interest in combating discrimination and protecting minorities. In particular, they go further in that direction than the draft Declaration proposed by the Drafting Committee. While the latter (Article 5) would seem, in the matter of equality of treatment, to prescribe only equality in law, the above-mentioned texts prescribe in addition equality in fact. The difference is essential (cf.: Permanent Court of International Justice, Advisory Opinions, No.6 and No. 7). The competent organs of the United Nations cannot pursue their activity in this domain without concerning themselves as to what remains at this time of the international rights and obligations resulting from these declarations and treaties. It would seem that one could not do better to elucidate this question than in consulting the International Court of Justice.

SECTION X

TERMS OF REFERENCE OF THE SUB-COMMISSION

There were several discussions in the course of the session as to the exact meaning of its terms of reference, and the Sub-Commission finally decided to submit the following recommendation:

> "The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities recommends that the Commission on Human Rights be good enough to re-examine its terms of reference in order to clarify them and extend their scope".

This recommendation was adopted by 9 votes with 3 abstentions

ANNEX

CONVENING OF THE NEXT SESSION OF THE SUB-COMMISSION

"The Sub-Commission on the Prevention of Discrimination and the Protection of Minorities,

Considering it essential that the findings reached at its next session be submitted to the Human Rights Commission well in advance of the date on which they are due for discussion by the Commission,

Requests the Secretary-General to take steps to convene the Sub-Commission in time to enable this objective to be attained and to prevent any overlapping between the meetings of the Commission and the Sub-Commission."

(Adopted by 10 votes to 0 on 6 December 1947).

Annex 24

Sub-Commission on Prevention of Discrimination and Protection of Minorities, 410th meeting, 7 February 1964, doc. E/CN.4/Sub.2/SR.410

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixteenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND TENTH MEETING

Held at Headquarters, New York,
on Wednesday, 15 January 1964, at 3.15 p.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.310, L.313, L.314) (continued)

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PRESENT:

Chairman:	Mr. SANTA CRUZ	(Chile)
Rapporteur:	Mr. CAPOTORTI	(Italy)
Members:	Mr. ABRAM	(United States of America)
	Mr. AWAD MOHAMMED	(United Arab Republic)
	Mr. BOUQUIN	(France)
	Mr. CALVOCORESSI	(United Kingdom of Great Britain and Northern Ireland)
	Mr. CUEVAS CANCINO	(Mexico)
	Mr. INGLES	(Philippines)
	Mr. IVANOV	(Union of Soviet Socialist Republics)
	Mr. KETRZYNSKI	(Poland)
	Mr. KRISHNASWAMI	(India)
	Mr. MATSCH	(Austria)
	Mr. MUDAWI	(Sudan)
	Mr. SAARIO	(Finland)
Also present:	Mrs. LEFAUCHEUX	Commission on the Status of Women

Observers from Member States:

Mr. ROBICHAUD	Canada
Mr. LEMA	Congo (Leopoldville)
Mr. SAJJAD	India
Mr. BARROMI	Israel
Mr. SCHAAPVELD	Netherlands
Mr. QUIAMBAO	Philippines
Mr. MATSEIKO	Ukrainian Soviet Socialist Republic
Mrs. NASON	United States of America
Mr. MELOVSKI	Yugoslavia

Representatives of specialized agencies:

Mr. FARMAN-FARMAIAN	International Labour Organisation
Miss BARRETT) Mr. SALSAMENDI)	United Nations Educational, Scientific and Cultural Organization

PRESENT (continued):

Representatives of non-governmental organizations:

Category B:	Mr. BEER	International League for the Rights of Man
	Mr. MOSKOWITZ	Consultative Council of Jewish Crganizations
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LAWSON	Secretary of the Sub-Commission

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.310, L.313, L.314) (continued)

Mr. BEER (International League for the Rights of Man), speaking at the invitation of the Chairman, said that it was the International League for the Rights of Man which had drawn the attention of the United Nations, after the outbreak of the "swastika epidemic", to the need for studying the question of racial discrimination. It was by that right that he would make some comments to the Sub-Commission on the draft convention it intended to prepare.

There seemed to be two main trends in the Sub-Commission. On the one hand, Mr. Abram, while recognizing the State's right to combat discrimination in the spheres within its competence, wished to safeguard freedom of opinion and of expression. On the other hand, Mr. Ivanov and Mr. Ketrzynski stressed the danger presented by organizations which advocated racial discrimination and prepared the way for the extermination of the so-called "inferior" races.

Mr. Abram's concern was perfectly legitimate, and, as was well known, the International League for the Rights of Man never failed to defend the right to freedom of speech, opinion, expression and association. It could not, however, forget the terrible events which had taken place between 1928 and 1933, at a time when, precisely because the great principles defended by Mr. Abram had been respected, there had been a proliferation of organizations which had finally destroyed freedom, established a régime of racial discrimination and caused the extermination of millions of people. He could not, therefore, help favouring the position adopted by Mr. Ketrzynski and Mr. Ivanov, both nationals of countries whose inhabitants had had to suffer the consequences of the doctrine of racial superiority. He hoped that the Sub-Commission would manage to reconcile the two points of view in question.

The International League for the Rights of Man had fought more than any other organization for the elimination of colonialism and the mobilization of public opinion against apartheid. It was worth pointing out, however, that colonialism and apartheid had never caused as many victims as Hitlerism and Nazism. He was therefore surprised that the Sub-Commission seemed to be

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(Mr. Beer, International League for the Rights of Man)

losing sight of the phenomena which were at the origin of its own work. While the experts were right to think of the present and to look into the future, he urged them nevertheless not to forget the past.

Mr. MOSKOWITZ (Consultative Council of Jewish Organizations), speaking at the invitation of the Chairman, said that the very firm position which the United Nations had taken in recent years on apartheid and the South African Government had led the United Nations to study the question of racial discrimination as a whole and in all its ramifications. The United Nations had taken an attitude so unequivocal and decisive that some had wondered, when it had been proposed to formulate a Declaration on the Elimination of All Forms of Racial Discrimination, whether such a text could add anything to the resolutions already adopted. Clearly, any further document on the question of racial discrimination produced by the United Nations must add to or strengthen what had been said or done before. It was therefore essential that the convention now being worked out should be no less effective than the other United Nations conventions in the field of human rights.

Unfortunately, the failure of the drafts before the Sub-Commission to provide for recourse to the International Court of Justice or for appropriate enforcement machinery raised serious questions concerning their effectiveness. Any international treaty which did not provide for means of redressing wrongs and injustices might easily remain a dead letter. Mr. Cuevas Cancino had therefore been perfectly right to draw the Sub-Commission's attention, at a previous meeting, to the Protocol to the UNESCO Convention on Discrimination in Education, and it would be highly appropriate, in order to make the present convention effective, to provide for a conciliation committee similar to that established under the terms of the UNESCO Convention. The establishment of a committee of that type would also be in accordance with the spirit of operative paragraph 6 of Security Council resolution S/5471 of 4 December 1963, which dealt with the question of apartheid.

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The CHAIRMAN, speaking as a member of the Sub-Commission, said that the Sub-Commission was tackling the most important task of its existence, namely, the drafting of a convention on the elimination of all forms of racial discrimination. Circumstances had placed a heavy responsibility on its shoulders, and it was essential that the instrument it produced should be effective. He therefore welcomed with satisfaction the suggestion, made by Mr. Ingles following the statement of the President of the International Confederation of Free Trade Unions at the previous meeting (E/CN.4/Sub.2/SR.409), that consideration should be given to provision in the convention for legal measures to ensure its application.

He agreed with the representative of the International League for the Rights of Man that it would be desirable to mention in the draft convention under discussion, the first legal instrument prepared by the United Nations for the purpose of combating discrimination, the measures and policies (such as the policies of the nazis) which had led to war. Like the Charter, the convention must be based on the principle of respect for human rights.

As regards article IX of Mr. Abram's draft (E/CN.4/Sub.2/L.308/Add.1/Rev.1 and Add.1/Rev.1/Corr.1), he appreciated Mr. Abram's point of view, although he himself agreed with the representative of the International League for the Rights of Man and recognized that measures taken in the name of morality and the defence of individual rights and liberties often constituted veritable abuses of power, so fine was the distinction between them. A formula must therefore be found taking into account the requirements of the authors of the two texts (E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, and E/CN.4/Sub.2/L.314), but not endangering the fundamental freedoms. It was worth recalling, in that connexion, that article 30 of the Universal Declaration of Human Rights laid down that "Nothing ... may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein."

Mr. KETRZYNSKI, introducing the draft convention in document E/CN.4/Sub.2/L.314, pointed out that article I of the draft defined what was meant by racial discrimination, while article II listed as fully as possible the measures to be taken in order to avoid discrimination, specifying, on the one hand, the rights to be safeguarded, and, on the other, the duties of the State in the matter. Sub-paragraph (b) of article VI of the draft should be deleted.

Mr. IVANOV hoped that the Sub-Commission would be able, on the basis of the three drafts before it, to prepare a text that would meet with the approval of the Commission on Human Rights and the General Assembly.

Mr. MUDAWI proposed that either a time-limit should be set for the consideration of each draft for the purpose of selecting the best working basis or the sponsors of the three drafts should be requested to come to an agreement and submit a single text.

The CHAIRMAN proposed examination of the preambles of the drafts submitted, respectively, by Mr. Calvocoressi and Mr. Capotorti (E/CN.4/Sub.2/L.313) and by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314), which differed little in content.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

Mr. ABRAM proposed the retention of the first paragraph of the preamble proposed by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) as it stood, and of the second paragraph, but phrased in more general terms, since not all forms of discrimination derived from colonialism.

With regard to the draft submitted by Mr. Calvocoressi and Mr. Capotorti (E/CN.4/Sub.2/L.313), he suggested retaining the sixth preambular paragraph and replacing the words "is a major contribution" in the eighth paragraph by "would be a major contribution", to delete the adjective "international" before "peace and security", since the elimination of discrimination would have the effect of promoting not only international but also domestic peace and security, and, lastly, to replace "is jeopardized" by "can be jeopardized".

The CHAIRMAN, supported by Mr. CUEVAS CANCINO, while recognizing the merits of the first two paragraphs of the preamble proposed by Mr. Calvocoressi

(The Chairman)

and Mr. Capotorti (E/CN.4/Sub.2/L.313), favoured the first paragraph of the preamble proposed by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314), because it was more precise.

Mr. SAARIO suggested that the first two paragraphs of the draft submitted by Mr. Calvocoressi and Mr. Capotorti (E/CN.4/Sub.2/L.313) should be replaced by the first paragraph of Mr. Ivanov's and Mr. Ketrzynski's draft (E/CN.4/Sub.2/L.314).

Mr. CAPOTORTI said that the reference made by Mr. Calvocoressi and himself to the Charter, and specifically to Article 55, was motivated by their view that the obligations imposed on Members of the United Nations by the Charter and particularly by Article 55 were so important as to deserve special mention. However, Mr. Calvocoressi and he were prepared to accept any amendment that would improve their draft.

Mrs. LEFAUCHEUX (Commission on the Status of Women) wondered whether the special mention of discrimination based on race, colour or national origin at the end of the first paragraph of document E/CN.4/Sub.2/L.314 did not involve a risk of minimizing other forms of discrimination which were considered equally important by the Commission she represented.

Mr. MATSCH pointed out that the expression "without distinction of any kind, in particular as to race, colour or national origin" was taken from the Declaration on the Elimination of All Forms of Racial Discrimination, in which it had been included in order to emphasize some particularly important forms of discrimination.

Mr. CAPOTORTI remarked in that connexion that Mr. Calvocoressi and himself had intended to make their draft more general in scope by merely using in the second preambular paragraph the expression "without distinction of any kind" without further detail; nevertheless, as they were preparing a draft convention on racial discrimination, they had felt it necessary to mention that form of discrimination in the first preambular paragraph, which was modeled on article 2 of the Universal Declaration of Human Rights; the Declaration on the Elimination of All Forms of Racial Discrimination used the wording of the latter without mentioning it by name.

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Mr. MUDAWI said he would like the words "national origin" in the first preambular paragraph of document E/CN.4/Sub.2/L.314 to be replaced by the words "ethnic origin".

The CHAIRMAN remarked that the expression "national origin", which appeared in the Universal Declaration of Human Rights, represented a new concept introduced because certain countries were currently practising discrimination against national groups which were not necessarily ethnic groups. Discrimination on the ground of race was of course based on a concept which the United Nations had long considered erroneous and when a United Nations document mentioned discrimination on the ground of racial origin, it should be understood to mean ethnic origin.

Mr. KETRZYNSKI supported that view; he himself considered it preferable to adhere to the text of the Declaration on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly.

Mr. BOUQUIN said that the main problem confronting the Sub-Commission in its choice of a text was whether or not a reference to the Charter should be included. Mr. Ivanov and Mr. Ketrzynski referred to the Charter in their draft, in connexion with the Universal Declaration of Human Rights, but did not base their draft on it, while Mr. Calvocoressi and Mr. Capotorti quoted the very terms of the Charter that had been retained in the Declaration on the Elimination of All Forms of Racial Discrimination. He preferred the latter preamble to the former as it met objections that had been raised regarding the mention of actual cases of discrimination and, to take some remarks made into account, the expression "in accordance with Article 55 of the Charter" might be replaced by "in accordance with the Charter".

Mr. ABRAM suggested that, if the mention of Article 55 of the Charter was retained, mention should also be made of Article 56, under which Members were obliged to take action for the achievement of the purposes set forth in Article 55.

The CHAIRMAN, speaking as a member of the Sub-Commission said he wondered whether it was sufficient to say that the Members of the United Nations were obliged to promote respect for human rights and fundamental freedoms. In his view, the Charter made it clear that that was a responsibility of the

(The Chairman)

United Nations. The Member States had a higher obligation, namely, to ensure respect for human rights. That idea might be expressed in the first preambular paragraph by a statement to the effect that Member States had the obligation to ensure and promote respect for human rights and fundamental freedoms.

Mr. KETRZYNSKI, although appreciating the merits of the text proposed by Mr. Calvocoressi and Mr. Capotorti, felt that it must be modified if a formula satisfactory to everyone was to be found, whereas in the case of the text proposed by himself and Mr. Ivanov no revision was necessary.

In view of the limited time at the Sub-Commission's disposal, it would be better to adopt a concise text capable of satisfying all members in its essential points rather than to embark on the detailed work of preparing a fresh draft at that stage.

Mr. BOUQUIN failed to see what problems might arise in connexion with document E/CN.4/Sub.2/L.313, the first preambular paragraph of which followed the Declaration on the Elimination of All Forms of Racial Discrimination very faithfully. That being so, the only matter worth raising, in his opinion, was whether the Charter should be quoted - in which case the text proposed by Mr. Calvocoressi and Mr. Capotorti should be adopted - or merely referred to, as in document E/CN.4/Sub.2/L.314.

Mr. KRISHNASWAMI suggested some amendments to the preamble of the text submitted by Mr. Ivanov and Mr. Ketrzynski. The first paragraph would remain the same and would be followed by the present third paragraph, in which the words "Proceeding from" would be replaced by "Considering that", and to which the word "anywhere" would be added at the end. The present second paragraph would become the third paragraph, the words "Recalling that" being replaced by "Considering that" and the words "in all the areas to which it is applicable" being added at the end of the paragraph. That would meet the wishes of Mr. Bouquin, who had pointed out that racial discrimination was also to be found in non-colonial countries.

Mr. KETRZYNSKI said that Mr. Ivanov and he were prepared to accept those amendments.

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Mr. CAPOTORTI feared that the Sub-Commission would never achieve a tangible result if it confined itself to an attempt to juxtapose different passages from the drafts before it. The coherence and logic of the final text could only suffer from such a method. It would be better for the sponsors of proposals to meet in private and exchange views.

Mr. IVANOV agreed with Mr. Capotorti, but wished to draw the attention of the experts to various points.

First, the second preambular paragraph of the draft which he and Mr. Ketrzynski had prepared (E/CN.4/Sub.2/L.314) used the same language as the fourth paragraph of the Declaration on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly. He recalled that the delegations of Asia, Africa and Latin America in the Third Committee had insisted on the insertion of that formula in the text. Consequently, he felt that the Sub-Commission should adopt that wording in preference to the version of Mr. Calvocoressi and Mr. Capotorti.

The same applied to the last preambular paragraph in document E/CN.4/Sub.2/L.314, which was couched in more forceful and categoric language than the fifth preambular paragraph of Mr. Calvocoressi and Mr. Capotorti.

Since there was no fundamental divergence of view between the sponsors of the two documents in question the drafting of a final version of the preamble should not present great difficulties.

Mr. ABRAM, referring to Mr. Krishnaswami's suggestions, said that the third preambular paragraph in document E/CN.4/Sub.2/L.314 was less satisfactory than the fourth preambular paragraph in document E/CN.4/Sub.2/L.313 and the first preambular paragraph of his own draft (E/CN.4/Sub.2/L.308).

Furthermore, he considered that it was inaccurate to maintain that doctrines of racial differentiation were scientifically false. On the contrary, the whole purpose of the effort to eliminate racial discrimination was to protect the differences between races apparent to any observer; those differences were indeed among the beauties and glories of the human race.

Mr. CALVOCORESSI said he saw no objection to adopting Mr. Krishnaswami's suggestion that the Declaration on the Elimination of All Forms of Racial Discrimination should be mentioned before the Declaration on the granting of independence to colonial countries and peoples.

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(Mr. Calvocoressi)

Referring to the third preambular paragraph of the draft prepared by Mr. Ivanov and Mr. Ketrzynski, he noted that the quotation from the Declaration on the Elimination of All Forms of Racial Discrimination was not absolutely accurate.

Passing on to Mr. Ivanov's remarks about the fifth preambular paragraph in document E/CN.4/Sub.2/L.313, he said that Mr. Capotorti and himself had no objection to amending it as Mr. Ivanov wished.

Mr. CUEVAS CANCINO noted that the sponsors of documents E/CN.4/Sub.2/L.313 and E/CN.4/Sub.2/L.314 had also taken from the Declaration adopted by the General Assembly the idea that any doctrine of racial differentiation or superiority was scientifically false, morally condemnable and socially unjust and dangerous. He recalled that those terms had appeared in the initial draft declaration submitted to the Commission on Human Rights, but that the Commission had deleted them; he himself, on behalf of several Latin American delegations, had proposed in the Third Committee that they should be reintroduced in the Declaration. Nevertheless, the idea seemed more appropriate in a declaration than in a convention, which should be couched in stricter terms and should define more accurately the obligations of the States parties thereto.

The CHAIRMAN stated that there was virtually general agreement in the Sub-Commission on the text of the preamble. He invited all experts who wished to do so to meet in order to prepare a joint text. He himself would be glad to preside at the discussion.

The meeting rose at 5.20 p.m.

Annex 25

Sub-Commission on Prevention of Discrimination and Protection of Minorities, Draft International Convention on the Elimination of All Forms of Racial Discrimination by Messrs Ivanov and Ketrzynski, 15 January 1964, doc. E/CN.4/Sub.2/L.314

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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
Sixteenth session
Item 4 of the agenda

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Messrs. Ivanov and Ketrzynski: Draft Convention on the Elimination of All Forms of Racial Discrimination

The Contracting Parties,

Considering that, in conformity with the principles and objectives of the Charter of the United Nations, the Universal Declaration of Human Rights of 1948 has established that everyone shall have all rights and all freedoms proclaimed in the Declaration, without distinction of any kind, in particular as to race, colour or national origin,

Recalling that the Declaration on the granting of independence to colonial countries and peoples adopted by the United Nations in 1960 has urged to bring colonialism and all practices of segregation and discrimination associated therewith to a speedy and unconditional end,

Proceeding from the Declaration on the Elimination of All Forms of Racial Discrimination of 1963 which has proclaimed that any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination either in theory or in practice,

Desiring to adopt further measures in order to eliminate racial discrimination in all its forms and manifestations as soon as possible,

Have agreed as follows:

ARTICLE I

1. For the purpose of the present Convention the term "racial discrimination" shall mean any differentiation, ban on access, exclusion, preference or limitation based on race, colour, national or ethnic origin, which has the purpose or effect of nullifying or impairing equality in granting or practising human rights and freedoms in political, economic, social, cultural, or any other field or public life.

2. Racial discrimination, which is an offence to human dignity, shall be condemned as a denial of the rules of international law and principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples, and shall therefore be prohibited by the present Convention.

ARTICLE II

1. Each Contracting Party shall undertake to admit within its territory no acts or manifestations of racial discrimination of any kind, and to provide for, if appropriate, in its legislation, and implement, necessary measures with a view to speedy elimination of racial discrimination.

2. Accordingly, each Contracting Party shall undertake, inter alia, to adopt appropriate measures:

(a) to prohibit and disband racist, fascist and any other organizations practising or inciting to racial discrimination;

(b) to admit no propaganda of any kind for the superiority of one race or national group over another, or any propaganda with a view to justifying or promoting racial discrimination in any form;

(c) to consider all participation in the activity of such organizations as those mentioned in sub-paragraphs 2 (a) and 2 (b) of the present article, as well as incitement to or acts of violence against an individual oup of persons on the ground of their race, national or ethnic origin, or criminal offence counter to the interests of society punishable under law, and to prosecute those guilty thereof;

/...

(d) to admit no racial discrimination in granting political rights to, and their enjoyment by every citizen, including the inalienable right to participate in determining the nature of the social and political structure of his country, the rights to participate in elections through universal and equal suffrage, the right to actual participation by racial, national and ethnic groups in legislative and executive bodies, as well as equal access to public service;

(e) to admit no racial discrimination in the granting and enjoyment of the right to form and join trade unions;

(f) to ensure equality for all before the law, without distinction as to race, colour, national or ethnic origin, personal security and protection against violence, as well as the right to an effective protection and remedy;

(g) to admit no racial discrimination in the field of economic rights, inter alia, the right to employment and equal pay;

(h) to admit no racial discrimination in granting the enjoyment of the right to education, and to provide the training of skilled manpower and expert personnel from among the groups of population formerly deprived of the right to education in consequence of discrimination based on race, colour, national or ethnic origin;

(i) to admit no racial discrimination in the field of housing and to abolish reservations perpetuating and aggravating racial discrimination;

(j) to admit no racial discrimination in public health, medical care and social security;

(k) to admit no racial discrimination in access to all kinds of transport, recreation and public facilities, including restaurants, hotels, cinemas, parks, cafes, etc.;

(l) to admit no racial discrimination in access to citizenship and enjoyment of civil rights, including the right to marriage.

ARTICLE III

Nothing in the present Convention shall be regarded as diminishing in any way the obligations taken by the States under the 1958 Convention concerning discrimination in respect of employment and occupations, the 1960 Convention against discrimination in education, and other international agreements designed to secure the fundamental human rights and freedoms.

ARTICLE IV

1. The present Convention is open for signature by all States at the United Nations Headquarters.

2. The present Convention shall be ratified; the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE V

1. The present Convention shall enter into force on the thirtieth day from the date of the deposit with the Secretary-General of the United Nations of the fifth instrument of ratification or instrument of accession.

2. For the States ratifying the Convention or acceding to it after the deposit of the fifth instrument of ratification or instrument of accession the present Convention shall enter into force on the thirtieth day from the date of the deposit of their own instruments of ratification or instruments of accession.

ARTICLE VI

The Secretary-General of the United Nations Organization shall notify all States of:

(a) signature of the Convention and receipt of the instruments of ratification under Article IV;

(b) receipt of the instruments of accession under Article V;

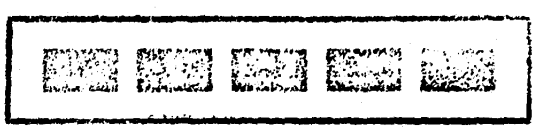
(c) date of entry into force of the present Convention under Article V.

/...

ARTICLE VII

1. The present Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the United Nations Organization.

2. The Secretary-General of the United Nations Organization shall communicate certified copies of this Convention to all States.



Annex 26

Sub-Commission on Prevention of Discrimination and Protection of Minorities, Suggested Draft for United Nations Convention on the Elimination of All Forms of Racial Discrimination by Mr Abram, 13 January 1964, doc. E/CN.4/Sub.2/L.308

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Sixteenth session
Agenda item 4

Mr. Abram: Suggested Draft for United Nations Convention on the Elimination of All Forms of Racial Discrimination

Desiring to implement the principles embodied in the Declaration on the Elimination of all Forms of Racial Discrimination, proclaimed by the General Assembly of the United Nations at its eighteenth session on 20 November 1963;

Recognizing the obligation of all Members of the United Nations, in accordance with the Charter, to co-operate in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion;

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out in the Declaration, without distinction of any kind, in particular race, colour, or national origin;

Taking into account the Convention on Discrimination in Respect of Employment and Occupation adopted by the International Labour Organisation in 1958;

Taking into account also the Convention against Discrimination in Education adopted by UNESCO in 1960;

Having resolved to conclude a Convention for this purpose,

Hereby agree as hereinafter provided:

Article I

For the purpose of this convention, the term racial discrimination includes any distinction, exclusion or preference made on the basis of race, colour, or ethnic origin, and in the case of States composed of different nationalities or persons of different national origin, discrimination based on such differences.

Article II

1. No State Party shall make any discrimination whatsoever against persons, groups of persons or institutions on the grounds of race, colour, or ethnic origin, or where applicable, on the basis of "nationality" or national origin.

2. No State Party shall encourage, advocate or lend its support, through police action or otherwise, to racial discrimination by any group, institution, or individual.

3. A State Party may take special concrete measures in appropriate circumstances in order to secure adequate development or protection of individuals belonging to certain racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article III

1. Each State Party shall take effective measures to revise governmental and other public policies, and to rescind or nullify any laws and regulations which have the effect of creating and perpetuating racial discrimination wherever it exists.

2. Each State Party shall put an end without delay to governmental and other public policies of racial segregation and especially policies of apartheid, as well as all forms of racial discrimination and separation resulting from such policies.

/...

Article IV

Each State Party shall take effective measures, including the adoption of such legislation as may be necessary, to assure equal access to any place or facility intended for use by the general public, and to prohibit racial discrimination therein.

Article V

Each State Party shall take the necessary steps to prevent any racial discrimination in the enjoyment of political and citizenship rights, including in particular the right to participate in elections through universal and equal suffrage and to equal access to public service.

Article VI

Each State Party shall take the necessary steps to assure everyone within its jurisdiction the right to equality before the law and equal justice under the law. Everyone, without any racial discrimination, should be assured the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual, group, or institution.

Article VII

Each State Party shall assure to everyone within its jurisdiction the right to an effective remedy against any racial discrimination he may suffer with respect to the rights recognized in this convention through independent national tribunals competent to deal with such matters.

Article VIII

Each State Party shall take immediate steps through educational and other means, including legislative measures as appropriate, to promote or encourage the elimination of racial discrimination in any form and to promote understanding, tolerance, and friendship among all nations and all peoples.

Annex 27

Sub-Commission on Prevention of Discrimination and Protection of Minorities, Draft Convention on the Elimination of All Forms of Racial Discrimination by Mr Calvocoressi, 13 January 1964, doc. E/CN.4/Sub.2/L.309

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Sixteenth session
Agenda item 4

Mr. Calvocoressi: Draft Convention on the Elimination of All Forms of Racial Discrimination

THE CONTRACTING STATES,

Recalling Article 55 of the United Nations Charter;

Acting in pursuance of resolution 1904 (XVIII), adopted by the General Assembly of the United Nations on 20 November 1963;

Desiring to eliminate all forms of racial discrimination and to secure respect for the dignity of the human person;

Have AGREED as follows:

Article I

(1) For the purposes of this Convention:

(a) "person" includes a group of persons;

(b) "discrimination" means any distinction, exclusion, limitation or preference made on the basis of race, colour or ethnic origin.

(2) Nothing in this Convention shall be interpreted as implying any right to discriminate on any basis other than those listed in Article I (1) (b) above, such as sex, language, religion, political or other opinion, social origin, property, birth or other status.

Article II

(1) A Contracting State shall not discriminate or support discrimination against any person in any manner. In particular, a Contracting State shall not discriminate against any person as regards civil rights, access to citizenship, education, religion, employment, occupation or housing.

(2) A Contracting State shall pursue a national policy designed to prevent discrimination within its territory.

(3) Within the territory of a Contracting State, it shall be an offence to commit, or to incite to commit, an act of violence against another person on the grounds of race, colour or ethnic origin.

Article III

(1) The Contracting States shall secure to everyone within their territory the rights defined in this Article.

(2) Everyone, without discrimination, shall have the right:

(a) to equality before the law;

(b) to security of person against bodily harm;

(c) to equal access to any place intended for use by the general public.

(3) Every national of a Contracting State, without discrimination, shall:

(a) have the right in that State to participate in elections and in the government; and

(b) be eligible for admission to the public service of that State, in accordance with the national procedures.

(4) Everyone whose rights as set forth in this Article are violated shall have an effective remedy before a national authority or tribunal.

Article IV

(1) This Convention shall be open until
for signature by any State Member of the United Nations or any of its Specialized Agencies, at the Headquarters of the United Nations.

(2) This Convention shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

/...

(3) This Convention shall be open to accession by any State referred to in paragraph (1) of this Article. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article V

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territory but also to all non-self-governing, trust, colonial and other territories for the international relation of which they are responsible; they undertake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Secretary-General of the United Nations of the territories to which it is accordingly applied, the notification to take effect three months after the date of its receipt.

Article VI

(1) This Convention shall enter into force ninety days after the date of deposit of the /twentieth/ instrument of ratification or accession.
(2) For each State ratifying or acceding after the date of deposit of the /twentieth/ instrument of ratification or accession, this Convention shall enter into force ninety days after the deposit of the instrument.

Article VII

A Contracting State may denounce this Convention on its own behalf or on behalf of any territory for whose international relations it is responsible, by a written notification to the Secretary-General of the United Nations.

A denunciation shall take effect for that State one year after the date of its receipt by the Secretary-General.

Article VIII

The Secretary-General of the United Nations shall inform all the States referred to in paragraph (1) of Article IV of the following particular:

/...

(a) Signatures, ratifications and accessions under Article IV;

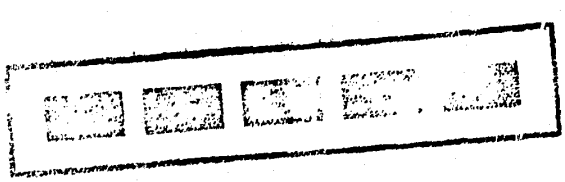
(b) extensions under Article V;

(c) the date of entry into force of this Convention under Article VI;

(d) denunciations under Article VII.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Convention.

Done at New York, this day of 196 , in a single copy, of which the Chinese, English, French, Russian and Spanish texts are equally authentic and which shall be deposited in the archives of the United Nations, and certified copies of which shall be sent by the Secretary-General of the United Nations to all the States referred to in paragraph (1) of Article IV of this Convention.



Annex 28

Sub-Commission on Prevention of Discrimination and Protection of Minorities, 411th meeting, 5 February 1964, doc. E/CN.4/Sub.2/SR.411

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5 February 1964

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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixteenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND ELEVENTH MEETING

Held at Headquarters, New York,
on Thursday, 16 January 1964, at 11 a.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.310, L.311, L.313, L.314) (continued)

64-02512

/...

PRESENT:

Chairman:	Mr. SANTA CRUZ	(Chile)
Rapporteur:	Mr. CAPOTORTI	(Italy)
Members:	Mr. ABRAM	(United States of America)
	Mr. AWAD	(United Arab Republic)
	Mr. BOUQUIN	(France)
	Mr. CALVOCORESSI	(United Kingdom of Great Britain and Northern Ireland)
	Mr. CUEVAS CANCINO	(Mexico)
	Mr. INGLES	(Philippines)
	Mr. IVANOV	(Union of Soviet Socialist Republics)
	Mr. KETRZYNSKI	(Poland)
	Mr. KRISHNASWAMI	(India)
	Mr. MATSCH	(Austria)
	Mr. MUDAWI	(Sudan)
	Mr. SAARIO	(Finland)
Also present:	Mrs. LEFAUCHEUX	Commission on the Status of Women
Observers from Member States:		
	Mr. ROBICHAUD	Canada
	Miss KRACHT	Chile
	Mr. LEMA	Congo (Leopoldville)
	Mr. SAJJAD	India
	Mr. SCHAAPVELD	Netherlands
	Mr. QUIAMBAO	Philippines
	Mrs. NASON	United States of America
	Mr. MELOVSKI	Yugoslavia
Representatives of specialized agencies:		
	Mr. FARMAN-FARMAIAN	International Labour Organisation
	Mr. SALSAMENDI	United Nations Educational, Scientific and Cultural Organization

/...

PRESENT:(continued):

Representative of a non-governmental organization:

Category A:	Mr. BARTON	International Confederation of Free Trade Unions
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LAWSON	Secretary of the Sub-Commission

/...

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.310, L.311, L.313, L.314) (continued)

The CHAIRMAN announced that the Working Group had reached agreement on the text of a preamble to the draft convention. He invited discussion of the three sets of draft articles submitted by members of the Sub-Commission (E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, E/CN.4/Sub.2/L.309 and E/CN.4/Sub.2/L.314).

Mr. KRISHNASWAMI drew attention to his amendment (E/CN.4/Sub.2/L.310, para. 4) to the definition stated in article I of Mr. Abram's text (E/CN.4/Sub.2/L.308). He would introduce the word "nationality" in quotation marks and explain its meaning for the purposes of the convention in a foot-note reading as follows:

> "'Nationality', as the term is used in this convention, is different from the meaning of the term in public international law where it indicates a recognized link between an individual and a State to which he owes allegiance and which has an international responsibility for him. It is for that reason that this term is within quotation marks. Its meaning in the present context is that which it has in the case of States composed of groups of different origin."

With that explanatory foot-note, the article could not be interpreted as denying to a State its right to make special provisions regarding aliens within its territory.

Mr. MUDAWI, commenting on the definition of racial discrimination given in the three texts before the Sub-Commission, emphasized that it should be as broad and explicit as possible. Mr. Abram's text had the great merit of clarity, while Mr. Calvocoressi's (E/CN.4/Sub.2/L.309) would gain by including in the term "person", not only groups of persons, but corporate bodies or juridical persons.

Mr. CALVOCORESSI said he was prepared to accept Mr. Mudawi's suggestion. His definition was brief for emphasis, and it reproduced the wording adopted in the UNESCO and ILO Conventions (E/CN.4/Sub.2/234).

Mr. MATSCH felt that the definition in question was too brief; it would be better to err on the side of wordiness rather than brevity.

Mr. ABRAM, noting that his definition, like the Declaration adopted by the General Assembly, specified ethnic origin as one of the grounds for discrimination, stressed the importance, in drafting the convention, of assessing the nature and scope of ethnic discrimination in the contemporary world. Ethnic discrimination might well be directed towards obliterating the social and cultural differences which defined and gave life and significance to a particular ethnic group. That would also be true of a nationality group in a multi-national State. Recent events had once again reminded the world that there were two distinct groups in Cyprus, for example. Countries with multi-racial populations, such as the United States and the USSR, had very complex ethnic groups. The Nazis had used a system of grading ethnic groups as a basis for their genocide campaign. Since the defeat of Nazi Germany, while no State had pursued a policy of genocide, some States in which discrimination was prohibited by law were carrying out policies which might have the effect of obliterating an ethnic group.

Ethnic differences were absolutely dependent for survival on language, schools, publications and other cultural institutions often regarded as characteristic of a nationality. However well-treated in other respects a member of an ethnic group might be, if he were cut off from his tradition and culture, he would be the victim of discrimination and the right of his group to survive would be jeopardized. Consequently, all forms of discrimination which deprived an ethnic group of the means of continuing its culture and maintaining its traditions was a violation of the principle stated in the Declaration on the Elimination of All Forms of Racial Discrimination and should be made an offense under the Convention. He was not certain of the precise language that should be used but there was need to be specific with regard to nationality groups and national traditions.

Mr. CAPOTORTI, after making a comparative analysis of the three drafts under discussion, said that the text of the Convention should so far as possible convey the spirit of the Declaration adopted by the Assembly. Thus, it was proper for the definition of discrimination to include discrimination on ethnic grounds. However, the problem of ethnic discrimination should not be developed beyond the framework of the Declaration and should not be equated with discrimination on grounds of national origin or nationality. The problems of national origin and nationality were manifold, but they were outside the scope of ...

a convention designed to protect the rights of the individual, which was the purpose of all United Nations conventions in the field of human rights. Indeed, it might even be helpful to make that purpose explicit. The definition of "person" contained in Mr. Calvocoressi's article I, as amended by Mr. Mudawi, was also a useful one, and should be retained. Finally, paragraph 2 of that article had considerable merit in that it recalled the definition of discrimination contained in the Declaration of Human Rights and in the draft Covenants.

Mr. MUDAWI observed that in some African countries small backward groups were given preferential treatment by legislation. He suggested, accordingly, that the article in which racial discrimination was defined should also include a statement to the effect that preferences designed to assist backward groups within a country did not constitute racial discrimination.

Mr. SAARIO pointed out that the problem was covered by article II, paragraph 3, of Mr. Abram's text (E/CN.4/Sub.2/L.308); however, he saw no objection to the addition suggested by Mr. Mudawi.

He always preferred brevity in definitions, particularly when they would have to be translated into many languages. He thought the word "distinction" preferable to the word "differentiation", which had too fine a shade of meaning. The words "distinction, exclusion, preference and limitation" would cover all the aspects of discrimination which should be taken into account.

While, as UNESCO had shown, there was no such thing as race, the term "race" would have to be used in the draft convention. The words "race", "colour" and "ethnic origin" all meant much the same thing, but "nationality" was a different matter. The General Assembly had used the expression "national origin" in the preamble of the Declaration on the Elimination of All Forms of Racial Discrimination and the expression "ethnic origin" in the body of the Declaration; he wondered why it had changed from the one expression to the other. In any event, everyone understood what was meant by the term "national origin", and he would not object to its use in the definition.

/...

Mr. KRISHNASWAMI recalled that Mr. Abram had accepted his proposal replacing the word "may" by the word "shall" in article II, paragraph 3 of his text (E/CN.4/Sub.2/L.308). That paragraph as amended, in directing States to take special measures to protect backward groups, went much further than the statement suggested by Mr. Mudawi. There would be no harm, however, in adding such a statement to the article defining racial discrimination.

There was some value in using the term "nationality" in quotation marks in the definition because in South Africa, for example, there was a problem of racial discrimination against persons of Indian national origin. "National origin" and "ethnic origin" were not synonymous.

Mr. AWAD was grateful to Mr. Mudawi for raising the problem of groups which the State had to favour in order to ensure their integration into the life of the country. The Sub-Commission must be very careful, however, to phrase any provision on that point in such a way as to leave no opportunity for abuse.

Mr. ABRAM said he preferred Mr. Krishnaswami's position on the question of nationality to Mr. Capotorti's.

Mr. BOUQUIN remarked that the three definitions before the Sub-Commission were not very different. Article 1, paragraph 1, of the text submitted by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) contained some excellent ideas. He too preferred the word "distinction" to the word "differentiation", however, and he thought that, as the expressions "ban on access" and "exclusion" were synonymous, one of them should be omitted. The definition of the word "person" proposed in Mr. Calvocoressi's text (E/CN.4/Sub.2/L.309) should be retained. A reference to discrimination based on nationality or national origin in multi-national States might be helpful, but he wondered whether there would be any point in referring to such discrimination in States that were not multi-national. In all countries a distinction was made between nationals and aliens. The problem was a difficult one and should be carefully considered. On the question of special protective measures raised by Mr. Mudawi, he recalled

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(Mr. Bouquin)

that the Sub-Commission, in drafting paragraph 11 of the Declaration on the Elimination of All Forms of Racial Discrimination, had inserted a proviso to the effect that such measures should not be maintained after the achievement of their objective. The Sub-Commission should continue to treat such special measures as exceptional and provisional.

Mr. MATSCH felt that the terms "ban on access" and "exclusion" were synonymous, as were the terms "distinction" and "differentiation". If, therefore, Mr. Abram would agree to add the word "limitation" to his definition (E/CN.4/Sub.2/L.308), the list of terms equated with discrimination would be identical in the three definitions before the Sub-Commission. On the question of national origin, he preferred the full explanatory text suggested by Mr. Abram in article I of his text (E/CN.4/Sub.2/L.308).

Mr. IVANOV pointed out that the text which he and Mr. Ketrzynski had suggested (E/CN.4/Sub.2/L.314) contained at the end of article I, paragraph 1, an essential element in the definition of discrimination, namely, a description of the purpose or effect of discrimination as "nullifying or impairing equality in granting or practising human rights and freedoms". That part of the definition not only complemented the first part, but might, he felt, dispel the concern of previous speakers with regard to the inclusion in the convention of a reference to special measures for the protection of certain groups. As such measures were usually designed to place such groups on an equal footing with other sectors of the population which might be more advanced from educational or other points of view, the formula he had quoted should have the effect of ensuring that any such measures could not but be in accordance with the convention.

Mr. ABRAM accepted Mr. Matsch's suggestion regarding the inclusion of the word "limitation" in article I of his own text.

Mr. CUEVAS CANCINO found the definitions of discrimination contained in the three texts before the Sub-Commission on the whole very similar.

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(Mr. Cuevas Cancino)

He did not agree that the definition contained in article I of the text suggested by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) was repetitious. For instance, the meaning of "ban on access" was not identical with that of "exclusion", as one meant that certain persons might be prohibited access to certain places, whereas the other would imply that certain people might be excluded from certain institutions and activities from which they were not in fact officially banned. The word "preference" acquired quite a definite meaning if it was considered in the context of the way in which whites were treated in the Republic of South Africa. Similarly, "limitation" had a perfectly definite meaning in the sense that it could refer to the prejudice to an individual's career caused by discrimination. A list of the various forms of discrimination in the article which defined the term was not only useful - it was absolutely necessary, because it would constitute the backbone of the convention, and he did not consider any of the terms used in the text suggested by Mr. Ivanov and Mr. Ketrzynski to be redundant.

With regard to the special measures which might be necessary for the protection of certain groups of the population, he still thought that the formula proposed by five Latin American countries in the Third Committee for article 2, paragraph 3 of the Declaration (A/5603, para. 66) was the most satisfactory. It was important to bear in mind that protection of certain groups did not constitute discrimination. Nor should such measures be abruptly discontinued. In some cases, they became part of national institutions, and a permanent means of securing rights which were in the interests of the country as a whole. As an example, he cited the case of Mexico, where the ownership of the land by the Indians had been originally recognized by the Spanish Crown, and subsequently, withdrawn on legal grounds, after the revolution of 1870, so that the Indian villages had been left entirely without land. It had required the revolution of 1910, with its ensuing land reform, to restore the original more equitable situation.

He was opposed to Mr. Krishnaswami's proposal to put the word "nationality" between quotation marks, and also against the insertion of a foot-note on the subject in the draft convention. Such an apparently special interpretation of

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(Mr. Cuevas Cancino)

of the word might prove misleading, and could cause problems. The term "nationality" as used in Mr. Abram's text (E/CN.4/Sub.2/L.308) might be taken to mean persons who had not been integrated into the national life of the State because they had originally come from other countries, and the existence of such groups raised problems of jurisdiction in any case. The term "national origin", used in document E/CN.4/Sub.2/L.314, seemed to him more satisfactory.

Mr. CALVOCORESSI said that he would withdraw paragraph 1 (b) of article I of his text (E/CN.4/Sub.2/L.309) if the Sub-Commission agreed to retain parts of the other two clauses. He had some doubts about the use of the term "national origin" and preferred the term "nationality". He would like to see the last part of article I, paragraph 1 as suggested by Mr. Ivanov and Mr. Ketrzynski with its reference to discrimination with the purpose or effect of nullifying or impairing equality in the granting or practising of human rights, retained in the draft convention.

He also hoped that the Sub-Commission would retain his own version of article I, paragraph 2. With regard to article I, paragraph 2 of Mr. Ivanov and Mr. Ketrzynski's text, he had no objection to its inclusion in the convention, but did not think that the article defining discrimination was the right place for it.

The CHAIRMAN, speaking in his personal capacity, remarked that he found the text suggested by Mr. Ivanov and Mr. Ketrzynski satisfactory, particularly since Mr. Cuevas Cancino's arguments had convinced him of the need to include a diversity of terms in the definition. He also thought that a reference to the purposes of discrimination was valuable, and that the second part of article I, paragraph 1 in that text should therefore be retained, but he suggested the addition, at the end of the sub-paragraph, of a phrase along the following lines: "as well as equality of treatment or opportunity in respect of such rights".

He agreed with Mr. Cuevas Cancino that the term "national origin" was preferable to "nationality", and he would certainly not be in favour of putting that word in quotation marks or using a foot-note. Such a procedure would not make for clarity, a primary requirement in the convention.

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(The Chairman)

It was sometimes necessary for Governments to take special measures to protect certain sections of the population, and in that connexion he too still felt a preference for the formula proposed in the Third Committee by five Latin American countries (A/5603, para. 66).

Mr. BARTON (International Confederation of Free Trade Unions) thought that the basic definition of discrimination should include some indication that the differences of race, colour, etc., might be either real or presumed. There were many cases where the difference between groups of a population, which were being used as a pretext for discrimination, were in fact non-existent, or at least debatable. Ceylon was one case in point, and another was South Africa, where the population was arbitrarily divided into the categories of white, black and coloured, and where persons and families were often changed from one category to another merely by decision of the authorities.

While Mr. Krishnaswami's suggestions concerning the treatment of the word "nationality" were unconventional, they probably represented the only way of solving the complex problem involved. Like the word "race", the word "nationality" represented different concepts, some ethnic, some political, in different countries.

Where special protection of certain groups was concerned, he felt some misgivings about the wisdom of including in the convention a reference to individuals belonging to certain racial groups, as had been done in article II of Mr. Abram's text (E/CN.4/Sub.2/L.308). While presumably the reference did not imply special protection to every single member of a group, it made the provision less clear.

Mr. INGLES thought that the Sub-Commission had already expressed a consensus of opinion regarding the contents of article I of the draft convention. In the interests of precision and to take care of the point raised by the Chairman, he suggested that the phrase "of opportunity or treatment in the enjoyment of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights" should be inserted in article I, paragraph 1, after the word "equality", to replace the words "in granting or practising human rights and freedoms" in the text suggested by Mr. Ivanov and Mr. Ketrzynsi (E/CN.4/Sub.2/L.314).

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The CHAIRMAN, speaking in his personal capacity, said that he found Mr. Ingles's amendment more satisfactory than his own, which he would accordingly withdraw.

Mr. SAARIO remarked that the difference between the terms "nationality" and "national origin" was clear. In international law, the term "nationality" was frequently used to mean "citizenship". He accordingly felt that the use of the term "national origin" would avoid ambiguity.

Mr. AWAD, observing that it was difficult to draft a document on the basis of three separate texts, suggested that the Sub-Commission might work more effectively if it selected one of the proposed texts as the basis of its work. The other proposals could then be submitted in the form of amendments to the working text.

The CHAIRMAN favoured the suggestion. The Sub-Commission was proceeding very slowly by its present method of work.

Mr. IVANOV felt that such a procedure would give an unjustifiable preference to one text over the others. In the past the Sub-Commission had been successful in working with a number of texts, either in plenary or through a working group. While the Sub-Commission should try to accelerate its work, it must avoid undue haste.

The meeting rose at 1.5 p.m.

Annex 29

Sub-Commission on Prevention of Discrimination and Protection of Minorities, 414th meeting, 17 January 1964, doc. E/CN.4/Sub.2/SR.414

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixteenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND FOURTEENTH MEETING

Held at Headquarters, New York,
on Friday, 17 January 1964, at 3.15 p.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.310, L.311, L.313, L.314 L.317, L.318, L.319, L.320) (continued)

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PRESENT:

Chairman:	Mr. SANTA CRUZ	(Chile)
Rapporteur:	Mr. CAPOTORTI	(Italy)
Members:	Mr. AWAD	(United Arab Republic)
	Mr. BOUQUIN	(France)
	Mr. CALVOCORESSI	(United Kingdom of Great Britain and Northern Ireland)
	Mr. CUEVAS CANCINO	(Mexico)
	Mr. FERGUSON	(United States of America)
	Mr. INGLES	(Philippines)
	Mr. IVANOV	(Union of Soviet Socialist Republics)
	Mr. KETRZYNSKI	(Poland)
	Mr. KRISHNASWAMI	(India)
	Mr. MATSCH	(Austria)
	Mr. MUDAWI	(Sudan)
	Mr. SAARIO	Finland)
Also present:	Mrs. LEFAUCHEUX	Commission on the Status of Women
Observers from Member States:		
	Mr. ROBICHAUD	Canada
	Mr. LEMA	Congo (Leopoldville)
	Mr. SAJJAD	India
	Mr. BARROMI	Israel
	Mr. SCHAAPVELD	Netherlands
	Mr. QUIAMBAO	Philippines
	Mrs. NASON	United States of America
	Mr. MELOVSKI	Yugoslavia
Representative of a non-governmental organization:		
Category B:	Mrs. CASS	World Federation of Catholic Young Women and Girls
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LAWSON	Secretary of the Sub-Commission

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.308 and Add.1/Rev.1 and Add.1/Rev.1/Corr.1, L.309, L.310, L.311, L.313, L.314, L.317, L.318, L.319, L.320) (continued)

Mr. CUEVAS CANCINO proposed that Mr. Abram's amendment to the sixth paragraph of the preamble (E/CN.4/Sub.2/L.317) should be put to the vote again. Although the rules of procedure of the Sub-Commission did not contain any provision for the reconsideration of a proposal already voted on, he felt, like the Chairman, that the Sub-Commission could base itself on rule 124 of the rules of procedure of the General Assembly in order to reconsider Mr. Abram's proposal. Personally, he considered that it would be preferable not to amend the paragraph.

Mr. IVANOV was also in favour of the original text. Not having been in possession of the Russian version of Mr. Abram's amendment until after the vote, he did not consider that he had been able to act with full knowledge of the facts.

Mr. FERGUSON thought that he was expressing the views of Mr. Abram, whom he was replacing for the time being, as well as his own views in saying that he did not object to the reconsideration of Mr. Abram's amendment.

The CHAIRMAN said he took it that the Sub-Commission was willing to reconsider Mr. Abram's amendment without a prior vote on the question of reconsideration. He recalled that Mr. Abram's amendment consisted in replacing the beginning of the sixth preambular paragraph (E/CN.4/Sub.2/L.317), which read "Convinced that any doctrine based on racial differentiation or superiority is scientifically false ...", by the words "Convinced that any doctrine of superiority based on racial differentiation is scientifically false, ...".

He did not think it necessary to recapitulate in detail the discussions which had already taken place on the question. He recalled that the wording of the original text was based directly on the conclusions of a UNESCO group of experts, indicating that, while biological differences between the various races existed, they were not great enough to affect the moral life and relationships between human beings, or the domain of social and political organization. It followed from these conclusions that all doctrines based on racial differentiation,

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(The Chairman)

whether a doctrine proclaiming the superiority of one race over another, such as nazism, or a doctrine based solely on the notion of difference, such as apartheid, were equally pernicious. He recalled in that connexion that the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa had censured the doctrine of apartheid as presenting a danger to peace and being contrary to the dignity of the human person.

It was in the light of those various considerations that the original text of the paragraph under consideration condemned all doctrines based on racial differentiation and not only doctrines based on the idea of the superiority of one race over another.

Mr. FERGUSON thought that the wording proposed by Mr. Abram, which laid stress on doctrines of superiority based on racial differentiation, had the virtue of dealing specifically with the aspect of the question on which the Sub-Commission should concentrate.

Mr. BOUQUIN drew the Sub-Commission's attention to a document dated 9 January 1964 (E/CN.4/Sub.2/240) prepared for the Commission on Human Rights in which UNESCO described its recent activities in the field of combating discrimination in education and in race relations. That document reported that the secretariat of UNESCO was now busy preparing for an interdisciplinary conference on the race concept, which would review the statement drawn up under UNESCO auspices by a group of specialists in 1951 and would try to reformulate it in the light of the scientific progress made since then in the different fields which had a bearing on that concept. The question was thus not as simple as some members of the Sub-Commission seemed to think.

The CHAIRMAN put to the vote the amendment proposed by Mr. Abram.

The amendment proposed by Mr. Abram was rejected by 5 votes to 3, with 5 abstentions.

The CHAIRMAN invited the Sub-Commission to vote on the preamble as a whole.

Mr. INGLES said that the combination of the fourth and sixth paragraphs of the preamble had resulted in a text which did not seem to him entirely satisfactory from the point of view of the logical progression of ideas, since one paragraph was introduced by the word "Considering" and the other by the word

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(Mr. Ingles)

"Convinced". He thought that the transfer of the fifth paragraph to the end of the preamble had sufficiently solved the problem of sequence between the fourth and sixth paragraphs.

Mr. KRISHNASWAMI stated that he would have no objection to the paragraphs remaining separate, provided that they were placed consecutively.

Mr. IVANOV said that, on account of certain inaccuracies in the Russian version of the text under discussion, he would be obliged to vote on the English version.

The CHAIRMAN invited the members to vote on the preamble, noting that it was agreed that the fourth paragraph would be divided into two distinct paragraphs.

The draft preamble submitted by the Working Group (E/CN.4/Sub.2/L.317), as amended by the Sub-Commission, was adopted unanimously.

Mrs. CASS (World Federation of Catholic Young Women and Girls) said that her organization, which numbered 10 million young women and girls, took the greatest interest in the Sub-Commission's work. It was because young people had already benefited by the efforts made in recent decades to eliminate racial discrimination that they were to be found in the forefront of the movements for the elimination of that particular form of discrimination wherever it existed. Without wishing to belittle the scope of the legal instruments applied by Governments to combat the various forms of discrimination, she maintained that the best antidote to discrimination was education, since the spirit of discrimination was not inborn in children. It was for that reason that for years the Federation had been arranging study cycles and seminars, world congresses and exchange programmes in order to train leaders aware of the inherent dignity of all men. In that connexion she stated that the world congress to be held in April would deal with solidarity, including solidarity among nations and men of different races, its value, its repercussions and the obstacles to be overcome. Furthermore, education taught individuals to know their rights and duties towards the society in which they had the privilege of living and thus provided a solution for the most acute problem encountered by democratic societies - that of striking a balance between the rights of the individual and those of society so as to avoid tyranny on the one hand and anarchy on the other, and promoting general welfare without infringing individual rights. Each right was accompanied by an obligation and although for too many centuries the

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(Mrs. Cass, World Federation of Catholic Young Women and Girls)

obligations of individuals had prevailed over their rights, the obligations entailed by those rights should not now be forgotten.

That was the type of education which would give a meaning to the draft convention on the elimination of all forms of racial discrimination and, by putting principles into practice, would one day render the convention unncessary. A few thousand years ago no one would have dreamt of nation States, and only a century ago no one could have foreseen the establishment of international organizations. There was hope for the future of a unified human community in which there would be no racial or any other kind of discrimination but only legitimate differences.

Article VIII, in document E/CN.4/Sub.2/L.308, was thus of the greatest importance. The non-governmental organizations, particularly the youth organizations, would support any step taken by Governments "through educational and other means ... to promote ... the elimination of racial discrimination in any form and to promote understanding, tolerance, and friendship among all nations and all peoples". Only the support of the non-governmental organizations in setting on foot appropriate educational programmes, however, would enable Governments to eliminate discrimination no longer only de jure but de facto and to create the united human community towards which all efforts and all aspirations were directed.

Mr. CAPOTORTI said that he had been absent when the vote had been taken. He associated himself with his colleagues who had voted in favaur of the text of the premable, which had been unanimously adopted.

The CHAIRMAN invited members to turn their attention to document E/CN.4/Sub.2/L.319, containing the draft for article I proposed by the Working Group. He noted that the text had been drafted on the basis of the one proposed by Mr. Calvocoressi and Mr. Capotorti, and in the light of the debate which had taken place in the Sub-Commission.

Mr. MUDAWI supported the text. He recalled that he had requested the addition to paragraph 1 of a sentence to the effect that in the convention the term "persons" should cover not only groups of persons but corporate bodies or juridical persons.

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Mr. SAARIO feared that that definition exceeded the scope of the subject. In his view the term "group of persons" would cover all cases.

Mr. CALVOCORESSI observed that the convention when completed might not include a section applying to juridical persons. He therefore felt that it would be better to wait before deciding whether the definition proposed by Mr. Mudawi should be included in the text.

Mr. CAPOTORTI, replying to Mr. Saario, pointed out that a juridical person might be guilty of discrimination, in which case the convention would be applicable to that person. On the other hand, a juridical person might be the object of discrimination because, for example, it consisted of people of certain races. He therefore considered that the point should be clarified and supported Mr. Mudawi's proposal. The definition which Mr. Mudawi had proposed might become paragraph 3 of article I.

Mr. CUEVAS CANCINO supported that proposal.

Mr. INGLES said that he would have no objection to the inclusion of a definition of persons in article I. He emphasized, however, that his agreement was only provisional, and would depend on the text that would be finally adopted.

Referring to the objections raised by Mr. Saario to the inclusion of a definition of persons, he agreed with Mr. Capotorti that juridical persons, even if they were not subject to discriminatory measures because of their status, might nevertheless be subject to them on account of the race of the individual members.

He preferred the text of article I, paragraph 1, as it appeared in document E/CN.4/Sub.2/L.318 because it defined racial discrimination as having the purpose or effect of nullifying or impairing the equality of treatment or opportunity of individuals; document E/CN.4/Sub.2/L.319, by relinquishing that idea, eliminated the connexion between that which the Sub-Commission was trying to prevent and the content of racial discrimination. He would vote in favour of article I, paragraph 1 of the latter document if that notion of equality was inserted.

With regard to article I, paragraph 2, the Working Group's text was an improvement on paragraph 3 of the text proposed by Mr. Calvocoressi and Mr. Capotorti, which merely reiterated the text of the Declaration. It would be well, however, to stress the special nature of measures giving preference to

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(Mr. Ingles)

certain racial groups, either by making it clear that temporary measures were envisaged or by adding at the end of the paragraph the idea that they should be terminated when the need no longer arose.

The CHAIRMAN thought that if juridical persons were to be the subject of the convention the rights of physical persons might be indirectly impaired; and it was those rights which the provisions of the Universal Declaration of Human Rights, the Charter and the Declaration on the Elimination of All Forms of Racial Discrimination sought to protect. In any event he agreed with Mr. Ingles that the examination of the question should be postponed.

Mr. KRISHNASWAMI did not agree with Mr. Ingles's suggestions on the subject of paragraph 2. The temporary nature of the measures giving preference to certain racial groups was clear from the last part of the sentence; obviously those measures would end automatically as soon as the groups in question had reached the same stage of development as the rest of the society.

With reference to the other point raised by Mr. Ingles, he suggested that the word "equal" should be inserted before the word "exercise".

Mr. FERGUSON thought that the discussion of the definition of persons should be postponed.

He suggested that in paragraph 2 of the English text the word "should" should be replaced by "shall", which was stronger.

Mr. MUDAWI considered that the question of the definition of persons was fundamental and could be decided without further delay. A juridical person could not only be guilty of racial discrimination, as Mr. Capotorti had rightly pointed out, but could also suffer from it. If, for example, a State introduced a law prohibiting a company most of whose members belonged to the same racial group from buying land in a certain area, there would be nothing in the convention to prevent that State from exercising such discrimination if the word "person" was not understood to include juridical persons.

Mr. KETRZYNSKI, supported by Mr. IVANOV, proposed that the words "on an equal footing" should be inserted between the words "exercise" and the words "of human rights".

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Mr. CAPOTORTI said he gathered that all the experts were agreed on mentioning the concept of equality of rights in paragraph 1, as Mr. Ingles had requested. Secondly, he observed that the word "fundamental" should be inserted before the word "freedoms" in order to conform to the accepted wording used in all documents. Thirdly, he agreed with Mr. Ferguson that "should" should be replaced by "shall" in paragraph 2. Finally, he suggested that if Mr. Ingles insisted upon it the word "permanent" should be inserted before "maintenance" although the text as it stood seemed to him quite explicit.

The CHAIRMAN pointed out for the benefit of Mr. Ingles that the word "discrimination" implied the idea of inequality of rights. The suggested elucidation of paragraph 1 seemed to him superfluous, since condemnation of discrimination necessarily included inequality.

Mr. INGLES replied that paragraph 1 of the article under consideration contained no condemnation of discrimination but simply a factual statement.

Mr. MUDAWI felt that it would be inadvisable to insert the word "permanent" before the word "maintenance", for if so amended the text might appear to sanction implicitly the principle of inequality of rights for different racial groups.

Mr. INGLES withdrew his amendment to paragraph 2.

Mr. CAPOTORTI suggested that, in accordance with the wording of Article 55 c of the Charter, the word "fundamental" should be inserted before the word "freedoms" and "for all" added after it.

Mr. INGLES agreed to the amendments proposed by Mr. Ketrzynski and Mr. Capotorti.

Mr. KETRZYNSKI did not consider it satisfactory.

Mr. SAARIO agreed with Mr. Ketrzynski. To define racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin ... which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms for all" might suggest that any distinction of that kind which might impair the exercise of those rights and fundamental freedoms for certain people only did not constitute "racial discrimination" within the meaning of article I.

Mr. BOUQUIN wondered whether the best solution would not be to insert after the world "impair" the words "in the case of any individual".

Mr. KETRIZYNSKI said that he would prefer the wording he had previously proposed.

Mr. BOUQUIN, supported by Mr. SAARIO, considered that that wording had the slight defect of not referring to the persons affected by the article. Nevertheless, he was prepared to accept Mr. Ketrzynski's suggestion.

Mr. LAWSON (Secretary of the Sub-Commission) read out the text of article I as amended during the meeting. The words "on an equal footing" would appear after the word "exercise"; the word "fundamental" would be inserted before the word "freedoms"; in paragraph 2, the word "should" would be replaced by "shall".

The CHAIRMAN put the text of article I, as amended, to the vote.

The text of article I, as amended, was adopted unanimously.

The CHAIRMAN invited the members of the Sub-Commission to examine the text of article II proposed by Mr. Abram (E/CN.4/Sub.2/L.308).

Mr. CAPOTORTI said that it was essential to set forth clearly in article II the fundamental and general obligations of the State - as had been done to some extent by Mr. Calvocoressi in his proposed text of article II (E/CN.4/Sub.2/L.309) and by Mr. Ivanov and Mr. Ketrzynski in their proposed texts of paragraph 2 of article I and of article II (E/CN.4/Sub.2/L.314) - in such a way as to establish in the succeeding articles the various fields in which the State would be called upon to intervene, i.e. the political, social, cultural and all other fields of public life. There was a lack of progression in article II as submitted by Mr. Abram, which followed the lines of the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (A/RES/1904 (XVIII)). He therefore proposed in the first place a provision that the State should undertake to "refrain" strictly from any discriminatory act or practice and to ensure that such a rule would be respected by its legislative, administrative and judicial bodies and by local authorities and public services; after that negative rule there would be a further provision

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(Mr. Capotorti)

that the State should take effective measures to rescind any discriminatory laws and regulations, as indicated in paragraph 1 of article III of the text submitted by Mr. Abram (E/CN.4/Sub.2/L.308) and in the Declaration (A/RES/1904 (XVIII)). Finally, he suggested that it should be made clear that the State would adopt the requisite measures to prohibit any acts of racial discrimination by individuals.

Mr. IVANOV agreed with Mr. Capotorti that the obligations of the State must be clearly defined in article II if the convention was to be an effective instrument. It should therefore be laid down in principle, with reference to the preamble to the Declaration (A/RES/1904 (XVIII)), that any manifestation of racial discrimination was dangerous and should be prohibited, that consequently the State "shall undertake to admit within its territory no acts or manifestations of racial discrimination of any kind ..." (E/CN.4/Sub.2/L.314, article II, paragraph 1) and to implement legislative or any other necessary measures with a view to speedy elimination of racial discrimination. In order to do so it would be sufficient to incorporate in paragraph 1 of article II, which he and Mr. Ketrzynski had submitted (E/CN.4/Sub.2/L.314), certain phrases taken from documents E/CN.4/Sub.2/L.308 and L.309, submitted by Mr. Abram and Mr. Calvocoressi respectively. He considered that all the members of the Sub-Commission agreed with the substance of his views and that it was now only a question of agreeing on the form.

Mr. KRISHNASWAMI considered that, subject to the amendment which he had submitted (E/CN.4/Sub.2/L.310, paragraph 5), substituting the words "no State shall discriminate or support any discrimination whatsoever" for the words "no State shall make any discrimination whatsoever", the whole text of article II submitted by Mr. Abram (E/CN.4/Sub.2/L.308) deserved to be retained, and that paragraph 1 of the draft for article II submitted by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) should be inserted between paragraphs 2 and 3.

In order to allay the fears of those members who had protested against the adoption of the draft for paragraph 1 of article II submitted by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/Sub.2/L.314) on the grounds that freedom of thought,

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(Mr. Krishnaswami)

opinion and expression might thereby be threatened, he pointed out that the scope of the terms which had been criticized - "manifestations" and "acts" - was limited by the definition given in article I (E/CN.4/Sub.2/L.319), which stated that the acts must be based on "race, colour, national or ethnic origin" which had "the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise on an equal footing of human rights and fundamental freedoms in political, economic, social, cultural or any other field of public life set forth inter alia in the Universal Declaration of Human Rights".

In reply to another objection, he pointed out that paragraph 1 of article II in document E/CN.4/Sub.2/L.314 imposed no obligation which was not already laid down in the Charter, and that a meaning which the verb "to undertake" ("s'engager" in the French version) did not possess should not be attributed to it. The wording of the remainder of the text, which included the phrase "if appropriate" ... "implement necessary measures", clearly indicated that the obligation was not absolute.

Thus constituted, article II of the draft convention would form a logical and coherent whole.

Mr. KETRZYNSKI requested that, if Mr. Krishnaswami's proposal regarding article II was adopted, paragraph 1 of the draft for article III submitted by Mr. Abram (E/CN.4/Sub.2/L.308) "Each State Party shall take effective measures ..." should be added after paragraph 1 of article II as amended. The reason for his request was that, contrary to what Mr. Capotorti thought, paragraph 1 of article II of the draft submitted by Mr. Ivanov and himself (E/CN.4/Sub.2/L.314) was too weak when dissociated from paragraph 2, which, indeed, began with the word: "Accordingly".

Mr. FERGUSON, although not objecting in principle to the proposals of Mr. Krishnaswami and Mr. Ketrzynski, reserved his position in the absence of Mr. Abram.

Mr. CUEVAS CANCINO doubted whether Mr. Ketrzynski's proposal that paragraph 1 of article III of the text proposed by Mr. Abram should be inserted

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(Mr. Cuevas Cancino)

in article II of the draft convention was appropriate in view of the adoption of paragraph 2 of article I (E/CN.4/Sub.2/L.319) as amended.

The CHAIRMAN proposed that a working group should be set up to prepare a basic text for article II in order to expedite the work of the Sub-Commission.

The meeting rose at 5.45 p.m.

Annex 30

Report of the Sixteenth Session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, 11 February 1964, doc. E/CN.4/873 (extract)

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

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11 February 1964

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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

REPORT OF THE SIXTEENTH SESSION OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES TO THE COMMISSION ON HUMAN RIGHTS

New York, 13 to 31 January 1964

Rapporteur: Mr. Francesco Capotorti

(116 p.)

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Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation, and desiring therefore to adopt further measures in order to eliminate racial discrimination in all its forms and manifestations as soon as possible,

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by ILO in 1958, and the Convention Against Discrimination in Education adopted by UNESCO in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption by Contracting States of practical measures to that end,

Have agreed as follows:

Article I

1. In this Convention the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, national or ethnic origin (and in the case of States composed of different nationalities discrimination based on such difference) 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 in political, economic, social, cultural or any other field of public life set forth inter alia in the Universal Declaration of Human Rights.

2. Measures giving preference to certain racial groups for the sole purpose of securing adequate development or protection of individuals belonging to them shall not be deemed racial discrimination, provided however that such measures do not, as a consequence, lead to the maintenance of unequal or separate rights for different racial groups.

Article II

1. States Parties to the present Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination, and to ensure that all public authorities and public

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institutions, national and local, shall act in conformity with this obligation. Each State Party undertakes not to encourage, advocate or support racial discrimination by any person, group or organization;

(b) Each State Party shall take effective measures to revise governmental and other public policies, and to rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(c) Each State Party shall prohibit racial discrimination by any person, group or organization, and undertakes to adopt all necessary measures, including legislation, if appropriate.

2. States Parties shall take special concrete measures in appropriate circumstances in order to secure adequate development or protection of individuals belonging to under-developed racial groups with the object of ensuring the full enjoyment by such individuals of human rights and fundamental freedoms. These measures shall in no circumstances have as a consequence the maintenance of unequal or separate rights for different racial groups.

Article III

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature.

Article IV

States Parties condemn all propaganda and organizations which justify or promote racial hatred and discrimination and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, inter alia:

(a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in or likely to cause acts of violence;

(b) Shall declare illegal and prohibit organizations, and also organized propaganda activities, which promote and incite racial discrimination;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

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Article V

In compliance with the fundamental obligations laid down in Article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms notably in the enjoyment of the following rights:

(a) The rights to equality before the law and to equal justice under the law;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) the right to freedom of movement and residence within the border of the State;

(ii) the right to leave any country including his own, and to return to his country;

(iii) the right to nationality;

(iv) the right to marriage;

(v) the right to own property alone as well as in association with others;

(vi) the right to freedom of thought, conscience and religion;

(vii) the right to freedom of opinion and expression;

(viii) the right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;

(ii) the right to form and join trade unions;

(iii) housing;

(iv) public health, medical care and social security and social services;

(v) education and training;

(vi) equal participation in cultural activities;

(f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres, parks.

Article VI

States Parties shall assure to everyone within their jurisdiction effective remedies and protection through independent tribunals against any racial discrimination and the right to obtain from such tribunals reparation for any damage suffered as a result of racial discrimination.

Article VII

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

Article VIII

Nothing in the present convention may be interpreted as implicitly recognizing or denying political or other rights to non-nationals nor to groups of persons of a common race, colour, ethnic or national origin which exist or may exist as distinct groups within a State Party.

Article IX

States Parties shall as far as appropriate include in their constitutions or fundamental laws provisions prohibiting all forms of racial discrimination.

Article X

1. The States Parties to this Convention undertake to submit a report on the legislative or other measures which they have adopted and which give effect to the provisions of this Convention, (a) within one year after the entry into force of the Convention for the State concerned and (b) thereafter every two years and whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

Annex 31

Sub-Commission on Prevention of Discrimination and Protection of Minorities, 427th meeting, 12 February 1964, doc. E/CN.4/Sub.2/SR.427

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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Sixteenth Session

SUMMARY RECORD OF THE FOUR HUNDRED AND TWENTY-SEVENTH MEETING

Held at Headquarters, New York,
on Tuesday, 28 January 1964, at 2.50 p.m.

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PRESENT:

Chairman:	Mr. SANTA CRUZ	(Chile)
Rapporteur:	Mr. CAPOTORTI	(Italy)
Members:	Mr. ABRAM	(United States of America)
	Mr. AWAD	(United Arab Republic)
	Mr. BOUQUIN	(France)
	Mr. CALVOCORESSI	(United Kingdom of Great Britain and Northern Ireland)
	Mr. CUEVAS CANCINO	(Mexico)
	Mr. INGLES	(Philippines)
	Mr. IVANOV	(Union of Soviet Socialist Republics)
	Mr. KRISHNASWAMI	(India)
	Mr. MATSCH	(Austria)
	Mr. MUDAWI	(Sudan)
	Mr. SAARIO	(Finland)
	Mr. SOLTYSIAK	(Poland)
Also present:	Mrs. LEFAUCHEUX	Commission on the Status of Women
Observers from Member States:		
	Miss KRACHT	Chile
	Mr. SAJJAD	India
	Mr. ROSENNE	Israel
	Mr. SCHAAPVELD	Netherlands
	Mr. QUIAMBAO	Philippines
	Mrs. NASON	United States of America
Representatives of specialized agencies:		
	Mr. FARMAN-FARMAIAN	International Labour Organisation
	Miss BARRETT	United Nations Educational, Scientific and Cultural Organization
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LAWSON	Secretary of the Sub-Commission

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (E/CN.4/Sub.2/234; E/CN.4/Sub.2/L.309, L.314, L.320, L.322, L.325, L.329, L.333, L.337, L.340-L.344, L.347-L.349) (continued)

Article VIII (E/CN.4/Sub.2/L.340, E/CN.4/Sub.2/L.341, E/CN.4/Sub.2/L.347-L.349) (continued)

Mr. CUEVAS CANCINO, introducing his draft for article VIII (E/CN.4/Sub.2/L.347), said that his text was an attempt to deal with the two problems raised in the lengthy discussion of article VIII at the 425th meeting. The first sentence made it clear that the draft convention did not place limitations on the treatment of aliens. The expression "social status" had been inserted to cover the denial to aliens of rights other than political rights.

In the second sentence, he had attempted to draw the fine distinction between the grant of rights to individuals from the denial of political rights to racial, ethnic and national groups as such. An example of that distinction was the Edict of Nantes, which had granted religious rights to a religious minority in France but at the same time had sought to keep that minority from disturbing the national unity of the State. In making that distinction, he had drawn upon paragraph 6 of the Declaration on the granting of independence to colonial countries and peoples, which stated that the Declaration did not justify any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country.

Mr. MUDAWI, introducing Mr. Krishnaswami's and his draft for article VIII (E/CN.4/Sub.2/L.348), said that the object of their text was to remove the difficulty arising from the use of the terms "nationality" and "national origin" in article I, as adopted (E/CN.4/Sub.2/L.322). The term "nationality", as used in the draft convention, referred to membership in a group within a nation. Because, however, in public international law that term referred to the relationship between a citizen and his country, the provisions of the draft convention might be interpreted as implying that nationals and non-nationals must be put on the same footing. The text he co-sponsored would prevent any such misinterpretation.

Mr. KRISHNASWAMI added that the first part of that text was intended to stress that the draft convention did not affect the distinction between nationals and non-nationals, which was well established in public international law. The second part met Mr. Calvocoressi's and Mr. Capotorti's point that the draft convention should not make it compulsory for States to grant special rights to groups because of race, colour or ethnic origin. The Sub-Commission did not want the draft convention to be used as a lever to promote autonomy of such groups. The final clause of the draft met Mr. Ivanov's point that the established rights of such groups to autonomy should not be affected.

Mr. IVANOV said that, of the three new drafts of article VIII (E/CN.4/Sub.2/L.347, E/CN.4/Sub.2/L.348, E/CN.4/Sub.2/L.349), he preferred the Chairman's suggestion (E/CN.4/Sub.2/L.349), because it indicated clearly that the draft convention did not deal with the recognition or denial of political rights to non-nationals or to groups, those matters being entirely within the competence of the States concerned. For that very reason, article VIII might well be omitted; but if the Sub-Commission wished to include such a provision, it should adopt the Chairman's suggestion as the clearest text.

Mr. CALVOCORESSI thought that the Sub-Commission should be able to reach agreement on the basis of any of the three texts. The term "destroy" in the final clause of Mr. Cuevas Cancino's draft (E/CN.4/Sub.2/L.347) seemed rather strong. In Mr. Krishnaswami's and Mr. Mudawi's draft (E/CN.4/Sub.2/L.348), he would replace the words "impose a duty to grant" by the broader expression "affect the question of granting". However, he agreed with Mr. Ivanov that the Chairman's suggestion (E/CN.4/Sub.2/L.349) was the best.

Mr. MATSCH would prefer not to include a restrictive clause such as article VIII, because it might be interpreted as limiting the scope of the draft convention. Of the three new drafts before the Sub-Commission, he preferred Mr. Cuevas Cancino's (E/CN.4/Sub.2/L.347). The draft submitted by Mr. Krishnaswami and Mr. Mudawi (E/CN.4/Sub.2/L.348) might also be acceptable; but the Chairman's

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(Mr. Matsch)

suggestion (E/CN.4/Sub.2/L.349), which referred to both the recognition and the denial of political rights, seemed to him wholly pointless.

The CHAIRMAN replied that his suggestion made it clear that the draft convention did not change the status quo ante with respect to the political rights of non-nationals or groups. By using the expression "groups of persons of a common ... national origin" rather than the expression "national group", he had avoided the problem of definition that the latter expression raised.

Mr. SAARIO, noting that the three drafts were similar in substance, expressed his preference for the Chairman's suggestion (E/CN.4/Sub.2/L.349) as the clearest and most concise. He did not think it sufficient, however, to refer only to political rights, since social and cultural rights granted to nationals might be denied to aliens. Moreover, it was legally inaccurate to refer to "political rights" as being recognized or denied to groups, since the political rights defined in article 21 of the Universal Declaration of Human Rights applied only to individuals. To meet those two objections, he would prefer to have the words "political rights or obligations to non-nationals nor to" in the Chairman's suggestion (E/CN.4/Sub.2/L.349) replaced by the words "a specific political or social status to aliens on their territory, nor recognizing or denying special status to".

Mr. ABRAM also preferred the Chairman's suggestion (E/CN.4/Sub.2/L.349) as the shortest and most neutral. That text best served the purpose of article VIII, namely, to prevent anything from being read into the term "nationality" in article I which that term was not intended to mean.

Mr. CAPOTORTI said that the text of article VIII must make it clear that the draft convention did not go beyond the aim set by the General Assembly of eliminating racial discrimination against individuals. He entirely supported Mr. Saario's view that the subjects of the draft convention were individuals, and not groups as such. The Chairman's suggestion (E/CN.4/Sub.2/L.349) came closest to that idea. He thought Mr. Saario's suggestions were sound, but could accept the text in its present form. The final clause of Mr. Cuevas Cancino's draft

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(Mr. Capotorti)

(E/CN.4/Sub.2/L.347) implied that the draft convention might be interpreted as granting political rights to racial, ethnic or national groups, so long as the grant did not destroy the national unity and territorial integrity of a State Party. He suggested that the final clause should read: "having regard to the requirements of the national unity and the territorial integrity of a State Party". He supported Mr. Calvocoressi's proposal to change the wording of the draft submitted by Mr. Krishnaswami and Mr. Mudawi (E/CN.4/Sub.2/L.348).

Mr. BOUQUIN remarked that, while he had no objection to any of the three drafts, he too preferred the Chairman's suggestion (E/CN.4/Sub.2/L.349).

Mr. INGLES said that, since article VIII was intended to be simply an interpretative article, members should bear in mind the provisions which it would interpret, namely, article II, paragraph 2, and article V, paragraph (c). The problem concerning the political rights of non-nationals would not have arisen if the Sub-Commission had not deleted the phrase "granted to any person in his own country" from article V, paragraph (c). All three drafts dealt satisfactorily with that problem. However, the Chairman's suggestion (E/CN.4/Sub.2/L.349) went beyond the required interpretation of article V, paragraph (c), by referring not only to political rights but also to political obligations; in his view, the words "or obligations" should be deleted. The expression "social status" suggested by Mr. Cuevas Cancino and by Mr. Saario could not be considered an explanation of article V, paragraph (c), but he would not object to the insertion of the words "or other" after the word "political" in the Chairman's text (E/CN.4/Sub.2/L.349).

The second parts of the three drafts were intended to exclude the possibility that article II, paragraph 2, might be interpreted as granting political rights to racial, ethnic or national groups. He agreed with Mr. Capotorti's criticism of the final clause of Mr. Cuevas Cancino's text (E/CN.4/Sub.2/L.347). The second part of the draft submitted by Mr. Krishnaswami and Mr. Mudawi (E/CN.4/Sub.2/L.348) did not seem to meet the problem of article II, paragraph 2. The purpose of the special measures authorized by that paragraph was to assist the individuals belonging to under-developed groups in securing the full enjoyment of human rights and fundamental freedoms; there was nothing in that paragraph to indicate that

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special measures could be taken because of the race, colour or ethnic origin of the groups concerned, or that such measures might or might not consist of special political rights. He thought that the second part of the Chairman's draft (E/CN.4/Sub.2/L.349) was as far as the Sub-Commission could go if it wished to prepare an interpretative, rather than a substantive, provision.

The CHAIRMAN agreed to the insertion of the words "or other" after the word "political" in his text. He explained that he had inserted the reference to obligations because he had noted, in his study of discrimination in the matter of political rights, that in certain States the right to have one's name inscribed on an electoral roll entailed the obligation to vote. He agreed, however, to delete the reference.

Mr. CUEVAS CANCINO and Mr. MUDAWI, speaking also on behalf of Mr. Krishnaswami, withdrew their drafts in favour of the Chairman's suggested text.

Mr. MATSCH requested that the two parts of that text should be put to the vote separately.

The first part of the Chairman's suggestion for article VIII (E/CN.4/Sub.2/L.349), including the word "non-nationals", was adopted unanimously.

The second part of the Chairman's suggestion for article VIII was adopted by 11 votes to 2, with 1 abstention.

The Chairman's suggestion for article VIII (E/CN.4/Sub.2/L.349) as a whole, with the amendments accepted by the sponsor, was adopted by 11 votes to none, with 3 abstentions.

Article X (E/CN.4/Sub.2/L.325)

The CHAIRMAN asked the members of the Sub-Commission to authorize him to request the Secretary-General, taking into consideration the final clauses of Conventions previously adopted by the United Nations and the specialized agencies, to submit to the Commission on Human Rights a series of alternative texts of final clauses of the draft convention on racial discrimination, including those proposed by members.

It was so decided.

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Mr. MUDAWI observed that although the articles already adopted suggested legislative measures for the eradication of racial discrimination, it was nowhere laid down that that aspect of life should be embodied not only in the ordinary law of countries but in their Constitutions or fundamental laws. In order to fill that gap, he felt that the convention should include an article making it obligatory for all countries in appropriate circumstances to embody in their Constitutions or fundamental laws a general provision prohibiting all forms of racial discrimination. He had included the words "as far as appropriate" because in some countries, such as the United Kingdom, which had no written Constitution, the inclusion in the ordinary laws of the principles adopted by the Sub-Commission would meet the case.

Mr. SAARIO agreed with the idea in substance but considered that it was out of place in the present article and that it should have been taken into consideration in dealing with article II.

He pointed out that in most Constitutions there was a provision to the effect that all were equal before the law. Article II of the convention provided for specific measures to be adopted by States to guarantee such equality.

Mr. CAPOTORTI said that, while understanding Mr. Mudawi's purpose in proposing his draft of article X, he had certain doubts on the subject. He wondered whether it was permissible in a general treaty to insist that States should take certain action with regard to their Constitutions. In a number of countries, including Italy, a much larger majority in the legislative body was required to amend the Constitution than to ratify a treaty. Difficulties in that connexion might hinder States from adopting the convention, or at least article X. Experience had shown that the inclusion of phrases such as "as far as appropriate" merely weakened a text, since in practice they left it to the States Parties to decide whether or not the proposed action was appropriate. Perhaps when adopting the convention the Sub-Commission might recommend that States should include such a provision in their Constitutions. Constitutional legislation was a delicate matter and directives on the subject from international organizations touched on a sensitive nerve.

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Mr. CUEVAS CANCINO associated himself with the remarks made by the previous speakers. Where Mexico at least was concerned, the proposed article X was superfluous. When a convention or treaty had been ratified by the executive branch of the Mexican Government it became part of the law of the country and all the courts were obliged to comply with its provisions. Moreover, article X repeated provisions that had already been adopted and would weaken rather than strengthen the convention.

Mr. INGLES recalled that the Sub-Commission had already discussed the insertion in the articles it had adopted of a provision that certain rights should be enshrined in the constitutional law of the States Parties. If the Contracting States undertook the obligation set forth in article X it might be suggested that they should incorporate in their Constitutions or fundamental laws prohibitions not only of racial discrimination but of discrimination on all the grounds covered in article 2 of the Universal Declaration of Human Rights.

From a practical point of view, inasmuch as the States Parties, by signing and ratifying the convention, would have already undertaken to prohibit racial discrimination by legislation, it would not matter whether that prohibition was embodied in an ordinary law or in a provision of the Constitution. The obligation of the Contracting States remained and they would be violating the provisions of the convention if they failed to prohibit racial discrimination.

For those reasons he did not think it advisable to insist that the prohibition of racial discrimination should be embodied in the Constitution or fundamental law of the Contracting Parties. If, however, it was desired to incorporate the idea in the convention, it could take the form of an alternative rather than a mandatory provision. He thought that perhaps in article II, paragraph 1(c) it might be possible to insert after the word "legislation" the words "or amendment of its Constitution or fundamental law".

Mr. IVANOV supported Mr. Mudawi's proposed text. The inclusion in Constitutions or fundamental laws of a prohibition of all forms of racial discrimination would be of great significance.

Mr. CALVOCORESSI pointed out that it would be incumbent on any State Party to bring its national law into conformity with the convention. In that

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(Mr. Calvocoressi)

way the permanent entrenchment of the provisions of the convention in the general law was secured without the need for specific provisions in the Constitutions, or fundamental laws of the States concerned. Strictly speaking, therefore, there was no need for the proposed article X, although it could serve a purpose as a sort of demonstration.

There was a second point which should be taken into consideration. It might be argued that compliance with a specific provision such as that proposed by Mr. Mudawi, and the introduction of a general and therefore not easily enforceable provision in the fundamental law, was sufficient and that there was no need to revise the whole body of national legislation. He himself would feel able to argue against such an argument, but it could be advanced, and for that reason the proposed article X could weaken the convention.

Mr. MUDAWI maintained that the point was important and that the convention would be incomplete if his proposed article X were not included. Ordinary laws were for ordinary matters; fundamental matters were dealt with in Constitutions or fundamental laws. The Sub-Commission would not be doing justice to the principles it had adopted if it kept silent with regard to their implementation and leave them to be dealt with by ordinary laws. He understood the practical difficulties which might be encountered in various countries; that was why he had included the phrase "as far as appropriate". The importance the Sub-Commission attached to the elimination of racial discrimination would be emphasized by a request that the principles approved by the Sub-Commission should be embodied in the Constitutions or fundamental laws of the States Parties.

The CHAIRMAN, speaking in his individual capacity, said that while he recognized the cogency of the argument that a provision such as that in article X might be unnecessary in view of the terms of article II, he felt that Mr. Mudawi's arguments carried much weight. In particular it should be borne in mind that a number of new countries were emerging which were working out their fundamental laws and that in those countries the problem of racial discrimination was of immense importance and required the enactment of strong and precise legislation. After listening to the debate he had come to the conclusion that article X should be adopted.

He invited the Sub-Commission to vote on that article.

Article X (E/CN.4/Sub.2/L.325) was adopted by 10 votes to none, with 1 abstention.

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Article XI (E/CN.4/Sub.2/L.325)

Mr. IVANOV said that he was not in favour of the inclusion of article XI. Such questions had been discussed in a number of United Nations bodies and representatives of some of the African countries had opposed similar texts on the grounds that colonialism must be brought to an early end and that articles of that kind might merely prolong its existence. He hoped that that fact would be taken into account when the Secretary-General was drafting the document for the Commission on Human Rights.

The CHAIRMAN stated that the proposed text of article XI would be included among the alternative proposals to be sent to the Commission on Human Rights.

Article XII (E/CN.4/Sub.2/L.325)

Mr. MUDAWI said that he had felt that some provision was needed for implementation and execution at the international or regional level. The regional organizations were of great assistance in promoting the principles laid down by the United Nations and the specialized agencies. Something of the nature of a court would have been desirable, but in the circumstances of the world today it was difficult to persuade States to submit to the rulings of a court. He had therefore decided to propose some form of supervisory organization which would be voluntarily accepted by the States concerned. An article such as he had proposed would establish machinery to promote the purposes and principles of the convention.

Mr. SAARIO expressed the view that the article dealt with implementation, and could be combined with the measures proposed by Mr. Ingles.

It was so decided.

Measures of implementation (E/CN.4/Sub.2/L.321)

Mr. INGLES, presenting his proposed text for measures of implementation, said that he had prepared them in response to the concern expressed by members of the Sub-Commission lest the absence of such measures should render the convention ineffective. He had based his text on the draft International Covenants on Human Rights prepared by the Commission of Human Rights at its tenth session (E/2573), with modifications inspired by the Protocol to the UNESCO Convention against Discrimination in Education (E/CN.4/Sub.2/234, annex III). The election of the

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(Mr. Ingles)

members of the Fact-Finding and Conciliation Committee was patterned after the UNESCO Protocol which provided for such a body to be elected by the General Conference of UNESCO. The Covenants on Human Rights provided for their election by the International Court of Justice but that required prior consent by Court. As was appropriate in an instrument produced under the auspices of the General Assembly, the Committee mentioned in his draft would be elected by the Assembly from among candidates nominated by States Parties to the Convention.

Under the proposed procedure, States Parties to the convention should first refer complaints of failure to comply with that instrument to the State Party concerned; it is only when they are not satisfied with the explanation of the State Party concerned that they may refer their complaint to the Committee. Direct appeal to the International Court of Justice, provided for in both the Covenants on Human Rights and the UNESCO Protocol, was also envisaged in his draft. But he had proposed the establishment of a Conciliation Committee because the settlement of disputes involving human rights did not always lend themselves to strictly judicial procedure. The Committee, as its name implied, would ascertain the facts before attempting an amicable solution to the dispute. Application could be made by the Committee, through the Economic and Social Council, for an advisory opinion from the Court on legal issues. If the Committee failed to effect conciliation within the time allotted, either of the parties may take the dispute to the International Court.

Another aspect of his proposal was the reporting procedure outlined in article 1. Under resolution 1905 (XVIII) the General Assembly had invited the Governments of Member States, the specialized agencies and the non-governmental organizations concerned to inform the Secretary-General of action taken by them in compliance with the Declaration on the Elimination of All Forms of Racial Discrimination and he felt that such a procedure would be even more appropriate in the case of the convention. In addition, the reporting procedure in a convention should enable the General Assembly, the Economic and Social Council, the Commission on Human Rights and the specialized agencies concerned to make general recommendations to State Parties to ensure the fulfilment of the Convention.

He emphasized that under article 18 of his text, States Parties to the convention were entirely free to resort to "other procedures" to settle their

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(Mr. Ingles)

disputes. Those other procedures might well include those established by regional organizations envisaged in Mr. Mudawi's draft article XII (E/CN.4/Sub.2/L.325), for example the Court on Human Rights established by the European Convention.

The convention should not only contain strong substantive provisions - it must enable them to be enforced, and he thought that the machinery he had proposed which was not a new idea would serve that purpose.

Mr. CUEVAS CANCINO noted that the UNESCO General Conference had secured authorization to request advisory opinions from the International Court of Justice, as it might be required to do under article 18 of the Protocol. Article 96 of the Charter provided that the only United Nations organs which could request an advisory opinion were the General Assembly and the Security Council, and he asked if the Economic and Social Council had been authorized to do so as well.

Mr. INGLES thought the Economic and Social Council had already received such authorization when the Commission on Human Rights was drafting the International Covenants on Human Rights.

The CHAIRMAN announced that the Secretariat would submit a paper on that subject next day.

Mr. MATSCH, referring to article 1, paragraph 1 of Mr. Ingles's text (E/CN.4/Sub.2/L.321), suggested that States might be allowed two years to report on the measures they had taken to give effect to the provisions of the convention; one year seemed too short, especially if they were expected to make changes in their Constitutions. With reference to article 16, he would also suggest that, in view of the heavy work load of the Secretariat, reports might be submitted every two years rather than annually.

Mr. BOUQUIN agreed with Mr. Ingles that a convention without measures of implementation would be a dead letter. The measures now proposed were, first the transmission of reports and, secondly, a conciliation committee. The idea of reporting had appeared in the draft Covenants, and was very valuable. It also appeared in Mr. Mudawi's article XII (E/CN.4/Sub.2/L.325). But, in view of the large number of reports already required from the Members of the United Nations, he wondered whether, after the first year, such reports could not be

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(Mr. Bouquin)

included in the periodic reports on human rights. Also, the Protocol to the UNESCO Convention against Discrimination in Education (E/CN.4/Sub.2/234, annex III) provided for a Conciliation and Good Offices Commission, whereas Mr. Ingles provided for a fact-finding and conciliation committee. He preferred the approach taken in the Protocol. Examining Mr. Ingles' proposal, he showed that it went beyond the Protocol inasmuch as it borrowed some of its parts from the draft convention, in particular for its article 16.

It was important to take into account the machinery already existing for dealing with cases of discrimination, such as that laid down in the Protocol and in the ILO Convention concerning Discrimination in respect of Employment and Occupation. In particular, the procedure agreed upon by the Economic and Social Council and the ILO concerning infringements of freedom of association provided an interesting precedent. Complaints from Governments or from workers' or employers' organizations against States members of the ILO were automatically transmitted by the Economic and Social Council to the Governing Body of the ILO, which decided whether they should be forwarded to the Fact-Finding and Conciliation Commission. Similar complaints received by the United Nations from States Members of the United Nations but not members of the ILO were transmitted to the Commission through the Governing Body, with the consent of the Economic and Social Council and of the Government concerned. In accordance with a decision of the Governing Body, complaints had formerly been submitted in the first instance to that body, for preliminary examination. It had later decided to set up a special nine-member Committee on Freedom of Association to make a preliminary examination of complaints of infringements of that freedom, before they were transmitted to the Governing Body.

Mr. SOLTYSIAK observed that it was a fundamental principle of international law that by ratifying a treaty, convention or agreement States undertook to implement all its provisions and to bring their national laws into conformity with the instrument. It was not the practice to provide for special implementation machinery in every case, since there were already enough suitable organs, both in and outside the United Nations. Furthermore, the provisions of the Charter and other treaties could be invoked in case of any violation. For those reasons the International Law Commission, when debating the draft articles

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(Mr. Soltysiak)

of the law of treaties, had not provided for machinery to supervise the implementation of obligations which were binding upon the Contracting States. The procedure proposed by Mr. Ingles might create problems for many Governments, which might feel that the Fact-Finding and Conciliation Committee superseded existing institutions. There were already many means of settling international disputes between States in connexion with the implementation of international conventions or agreements. Some of them were listed in Article 33 of the Charter, and according to Article 34 the Security Council could investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, and had done so in connexion with the policies of apartheid of the Government of South Africa. It was impossible to decide beforehand what would be the most suitable procedure in any dispute that might arise in connexion with the elimination of racial discrimination. In some cases negotiation might be sufficient; in others arbitral or judicial procedure might be necessary; in yet others action by the Security Council might be called for. Moreover, the procedure envisaged by Mr. Ingles would be lengthy and might lead to inaction where action was most needed. He therefore felt strongly that, instead of setting up separate machinery, the maximum use should be made of that which already existed.

He did not intend to imply that none of Mr. Ingles's proposals were of any value. Article 1 contained provisions which would appear to be generally acceptable. The proposed system of reports was particularly useful. It was essential that the reports should not be relegated to the archives, but be carefully studied and acted upon.

Mr. IVANOV observed that, owing to the length of the document under discussion and the delay in providing the Russian text, he had not had an opportunity to examine it thoroughly. He would therefore be in favour of transmitting the text to the Commission on Human Rights without the Sub-Commission's taking a decision on it.

Mr. INGLES said he was quite aware that some Governments would favour the inclusion of strong provisions in the draft convention, as long as it did not contain effective measures of implementation.

(Mr. Ingles)

With regard to Mr. Matsch's comment concerning the time within which Governments would be required to report he could see no reason why they should not be required to report within one year, especially as there was some indication that some Governments might want to bring their national legislation in line with the convention before ratifying it. He did not think, however, that Governments should be required to report annually on the subject and that was why subsequent reports were made discretionary with the Economic and Social Council.

Mr. Bouquin had drawn attention to the difference between the name of the body to be set up under his text and that set up under the UNESCO Protocol. He himself felt that the difference was one of terminology only - conciliation was bound to involve fact-finding, and the main desideratum was that the facts should be ascertained before the Committee could intelligently lend its good offices.

There was, of course, no reason why existing machinery for dealing with cases of racial discrimination should not be used - equally, there was no reason for not setting up more. The fact that the ILO already had such machinery had not been considered sufficient reason why UNESCO should not set up the Commission it had created under the Protocol. It was simply due to the fact that they had different fields of competence. The machinery he proposed would not prevent recourse to any other procedures, including arbitration, which might be considered appropriate; in fact, he had made express provision for such cases. Where the dispute involved racial discrimination in education, the Commission established by the UNESCO could be availed of if the parties concerned were also parties to the UNESCO Protocol. Similarly, if racial discrimination in employment and occupation was in question, parties might prefer the ILO implementation machinery. But there was no reason why the prohibition of racial discrimination in other fields should not be as strictly enforced.

The CHAIRMAN, speaking in his personal capacity, said that in the fifteen years in which he had been concerned with human rights a majority opinion had developed that the matter was properly the subject of international law. Respect for human rights and human dignity had been consecrated by the United Nations Charter. The General Assembly's decision to sponsor a convention

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(The Chairman)

on the elimination of racial discrimination had put the full weight of the United Nations behind the struggle to combat that heinous violation of human rights. Racial discrimination was not only morally detestable; it was an obstacle to friendly relations among States. That being so, a strong convention was required, and it would hardly be logical for it not to include some measures of implementation. He did not feel that the implementation of the convention could be left entirely to Governments. He would accordingly be in favour of any serious measures of the kind, even if they went further than the text proposed by Mr. Ingles, which none the less struck him as very judicious and expressing the views of most Members of the United Nations. He would agree to transmitting that text as it stood to the Commission on Human Rights.

The meeting rose at 6.10 p.m.

Annex 32

Commission on Human Rights, 781st meeting, 3 April 1964,
doc. E/CN.4/SR.781

UNITED NATIONS

ECONOMIC
AND
SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/SR.781
3 April 1964
ENGLISH
ORIGINAL: FRENCH

COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND EIGHTY-FIRST MEETING

Held at Headquarters, New York,
on Friday, 21 February 1964, at 11.10 a.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.683, L.684/Rev.1, L.685/Rev.1, L.686/Rev.1 (provisional); E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

(10 p.)
64-07388

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PRESENT:

Chairman:	Mr. PONCE y CARBO	(Ecuador)
Rapporteur:	Mr. IGNACIO-PINTO	Dahomey
Members:	Mr. MATSCH	Austria
	Miss AITKEN	Canada
	Mr. MARTINEZ SOTOMAYOR	Chile
	Mr. VOLIO) Miss BARISH)	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY	India
	Mr. SPERDUTI	Italy
	Mr. HAKIM	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT) Mr. SCHAAPVELD)	Netherlands
	Mr. PRILLANTES	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE) Mr. BILDER)	United States of America
Also present:	Mrs. LEFAUCHEUX	Commission on the Status of Women

Observers from Member States:

Mr. ROSENNE) Mr. BARROMI)	Israel
Mr. MELOVSKI	Yugoslavia

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PRESENT (continued):

Representatives of specialized agencies:		
	Mr. FARMAN-FARMAIAN	International Labour Organisation
	Miss BARRETT) Mr. SALSAMENDI)	United Nations Educational, Scientific and Cultural Organization
	Mrs. KALM	World Health Organization
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LANDAU	Secretary of the Commission

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.683, L.684/Rev.1, L.685/Rev.1, L.686/Rev.1 (provisional); E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

Mr. HAKIM (Lebanon) presented, on behalf of the co-sponsors, the revised amendment contained in document E/CN.4/L.686/Rev.1 (provisional). He wished to point out that it was at the suggestion of the representative of India that the Lebanese and Philippine delegations had agreed, in a spirit of compromise, to amend the original text they had submitted (E/CN.4/L.686). The advantage of the new text, in which the words "for the achievement of one of the purposes of the United Nations which is ..." had been replaced by "for the achievement of the purposes of the United Nations which include ...", was that it did not single out one of the purposes of the United Nations to the exclusion of others. All the purposes of the United Nations were closely linked, and by promoting and encouraging respect for human rights, Member States were contributing to the achievement of all the purposes stated in the Charter.

Mr. CHAKRAVARTY (India) said that he had proposed the formula which had just been presented by the Lebanese delegation mainly in order to satisfy the objections raised on the previous day by the representative of the United Kingdom, who had felt that the words "one of the purposes of the United Nations" were not very happily chosen.

In addition, the Indian delegation had considered it desirable to add to paragraph 1 of the preamble the words "and encouraging", which figured in Article 1, paragraph 3, of the Charter.

Sir Samuel HOARE (United Kingdom) thanked the sponsors of the amendment issued as document E/CN.4/L.686/Rev.1 (provisional) for having tried to meet his suggestion. He had already pointed out, however, that the wording he had suggested as a substitute for the original text of the Lebanese and Philippine amendment might not be entirely satisfactory, and, on reflection, it did indeed seem capable of improvement. The new text submitted by the sponsors was based on Articles 1, 55 and 56 of the Charter, and it was true that in certain respects those Articles overlapped. However, as the purposes laid down in Article 1 were more general than those in Articles 55 and 56, the United Kingdom delegation considered that it would be preferable not to place too broad an interpretation

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(Sir Samuel Hoare, United Kingdom)

on Article 55, and that the words "for the achievement of the purposes of the United Nations which include" should be replaced by "for the achievement of the purposes of Article 55 of the Charter, which include".

Mr. MOROZOV (Union of Soviet Socialist Republics) said he was sorry that the words "to ensure" which figured in the text drawn up by the Sub-Commission had not been retained in amendment E/CN.4/L.686/Rev.1 (provisional). He therefore wished to ask the sponsors whether they would be willing to replace the word "encouraging" by the word "ensuring", which was more forceful and more precise. It would be difficult for his delegation to accept the text which had just been submitted.

Mr. HAKIM (Lebanon), replying to the representative of the United Kingdom, said that the obligations assumed by States Members of the United Nations under Article 56 of the Charter did not refer only to the purposes set forth in Article 55, but to all the purposes of the United Nations. Article 55 came under the chapter heading "International economic and social co-operation", and its beginning part included a reference to peaceful and friendly relations among nations. But economic and social co-operation and the existence of peaceful and friendly relations among nations could not possibly be divorced from the first purpose stated in the Charter, namely, the maintenance of international peace and security. In the opinion of the Lebanese delegation, it was not only in Article 56, but under the Charter as a whole that States Members undertook to take action to achieve all the purposes set forth therein. Despite some differences of wording, Article 55 and Article 1, paragraph 3, of the Charter were very close to each other in their meaning.

As its main concern had been to submit a text which was in complete conformity with the Charter, the Lebanese delegation did not see how it could depart from that instrument in order to satisfy the USSR representative by agreeing to replace the word "encouraging" by the word "ensuring".

Mr. VOLIO (Costa Rica) said that his delegation was entirely satisfied with the way the Sub-Commission had drafted the preamble to the draft convention. Moreover, the Costa Rican delegation considered that as the General Assembly had adopted by large majorities Declarations regarding decolonization and the elimination of racial discrimination, it was perfectly proper that the Commission should take a very broad view of the objectives of the United Nations in the field of human rights on a large scale. Other bodies would narrow the scope of any text adopted, if necessary.

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(Sir Samuel Hoare, United Kingdom)

themselves". It was not possible to extrapolate from that Article and say that Member States "pledged themselves" to take joint and separate action in co-operation with the Organization for the achievement of the purposes of the United Nations. Under Article 56, they pledged themselves to take joint and separate action in co-operation with the Organization only for the achievement of the purposes set forth in Article 55. Those purposes did not coincide with purposes and principles of the Organization set out in Article 1, and were limited to the field of international economic and social co-operation. They were: "(a) higher standards of living, etc.; (b) solutions of international economic, social, health and related problems ...; (c) universal respect for, and observance of, human rights and fundamental freedoms ...".

Mr. BOUQUIN (France) said he agreed with the United Kingdom representative that Article 56 referred to Article 55, and not to the Charter as a whole. Article 56 could therefore not be reproduced in the preamble to the draft convention; if it were, its scope would have to be defined by adding the words "in the economic and social field" after the words "the purposes of the United Nations" in the three-Power amendment (E/CN.4/L.686/Rev.1 (provisional)).

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) said he could not accept that addition, which would considerably restrict the scope of the text. The purpose of the convention was the elimination of all forms of racial discrimination, not only the elimination of economic and social discrimination. Discriminatory measures existed in other areas, particularly in politics. The first preambular paragraph should condemn all forms of discrimination in as general a way as possible.

The Ukrainian delegation could not support the three-Power amendment (E/CN.4/L.686/Rev.1 (provisional)), and still preferred the text submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Mr. BRILLANTES (Philippines) said it would be preferable not to put the three-Power amendment (E/CN.4/L.686/Rev.1 (provisional)) to the vote immediately.

The Philippine delegation too had modified the text of its amendment to preambular paragraph 3 (E/CN.4/L.683) in order to meet the objections of a number

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(Mr. Brillantes, Philippines)

of delegations. He read out the revised text of that amendment,* which was based on the fourth preambular paragraph of the Declaration on the Elimination of All Forms of Racial Discrimination [A/RES/1904 (XVIII)]. Although the Declaration on the granting of independence to colonial countries and peoples (General Assembly resolution 1514 (XV)) did not expressly condemn colonialism, the Declaration on the Elimination of All Forms of Racial Discrimination did do so, in the paragraph referred to. Moreover, while the Declaration on the granting of independence to colonial countries and peoples did not proclaim in its last preambular paragraph the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations, that provision could be compared with the ninth preambular paragraph of the same instrument, which read:

"The General Assembly,

...

"Believing that the process of liberation is irresistible and irreversible and that, in order to avoid serious crises, an end must be put to colonialism and all practices of segregation and discrimination associated therewith,".

In its revised version, the Philippine amendment to preambular paragraph 3 was fully in harmony with the texts.

Mr. BOUQUIN (France) withdrew his suggestion concerning the three-Power amendment (E/CN.4/L.686/Rev.1 (provisional)). However, he proposed to the three Powers that they should revert to the original text of the amendment submitted by Lebanon and the Philippines (E/CN.4/L.686), taking into account the Indian representative's proposal to add the words "and encourage". In the French text** of that amendment, the word "assurer" should be replaced by the word "développer".

Sir Samuel HOARE (United Kingdom) withdrew his previous objections and said that he was prepared to support a text which would correspond to the original Lebanese and Philippine amendment (E/CN.4/L.686), thus amended.

Mr. CHAKRAVARTY (India), Mr. HAKIM (Lebanon) and Mr. BRILLANTES (Philippines) said that they would revise their amendment along those lines.

* Subsequently circulated as document E/CN.4/L.683/Rev.1.

** Provisional text.

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The new revised three-Power amendment (E/CN.4/L.686/Rev.1) was adopted by 16 votes to none, with 5 abstentions.

Paragraph 1 of the first preambular paragraph, as amended, was adopted by 18 votes to none, with 3 abstentions.

Sir Samuel HOARE (United Kingdom) suggested that, in accordance with United Nations practice, the numbers preceding the first four preambular paragraphs should be deleted and that they should all begin with the word "Considering".

Mr. MATSCH (Austria) explained that the Sub-Commission had numbered the first four paragraphs because, unlike the following ones, they all referred to international instruments.

Sir Samuel HOARE (United Kingdom) thanked the representative of Austria for his explanation; he still thought, however, that the change he had proposed would give the preamble greater unity.

Mr. BRILLANTES (Philippines) thought that the Commission would be able to settle that point during the adoption of its report.

Mr. HAKIM (Lebanon) supported the suggestion of the United Kingdom representative. He wished, in addition, to propose a further drafting change: that the words "the Contracting Parties" should be inserted at the opening of the preamble to the Convention. That too was merely a formal change, on which the Commission would be able to give its opinion at a later stage.

The CHAIRMAN took note of the Lebanese representative's proposal and asked whether any members wished to explain their vote. It might save time if the Commission decided to leave the explanations of vote until after the preamble had been adopted.

Sir Samuel HOARE (United Kingdom) felt that the Commission would do better to follow its usual more convenient practice of allowing members who wanted to explain their vote to do so when they thought fit.

The CHAIRMAN said that he agreed with the United Kingdom representative; accordingly, the customary procedure would be followed. He pointed out that only one amendment, that of Lebanon (E/CN.4/L.682, para. 2), had been submitted to sub-paragraph 2 of the first preambular paragraph.

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Mr. MATSCH (Austria) said that he approved of the idea behind the Lebanese amendment. The Commission was engaged in drafting a convention on the elimination of racial discrimination and not a text relating to the Universal Declaration of Human Rights as a whole, many of the provisions of which were entirely foreign to the problem under consideration. It was necessary for that distinction to be made.

Sir Samuel HOARE (United Kingdom) pointed out that the Lebanese amendment had not actually been discussed yet. The purpose of the amendment was to draw attention to certain forms of discrimination, in particular discrimination based on race, colour or national origin. He himself would have preferred that the question of national origin should be dealt with during the discussion of article 1 of the draft convention and he reserved the right to do so at that time. The substantive provisions of the draft declaration had referred, not to national origin, but to ethnic origin and if the Commission decided to introduce provisions directly prohibiting discrimination on the grounds of national origin it would be going further than did the Declaration. Although discrimination on such grounds undoubtedly existed, it was a matter of minor significance compared to discrimination based on ethnic origin. If the expression "national origin" was to be understood as synonymous with nationality, it would be difficult to accept the addition proposed by Lebanon for it was quite normal for a State to differentiate between its subjects and foreign nationals in some cases, for example in the matter of political rights.

On the other hand, if the expression "national origin" was to be understood as referring to the different origins of the citizens of a country, some being of alien stock or having acquired their nationality by naturalization, it was indeed true that discrimination might be met with in certain countries. Such discrimination, however, occurred to a limited extent only and could not be placed on a par with discrimination based on race or colour. He consequently felt that the expression "national origin" should be deleted from the Lebanese amendment.

Mr. MOROZOV (Union of Soviet Socialist Republics), speaking on a point of order, pointed out that under the provisions of rule 58 of the rules of procedure, after the voting had commenced, no representative could interrupt the

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(Mr. Morozov, USSR)

voting except on a point of order in connexion with the actual conduct of the voting. The statement of the United Kingdom representative was not an explanation of vote but a real discussion. Representatives should comply with the rules of procedure, the more so since time was passing and so far the Commission had adopted only one sub-paragraph of the preamble. He, for his part, would vote in favour of the Lebanese amendment (E/CN.4/L.682, para. 2).

Sir Samuel HOARE (United Kingdom) pointed out to the Soviet Union representative that the fact that the Commission had voted on sub-paragraph 1 of the first preambular paragraph did not mean that the discussion on sub-paragraph 2 was closed. The Commission was not yet voting on the other preambular paragraphs and had indeed not even begun to study the various amendments and revised versions of those paragraphs.

Mr. MOROZOV (Union of Soviet Socialist Republics) asked the Chairman to settle the question. In his opinion, the voting had begun and could be interrupted only for procedural reasons. If the Commission was to continue discussing amendments that had been put to the vote, it would never finish its work.

Mr. HAKIM (Lebanon) asked the Chairman to state whether the Commission had started a voting procedure relating to all the amendments or only to the amendment to sub-paragraph 1 of the first preambular paragraph.

Mr. BRILLANTES (Philippines) expressed his agreement with the United Kingdom representative and pointed out that, since the Italian amendment (E/CN.4/L.685/Rev.1) had not yet been presented, it could hardly be put to the vote.

Mr. SPERDUTI (Italy) explained that his amendment called for very little explanation. He had not thought that the voting which was in progress related to the whole of the preamble, but he would abide by the Chairman's decision.

Mr. HAKIM (Lebanon) moved the adjournment of the meeting, in accordance with rule 49 of the rules of procedure.

The Lebanese motion was adopted by 20 votes to none.

The meeting rose at 1.15 p.m.

Annex 33

Commission on Human Rights, 809th meeting, 14 May 1964,
doc. E/CN.4/SR.809

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/SR.809
14 May 1964

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE EIGHT HUNDRED AND NINTH MEETING

Held at Headquarters, New York,
on Friday, 13 March 1964, at 11 a.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.693/Add.1; E/CN.4/Sub.2/234 and Add.1-4) (continued)

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PRESENT:

Chairman:	Mr. PONCE y CARBO	(Ecuador)
Rapporteur:	Mr. IGNACIO-PINTO	Dahomey
Members:	Mr. ERMACORA	Austria
	Miss AITKEN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. ALVAREZ VIDAURRE) Mr. VEGA-GOMEZ)	El Salvador
	Mr. BOUQUIN	France
	Mr. S.K. SINGH	India
	Mr. SPERDUTI	Italy
	Miss TABBARA	Lebanon
	Mr. WILSON) Mr. DOE)	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. QUIAMBAO	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE) Mr. BILDER)	United States of America
Also present:	Mrs. TILLETT	Commission on the Status of Women

Observers from Member States:

	Mr. BARROMI	Israel
	Mrs. WILLIAMS	Jamaica

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PRESENT (continued):

Representatives of specialized agencies:

	Mr. FARMAN-FARMAIAN	International Labour Organisation
	Mr. BEHRSTOCK	United Nations Educational, Scientific and Cultural Organization
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LANDAU	Secretary of the Commission

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.693/Add.1; E/CN.4/Sub.2/234 and Add.1-4) (continued)

Article VIII (continued)

Mr. BOUQUIN (France) said that he had voted against deletion of the article because in the absence of the interpretation which it furnished, the reference to "national origin" in article I was ambiguous and the meaning of the convention was distorted. He could have supported the deletion of article VIII only if that reference had been eliminated. As matters now stood, States parties to the convention were being asked not to make any distinction between nationals and non-nationals, particularly in respect of political rights; they could hardly be expected to agree to such a provision.

Mr. SPERDUTI (Italy) stated that he too had been unable to vote for the deletion of the article for those reasons.

Mr. MOROZOV (Union of Soviet Socialits Republics) explained that he had voted to delete the article because it was sufficiently clear from the context of article I that the reference to national origin, which was a key element of the definition of racial discrimination, bore no relation to questions of citizenship. Consequently, there was no justification for deleting it from the definition and reversing the Commission's previous decision. Moreover, there was time, before the draft convention was considered by the General Assembly, for the Secretariat to resolve the difficulties encountered by certain delegations in accepting the words used in the English and French texts. Finally, it might even be advisable to insert a foot-note to article I, paragraph 1, explaining that "national crigin" did not mean citizenship.

Sir Samuel HOARE (United Kingdom) said that he had abstained in the vote on the deletion of article VIII as on all proposals relating to that article. The difficulty which confronted his delegation arose from the retention of the phrase "national origin" in article I. Under United Kingdom law, nationality and citizenship were the same. The suggested foot-note would not remove that difficulty. Although the phrase had been used in the Universal Declaration of Human Rights, there had never been an authoritative interpretation of its scope and meaning; national origin had merely been cited as one of the grounds on which

(Sir Samuel Hoare, United Kingdom)

discrimination was condemned. It could not be equated with nationality because in that event, States would be prohibited from distinguishing between nationals and non-nationals in the matter of political rights. If it meant the country of origin of nationals further ambiguities arose which would make it impossible for some States to undertake the obligations inherent in the convention.

Miss TABBARA (Lebanon) remarked that she had voted for the deletion of article VIII because the article might have cast some doubt on the scope of the convention. The convention should apply to nationals, non-nationals, and all ethnic groups, but it should not bind States parties to afford the same political rights to non-nationals as they normally granted to nationals. Indeed, the inclusion of the words "national origin" in article I might be ambiguous: if they meant "ethnic origin", they were superfluous; if they meant "citizenship", they were irrelevant. It would be noted that while the words "national origin" appeared in the preamble of the Declaration on the Elimination of all Forms of Racial Discrimination, they did not reappear anywhere in the body of the Declaration. Without article VIII to state the exception relating to the exercise of political rights by non-nationals, it was illogical to retain "national origin" in article I. She reserved her delegation's right to reopen the question in the General Assembly.

Mr. ERMACORA (Austria) recalled that he had proposed the deletion of article VIII. However, he fully understood the difficulties encountered by the French delegation. At the very least, a foot-note should be appended to article I in order to resolve those difficulties, or an interpretative paragraph should be included in the Commission's report. For its part, his delegation would also have no objection to reconsidering the question of retaining "national origin" in article I.

Mr. MOROZOV (Union of Soviet Socialist Republics) was categorically opposed to the suggestion that the Commission should reopen debate on any article of the convention which it had already adopted. On the pretext that the meaning of the words "national origin" was not absolutely clear, an attempt was being made to nullify one of the key elements of the convention.

Mr. S.K. SINGH (India) said that he appreciated the French delegation's difficulties and was in sympathy with the explanation given by the Lebanese representative. Clearly, the deletion of article VIII had created a substantive

(Mr. S.K. Singh, India)

problem with legal implications for some countries and that problem was not to be taken lightly. On the other hand, the seriousness of the Commission's approach to its work would be laid open to question if it should, at the concluding stage of its session, decide to reverse itself with respect to the content of article I. He protested vigorously against the move to reopen debate on the article, particularly since the text adopted by the Commission had still to be examined by the Third Committee, and was not the definitive text of the convention. Surely there were other ways to solve the difficulty: thus, the Commission might specifically request the Rapporteur to include a full statement of the views expressed by the various delegations with respect to the problem.

Mr. BOUQUIN (France) pointed out that by transmitting the draft convention to the Third Committee in its present state, the Commission would prove beyond a doubt that it did not approach its work seriously, for it would be approving a text which no reasonable State could ratify. Indeed, his delegation had voted in favour of article I as a whole, including the ambiguous reference to national origin, because it had confidently expected the Commission to retain the Sub-Commission's text of article VIII. Without that text to qualify the reference in article I, the draft convention was no longer acceptable.

In the circumstances, he formally moved that the Commission should reconsider the desirability of retaining the word "national" in article I (E/CN.4/L.693/Add.1) in the light of the deletion of article VIII.

Mr. QUIAMBAO (Philippines) moved the closure of the debate on the French proposal, and requested that it should be put to the vote forthwith.

Mr. MOROZOV (Union of Soviet Socialist Republics) objected on the ground that a motion for closure was contrary to the rules of procedure. The French proposal to eliminate a word from an article already adopted by the Commission would open the way for a reconsideration of other articles. It should be enough to add a foot-note to article I, paragraph 1, explaining that the word "national" in the English and French texts meant "belonging to a certain national group but not to citizenship".

The Philippine motion for closure of the debate was adopted by 9 votes to 5, with 6 abstentions.

Mr. ERMACORA (Austria) explained that he had voted against the motion because the USSR proposal to add a foot-note had not been discussed.

Mr. S.K. SINGH (India) said that he had voted against the motion because it denied delegations an opportunity to seek alternative methods to the one suggested by the French representative.

The CHAIRMAN invited the members to vote on the French representative's proposal to reconsider the inclusion of the word "national" in article I as adopted by the Commission (E/CN.4/L.693/Add.1).

At the request of the USSR representative, a vote was taken by roll-call.

France, having been drawn by lot by the Chairman, was called upon to vote first.

In favour:	France, Italy, Lebanon, Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Denmark.
Against:	India, Liberia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Chile.
Abstaining:	Philippines, Austria, Canada, Costa Rica, Dahomey, Ecuador, El Salvador.

The proposal was adopted by 8 votes to 6, with 7 abstentions.

Mr. BOUQUIN (France) proposed the deletion of the word "national" before "or ethnic origin" in article I, paragraph 1, as adopted by the Commission.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that if the word was deleted in the Russian text it would mean that discrimination was tolerated when the victim belonged to a different national group. The deletion would so weaken article I that it might result in States being relieved of any obligation to implement the article. Acccrding to Webster's dictionary, nationality was not the same as citizenship. It seemed to him that what was called a linguistic difficulty was really a pretext to attenuate the obligations to be assumed by the signatory States. To meet the difficulties of the representatives of France and the United Kingdom, he suggested as a sub-amendment to the French proposal that a foot-note should be inserted to article I, as follows: "In this article, in the English and French languages the word 'national' means a person belonging to a

(Mr. Morozov, USSR)

national group but not to citizenship". He recalled that in the debate on article VIII it had appeared that under French and United Kingdom legislation there were inequalities in citizenship and that new citizens did not enjoy the full rights of other citizens. Such distinctions were a legacy of colonialism. The countries which had formerly been colonies of the Western Powers should be particularly attentive to the danger of deleting the word "national" in article I.

Mr. BOUQUIN (France), in reply to the USSR representative, denied that French naturalization law was a heritage of colonialism. The naturalized persons to whom he had referred were mainly Europeans, and there was no discrimination against them on the grounds of race, religion or political ideology. They included White Russians and Spanish Republicans. The transitory provisions which he had mentioned earlier were not discriminatory measures. The naturalization policy pursued by his country was both liberal and progressive.

With regard to the foot-note proposed by the USSR representative, he recalled that English was the original language of the article in question, and suggested that the difficulty might conceivably be in the Russian translation. The definition of "national" proposed by the USSR representative was not satisfactory, and it still seemed unnecessary to refer to nationality in a convention on the elimination of racial discrimination.

Mr. S.K. SINGH (India) was opposed to the deletion of the word "national", since the Sub-Commission had in mind the plight of persons of Indian and Pakistani origin in the Republic of South Africa. Discrimination based on nationality and discrimination based on race sometimes merged, and that had been taken into account by the Sub-Commission in drafting articles I and VIII. In order that the representatives of France and the USSR might seek to reach agreement on their proposed amendments, he moved suspension of the meeting.

Mr. BOUQUIN (France) said that while he appreciated the argument advanced by the Indian representative, there was no way of knowing whether the Republic of South Africa would consider ratifying the convention.

The meeting was suspended at 12.35 p.m. and resumed at 1.5 p.m.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that, following informal consultations, he would propose the following foot-note to article I, paragraph 1: "In this paragraph the word 'national' in the English and French languages is not used to refer to citizenship of a given State."

Mr. BOUQUIN (France) remarked that the proposed definition was still unsatisfactory. It was not sufficient to say what the word "national" did not mean. It would be better to say what it did mean. Further consultations might prove beneficial.

Mr. GRAULUND HANSEN (Denmark) proposed that the word "national" should be placed in square brackets when the draft convention was submitted to the Third Committee. In the meantime, delegations should consult with their Governments about deleting or retaining the word.

Sir Samuel HOARE (United Kingdom) supported that suggestion.

Mr. ERMACORA (Austria) also supported it, but proposed in addition that the first part of article VIII up to and including the word "non-nationals" should also be given in square brackets.

Mr. MOROZOV (Union of Soviet Socialist Republics) accepted the Danish proposal, but objected to any doubt being placed on the word in square brackets.

The meeting rose at 1.25 p.m.

Annex 34

Commission on Human Rights, 786th meeting, 21 April 1964,
doc. E/CN.4/SR.786

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
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E/CN.4/SR.786
21 April 1964

ORIGINAL: ENGLISH

COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND EIGHTY-SIXTH MEETING

Held at Headquarters, New York
on Wednesday, 26 February 1964, at 3.20 p.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.681, L.687-L.695; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

(8 p.)
64-08598

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PRESENT:

Chairman:	Mr. PONCE y CARBO	(Ecuador)
Rapporteur:	Mr. IGNACIO-PINTO	Dahomey
Members:	Mr. ERMACORA	Austria
	Miss AITKEN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO) Miss BARISH)	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY	India
	Mr. SPERDUTI	Italy
	Mr. HAKIM	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. BRILLANTES) Mr. QUIAMBAO)	Philippines
	Mr. RESICH) Mr. DABROWA)	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
Observers from Member States:		
	Mr. BARROMI	Israel
	Mrs. WILLIAMS	Jamaica
	Mr. KISOSONKOLE	Uganda
Representative of a specialized agency:		
	Mr. FARMAN-FARMAIAN	International Labour Organisation
Secretariat:	Mr. LANDAU	Secretary of the Commission

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679-L.681, L.687-L.695; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

Article I (continued) and article II, paragraph 2

Mr. HAKIM (Lebanon) proposed that, to reach general agreement, the words in paragraph 1 following the word "life" should be deleted. The convention then simply would not specify where the human rights and fundamental freedoms mentioned in the paragraph were set forth.

Sir Samuel HOARE (United Kingdom) agreed that Governments would know what was meant by the expression "human rights and fundamental freedoms" without further specification. He accepted the Lebanese compromise proposal and, if it was adopted, would not press his own amendments to paragraph 1 (E/CN.4/L.689).

Mrs. TREE (United States of America) was gratified that a compromise had been worked out and heartily supported it.

The CHAIRMAN, at the request of the United Kingdom representative, put the words "national or" in paragraph 1 to the vote separately.

The words "national or" in paragraph 1 were retained by 10 votes to 9, with 1 abstention.

The CHAIRMAN, at the request of the Ecuadorian representative, put the parenthetic phrase in paragraph 1 to the vote separately.

The parenthetic phrase in paragraph 1 was deleted by 14 votes to 2, with 5 abstentions.

The CHAIRMAN put to the vote the Lebanese oral amendment to delete the words following the word "life" in paragraph 1.

The Lebanese oral amendment to paragraph 1 was adopted unanimously.

Paragraph 1 as a whole, as amended, was adopted unanimously.

Mr. BOUQUIN (France), explaining his vote on article I, paragraph I, said that he had supported the deletion of the words "national or" because he did not feel that a reference to national origin was appropriate in a convention to eliminate racial discrimination and also because he feared that it might impair the principle that temporary measures taken by Governments with regard to naturalized persons did not constitute

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(Mr. Bouquin, France)

discrimination. In France, as in other countries, such persons did not enjoy the same political rights as French nationals during a transitional period. That exception had been admitted in the draft principles on discrimination in political rights approved by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

Sir Samuel HOARE (United Kingdom) said that he had voted to delete the clause between parentheses because he considered it irrelevant in a convention aimed at eliminating racial discrimination. He had also voted against the retention of the words "national or" because, while national origin was a possible pretext for discrimination, a fact recognized in the Universal Declaration of Human Rights, the mention was procedurally wrong and confusing in a convention on the elimination of racial discrimination. Moreover, since the definition of racial discrimination in paragraph 1 was exceedingly broad, certain legitimate differentiations based on national origin might conceivably be prohibited under the convention if the words were retained. For example, in the United Kingdom, preference was given to married women who had lost their British nationality in assisting them to reacquire that nationality; such preference could not be deemed discrimination.

Mr. SFERRUTI (Italy) explained his negative vote on the mention of national origin on the ground that its meaning and scope were so vague as to lead to misinterpretation. It might relate, for example, to persons who had lost their nationality of origin because they had become naturalized citizens of another country. In that event, it would raise difficulties in connexion with the enforcement of the right to a nationality under article V. Indeed, it might present an obstacle to States such as Italy which endeavoured to assist former Italian nationals to reacquire Italian nationality.

Mr. MOROZOV (Union of Soviet Socialist Republics) said that he had voted to retain the reference because the convention should protect persons against discrimination on grounds of national origin, provided, of course, that their status was not governed by alien laws, bilateral agreements on nationality or such international instruments as the convention on statelessness. He had voted for deletion of the clause between parentheses because it was redundant and clumsily drafted.

The CHAIRMAN invited the Commission to resume consideration of article I, paragraph 2.

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Mr. HAKIM (Lebanon) introduced the four-Power amendment to paragraph 2 (E/CN.4/L.695), which would supersede the Italian-Netherlands amendment (E/CN.4/L.692) and the Lebanese-Polish amendment (E/CN.4/694) to that paragraph.

Mr. MOROZOV (Union of Soviet Socialist Republics) observed that the idea expressed in article I, paragraph 2 was more clearly stated in article II, paragraph 2, and that the latter text followed more closely the wording of the Declaration on the Elimination of All Forms of Racial Discrimination (article 2, paragraph 3). Indeed, article II, paragraph 2 specifically obligated States parties to the convention to protect under-developed racial groups. In the circumstances, article I, paragraph 2, as amended by the four Powers (E/CN.4/L.695), might be open to misinterpretation. States desirous of evading the obligations assumed under the convention might seek to justify their failure to take special measures for the protection of under-developed racial groups by alleging that the latter did not yet meet certain standards. For example, many groups were barred from voting on the pretext that they were illiterate or unfamiliar with the provisions of the Constitution of the country or for similar contrived reasons.

Accordingly, it might be wiser for the Commission to defer a decision on article I, paragraph 2 until after it had completed consideration of article II, paragraph 2, so that it would not find itself bound by too narrow a definition. It should proceed forthwith to consider and decide on article II, paragraph 2.

Mr. CHAKRAVARTY (India) pointed out that article I contained a statement of what was and what was not meant by racial discrimination; it encompassed all the criteria on which the definition was based. Thus, in its paragraph 2, it quite properly stated what measures were not deemed racial discrimination. Article II, paragraph 2, on the other hand, made a positive statement that States parties to the convention should take certain steps.

Mr. HAKIM (Lebanon) conceded that paragraph 2 of article I was directly related to paragraph 2 of article II, and that it might be wise to decide how it should be worded in terms of how the corresponding paragraph of article II would read. Consequently, he supported the USSR proposal to proceed with the consideration of article II, paragraph 2 and then revert to article I, paragraph 2.

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Mr. SPERDUTI (Italy) also believed it would be wiser to begin by defining the obligation assumed by States parties under article II, paragraph 2 in order to ensure that the adoption of the special measures concerned would not be regarded as discrimination.

Mr. HAKIM (Lebanon) proposed that in article II, paragraph 2, the words "the full" before "enjoyment" should be replaced by the word "equal" in order to avoid the possibility of creating a new kind of inequality. If States parties to the convention were required to ensure the full enjoyment of human rights and fundamental freedoms by under-developed racial groups, a situation might arise in the newly independent countries, with their very limited resources, where under-developed racial groups would be assured a greater enjoyment of human rights and fundamental freedoms than the rest of the community. For example, some countries might be too poor to implement the provisions of article 26 (1) of the Universal Declaration of Human Rights for the entire population, yet under the convention they might have to ensure that those provisions were fully applied to under-privileged racial groups.

Sir Samuel HOARE (United Kingdom) agreed with the representatives of Lebanon and the USSR on the formal link between article II, paragraph 2, and article I, paragraph 2, of the draft convention. The simplest solution would be to adopt the four-Power amendment (E/CN.4/L.695) to article II, paragraph 2, and amend article I, paragraph 2 to read "Measures for the purposes and within the conditions mentioned in article II, paragraph 2, shall not be deemed racial discrimination".

Mr. SPERDUTI (Italy) supported that suggestion.

Mr. [illegible] (Austria) also supported that suggestion. While the Lebanese representative's comment on the difficulties that the newly independent countries might experience in implementing "full" rather than "equal" enjoyment of human rights and fundamental freedoms was logical enough, the opposite of what that representative had imagined could easily arise in those countries.

Mr. TRILLANES (Philippines) thought that the word "under-developed" in paragraph 2, should be deleted. The text referred to "adequate development or protection"; "adequate development" applied, of course, to under-developed groups,

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(Mr. Baldwin, Philippines)

but "adequate protection" might also be needed by developing or developed groups. Moreover, the designation of under-developed might be regarded as offensive by some racial groups. He would therefore ask for a separate vote on the word "under-developed".

Mr. HAKIM (Lebanon) did not think the word "under-developed" was objectionable, as it merely made explicit what was already implicit in the text. The groups in question needed special measures of protection and development precisely because they were not developed.

Mr. VOLIO (Costa Rica) suggested that the insertion of the words "economic and social" between the words "adequate" and "development" would make it clear that such groups were regarded as economically and socially - not racially - under-developed. He was, however, satisfied with the text as it stood.

Mr. BENITES (Ecuador) pointed out that political development was also important since such groups were sometimes deprived of the franchise because of illiteracy. While the term "under-developed" was in his view inoffensive, some expression such as "which have not attained their full development" might be substituted.

Mr. HAKIM (Lebanon) said that his delegation would withdraw its amendment to article II, paragraph 2 (E/CN.4/L.691), and as a co-sponsor of the four-Power amendment (E/CN.4/L.695) proposed a new draft for the latter amendment.* Article I, paragraph 2, would be replaced by the following text: "2. Measures such as those taken in accordance with article II, paragraph 2, shall not be deemed racial discrimination."

Sir Samuel HOARE (United Kingdom) agreed with the general sense of those amendments, but thought that the new wording for article I, paragraph 2, should be tightened up.

* Subsequently circulated as document E/CN.4/L.696.

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Mr. MOROZOV (Union of Soviet Socialist Republics) stated that his delegation preferred the expression "the full enjoyment", used in the original draft, to "equal enjoyment". While he appreciated the difficulties mentioned by the Lebanese representative, he felt that the convention should not be limited to the present circumstances of newly independent countries, but should also cover their future needs. The proposed amendment would weaken the text, and his delegation would like to hear the views of the representatives of former colonies, with their greater awareness of the problems raised by the liquidation of colonialism and racial discrimination.

Mr. CHAKRAVARTY (India) said that he was not happy about the new wording of article I, paragraph 2. It was also necessary to take into account the provisions of article V (e), particularly sub-paragraphs (iv) and (v), and article IX, and the proposed new wording did not expressly do so. It might be better to say "Measures taken in the spirit of article II, paragraph 2". His delegation would welcome any suggestions which would improve that provision.

The meeting rose at 6.5 p.m.

Annex 35

Commission on Human Rights, 808th meeting, 14 May 1964,
doc. E/CN.4/SR.808

UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

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14 May 1964

ENGLISH
ORIGINAL: FRENCH

COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE EIGHT HUNDRED AND EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 12 March 1964, at 3.20 p.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.693 and Corr.1 and Add.1-3; L.701/Rev.2, L.709 and Add.1, L.710/Rev.1; E/CN.4/Sub.2/234 and Add.1-3) (continued)

(17 p.)
64-10410

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PRESENT:

Chairman:	Mr. PONCE y CARBO	(Ecuador)
Rapporteur:	Mr. IGNACIO-PINTO	Dahomey
Members:	Mr. ERMACORA	Austria
	Miss AITKEN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO) Miss BARRISH)	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA-GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. S.K. SINGH	India
	Mr. SPERDUTI	Italy
	Miss TABBARA	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. QUIAMBAO	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
Observers from Member States:		
	Mr. BELTRAMINO	Argentina
	Mr. COMAY	Israel
	Mr. KISOSONKOLE	Uganda
Representatives of specialized agencies:		
	Mr. FARMAN-FARMAIAN	International Labour Organisation
	Mr. BEHRSTOCK	United Nations Educational, Scientific and Cultural Organization

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PRESENT (continued):

Representative of a non-governmental organization:

Category A:	Mr. BONUZZI	International Confederation of Free Trade Unions
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LANDAU	Secretary of the Commission

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.693 and Corr.1 and Add.1-3, L.701/Rev.2, L.709 and Add.1, L.710/Rev.1; E/CN.4/Sub.2/234 and Add.1-3) (continued)

Proposed new article (L.701/Rev.2, L.710/Rev.1) (continued)

Miss AITKIN (Canada) said that her delegation was very much concerned about the problem of anti-Semitism, and that it condemned discrimination in any country, in any form and on any ground. Citing Mr. Paul Martin, Secretary of State for External Affairs of Canada, she stressed that the cause of human rights and fundamental freedoms was and must be indivisible. It was not a matter of combating anti-Semitism in one country as against another, but of seeing to it that all countries assured to the individual the possibility of living without fear of persecution and without restrictions due to his race, colour or convictions. Her delegation was convinced that there could be no true international understanding or peace so long as anti-Semitism existed. She therefore supported the new article proposed by the United States (E/CN.4/L.701/Rev.2). She would also prefer to see the USSR sub-amendment (E/CN.4/L.710/Rev.1) proposed as a separate article or paragraph in order that the Commission might consider it on its own merits.

Mr. ERMACORA (Austria) supported the United States amendment. Anti-Semitism had arisen on religious grounds, and had not become a form of racial hatred until the last century. It was condemned by the Austrian Constitution and its practice was punishable under the criminal law; nazism, referred to in the USSR sub-amendment (E/CN.4/L.710/Rev.1), was treated in the same way. Anti-Semitism was, however, only one aspect of nazism, which had also preached other ideas, such as militarism. It was therefore unnecessary for the convention to refer to nazism in general terms and to connect it with anti-Semitism. Also, a reference to genocide would be more appropriately placed in article III. In conclusion, his delegation believed that the commitments entered into on an equal footing by all States parties to the convention would be meaningless if the States concerned permitted the publication of pamphlets and books of the kind the observer from Israel had mentioned at the previous meeting.

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Mr. RESICH (Poland) considered that the Commission, which was responsible for preparing a draft convention on the elimination of all forms of racial discrimination, was in a particularly good position to condemn anti-Semitism, as a particular form of such discrimination. The Constitution and laws of his country condemned discriminatory acts, including those of an anti-Semitic nature, and the courts and organs of State ensured that the legal provisions concerned were carried out. He therefore supported the United States amendment. Poland had not forgotten the millions of Jews who had perished during the Second World War, and his delegation rendered homage to the heroes of the Warsaw ghetto. Since, however, nazism had been the prime cause of anti-Semitism during the period, his delegation believed that the USSR representative's proposal was entirely justified and would support it.

Miss TABBARA (Lebanon) observed that her delegation had already stated its position on the question of anti-Semitism. The Lebanese people, which was itself Semitic, was opposed to every form of racial discrimination and could not support any movement or policy promoting such discrimination. There was no discrimination against the Jews in Lebanon, and the problem of anti-Semitism was something the Lebanese people could not comprehend.

Delegations should clarify their position on two points. They should, first, decide for or against the inclusion of an article giving one or more examples of racial discrimination, and then, if they were for it, define the contents of that article and choose between a single example and several.

Her delegation, for one, felt that a single example would add nothing to a text which applied to all forms of racial discrimination, and that also appeared to be the opinion of the majority. Indeed, during the discussion of the preamble, the French representative had opposed the inclusion of a single example of past racial discrimination and had accordingly requested a separate vote on the word "nazism". Those who had voted against the word had at the same time denounced nazism, an evil which they had fought against. The draft convention did refer to one particular case of discrimination - apartheid - but that was because apartheid represented the only situation in the world of today where a Government openly proclaimed and defended a policy of racial segregation. Her delegation would

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(Miss Tabbara, Lebanon)

therefore prefer the proposed new article to contain a reasonable number of examples of discrimination. It would therefore vote for the USSR sub-amendment (E/CN.4/L.710/Rev.1). It also reserved the right to accept the insertion of other examples in the Third Committee, if countries not represented in the Commission should suggest them.

Mr. IGNACIO-Pinto (Dahomey) observed that all members agreed on the hatefulness of anti-Semitism, a crime against humanity which debased the very persons guilty of it. It was alarming to think that in a world which was said to have reached the pinnacle of civilization some individuals should have attempted to exterminate an entire race. Anti-Semitism must go, and it was with good reason that its condemnation in the draft convention had been proposed. Nevertheless, a distinction must be made between nazism and anti-Semitism, for nazism had had as its target not only the Jews and the Negroes, but all "non-Aryans". While he did not oppose the condemnation of nazism and fascism, he felt that States should also have means of combating certain insidious tendencies which could culminate in an explosion of hatred. His delegation supported the United States amendment (E/CN.4/L.701/Rev.2), but it was not opposed to the inclusion in the draft convention of another article condemning other forms of racial discrimination. It would therefore also vote for the USSR sub-amendment as a separate paragarph or article, if that possibility presented itself.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) said that the people and Government of the Ukrainian SSR condemned anti-Semitism as an odious manifestation of hatred for the Jewish people. Anti-Semitism was an obstacle to the establishment of friendship and co-operation among peoples, and one whose roots lay buried deep in the past. In the Ukrainian SSR, anti-Semitism had been associated with the system of Czarist exploitation, for under that system Jews had lived at the mercy of their overlords. But the political and social structure of the country had changed since then, and the socialist State had introduced de jure and de facto equality and eliminated all forms of national hatred, including anti-Semitism. Nevertheless, elsewhere in the world the evil still existed, and the most obvious manifestation of it had been nazism. Indeed, nazism had been able to develop thanks to its association with anti-Semitism and

.../...

(Mr. Nedbailo, Ukrainian SSR)

the link between the two phenomena could not be denied or underestimated. Referring to one of the caricatures mentioned by the representative of Israel, he said that it did not seem directed against the Jewish people. Many countries had their quislings. There were quislings even among the Jews. Nazism had found supporters everywhere, even among the Jews; he cited the case of Kastner, the Jewish quisling, who had delivered thousands of Jews to the Gestapo for extermination. The same individual had prevented Jewish parachutists from organizing a resistance movement among the Jews of Hungary. Discrimination against the Jews still existed today. Anti-Semitism therefore had to be eliminated both nationally and internationally, and the United States and USSR amendments were directed to that end. However, the terms of the United States amendment (E/CN.4/L.701/Rev.2) were not categorical enough; he therefore suggested that the words "action as appropriate" should be replaced by "action".

The USSR sub-amendment (E/CN.4/L.710/Rev.1) strengthened the United States proposal. The reference to genocide was sound, since the object of genocide was to exterminate entire peoples and races, including the Jews. But the main point of the USSR sub-amendment was concerned with nazism, for it was from that angle that anti-Semitism had to be combatted. Accordingly, he would vote in favour of both the United States amendment and the USSR sub-amendment. Since the United States proposal was embraced in the sub-amendment, he would vote for the USSR sub-amendment and the amendment of the United States as a separate article of the convention.

Mr. BEAUFORT (Netherlands) said that the Netherlands people had undergone great suffering under the nazi occupation. Clearly, therefore, his delegation unreservedly condemned anti-Semitism, nazism and genocide. He supported the United States representative's suggestion for two separate paragraphs, the first corresponding to the United States amendment and the second to the USSR sub-amendment. He felt that in the latter, the words "including all its new manifestations (neo-nazism)", which could be interpreted in a political sense, should be deleted. Subject to that reservation, he would vote for the two paragraphs.

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Mrs. TREE (United States of America) remarked that it appeared that most members of the Commission preferred or were agreeable to two articles or two separate paragraphs, and that a number of delegations, including that of the United States, would be prepared in principle to support the USSR sub-amendment condemning Nazism and genocide, subject to particular deletions, such as that proposed by the Netherlands representative to delete the words "including all its new manifestations (neo-nazism)".

Mr. BOUQUIN (France) said that the USSR sub-amendment (E/CN.4/L.710/Rev.1) reintroduced an idea which had been removed from another part of the draft convention after a separate vote requested by the French delegation. At the 807th meeting, the USSR representative had quoted a document he had attributed to the Secretary-General. The French delegation wished to point out that the document had been issued on 9 November 1960 under symbol E/CN.4/Sub.2/L.216, and was in fact not a document of the Secretary-General but a note by the Secretary-General accompanying the observations of a number of non-governmental organizations. The information which the USSR representative had quoted had come from those organizations, and not from the Secretary-General. It was unfortunate that delegations had not had the entire document before them. He would be very willing, therefore, to agree to its being reproduced verbatim and circulated to members of the Commission, if the USSR delegation requested that action.

The statement made by the USSR representative at the preceding meeting had contained improper attacks against a country mentioned by name which was not represented in the Commission. Such conduct made it clear that what the USSR was aiming at was not only the anti-Semitic aspects of nazism. For that matter, the USSR amendment reflected the USSR's present political policy, and appeared to ignore the fact that the convention had to be drafted for the long term. The French delegation was entirely opposed to any convention being given a political complexion.

The CHAIRMAN said that a representative of the International Confederation of Free Trade Unions, a non-governmental organization with category A consultative status, had asked to be heard by the Commission. If there were no objections, he would be called on to speak.

It was so decided.

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Mr. BONUZZI (International Confederation of Free Trade Unions) stated that his organization had always participated actively in the struggle against anti-Semitism - or anti-Judaism - which it regarded as one of the most degrading scourges of mankind. Anti-Semitism was a product of tenacious supersitions and prejudices; it was a phenomenon of very long standing which had often been encouraged and kept alive by forces of many different origins.

The Israel observer had pointed out to the Commission, in very moderate terms, that even in countries where on the face of it there were laws prohibiting national hatred and affirming the equality of all national communities and groups, manifestations of anti-Semitism were often officially fostered and encouraged by the authorities. Given the nature of the phenomenon, which renewed itself with disconcerting tenacity, it was important, in the view of ICFTU, that in a draft convention on the elimination of all forms of racial discrimination in which apartheid was already mentioned there should also be an explicit condemnation of anti-Semitism, contained in a special paragraph. In addition, if such a condemnation was not to remain a dead letter, the Commission should initiate a study of the question of anti-Semitism in the near future, so that an intensive and systematic campaign could be undertaken under United Nations auspices to combat that scourge and eliminate it from the modern world.

Mr. DOE (Liberia) said that his delegation had already expressed the Liberian people's extreme hostility to manifestations of racial hatred such as anti-Semitism and nazism. Since the draft convention had as its object the elimination of all forms of racial discrimination, it should contain references to both of those two evils. His delegation was therefore fully prepared to accept the proposed amendments, whether they were drafted in a single paragraph or in two.

Miss BARRISH (Costa Rica) stated that her delegation would vote for the United States amendment (E/CN.4/L.701/Rev.2). It would also be prepared to accept the USSR sub-amendment (E/CN.4/L.710/Rev.1) provided that the word "anti-Semitism" was used before the word "nazism". As the Commission had been reminded, anti-Semitism was an evil of much older date than nazism.

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Mr. MOROZOV (Union of Soviet Socialist Republics) said it was his understanding that some delegations, especially the United States and Netherlands delegations, were charging that the Soviet Union amendment had been prompted by political motives and went beyond the scope of the convention. The words "including all its new manifestations (neo-nazism)" had in particular been the subject of comment. The question therefore was whether or not neo-nazism existed. The meaning of that term was clear and, moreover, implicit in the text of the Soviet amendment. A number of delegations, and in particular the observer from Israel, had spoken, with supporting documentary evidence, of contemporary manifestations of nazism. In the circumstances the United States and Netherlands representatives had had to abandon the position they had taken in voting for the deletion of the word "nazism" from the preamble of the draft convention. Apparently they could not deny that all new manifestations of nazism should be condemned and that such a condemnation should have practical consequences. Opposition to the use of the words "including all its new manifestations (neo-nazism)" in a convention on the elimination of all forms of racial discrimination could only be interpreted as a refusal by the States parties to combat contemporary forms of nazism. Moreover, it would be absurd in a convention looking to the future to take account only of the past. The allegation that the Soviet amendment had a political purpose was unfounded and could only create a false impression. The Soviet delegation would be prepared to take one step further to reach a compromise but was not prepared to delete the obligation to combat present and future forms of nazism. If the members of the Commission could not come to an agreement on a text containing that idea, he would be obliged to maintain his amendment in its original form. If, on the other hand, the Commission agreed to condemn all the forms of racial discrimination mentioned in the Soviet amendment, he would consent to anti-Semitism being made the subject of a separate paragraph if the Commission so desired.

He wished, in exercise of his right of reply, to refute some inaccuracies in a statement made at the previous meeting. While his delegation could only welcome certain parts of that statement which dealt with the action taken by the Soviet Government to combat anti-Semitism, fascism and other anti-human doctrines, it could not, on the other hand, tolerate the unworthy attempt made grossly to distort

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(Mr. Morozov, USSR)

the facts and to picture the situation of the Jews living in the USSR in an unfavourable light; it therefore felt that some clarification was necessary. In making such clarification, it did not seek to justify itself but only to inform delegations which were apparently inadequately acquainted with the true situation. According to the 1959 census, there were 2,228,000 Jews in the Soviet Union, or 1.1 per cent of the total population. The majority of the Jews lived in Russia, the Ukraine, Byelorussia, Moldavia and the Baltic States while a total of 700,000 Jews lived in four large cities - Moscow, Leningrad, Kiev and Minsk - 7,647 Jews were delegates to central and local public bodies and 290,707 had received diplomas from national universities or institutions of higher technical education; which meant that in the latter respect Jews ranked third after the Russians and the Ukrainians. Of Soviet scientific workers, 36,173 were Jews. In addition, more than 2,000 Jews had received doctorates in science and 13,000 had obtained advanced scientific diplomas; eighty Academicians or corresponding members of the Academy were Jews. Forty-two Jews had been given the highest awards for socialist labour and a large percentage of the members of various artistic and cultural associations were Jews, 14.7 per cent of Soviet physicians were Jews; 8.5 per cent were critics and newsmen; 10.4 per cent were prosecutors, lawyers and judges; 7 per cent actors, sculptors, etc. A Jewish-language cultural newspaper was published in Moscow. While Jews in Czarist Russia had lived in ghettos and had been subject to many measures of harrassment, they were today better treated in the USSR than in most countries of the free world. Those facts proved how false the picture drawn by the Western Press was.

Turning to the question of trials for "economic crimes", which had been much discussed in the Western Press, he quoted a letter which Mr. Nikita Khrushchev had written to Lord Bertrand Russell, in which the former had said that the accusations of anti-Semitism were odious calumnies entirely devoid of any foundation. The bourgeois Press had itself recognized that the persons convicted had been of widely different national origins. Moreover, Soviet law disregarded national affiliation in condemning persons who embezzled public property and who led an idle life. That had been so ever since the early days of the Soviet regime and the legislation to that effect had always been supported by the population. It was easy, Mr. Khrushchev had stressed in his letter, to refute the

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(Mr. Morozov, USSR)

accusations which had been made by the facts. The information which had appeared in the Press in regard to the proceedings instituted against certain persons had shown that the majority of those persons were Russians, Georgians, Ukrainians, Byelorussians, etc. Sentences had been pronounced upon the offenders in relation to their crimes and not to their nationalities. The Soviet Union did not practise anti-Semitism: its very Constitution proclaimed the equality of all citizens, irrespective of their nationality or race, and condemned any propaganda in favour of discrimination. In accordance with the Soviet motto "Man is the friend, the comrade and the brother of man", Mr. Khrushchev had concluded, the Soviet regime wished to develop a spirit of friendship and fraternity.

The letter which he had just quoted and facts given should serve to correct the statements made. The way in which some facts had been presented and interpreted to the Commission had obviously been motivated by political considerations having nothing to do with the question before the Commission.

Mr. QUIAMBAO (Philippines) said that his delegation was prepared to take any measures necessary to combat discrimination. At the same time it thought that the United States amendment (E/CN.4/L.701/Rev.2) and the Soviet sub-amendment thereto (E/CN.4/L.710/Rev.1) contained a list of specific forms of racial discrimination which was far from exhaustive and which was inconsistent with the universality of the convention. Accordingly, in line with its affirmative vote for the omission of the reference to "nazism" in the sixth paragraph of the preamble, it could not support the proposed article.

He thought that since the question had not been sufficiently studied in detail, the Commission should not attempt to make a decision on the proposed article as previously agreed upon by the Commission, but merely to transmit both the United States amendment and the Soviet sub-amendment to the General Assembly through the Economic and Social Council for its consideration. However, should the Commission agree to take a final decision on the proposed article, the Philippines would abstain on both amendments.

Mr. BEAUFORT (Netherlands) pointed out, for the benefit of the Soviet representative, who had said that the United States and Netherlands delegations had opposed the inclusion of the word "nazism" in the preamble, that his

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(Mr. Beaufort, Netherlands)

delegation had not taken part in the discussion and had abstained in the vote. Moreover, it had not said that the words "including all its new manifestations (neo-nazism)" showed a political motivation, but merely that they had a political significance, and were open to various unacceptable interpretations. His delegation had therefore been very disappointed by the Soviet representative's reply. It could support only a two-paragraph text from which the words in question had been deleted.

Miss AITKEN (Canada) observed that there was no point in adding the prefex "neo" to the word "nazism" and asked the Commission to make no further use of terms of that kind. Her delegation agreed with the Netherlands delegation that the Soviet sub-amendment should constitute a separate paragraph, and would be unable to support that amendment unless the word "neo-nazism" were deleted.

Mr. BENITES (Ecuador) said that all the members of the Commission appeared to agree that anti-Semitism and nazism should be condemned unreservedly. Seeking to define anti-Semitism, as that term was understood by the members of the Commission, he pointed out that it would be more accurate to speak of anti-Judaism. As a matter of fact, history recorded only one case of anti-Semitism, properly so-called, namely the expulsion of the Arabs from Spain under the reign of the "Catholic Kings". The Jews, as such, were not a race, but an ethnic group, possessing a spiritual, historical and linguistic unity. However, according to the definition given in article I, discrimination based on ethnic origin came under racial discrimination and, consequently, anti-Judaism definitely came within the scope of the draft under consideration. At present, however, anti-Judaism was no longer a real problem, but rather a threat. The discriminatory practices which had been mentioned during the current debate were primarily of a cultural nature.

As for nazism, it had been the systematization of racist theories. It had endeavoured, by means of philosophical considerations, to justify the superiority of one race over all others. However, it had established a certain hierarchy among those other races, and it was primarily the Jews who had been despised by the Nazis. Never before, even in the pogroms in Russia and Poland, had hatred taken such a brutal form as under nazism. During the past few years, small nazi

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(Mr. Benites, Ecuador)

parties had been springing up again in certain countries, including some Latin American countries, and that, of course, represented a threat. Nevertheless, nazism was not directed exclusively against the Jews, as was apparent from the record of nazi persecutions. Moreover, the Nazis had not been the only ones to practise anti-Judaism and, in the course of their history, the Jews had suffered other persecutions.

If the Commission referred solely to nazism, it would seem to be condemning past events only; to speak of "neo-nazism", however, would be to employ a useless meologism. It would be better to give the word "nazism" a broader historical acceptance, and to condemn nazism and its new manifestations.

The Ecuadorian delegation could have supported the United States amendment (E/CN.4/L.701/Rev.2) and the Soviet sub-amendment (E/CN.4/L.710/Rev.1). However, it thought that the question had not been studied in sufficient detail for the Commission to be able to take a decision on the wording of a new article. It would be wiser to have only an exchange of views, as had been agreed at the 805th meeting, and to transmit to the General Assembly, through the Economic and Social Council, the proposals before the Commission, together with the summary records of the debates which those proposals had occasioned. At the present time, anti-Semitism was not a crucial problem. The only massacres which gave cause for concern were those of the Tutsis, but they were not receiving much attention. The Commission should therefore not take a hasty decision which it might later regret.

Mr. S.K. SINGH (India) said that he would have liked nazism and anti-Semitism to be condemned in the preamble, since that would have helped to place the entire convention in its historic context and give it its full meaning. However, he was not categorically opposed to having the question dealt with in an operative article.

At the present stage of the work, he agreed with the representative of Ecuador that the Commission should not take a hasty decision and that the wisest course would be to transmit the proposals of the United States of America (E/CN.4/L.701/Rev.2) and of the Soviet Union (E/CN.4/L.710/Rev.1), together with the summary records of the 807th and 808th meetings to the Economic and Social Council and the General Assembly. That was moreover, the sense of the tentative

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(Mr. S.K. Singh, India)

decision taken by the Commission at its 805th meeting regarding the organization of its work.

Miss AITKEN (Canada) moved the closure of the debate on the proposed new article so that the Commission could proceed to the vote.

Mr. SPERDUTI (Italy) supported the motion for closure. However, he was against putting the United States and Soviet Union proposals to the vote for the same reasons as the Ecuadorian and Indian representatives. He thought it heart-breaking that, at the present stage of civilization and after the holocaust of the Second World War, anti-Semitism had not yet disappeared. That alone would be enough to convince him of the validity of the United States proposal. However, the Commission no longer had time to work out a formula acceptable to all delegations, and it was preferable to transmit the question to the General Assembly, through the Economic and Social Council, as well as all the provisions of the draft which had not yet been adopted, particularly article VIII.

The motion for closure of the debate was adopted by 10 votes to 3, with 8 abstentions.

The CHAIRMAN asked the Commission whether it proposed to confirm the tentative decision, which it had taken at the 805th meeting on the organization of its work, to transmit the two proposed amendments to the Council, without debate.

That decision was confirmed by 19 votes to none, with 2 absentions.

Article VIII (continued)

Miss TABBARA (Lebanon) said it had been her understanding that, under the tentative plan of work submitted by the Philippine representative at the 805th meeting (E/CN.4/SR.805), the Commission was to complete its work on the draft convention by the end of the morning meeting on Thursday, 12 March.

The CHAIRMAN recalled that, according to that plan of work, the Commission was to have terminated its consideration of article VIII of the draft and taken a decision on it at the 807th meeting. Having been unable to carry out that provision of its plan of work, the Commission could also decide to transmit to the General Assembly, through the Economic and Social Council, the text of article VIII as formulated by the Sub-Commission, together with the three-Power amendment (E/CN.4/L.715) and the amendments of the Ukrainian SSR (E/CN.4/L.680).

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Mr. ERMACORA (Austria) proposed that article VIII should be deleted.

Miss TABBARA (Lebanon) supported that proposal.

Mr. S.K. SINGH (India) said he had the impression that the three Powers' efforts at conciliation had failed. In those circumstances, the Indian delegation withdrew its name from the list of sponsors of amendment E/CN.4/L.715, and supported the Austrian representative's proposal to delete article VIII.

Mr. QUIAMBAO (Philippines) recalled that during the debate on article VIII he had spoken in favour of deleting article VIII. In view of the proposal made by the Austrian representative, he would also withdraw his delegation's name from the list of sponsors of amendment E/CN.4/L.715.

Mr. REDONDO (Costa Rica) considered that, in spite of the existence of a compromise text (E/CN.4/L.715), the best solution would be to delete article VIII altogether. He therefore supported the Austrian representative's proposal.

Mr. BOUQUIN (France) said that amendment E/CN.4/L.715 continued to exist as an amendment of France. He recalled that he had accepted the deletion of the words ",as recognized by international law,".

If the Austrian representative's proposal was put to the vote, the French delegation would be compelled to vote against it. It would change its position only if the Commission agreed to reproduce the text of article I, which had been adopted by a very small majority, and to delete the words "national origin". If those words remained in the text of article I, he would not only have to vote against the deletion of article VIII, but also abstain in the vote on the draft as a whole.

Miss TABBARA (Lebanon) announced that her delegation had intended to request the deletion of the words "national origin" during the consideration of the draft in the Third Committee. If the French representative proposed the deletion of those words, the Lebanese delegation would support that proposal.

Mr. ERMACORA (Austria) said that he, too, thought that the words "national origin" were not necessary, particularly since they offered possibilities of interpretation unacceptable for some States. Those words were justified only if article VIII was retained.

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Sir Samuel HOARE (United Kingdom) said that he fully shared the views of the French representative concerning the words "national origin", which were the cause of many difficulties.

The CHAIRMAN put to the vote the Austrian representative's proposal to delete article VIII.

Mr. MOROZOV (Union of Soviet Socialist Republics) said he was prepared to vote for the Austrian proposal, provided that that did not mean that the Commission was calling in question the decision taken in respect of article I.

The CHAIRMAN stated that no conditions were attached to the Austrian representative's proposal and that so far the French representative had made no proposal.

Article VIII was deleted by 12 votes to 2, with 7 abstentions.

The meeting rose at 6.20 p.m.

Annex 36

Commission on Human Rights, 784th meeting, 21 April 1964,
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UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

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COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE SEVEN HUNDRED AND EIGHTY-FOURTH MEETING

Held at Headquarters, New York,
on Tuesday, 25 February 1964, at 3.30 p.m.

CONTENTS

Draft international convention on the elimination of all forms of racial discrimination (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.689-L.692; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

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PRESENT:

Chairman:	Mr. PONCE y CARBO	(Ecuador)
Rapporteur:	Mr. IGNACIO-PINTO	Dahomey
Members:	Mr. ERMACORA	Austria
	Miss AITKEN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA-GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. CHAKRAVARTY	India
	Mr. SPERDUTI	Italy
	Mr. HAKIM	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. BRILLANTES	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
Observers from Member States:		
	Mr. ROSENNE	Israel
	Mrs. WILLIAMS	Jamaica
	Mr. KISOSOIVKOLE	Uganda

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PRESENT (continued):

Representatives of specialized agencies:

	Mr. SALSAMENDI	United Nations Educational, Scientific and Cultural Organization
	Mrs. KALM	World Health Organization
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LANDAU	Secretary of the Commission

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.689-L.692; E/CN.4/Sub.2/234 and Add.1 and 2) (continued)

The CHAIRMAN invited explanations of vote on the preamble of the draft convention, which had been adopted at the previous meeting.

Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) said that he had abstained on paragraph 1 and the paragraph beginning "Reaffirming", but had voted for the preamble as a whole because he considered that its general content had been improved by the Commission.

The text of the paragraph beginning "Reaffirming" submitted by the Sub-Commission had quite rightly stated that discrimination was an obstacle to friendly and peaceful relations among nations, and by referring to nazism, it had further demonstrated that discrimination was capable of disturbing peace and security. Indeed, nazism represented the most striking historical instance that could be cited, because its racist doctrine and practices had led to the Second World War and the struggle to eradicate them had been largely responsible for the establishment of the United Nations.

Prior to and during the Second World War, as the United Nations High Commissioner for Refugees had stated in November 1961, the nazis had been responsible for the deaths of 25 million persons, not to speak of the countless thousands of persons left homeless and destitute. Those victims, Jews and Christians alike, had been guilty of only one crime in the eyes of the nazis: they had belonged to what nazism described as "inferior races". The nazis had waged a relentless campaign with a view to exterminating those "inferior races" or enslaving them to serve the purposes of German hegemony. Its cruelty and terror had been so monstrous as to defy belief. The Ukraine had suffered greatly at the hands of the Germans: a large part of its population had been slaughtered, its villages burned and pillaged, millions of its people sent to work in German labour camps, its universities and museums destroyed. It could not forget that German leaders, from Hitler on down, had preached the doctrine of the extermination of racial groups. They had ordered their armies to undertake the merciless extermination of the Ukrainian people, salvaging only a slave labour force, to clear the land for settlement by Germans.

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(Mr. Nedbailo, Ukrainian SSR)

Nazism was not merely a theory; it was a criminal practice. The deletion of the reference to nazism cut out the very heart of the preamble, which should state the purpose of the convention, and robbed the latter of much of its meaning. The Sub-Commission had been well aware of that when it had unanimously adopted its version of the text. It was significant that France and Austria had voted in favour of that text, but appeared to have had a change of mind. Legally and historically, the reference to nazism should stand in the preamble and the Ukrainian delegation had been unable to support the relevant paragraph in the absence of that reference.

Mr. MOROZOV (Union of Soviet Socialist Republics) stated that he had voted for those proposals which improved the text, clarified its meaning and retained the essential ideas elaborated by the Sub-Commission. Thus, he had voted for the Lebanese amendment to paragraph 2, the Philippines and Italy for insertion after the paragraph beginning "Concerned". With those improvements, the USSR delegation had been able to vote for the preamble as a whole.

However, that vote did not indicate approval of the manoeuvre whereby seven members of NATO had managed to delete the reference to nazism, although there was some comfort in knowing that other members who had voted against or abstained in the vote on the deletion of the reference had not yielded to their pressure. That political manoeuvre had not concealed the motives of the organizers or changed historical reality: deletion of the reference to nazism did not mean that the allies of West Germany had cleared it of all responsibility for the deeds of nazism or that the countries which were continuing to fight nazism and all its practices would diminish their efforts.

There was copious evidence that the doctrine of nazism had been founded on the theory of racial superiority. He quoted a German professor and a notorious German general to show that the Germans had regarded the extermination of inferior peoples as essential to victory. But nazism was not a theory of the dead past: there had been clear indications of a resurgences of the practices of nazism and reliable evidence that a professor at a West German university was again preaching the doctrine of nazism, this time as applied to the "inferior races" of the colonial countries.

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(Mr. Morozov, USSR)

NATO had played its role as protector of West Germany's revanchist policy. It had thus been found inconvenient to condemn neo-nazism which was being cultivated in Western Germany and the reference to nazism had been deleted, even though it had previously been approved by the experts from the United States, the United Kingdom and France in the Sub-Commission. For its part, the USSR delegation was not withdrawing its objection to that deletion and wished its protest and that of other delegations which maintained the same objection to be recorded in the Commission's report.

Mr. ERMACORA (Austria), exercising his right of reply, pointed out that Austria was not a member of NATO; his delegation had opposed inclusion of the reference to nazism not for political, but for technical and legal reasons. A convention designed to prevent racial discrimination in future should not look towards the past.

Mr. MOROZOV (Union of Soviet Socialist Republics) observed that he had not referred to Austria as a NATO country. On the other hand, he had been surprised to find that Austria, which had been a victim of Anschluss, had been the only neutral State to vote with the NATO countries. It was difficult to believe that the Government of Austria, a neighbour of West Germany, really believed that nazism was a thing of the past.

Sir Samuel HOARE (United Kingdom), exercising his right of reply, said that he deeply regretted that the USSR delegation had seen fit to interpret the vote of the United Kingdom delegation as part of a NATO plot or a political manoeuvre. It was an established practice in the Commission, as in other United Nations bodies, for delegations to defend their views to the best of their ability and to consult with other delegations in order to enlist their support. The fact that seven other delegations, including that of Austria, had recognized the merit of the arguments in favour of deleting the reference to nazism could not be described as a plot. The United Kingdom delegation, clearly and dispassionately, had explained why it was desirable to delete that reference. It had done so with the sufferings of the victims of nazism well in mind; those victims had included some of the NATO countries as well as the USSR and the Ukrainian SSR. He protested against the charge that countries which had suffered under the nazi attacks and had never wavered in their hatred of nazism, but had thought it better to omit

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(Sir Samuel Hoare, United Kingdom)

the reference to nazism in the interest of a better convention, were supporting nazism or encouraging its future development.

Article I

The CHAIRMAN invited consideration of article I of the draft convention (E/CN.4/873).

Sir Samuel HOARE (United Kingdom) introduced his amendments (E/CN.4/L.689) to article I, paragraph 1. While he was not entirely satisfied with the phrase "national or ethnic origin", he had not suggested an amendment, but planned to request a separate vote on the words "national or".

He favoured the deletion of the words "inter alia" because if the convention wished to invoke other instruments prohibiting racial discrimination in addition to the Universal Declaration it should name them.

His remaining amendments (E/CN.4/L.689, points 1 and 2) were of a drafting nature and were designed to make the text clearer.

Mr. RESICH (Poland), introducing his amendment (E/CN.4/L.690) to article I, paragraph 2, said that it was intended to make it clear that measures adopted for the sole purpose of protecting certain racial groups were neither preferential nor discriminatory. His text was almost identical with that submitted by Lebanon (E/CN.4/L.691) and he would be prepared to accept the term "special measures".

Mr. HAKIM (Lebanon), introducing his amendment (E/CN.4/L.691) to article I, paragraph 2 of the draft convention, said that its purpose was the same as that of the Polish amendment. The difference between the two texts was one of drafting rather than of substance. Like the Polish delegation, his delegation believed that any special measures aimed solely at the development or protection of individuals or racial groups should not be deemed racial discrimination. Such measures would only seek to establish an equality that should have existed between those groups and the rest of the community. His amendment also introduced a reference to the "development or protection of certain racial groups" because the convention should protect groups as well as individuals.

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Mr. MOROZOV (Union of Soviet Socialist Republics) supported the Polish amendment (E/CN.4/L.690). Since the Lebanese amendment (E/CN.4/L.691) had a similar objective, he was ready to support it too, and hoped that the judicious conclusion reached independently by those two delegations would be endorsed by the Commission.

The United Kingdom's amendment proposing the deletion of the words "inter alia" in article I, paragraph 1, was substantive, and completely unacceptable to him. He could not understand the United Kingdom representative's objection to those words, which referred to a broader range of human rights than was contained in the Universal Declaration of Human Rights. The draft International Covenants on Human Rights, for instance, were wider in scope than the Universal Declaration. If the United Kingdom amendment was adopted, a situation might arise where no State would be compelled to protect rights not contained in the Universal Declaration.

He could not see the purpose of the United Kingdom amendment proposing the insertion of the words "any of the" before "human rights", particularly in view of the proposal to delete the words "inter alia".

Point 1 of the United Kingdom amendment, proposing a change in the order of words, involved a matter of substance. The proposal would have the effect of destroying recognition of human rights in all spheres - civil, political, economic, social and cultural - and he strongly opposed it.

Mr. CHAKRAVARTY (India) remarked that the deletion of the words "inter alia", as proposed by the United Kingdom, was not desirable. The rights referred to in article I, paragraph 1, were not only those in the Universal Declaration of Human Rights but also those enshrined in national constitutional laws, and in the draft International Covenants on Human Rights.

With regard to the Lebanese and Polish amendments to article I, paragraph 2, he observed that the Indian Constitution required that special protective measures should be taken to enable certain castes and tribes to rise to the level of the rest of the community. His delegation derived satisfaction from the provisions contained in paragraph 2, and was happy to support the Lebanese amendment, which improved the wording. While the Polish amendment had the same objective, it was capable of misinterpretation, particularly the phrase "shall not be deemed preference giving rise to racial discrimination".

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Mr. SPERDUTI (Italy) explained that the Italian-Netherlands joint amendment (E/CN.4/L.692), like the Polish (E/CN.4/L.690) and Lebanese (E/CN.4/L.691) amendments, clarified the Sub-Commission's text of paragraph 2 by deleting the expression "giving preference to". The measures covered by that paragraph were not preferences but rather steps to rectify the injustice done to individuals belonging to certain racial groups.

The joint amendment resolved another ambiguity in the Sub-Commission's text by making it clear that the measures in question were those adopted for the protection of individuals belonging to certain racial groups, and not of the groups as such. The Netherlands and Italian delegations considered that the idea of the group should not be stressed, and that the draft convention should seek to accomplish the objective of the Universal Declaration of Human Rights - to promote the rights and freedoms of all human beings without distinction of any kind. That objective implied the integration of each individual into the community rather than the maintenance of distinctions between groups. Moreover, even when discrimination was directed towards racial groups as such, it was applied, in practice, against their individual members. The wording of the joint amendment, on that point, was patterned on article 2, paragraph 3, of the Declaration on the Elimination of All Forms of Racial Discrimination.

Mr. BEAUFORT (Netherlands) added that the final clause of the joint amendment was intended to ensure that the special measures adopted should not be maintained indefinitely. That point had not been made clear in the Sub-Commission's text.

Mr. BENITES (Ecuador) said that the transposition of words proposed by the United Kingdom would improve the Spanish text of paragraph 1. On the other hand, the insertion of the words "any of the", proposed by the United Kingdom, might be interpreted as limiting the scope of the paragraph to some, rather than all, of the rights and freedoms set forth in the Universal Declaration and other instruments. He suggested that instead the phrase "or any of them" should be inserted after "freedoms". He opposed the deletion of the words "inter alia" for the reasons stated by previous speakers.

Turning to paragraph 2, he agreed with the Lebanese representative that the text should mention measures for the protection of both groups and individuals.

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(Mr. Benites, Ecuador)

In international law, the emphasis had shifted over the years from the individual - the king as sovereign, for example - to the group. Thus, the protection of minorities was a problem of groups. In Latin America there was a large indigenous population, the members of which were more aware of their existence as members of a group than of their existence as individuals. The Governments of the Latin American countries had a moral obligation to protect those indigenous groups and to promote their development by preferential measures. Of the three amendments to paragraph 2, the Lebanese amendment would best meet the Latin American viewpoint. The Polish amendment, although similar to it in other respects, did not mention protection of racial groups.

The idea in the final clause of the Italian-Netherlands joint amendment (E/CN.4/L.692) was sound. Obviously, if the reason for a statute disappeared, that statute became obsolete and should not be maintained. That idea, however, was not incompatible with the final clause of paragraph 2 in the Sub-Commission's text, which was intended to rule out so-called separate development, as practised in South Africa, for example. The closing passage of the paragraph might be reworded to state that unequal rights should not be maintained after the objectives sought had been achieved.

Miss AITKEN (Canada) felt that the parenthetic phrase in paragraph 1 of the Sub-Commission's text would give rise to ambiguous interpretations and had no place in the convention. Aside from that phrase, her delegation favoured the Sub-Commission's text of paragraph 1, which appropriately defined the meaning and scope of the term "racial discrimination" as used in the convention. It supported the retention of the words "inter alia", to make it clear that the rights and freedoms protected by the convention also included those set out in such documents as the Declaration on the Elimination of All Forms of Racial Discrimination, the Convention Concerning Discrimination in Respect of Employment and Occupation, and the Convention Against Discrimination in Education. Her delegation also considered it necessary to retain the expression "national or ethnic origin", which, read in conjunction with article VIII of the draft convention, clearly referred, not to nationality, but to country of origin.

She was prepared to vote for the joint amendment to paragraph 2 (E/CN.4/L.692).

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Mr. ERMACORA (Austria) did not think that the parenthetic words in paragraph 1 should be deleted. He opposed the deletion of the words "inter alia" for the reasons set forth by the Indian and USSR representatives. He would be prepared to support an amendment to paragraph 2 that combined elements of the Polish and Lebanese amendments.

Sir Samuel HOARE (United Kingdom) remarked that the USSR representative and other speakers had addressed themselves, not to the question he had raised concerning the indefiniteness of the words "inter alia" in the context of paragraph 1, but to the separate question of whether the Universal Declaration was a sufficient statement of the rights to be protected by the convention. In his view, it was. It would be difficult to find rights set out in the draft International Covenants on Human Rights that were not proclaimed in the Universal Declaration; and, in any case, the draft covenants had not yet been adopted in final form by the General Assembly. He also doubted that any of the rights proclaimed in the ILO and UNESCO Conventions mentioned by the Canadian representative were an elaboration of the provisions of the Universal Declaration. It was possible that individual countries might grant rights and freedoms not set out in the Universal Declaration. Article 8 of the Universal Declaration, declared that everyone had the right to an effective remedy by the competent national tribunals for acts violating the fundatmental rights granted him by the constitution or by law. The point might be expressly covered by adding the following words to paragraph 1: "or granted by the constitution or by law of the State Party concerned".

His objection, however, was not to enlarging the scope of the paragraph, if any delegation thought that that could be done by reference to national legislation or to international instruments, but rather to using the vague term "inter alia" in a legal text. That was slovenly drafting.

He assured the USSR representative that the proposed transposition of words in paragraph 1 would not affect the substance of the paragraph. That proposal should be adopted even if the words "inter alia" were not deleted. He also felt that the expression "any of the human rights and fundamental freedoms" was appropriate, since any case which arose under the convention would be a particular case.

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Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) pointed out, with respect to the order of the words in paragraph 1, that the Sub-Commission's text followed the pattern set by the Convention Concerning Discrimination in Respect of Employment and Occupation (article 1, paragraph 1 (a)) and by the Convention Against Discrimination in Education (article 1, paragraph 1). Furthermore, the transposition proposed by the United Kingdom would change the meaning of the sentence by shifting the emphasis away from the rights and freedoms which were not to be nullified or impaired. He therefore opposed that proposal.

He also could not support the deletion of the words "inter alia". Some States, such as the Ukrainian SSR, guaranteed much broader rights to their people than those set out in the Universal Declaration. Paragraph 1, accordingly, should cover not only the rights enunciated in the Universal Declaration but also those recognized by national legislation.

The meeting rose at 6 p.m.

Annex 37

Commission on Human Rights, 810th meeting, 15 May 1964,
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COMMISSION ON HUMAN RIGHTS

Twentieth Session

SUMMARY RECORD OF THE EIGHT HUNDRED AND TENTH MEETING

Held at Headquarters, New York
on Friday, 13 March 1964, at 3.25 p.m.

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PRESENT:

Chairman:	Mr. PONCE y CARBO	(Ecuador)
Rapporteur:	Mr. IGNACIO-PINTO	Dahomey
Members:	Mr. ERMACORA	Austria
	Miss AITKEN	Canada
	Miss KRACHT	Chile
	Mr. VOLIO	Costa Rica
	Mr. GRAULUND HANSEN	Denmark
	Mr. BENITES	Ecuador
	Mr. VEGA GOMEZ	El Salvador
	Mr. BOUQUIN	France
	Mr. S.K. SINGH	India
	Mr. SPERDUTI	Italy
	Miss TABBARA	Lebanon
	Mr. DOE	Liberia
	Mr. BEAUFORT	Netherlands
	Mr. BORJA Mr. BRILLANTES Mr. QUIAMBAO	Philippines
	Mr. RESICH	Poland
	Mr. PANCARCI	Turkey
	Mr. NEDBAILO	Ukrainian Soviet Socialist Republic
	Mr. MOROZOV Mr. OSTROVSKY	Union of Soviet Socialist Republics
	Sir Samuel HOARE	United Kingdom of Great Britain and Northern Ireland
	Mrs. TREE	United States of America
Also present:	Mrs. TILLETT	Commission on the Status of Women

Observers from Member States:

Mr. BELTRAMINO	Argentina
Mr. BARROMI	Israel
Mrs. WILLIAMS	Jamaica
Mr. KISOSONKOLE	Uganda

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PRESENT (continued):

Representatives of specialized agencies:

	Mr. FARMAN-FARMAIAN	International Labour Organisation
	Mr. BEHRSTOCK	United Nations Educational, Scientific and Cultural Organization
Secretariat:	Mr. HUMPHREY	Director, Division of Human Rights
	Mr. LANDAU	Secretary of the Commission

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TRIBUTE TO THE MEMORY OF MRS. M.H. LEFAUCHEUX (continued)

Mrs. TILLETT (Commission on the Status of Women), speaking on behalf of her Commission and of its Chairman, Mrs. Lavalle-Urbina, associated herself with the tributes paid to the memory of Mrs. M.H. Lefaucheux by the Commission on Human Rights at its 783rd meeting. Mrs. Lefaucheux had represented France on the Commission on the Status of Women for nearly eighteen years and the fact that during that period she had been elected Chairman no less than six times indicated the esteem in which she had been held by her colleagues. A staunch believer in the goal of equal rights for men and women, Mrs. Lefaucheux had been one of the most active members of that Commission. Her death was a personal loss to all the members of the Commission on the Status of Women, who wished to express their sincere sympathy to the French delegation.

Mr. BOUQUIN (France) thanked the representative of the Commission on the Status of Women for her expression of sympathy. He would transmit that message to his Government and to Mrs. Lefaucheux' family.

PERIODIC REPORTS ON HUMAN RIGHTS (E/CN.4/860 and Add.1, 861 and Add.1 and 2, 872; E/CN.4/L.714/Rev.1 and Add.1, L.716) (continued)

Mrs. TILLETT (Commission on the Status of Women) noted with particular interest the references to the Commission on the Status of Women in the two draft resolutions, E/CN.4/L.714/Rev.1 and E/CN.4/L.716, submitted on that question. The Commission on the Status of Women would greatly appreciate the invitation to be represented on the committee on periodic reports on human rights which would be set up under the draft resolution submitted by France, Lebanon and the Philippines (E/CN.4/L.714/Rev.1).

DESIGNATION OF 1968 AS INTERNATIONAL YEAR FOR HUMAN RIGHTS (E/CN.4/867; E/CN.4/L.717) (continued)

Mrs. TILLETT (Commission on the Status of Women) said she had read with interest the Costa Rican draft resolution (E/CN.4/L.717). She wondered whether it would not be possible to mention in that draft resolution the conventions relating to women, such as the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, and the ILO Convention on Equal Remuneration for Men and Women Workers for Work of Equal Value.

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DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (A/5035, 5603; E/CN.4/865, 873; E/CN.4/L.679, L.693 and Corr.1 and Add.1-3, L.709 and Add.1, L.719; E/CN.4/Sub.2/234 and Add.1-3) (continued)

Mr. BOUQUIN (France) said that at the 809th meeting he had requested the deletion of the word "national" in article I, paragraph 1, of the draft convention because the word caused great difficulties to his delegation. The compromise suggestion made by the Danish representative at the 809th meeting, however, was very sensible and he hoped that it would be accepted by the USSR delegation.

Mr. GRAULUND HANSEN (Denmark) thought that the Commission could not hope to resolve the question raised by the French representative by the end of the session. His delegation's suggestion might enable the Commission to settle the question temporarily by common agreement. The suggestion was that the word "national" in article I should be placed in square brackets and that at the end of paragraph 1 of that article the following sentence should be added: "in this paragraph, the expression 'national origin' does not cover the status of any person as citizen of a given State", that sentence also being between square brackets.

Mr. MOROZOV (Union of Soviet Socialist Republics) accepted that compromise formula.

Mr. S.K. SINGH (India) said he too was prepared to accept the solution proposed by the Danish representative, subject to a clear statement given in the report that, when article I was adopted, the word "national" had been put to the vote separately and adopted, that article I had been adopted without any square brackets and without the sentence later added at the proposal of the Soviet Union, and that the Commission did not consider those additions as a reopening of the debate on article I.

Mr. BOUQUIN (France) agreed to the inclusion of all those remarks in the Commission's report, but requested that the report should also state that the vote on the word "national" had taken place before the Commission had decided to delete article VIII. The deletion of that article, in fact, considerably altered the scope of the convention.

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The CHAIRMAN said that the report would faithfully reflect the Commission's debates and would take into account the wishes expressed by the representatives of India and France. He would put to the vote the compromise solution suggested by the representative of Denmark.

Mr. MOROZOV (Union of Soviet Socialist Republics) thought that there was no need for a formal vote on the Danish representative's proposal. If a vote was taken, article I would also have to be put to the vote again, a procedure which his delegation considered inadmissible. If the Danish proposal was put to the vote, he would accordingly abstain.

Mr. BOUQUIN (France) also thought that there was no need for a vote, as the Danish representative's proposal had secured the general assent of the Commission.

The CHAIRMAN took note of the unanimous agreement of the Commission.

The Danish proposal was adopted.

Article X and additional measures of implementation

The CHAIRMAN reminded members that little time was left for them to complete their work. He therefore suggested that the length of speeches be limited and, if possible, the number of speeches be reduced to one each. In the circumstances, the fact that a representative did not make a statement would certainly not now be interpreted as a lack of interest in a particular question.

Mr. QUIAMBAO (Philippines) recalled that at the 805th and 808th meetings the Commission had decided not to examine article X of the draft convention but to transmit it as it stood to the General Assembly through the Economic and Social Council, together with the preliminary draft of additional measures of implementation prepared by the Sub-Commission. In the circumstances, it only remained to the Commission to take a decision on the draft resolution submitted by Ecuador and the Philippines (E/CN.4/L.719) to complete item 3 of its agenda. Taking into account the above-mentioned decision and the wording of operative paragraph (b) of the two-Power draft resolution (E/CN.4/L.719), the adoption of article X by the Commission would mean that it did not intend to examine that article again or to take another decision on it. But article X should be examined at the same time as the other measures of implementation, and the Commission no longer had time for that.

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(Mr. Quiambao, Philippines)

He recalled that the proposals concerning additional measures of implementation had been drafted and introduced in the Sub-Commission on Prevention of Discrimination and Protection of Minorities by Mr. Inglés, the Philippine expert serving on that Sub-Commission. In drafting the text, Mr. Inglés, had taken as a basis the relevant provisions of the draft International Covenants on Human Rights and the protocol to the UNESCO Convention against Discrimination in Education. The original article I of Mr. Inglés' preliminary draft had been examined separately by the Sub-Commission, and had become article X of the draft convention. That article provided for the submission of reports on the legislative or other measures adopted by States parties to give effect to the provisions of the convention. The remainder of the text had been transmitted in the form of a preliminary draft to the Commission on Human Rights "as an expression of the general views of the Sub-Commission". That preliminary draft (E/CN.4/873, page 53) provided in particular for the establishment of a good offices and conciliation committee consisting of eleven members, which would be responsible for seeking the amicable settlement of disputes between States parties concerning the interpretation, application or fulfilment of the convention. A State party which considered that another State party was not giving effect to the provisions of the convention would be able to bring the matter to the attention of that State by written communication. If after six months the matter was not adjusted to the satisfaction of both States, either State would have the right to refer the matter to the committee. In the event of no solution being reached, the States would be free to appeal to the International Court of Justice.

He stressed the usefulness of that machinery. The adoption of a draft convention after the Declaration was justifiable only if the new instrument was accompanied by effective measures of implementation. During the debate in the Third Committee on the Declaration on the Elimination of All Forms of Racial Discrimination, many representatives had emphasized the importance of implementing the Declaration. Such concern was even more valid in the case of the draft convention, and at the sixteenth session of the Sub-Commission there had been a strong trend in favour of setting up implementation machinery. Mr. Inglés' proposals should be carefully studied, since they would make the draft convention a truly effective instrument.

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Mr. MOROZOV (Union of Soviet Socialist Republics) observed that the adoption of the Ecuadorian-Philippine draft resolution (E/CN.4/L.719) should not be considered a precedent allowing the Commission to transmit to a higher organ on future occasions a document of which it had not examined the substance. It was only because the Commission had succeeded in completing the most important part of the task entrusted to it by the General Assembly that it was justified in resorting to what must remain an exceptional procedure. It went without saying that the transmission of documents which had been neither discussed nor adopted by the Commission did not mean that they had been approved by the Commission.

After making those preliminary observations, he stated that if article X had been put to the vote, his delegation would have voted for it. Furthermore, favourable consideration should also be given to measures of implementation other than those mentioned in the article. For lack of time, however, that would have to be done by the Third Committee.

Certain provisions of Mr. Inglés' draft (E/CN.4/373) were open to criticism. While he was prepared to accept the establishment of a good offices and conciliation committee under conditions which could appear either in the convention itself or in separate protocol, he felt that the committee should reflect the three systems which were predominant in the world of today. Unlike the Philippine expert, the USSR delegation considered, moreover, that the composition of the committee should be limited to nationals of States parties. The committee could serve as an intermediary in the settlement of disputes and, after examining the relevant documentation, present to the States concerned recommendations for possible solutions. It would transmit for publication to the Secretary-General of the United Nations a report on the case dealt with and its recommendations.

In the light of those considerations, he wanted the provisions of the draft resolution (E/CN.4/L.719) amplified so that not only article X of the draft convention and the preliminary draft of additional measures of implementation should be transmitted but also the summary records of the discussions on those questions and, in particular, the record containing the statement his delegation had just made on the problems of implementation. He therefore proposed the addition at the end of operative paragraphs (b) and (c) of the joint draft resolution of the words "and the summary records of the discussions which the Commission devoted to this question".

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(Mr. Morozov, USSR)

Subject to the reservations which he had formulated regarding the preliminary draft of additional measures of implementation and to his suggested amendments to the joint draft resolution (E/CN.4/L.719), he would vote for that text.

Mr. S.K. SINGH (India) supported the draft resolution submitted by Ecuador and the Philippines. With reference to operative paragraph (e), he stated that if the placing of the word "national" in square brackets in article I, paragraph 1 of the draft convention had been put to the vote, his delegation would have abstained. No rule of the rules of procedure of the functional commissions laid down the procedure to be followed when a commission wished to reopen a matter on which it had taken a decision. The problem was dealt with in rule 83 of the rules of procedure of the General Assembly, however, and he felt that by analogy a rule which applied to decisions of the General Assembly should also be applicable to decisions of the Commission. He considered therefore that the procedure which the Commission had chosen to follow on the present occasion was not proper.

Mr. ERMACORA (Austria) said he regretted that owing to lack of time the Commission had not been able to examine the preliminary draft of the additional measures of implementation, for it was the body best fitted to do so.

In the joint draft resolution (E/CN.4/L.719), he felt that the introductory sentence of the operative part did not reflect satisfactorily the procedure which the Commission had followed in regard to article X, and suggested that the words "as well as" at the end of the sentence should be replaced by the words "and the following documents which have not yet been voted on by the Commission".

It was admittedly difficult to draft implementation measures acceptable to all States. But if agreement could be reached on the measures proposed for the convention, the progress achieved by the United Nations in the human rights field would be tangibly demonstrated. Without implementation measures, moreover, the convention would be nothing more than a mere declaration. The system proposed by Mr. Inglés was similar to the one which the League of Nations Council had envisaged in its resolution of 27 March 1929 (League of Nations Official Journal, Supplements 2 to 91). But that was a dangerous system. For States alone to be entitled to submit disputes relating to the convention to the committee might lead to conflict between States and run counter to the objects of the convention.

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(Mr. Ermacora, Austria)

Consequently, it would be preferable to grant individuals a right of petition, subject to very strict rules of procedure designed to prevent abuses.

The question was a most important one which required thorough study. He would therefore prefer to keep it on the Commission's agenda rather than have it referred to the Third Committee.

Mr. BENITES (Ecuador) said that the Commission's present task was only to decide on the method of referral to the General Assembly provided for in draft resolution E/CN.4/L.719. The Commission had three oral amendments to the draft before it, one from Austria, amending the introductory sentence of the operative part of the draft, and two from the USSR, which sought to make it clear in operative sub-paragraphs (b) and (c) that the documents referred to would be accompanied by records of the discussions on them. He for his part, as one of the sponsors of the draft resolution, accepted those three amendments, which improved the text.

Mr. QUIAMBAO (Philippines) also accepted the amendments.

Mr. BEAUFORT (Netherlands) said that he would vote in favour of the draft resolution submitted by Ecuador and the Philippines.

The draft resolution submitted by Ecuador and the Philippines (E/CN.4/L.719), as amended by its sponsors, was adopted unanimously.

DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE (E/3743; E/CN.4/846, 852 and Add.1, 866, 873; E/CN.4/Sub.2/235 and Add.1-4; E/CN.4/L.713/Rev.1, L.720)

Mr. BRILLANTES (Philippines), submitting on behalf of Mr. Hakim, Chairman-Rapporteur, the report by the Working Group set up by the Commission on Human Rights at its 784th meeting, observed that the Group, in line with United Nations practice, had studied only the substantive articles of the declaration on the elimination of all forms of religious intolerance, without examining the preamble.

Sir Samuel HOARE (United Kingdom) pointed out an error in the English text of article V of the Working Group's draft (E/CN.4/L.713/Rev.1): the Group had decided that in the second sentence of paragraph 1 of that article the words "the best interests of the child being the guiding principle" should come after the words "taken into account", as in the draft principles prepared by the Sub-Commission.

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Mr. BORJA (Philippines) said that his delegation attached the utmost importance to the preparation of a draft declaration on the elimination of all forms of religious intolerance. Both the United Nations Charter and the Universal Declaration of Human Rights proclaimed the right to freedom of thought, conscience and religion.

The Philippines, throughout its history as a nation, had consistently manifested its respect for, and belief in, religious freedom. That freedom was recognized and guaranteed by its Constitution.

At the present time, religious discrimination, although less virulent than in the past, still persisted in actual practice. Ironically, religious intolerance had caused great suffering and needless sacrifice where religious tolerance could have helped foster and cultivate the best and highest qualities of men. Hard-set prejudices and habitual discriminatory practices in matters of religion had no place in a peaceful and enlightened world, and because of the diversity of religions and beliefs of its Member States, the United Nations was better fitted than any other institution to take proper steps to put an end to religious intolerance. That was a problem which some United Nations bodies had already studied. The Commission now had before it a draft declaration prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873) and the report of the Working Group set up at the 784th meeting (E/CN.4/L.713/Rev.1). The members of the Working Group, despite the difficulties they had encountered, particularly owing to the limited time they had had, had produced a document which would be a useful guide to the Commission. They deserved congratulations for it.

The Philippine delegation had on several occasions expressed its views during the discussions of the Working Group. It was heartened to see that the Group had been successful in condensing the Sub-Commission's draft, especially article VI. However, he would like to see the last sentence in paragraph 3 of the Sub-Commission's draft, as orally amended by the Canadian delegation, retained in that article or incorporated in a separate article. The sentence would read as follows: "Education shall include the promotion of understanding, tolerance and friendship among all religions and beliefs".

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(Mr. Borja, Philippines)

The Working Group had discussed very fully, and rightly so, the need to preserve the balance between the use of the words "religion" and "belief". In that connexion, articles X and XI could perhaps be expanded to include practices which came under "belief" and not only under "religion". On the other hand, the Commission must not lose sight of actual conditions as they existed in the world today; it must confine itself to examining the areas where intolerance manifested itself instead of trying to fit the matter into some kind of doctrinal consistency.

In addition, the Philippine delegation considered that paragraph 2 of article XIV could be improved by replacing the words "against any religious group of persons belonging to a religious community" by the words "against any individual or group because of their religion or belief". At the end of the English text of the same paragraph the word "it" in the phrase "or justify it" should be replaced by the words "such incitements".

Despite the very little time left, he would like the Commission to examine the Working Group's report and adopt it. He also reserved the right to make further observations on that topic.

Mr. GRAUHUND HANSEN (Denmark) said that although he had not been a member of the Working Group he was greatly interested in the draft which it had prepared with such diligence (E/CN.4/L.713/Rev.1). It was not possible at the present stage to express a final opinion about the text which had just been submitted, but a preliminary examination seemed to show that the general ideas of the draft were acceptable, although it might be necessary to modify the form in which they were presented. The Danish delegation considered in general that the declaration should protect all beliefs, irrespective of whether religious or non-religious.

He would vote for the draft resolution submitted by the Philippine delegation (E/CN.4/L.720).

Mr. VOLIO (Costa Rica) said that in operative paragraph 3 of the Spanish version of the draft Philippine resolution (E/CN.4/L.720), "20°" should be replaced by "21°".

Mr. MOROZOV (Union of Soviet Socialist Republics) said that the Commission was faced by certain problems owing to the fact that in spite of all efforts the Working Group had not succeeded in completing its task. Actually, all

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(Mr. Morozov, USSR)

the Commission had was some documents which might help it in its work. The text prepared by the Working Group (E/CN.4/L.713/Rev.1) did not cover all the aspects discussed, and ignored some of the suggestions that had been made by his delegation and other delegations. Many provisions on which there had been disagreements had been left undecided. Finally the text did not clearly and fairly reflect the world situation with respect to religion and atheism. Thousands of atheists nowadays refused to concede that religion could be exclusive or take precedence over any other conviction or belief. In all countries there were men who took the position that religion had played a reactionary role and that it had been used by the ruling classes in order to facilitate the enslavement of man by man. Thousands of people were convinced that religious beliefs concerning the beginning of the world and the development of human history were unscientific and irrational. However, that conviction, which was shared by a growing number of hearts and minds, was most violently combated by those who attached importance to religion and desired to persecute atheism. If, therefore, the declaration was to be a document of a universal character, it would have to be drafted in a balanced manner with due regard not only for religious believers but also for all who had atheistic convictions and who had come to the conclusion that religion was an instrument used by the leading classes to dominate the working classes.

It should not be inferred from what he had just said that the Soviet delegation wished to secure exclusive privileges for atheists. The USSR believed that if religion, which was a product of history, was to be eliminated, patience and re-education were necessary. Administrative measures could not be applied, since they would only fan the flames of religious fanaticism. As an atheist, like most of his compatriots, he felt that the small number of religious believers who remained in the USSR should have freedom of conscience, the opportunity to practise the religion of their choice and to hold the services and practise the rites of that religion. It was in order to ensure greater freedom of conscience that the Soviet State had separated the Church from the State and the School from the Church. A decree issued as early as January 1918 and reproduced in substance in the present Soviet Constitution provided that every citizen could practise the religion of his choice, or no religion at all. It would be a good thing if the same principle could be applied internationally and if the declaration could guarantee freedom of conscience to all citizens in all countries.

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(Mr. Morozov, USSR)

The Philippine draft resolution (E/CN.4/L.720) contained a number of provisions that were entirely acceptable to the Soviet delegation. In particular, his delegation was prepared to support the whole of the preamble, with the insertion of the words "consider and" before the word "adopt" in the fifth preambular paragraph, and operative paragraphs 1, 3 and 4; but it had serious doubts concerning operative paragraph 2. That paragraph suggested that the Economic and Social Council should continue work on the draft resolution at its thirty-seventh session. However, it was unprecedented for a subsidiary body to ask a higher body to carry out a task which it had not itself been able to perform. Since the Commission on Human Rights had not been able to consider the matters in question, would it be realistic to expect the Council, which had many other items to examine, to be able to do so on the Commission's behalf, and in less time. There had also been a suggestion to transmit the documents to the General Assembly as they stood. But what applied to the Economic and Social Council applied in even greater measure to the General Assembly: the Commission could hardly pass on a text which had not been examined article by article. On the other hand, he felt that so long as no threat was raised to the principle of the separation of Church and State, the Commission would not have any difficulty in speeding up its work on the draft declaration at a later stage. The Soviet delegation was even prepared to co-operate in the drafting of a convention. However, the approach suggested in operative paragraph 2 of the draft resolution was completely unacceptable.

Mr. S.K. SINGH (India) said that since its seventeenth session the Commission had devoted only a little time to the draft declaration and convention on religious intolerance. The Sub-Commission had decided to transmit its drafts and the summary records of its meetings to the Commission on Human Rights, and the Commission now planned to do the same with respect to the Economic and Social Council. The representative of the USSR had questioned the propriety of that procedure, and the Indian delegation understood his feelings very well. Nevertheless, the Commission had to bear in mind that it was faced with the following alternative: either to continue the work at its next session, or to refer the matter to the Economic and Social Council or the General Assembly.

The Indian delegation was prepared to agree to the Soviet proposal to add the words "consider and" in the fifth preambular paragraph. It wished to congratulate the Working Group on the way it had carried out its task. The

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(Mr. S.K. Singh, India)

Indian delegation had not taken part in the work of that body, and the Indian Government had not had the time to reply to the Secretary-General's questionnaire on freedom of religion in the various countries. He therefore wish to inform the Commission that the Indian Constitution prohibited discrimination for religious reasons and proclaimed freedom of conscience. India had in the past had a Hindu school of philosophy which had supported atheism, and it had always shown itself to be particularly liberal in religious matters, both towards its own citizens and towards foreigners. The activities of the missionaries and the fact that religious communities of any denomination were entitled to acquire and administer property showed the spirit of tolerance which existed in his country. India would therefore have no difficulty in adopting a declaration or even a convention on the elimination of all forms of religious intolerance.

Mr. BEAUFORT (Netherlands) said that his delegation would support the Philippine draft resolution (E/CN.4/L.720).

The Netherlands delegation deeply regretted that the representative of the Soviet Union had deemed it necessary to make comments which were offensive to the deepest convictions and feelings of innumerable people all over the world, including no doubt the vast majority of the Soviet people. The Soviet representative, who thought he knew for certain that science had destroyed the foundations of religion, had said that religion had been used as a means of oppressing the working classes. He deplored those utterances, in particular out of regard for the Soviet representative himself. The representative of the Soviet Union had also referred to the future, and seemed convinced that atheism was constantly growing all over the world. He (Mr. Beaufort) held entirely opposite views, and wished to remind the Soviet representative of the beautiful French saying L'avenir est à Dieu.

Sir Samuel HOARE (United Kingdom) expressed surprise that the draft declaration on the elimination of all forms of religious intolerance had evoked such an intolerant speech on the part of the representative of the Soviet Union; the Soviet representative's remarks regarding religion and its future had been quite uncalled for.

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(Sir Samuel Hoare, United Kingdom)

In the opinion of the United Kingdom delegation, the Commission should transmit the draft declaration prepared by the Working Group to the General Assembly, by way of the Economic and Social Council, but it should not assume that the Council would continue work on the matter. He therefore suggested that operative paragraph 2 of the Philippine draft resolution (E/CN.4/L.720) should be replaced by the following text:

"Recommends to the Economic and Social Council that it give such further consideration as it may deem practicable to the drafting of the Declaration on the elimination of all forms of religious intolerance, in the light of the comments of Governments, and that it transmit the appropriate documents to the General Assembly for consideration at its nineteenth session."

Mr. OSTROVSKY (Union of Soviet Socialist Republics), replying to the representatives of the Netherlands and the United Kingdom, said he was surprised that they had been surprised at the content of the Soviet representative's statement. It seemed to him that in the United Nations freedom of belief was a matter of course. A statement like that of the Netherlands representative that L'avenir est à Dieu might make the Soviet delegation smile but did not surprise it. Differences of opinion were a fact of life, and no one should be surprised to hear convictions expressed which were different from his own. One had to be able to show tolerance towards all opinions and beliefs; and it was freedom of belief that the Soviet representative had advocated and defended in its statement.

In reply to a question by the CHAIRMAN, Mrs. SHAHANI (Philippines) said that her delegation accepted the Soviet amendment to insert the words "consider and" in the fifth preambular paragraph of the Philippine draft resolution as well as the United Kingdom amendment to the second operative paragraph.

The Philippine draft resolution (E/CN.4/L.720), as orally amended by the representatives of the Soviet Union and the United Kingdom, was unanimously adopted.

The meeting rose at 6.20 p.m.

Annex 38

Report of the Commission on Human Rights on the Twentieth Session (1964), in *Official Records of the Economic and Social Council, Thirty-seventh session*, Supplement No. 8, doc. E/CN.4/874 (extract)

E/3873
E/CN.4/874

COMMISSION ON HUMAN RIGHTS

REPORT ON THE TWENTIETH SESSION

17 February–18 March 1964

ECONOMIC AND SOCIAL COUNCIL
OFFICIAL RECORDS : THIRTY-SEVENTH SESSION

SUPPLEMENT No. 8

UNITED NATIONS

"1. That the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which 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,".

31. Subsequently the words "and encourage" were added after the word "promote" in a revised version of the joint amendment (E/CN.4/L.686/Rev.1) which was also co-sponsored by India.

Amendment to paragraph 2

32. The amendment of Lebanon (E/CN.4/L.682, para. 2) proposed to add the words "in particular as to race, colour or national origin" at the end of the paragraph.

Amendments to paragraph 3

33. The amendment of the Philippines (E/CN.4/L.683) proposed the replacement of the text of the Sub-Commission by the following:

"That the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 condemned colonialism, and all practices of segregation and discrimination connected with it, in whatever form and wherever they exist, and proclaimed the necessity of bringing them to a speedy and unconditional end,".

34. The Philippines' amendment was revised to read as follows (E/CN.4/L.683/Rev.1):

"That the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,".

35. The amendment of the United States of America (E/CN.4/L.684) proposed that the text should read as follows:

"That the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 affirmed that an end must be put to colonialism and all practices of segregation and discrimination associated therewith,".

36. The amendment of the United States of America was revised to read as follows (E/CN.4/L.684/Rev.1):

"That the Declaration on the granting of independence to colonial countries and peoples of 14 December 1960 affirmed that an end must be

IX. PLACE OF MEETING OF THE COMMISSION'S NEXT SESSION

375. At its 812th meeting the Commission considered the question of the place at which its next session would be held. The representative of Italy proposed that the Commission should recommend the Economic and Social Council to decide that the twenty-first session of the Commission on Human Rights should be held at Geneva. That proposal was adopted unanimously.

X. ADOPTION OF THE REPORT

376. At its 813th and 814th meetings on 17 and 18 March 1964, the Commission examined the draft report on the work of its twentieth session (E/CN.4/L.709 and Add.1 to 11). The report was adopted unanimously.

XI. DRAFT RESOLUTIONS FOR ACTION BY THE ECONOMIC AND SOCIAL COUNCIL

I

Draft international convention on the elimination of all forms of racial discrimination 20/

The Economic and Social Council,

Recalling that the General Assembly in resolution 1780 (XVII) and 1906 (XVIII) requested the Commission on Human Rights to prepare a draft international convention on the elimination of all forms of racial discrimination,

Noting that the Commission on Human Rights has adopted at its twentieth session, in pursuance of the General Assembly's request, the substantive articles of a draft convention on the elimination of all forms of racial discrimination, on the basis of a preliminary draft prepared by the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Submits to the General Assembly for its consideration at its nineteenth session, the substantive articles prepared by the Commission on Human Rights, which are annexed to the present resolution, as well as the following documents which have not been voted upon by the Commission:

(a) The proposal for an additional article submitted by the United States of America in document E/CN.4/L.701/Rev.2, and the sub-amendment submitted thereto

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20/ See paragraph 288.

by the Union of Soviet Socialist Republics in document E/CN.4/L.710/Rev.1, as well as the records of the discussions thereon in the Commission;

(b) Article X of the draft convention transmitted to the Commission on Human Rights by resolution 1 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/873, para. 119) which deals with measures of implementation as well as the records of the discussion thereon in the Commission;

(c) The preliminary draft on additional measures of implementation transmitted to the Commission by resolution 2 (XVI) of the Sub-Commission (Annex I of the report of the Commission on Human Rights) as well as the records of the discussion thereon in the Commission;

(d) The working paper prepared by the Secretary-General for the final clauses of the draft convention on the elimination of all forms of racial discrimination (E/CN.4/L.679);

(e) The records of the discussion of this item by the Commission on Human Rights (E/CN.4/SR.774-810).

ANNEX

Provisions of the Draft International Convention on the Elimination of All Forms of Racial Discrimination adopted by the Commission at its twentieth session

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principle of the dignity and equality inherent in all human beings, and that all States Members have pledged themselves to take joint and separate action in co-operation with the Organization for the achievement of one of the purposes of the United Nations which is 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 proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 solemnly affirmed the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination in theory or in practice anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples as evil racial doctrines and practices have done in the past,

Concerned by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of apartheid, segregation or separation,

Resolved to adopt all necessary measures for eliminating speedily racial discrimination in all its forms and manifestations and to prevent and combat racist doctrines and practices in order to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention on Discrimination in Respect of Employment and Occupation adopted by ILO in 1958, and the Convention Against Discrimination in Education adopted by UNESCO by 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

Article I

1. In this Convention the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, /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 in the political, economic, social, cultural or any other field of public field. /In this paragraph the expression "national origin" does not cover the status of any person as a citizen of a given State./

2. Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article II

1. States Parties to the prevent Convention condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms, and to this end:

(a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(b) Each State Party shall take effective measures to review governmental and other public policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(c) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation if necessary, racial discrimination by any person, group or national organization.

2. States Parties shall take special concrete measures in appropriate circumstances for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms, provided however that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article III

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate, in territories subject to their jurisdiction, all practices of this nature.

Article IV

States Parties condemn all propaganda and organizations which are based on ideas or theories of the superiority of one race or group of persons of one colour or ethnic origin, or which justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to such discrimination, and to this end, inter alia:

(a) Shall declare an offence punishable by law all incitement to racial discrimination resulting in acts of violence, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin;

(b) Shall declare illegal and prohibit organizations or the activities of organizations, as appropriate, and also organized propaganda activities, which promote and incite racial discrimination;

(c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article V

In compliance with the fundamental obligations laid down in article II, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(a) The right to equal treatment before the tribunals and all other organs administering justice;

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual, group or institution;

(c) Political rights, in particular the rights to participate in elections through universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(d) Other civil rights, in particular:

(i) the right to freedom of movement and residence within the border of the State;

(ii) the right to leave any country including his own, and to return to his country;

(iii) the right to nationality;

(iv) the right to marriage;

(v) the right to own property alone as well as in association with others;

(vi) the right to inherit;

(vii) the right to freedom of thought, conscience and religion;

(viii) the right to freedom of opinion and expression;

(ix) the right to freedom of peaceful assembly and association;

(e) Economic, social and cultural rights, in particular:

(i) the right to work, free choice of employment, just and favourable conditions of work, protection against unemployment, equal pay for equal work, just and favourable remuneration;

(ii) the right to form and join trade unions;

(iii) housing;

(iv) public health, medical care and social security and social services;

(v) education and training;

(vi) equal participation in cultural activities;

(f) Access to any place or service intended for use by the general public such as transport, hotels, restaurants, cafes, theatres, parks.

Article VI

States Parties shall assure to everyone within their jurisdiction effective protection and remedies through the competent national tribunals against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article VII

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education and information, with a view to combating prejudices which lead to racial discrimination and to promote understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the United Nations Declaration on the Elimination of All Forms of Racial Discrimination.

II

Study of discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country 21/

The Economic and Social Council,

Having considered resolution 4 (XX) adopted by the Commission on Human Rights at its twentieth session,

Requests the Secretary-General to make arrangements for the Special Rapporteur on the right of everyone to leave any country, including his own, and to return to his country, Mr. José D. Ingles, to attend the meetings of the Commission on Human Rights when it undertakes the consideration of his report.

III

Designation of 1968 as International Year for Human Rights 22/

The Economic and Social Council,

Having considered chapter VII of the report of the Commission on Human Rights at its twentieth session,

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21/ See paragraph 333 and annex III.

22/ See paragraph 370.

Annex 39

Report of the Third Committee – Draft International Convention on the Elimination of All Forms of Racial Discrimination, 18 December 1965, doc. A/6181 (extract)

UNITED NATIONS

GENERAL ASSEMBLY

Distr.
GENERAL

A/6181
18 December 1965

ORIGINAL: ENGLISH

Twentieth session
Agenda item 58

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Report of the Third Committee

Rapporteur: Mr. R. St. John MACDONALD (Canada)

I. INTRODUCTION

1. The General Assembly, at its 1336th meeting on 24 September 1965, allocated to the Third Committee agenda item 58, entitled "Draft International Convention on the Elimination of All Forms of Racial Discrimination". The Third Committee devoted forty-three meetings (its 1299th to 1302nd, its 1304th to 1316th, held from 11 to 22 October 1965; its 1318th, held on 25 October 1965; its 1344th to 1358th, held from 16 to 29 November 1965; its 1361st to 1368th, held from 1 to 7 December 1965; its 1373rd and 1374th, held on 14 and 15 December 1965) to the consideration of the item.

2. The item was included in the agenda of the General Assembly in accordance with the decision of the Assembly in its resolution 1906 (XVIII). In that resolution, entitled "Preparation of a draft international convention on the elimination of all forms of racial discrimination", and adopted by the General Assembly on 20 November 1963, the Assembly requested the Economic and Social Council to invite the Commission on Human Rights, bearing in mind the views of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the debates at the seventeenth and eighteenth sessions of the General Assembly, any proposals on the matter that might be submitted by the Governments of Member States and any international instruments already adopted in that field, to give absolute priority to the preparation of a draft international Convention on the elimination of all

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"1. In this Convention the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, /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 in the political, economic, social, cultural or any other field of public life. /In this paragraph the expression 'national origin' does not cover the status of any person as a citizen of a given State./

"2. Special measures taken for the sole purpose of securing adequate development or protection of certain under-developed racial groups or individuals belonging to them in order to ensure to such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

Amendments submitted

Paragraph 1

30. Brazil proposed (A/C.3/L.1209) (a) the deletion of the words placed between square brackets, (b) the addition in parenthesis of the phrase, "and in the case of States composed of different nationalities discrimination based on such difference", after the word "origin", and (c) the addition at the end of the paragraph of the words "set forth inter alia in the Universal Declaration of Human Rights".

31. The amendment of Poland (A/C.3/L.1210) called for the removal of all brackets.

32. The amendment of France and the United States of America (A/C.3/L.1212) proposed (a) the deletion of the brackets around the word "national", (b) the deletion of the sentence in brackets: "In this paragraph the expression 'national origin' does not cover the status of any person as a citizen of a given State", and (c) the insertion of the following text as paragraph 2 and the renumbering of paragraph 2 accordingly:

"In this Convention the expression 'national origin' does not mean 'nationality' or 'citizenship', and the Convention shall therefore not be applicable to distinctions, exclusions, restrictions, or preferences based on differences of nationality of citizenship."

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33. The amendment of India (A/C.3/L.1216) called for the replacement of the paragraph by the following:

> "In this Convention, the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, place of origin 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 in the political, economic, social, cultural or any other field of public life".

34. Czechoslovakia proposed (A/C.3/L.1220) the insertion of the word "persecution" between the words "any" and "distinction".

35. The amendment of Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Panama, Peru, Uruguay and Venezuela (A/C.3/L.1226 and Corr.1) called for the deletion of the words between square brackets, the insertion of the following phrase after the words "ethnic origin": "(and in the case of States composed of different nationalities, discrimination based on such difference)", and the addition after the words "public life" of the following phrase: "Laid down inter alia in the Universal Declaration of Human Rights".

36. Ghana, India, Lebanon, Morocco, Nigeria and Senegal proposed (A/C.3/L.1224) to insert the following text as paragraph 2 and to renumber paragraph 2 accordingly:

> "This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party between citizens and non-citizens".

37. These amendments were all withdrawn by their sponsors at the 1307th meeting in favour of a joint amendment of Ghana, India, Kuwait, Lebanon, Mauritania, Morocco, Nigeria, Poland and Senegal (A/C.3/L.1238), which proposed the replacement of paragraph 1 of the text of the Commission on Human Rights by the following:

> "1. In this Convention the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, 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 in the political, economic, social, cultural or any other field of public life.
>
> "2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party between citizens and non-citizens.

/...

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"3. Nothing in the present Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality."

Paragraph 2

38. The amendment of Mauritania, Nigeria and Uganda (A/C.3/L.1225), which proposed the replacement of the word "under-developed" by the word "under-privileged" after the words "of certain", was subsequently withdrawn on the presentation of the oral amendment of Ethiopia and India (see paragraph 40 below).

39. At the 1305th and 1306th meetings the representatives of the Democratic Republic of the Congo and the Ivory Coast, respectively, orally proposed the deletion of paragraph 2.

40. At the 1306th meeting, Ethiopia and India orally proposed to replace the words "development or protection of certain under-developed racial groups or individuals belonging to them" by the words "advancement of certain racial or ethnic groups or individuals needing such protection as may be necessary".

Voting

41. At its 1307th meeting on 18 October, the Committee voted on the text of Article I submitted by the Commission on Human Rights and the amendments thereto as follows:

(a) The amendment of Ghana, India, Kuwait, Lebanon, Mauritania, Morocco, Nigeria, Poland and Senegal (see para. 37 above) to paragraph 1 was adopted unanimously.

(b) The amendment of the Democratic Republic of the Congo and the Ivory Coast (see para. 39 above) to delete paragraph 2 of the original text was rejected by 52 votes to 14, with 20 abstentions.

(c) The oral amendment of Ethiopia and India to paragraph 2 (see para. 40 above) was adopted by 34 votes to 20, with 36 abstentions.

(d) Paragraph 2 (new para. 4), as amended, was adopted by 67 votes to 10, with 15 abstentions.

(e) Article I as a whole, as amended, was adopted by 89 votes to none, with 8 abstentions (for text see para. 212, draft resolution A, annex, article 1).

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Annex 40

Third Committee, 1304th meeting, 14 October 1965,
doc. A/C.3/SR.1304

United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

THIRD COMMITTEE, 1304th MEETING

Thursday, 14 October 1965, at 10.45 a.m.

NEW YORK

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 62

Elimination of all forms of religious intolerance (concluded):
(a) Draft Declaration on the Elimination of All Forms of Religious Intolerance (concluded);
(b) Draft International Convention on the Elimination of All Forms of Religious Intolerance (concluded)

1. Mrs. VILLGRATTNER (Austria) said that, had her delegation been able to attend the previous meeting, it would have voted against the first Saudi Arabian amendment (A/C.3/L.1227) to operative paragraph 1 of the draft resolution (A/C.3/L.1215) and in favour of the oral amendment submitted by India and of operative paragraph 1 as a whole, as amended. It would also have voted against the second Saudi Arabian amendment to operative paragraph 2; it would have abstained in the vote on the deletion of the words "and draft Convention"; and it would have voted in favour of operative paragraph 2 as a whole, and of the draft resolution as a whole, as amended.

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued)* (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1208 to L.1212, L.1216 to L.1225, L.1226 and Corr.1, A/C.3/L.1228, L.1231 and Corr.1)

2. The CHAIRMAN observed that the Committee had considered the preamble thoroughly. Negotiations were taking place with a view to settling certain points in dispute and it would be preferable to await their outcome before voting. He therefore suggested, with the agreement of the Committee, that it begin consideration of article I.

ARTICLE I

3. Mr. RESICH (Poland) recalled that, because of the reservations expressed in the Commission on Human Rights during its discussion of article I of the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/5921, annex), the Commission had left it to the General Assembly to decide whether there was a need for a distinction to be made between ethnic and national origin. His delegation felt that that distinction should be preserved and had submitted an amendment (A/C.3/L.1210) calling for the retention not only of the word "national" in the first sentence of article I, but also of the last sentence of pragraph 1 of that article, which explained the precise meaning to be attached to that word. Such an explanation was necessary because of the deletion of article VIII from the text originally submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (see E/3873, paras. 242-256).

4. Since the Convention was to be of universal application, the Committee should bear in mind the fact that in many languages and cultural systems "national origin" meant something different from "ethnic origin" and that distinction might serve as a basis for discrimination. That distinction had been recognized by the Slavic countries in their legal texts. The draft Convention mentioned two other similar concepts: race and colour. In English and French, "race" represented a sociological concept and "colour" an anthropological one, while in other languages, such as Polish, "race" and "colour" were concepts of physical anthropology exclusively.

5. A "nation" was created when persons organized themselves politically on the basis of a common culture, common traditions or other factors. There were nations that were made up of different ethnic groups, such as Switzerland. But there were also situations in which a politically organized nation was included within a different State and continued to exist as a nation in the social and cultural senses even though it had no government of its own. The members of such a nation within a State might be discriminated against, not as members of a particular race or as individuals, but as members of a nation which existed in its former political form. The deletion of the word "national" from the Convention would imply that the Committee rejected the principle

* Resumed from the 1302nd meeting.

that all persons should be protected from any type of racial discrimination.

6. The difficulty to which the French representative had referred at the 1299th meeting could be overcome by the inclusion of the second sentence of paragraph 1. The French and United States amendments (A/C.3/L.1212), however, went too far.

7. He understood the six-Power amendment (A/C.3/L.1224) to imply the retention of the word "national" in article I and the insertion of a new paragraph 2 to explain it. If that was correct, his delegation could accept the amendment. If, on the other hand, the amendment, like the first Indian amendment (A/C.3/L.1216), implied that ethnic origin included national origin, he could not accept it.

8. The fifth amendment submitted by the sixteen Powers (A/C.3/L.1226 and Corr.1) and the first Brazilian amendment (A/C.3/L.1209) referred only to States composed of different nationalities; in his delgation's opinion, all States were made up of different nationalities, although the proportion of any one to the total might be very small.

9. In reply to a question by Mr. TSAO (China), Mr. DAYRELL DE LIMA (Brazil) said that the word "nationalities", as used in his delegation's first amendment (A/C.3/L.1209) referred to citizens of different ethnic and cultural origins.

10. Mr. VERRET (Haiti) observed that article I merely reflected the Universal Declaration of Human Rights. He favoured the deletion of the word "national", not because a State could not be made up of different nationalities—there was, for example, the case of States which were federations—but because it was superfluous, since after joining the federation, all citizens acquired the same nationality, the nationality of the federation. The Roman Empire, for example, had been composed of many nationalities, as were the Union of Soviet Socialist Republics and Switzerland today.

11. His delegation would support the fifth amendment submitted by the sixteen Powers (A/C.3/L.1226 and Corr.1) which strengthened article I by recalling once again principles which all Members had already accepted.

12. Miss AGUTA (Nigeria) said that in the amendment of which her delegation was one of the sponsors (A/C.3/L.1225) the replacement of the word "underdeveloped" in article I, paragraph 2, by "underprivileged" had been proposed because the application of the former term to a racial group could only have a derogatory connotation. The former word was more applicable to economies or geographical areas than to people.

13. Mr. VILLGRATTNER (Austria) urged the retention of the word "national" in article I of the draft International Convention. For half a century the terms "national origin" and "nationality" had been widely used in literature and in international instruments as relating, not to persons who were citizens of or held passports issued by a given State, but to those having a certain culture, language and traditional way of life peculiar to a nation but who lived within another State. The former Austro-Hungarian monarchy had ruled over a number of nationalities, not all of which were of different ethnic origin, but each of which belonged to a different national group. She did not believe that the word "national" as used in article I was likely to be misunderstood, particularly since the United Nations itself had organized a seminar on the multinational society in June 1965. Deletion of the word might lead to uncertainty concerning the rights of certain groups and perhaps, eventually, to their denial.

14. Mrs. PONCE DE LEON (Colombia) suggested that the word "nationalities" in the first Brazilian amendment (A/C.3/L.1209) should be replaced by "ethnic and cultural communities".

15. Mr. COMBAL (France) observed that it was not surprising that the term "national origin" had given rise to difficulties, since it could be interpreted in two entirely different ways. In the Brazilian amendment it was used in a sociological sense, but it might also be equated with the word "nationality", which in many countries had a very specific legal meaning. If the term was to be used in the draft International Convention, some explanation of its meaning must be given. The explanation provided in the amendments submitted by France and the United States of America (A/C.3/L.1212) was the minimum that would serve and was by no means the perfect formula. His delegation would prefer to find a different way of defining the notion which it was sought to include in article I, and the first Indian amendment (A/C.3/L.1216) represented an interesting approach. He hoped that the sponsors of the various amendments would be able to agree on a text that would eliminate the ambiguity involved in the use of the word "national".

16. Mr. GUEYE (Senegal) noted that the expression "national origin" had given rise to controversy, apparently because some delegations feared that its use would confer on aliens living in a State equality of rights in areas, political or other, which under the laws of the State were reserved exclusively to nationals. His delegation believed that the expression should nevertheless be retained, since it would offer protection to persons of foreign birth who had become nationals of their country of residence and who in some cases suffered from discrimination, as well as foreign minorities within a State which might also be subjected to persecution. It had therefore co-sponsored an amendment (A/C.3/L.1224), the effect of which was virtually the same as that of the amendments submitted by France and the United States of America (A/C.3/L.1212). He hoped that a text satisfactory to all delegations would be found.

17. Mr. KOCHMAN (Mauritania) said that his delegation supported the French-United States amendments, which were very clear. In his view, the six-Power amendment (A/C.3/L.1224) was open to misinterpretation.

18. Mr. MACDONALD (Canada) saw little difference between the many amendments which had been submitted, so far as their substantive consequences were concerned. He agreed with previous speakers that the sponsors should meet and attempt to select the clearest and least complicated expressions of their ideas, among which the texts submitted by

France and the United States of America (A/C.3/L.1212) and by India (A/C.3/L.1216) were perhaps the best.

19. Mr. SAKSENA (India) noted that the Commission on Human Rights and the Third Committee were generally agreed that the purpose of the draft International Convention was to eliminate all forms of racial discrimination which might exist between the inhabitants of a given State; no delegation had suggested that the rights guaranteed and the duties imposed under national constitutions should be extended to aliens. The difficulty confronting the Committee in connexion with article I was the lack of agreement on the meaning of the word "national", which had been included in the text of article I as drafted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, subject, however, to the qualification contained in draft article VIII (E/3873, para. 242), subsequently deleted by the Commission on Human Rights. His delegation had submitted an amendment (A/C.3/L.1216) in an attempt to overcome the difficulty, but it agreed that an attempt should be made to find a formulation acceptable to the largest possible number of delegations.

20. While appreciating the motives and purposes underlying the first amendment submitted by Mauritania, Nigeria and Uganda (A/C.3/L.1225), his delegation understood the word "privileges" to mean the existence of special rights for some particular section of the community, and denial of the same to others. In legal terms, "privilege" was the negation of equality before law. Therefore, the word "underprivileged" would be inappropriate in a legal document such as the one before the Committee. The situation in India was that the "scheduled castes", to whom article I, paragraph 2, would apply, were not underprivileged, as like any other citizen they enjoyed equality before law. In addition, they had been granted some extra facilities, such as in the field of education, for the purpose of securing their adequate development and for levelling of the social order.

21. Mr. BECK (Hungary) said he had learnt from informal discussions with various delegations that the term "national origin" was open to different interpretations, even among countries speaking the same language. Most European countries, and especially those which had once formed part of the Austro-Hungarian Empire, knew from experience the importance of mentioning national origin in article I of the draft International Convention; however, the quite legitimate misgivings of many delegations could not be overcome either by translation changes or by the definition given in the French-United States amendments (A/C.3/L.1212). He hoped that the sponsors of the various amendments, when attempting to arrive at a generally acceptable text, would bear in mind the need to find a clear formulation prohibiting discrimination against persons who were full citizens of a State but had a different nationality, in the sense of another mother tongue, different cultural traditions, and so forth.

22. Mr. AL-RAWI (Iraq) said that the term "national" had the same meaning in his language as it did in English and French, and he would therefore have difficulty in accepting it in the context of article I. Wording should be found which would be clear and unambiguous in all languages.

23. Miss WILLIS (United States of America) said that she would like to clarify her delegation's understanding of the differences in meaning between "national origin" and other terms used in article I and in the amendments to that article co-sponsored by France and the United States (A/C.3/L.1212). National origin differed from nationality in that national origin related to the past—the previous nationality or geographical region of the individual or of his ancestors—while nationality related to present status. The use of the former term in the Convention would make it clear that persons were protected against discrimination regardless of where they or their ancestors had come from. National origin differed from citizenship in that it related to non-citizens as well as to citizens; she noted in passing that the laws of her country concerning racial discrimination applied to both. National origin was narrower in scope than ethnic origin; the latter was associated with racial and cultural characteristics and inclusion of a reference to it would not necessarily cover the case of persons residing in foreign countries where their national origins were not respected.

24. Her delegation had borne those distinctions in mind in co-sponsoring the amendments submitted in document A/C.3/L.1212. The purpose of the amendments was to ensure that the Convention applied to racial discrimination in all its forms, while allowing certain accepted distinctions between citizens and non-citizens to be made by States.

25. Miss AGUTA (Nigeria) supported the first Indian amendment (A/C.3/L.1216), which avoided the word "national", and the six-Power amendment (A/C.3/L.1224), which provided for a distinction between citizens and non-citizens. She could not agree with the Indian representative's views on the word "underdeveloped". A large proportion of the world's population was underprivileged, while no group of human beings could justifiably be called under-developed.

26. Mrs. BANGOURA (Guinea) supported the six-Power amendment (A/C.3/L.1224) and the replacement of "under-developed" by "underprivileged". Paragraph 2 of article I dealt with the vital question of protecting racial groups or individuals who were the victims of under-development. Such groups and individuals were to be found in all countries, not only in the developing ones. It should be clearly understood, however, that it was not the individuals or groups but their condition that was under-developed.

27. Mr. WALDRON-RAMSEY (United Republic of Tanzania) considered the word "under-developed" entirely inappropriate in the present context. In matters of economics and trade, the word had acquired a clear and valid meaning in the United Nations. But to transfer the word to human beings was unjustifiable and dangerous. It would open the Convention to insidious interpretations which would expose certain groups to the very treatment against which the Convention was supposed to protect them. Those who discriminated against others often chose to call them under-developed, in order to justify their own attitudes and actions. Surely the Committee did not wish to provide legal support for that practice.

There was no question that the term "under-develped", which could be legitimately applied to countries in an economic context, was not valid in connexion with human beings. He strongly supported the use of the word "underprivileged". It suggested the very situation for which the Convention was most needed—the situation in which one group suffered disabilities at the hands of another, dominant group.

28. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) agreed with previous speakers that the term "under-developed" was not applicable to people and that "underprivileged" was the appropriate word. If certain colonial peoples were denied education, for example, the fault lay not with them but with the colonialists, and the victims were not under-developed, but underprivileged.

29. He believed that a reference to national origin must be included in the Convention. Discrimination against national groups had been and still was widely practised and should be explicitly prohibited by the Convention.

30. Mrs. SEKANINOVA (Czechoslovakia) said that her delegation's amendment to article I (A/C.3/L.1220) was directed against racial persecution. Persecution of racial groups was a serious and wide-spread practice to which specific reference should be made in the article that defined racial discrimination.

31. Mr. RIOS (Panama) said that the draft Convention had been very carefully drawn up by experts in human rights, sociology, international relations and law. The Committee should not alter its basic terminology without first making certain that the changes were legally, sociologically and politically acceptable. Otherwise, the Convention might fail to obtain the support hoped for.

32. Mr. GOUDARZNIA (Iran) said that he supported article I with the exception of the word "national", which when translated into his language, would give rise to some confusion.

33. Lady GAITSKELL (United Kingdom) agreed with the Tanzanian representative's remarks, although she felt that "underprivileged" was open to the same abuse as "under-developed". She suggested, instead of either word, "groups or individuals discriminated against in any way".

34. Mr. JATOI (Pakistan) said that the words enclosed in square brackets would give rise to varying interpretations and might raise serious difficulties in States interested in immigration. His delegation would support any amendment which would remove the ambiguity. It would also support the replacement of "under-developed" by "underprivileged".

The meeting rose at 12.30 p.m.

Litho in U.N. 77301—February 1966—2,175

Annex 41

Third Committee, 1307th meeting, 18 October 1965,
doc. A/C.3/SR.1307

United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

THIRD COMMITTEE, 1307th MEETING

Monday, 18 October 1965, at 10.45 a.m.

NEW YORK

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1208 to L.1212, L.1216 to L.1225, L.1226 and Corr.1, A/C.3/L.1228, L.1231 and Corr.1, A/C.3/L.1236 to L.1238)

ARTICLES I TO VII (continued)

1. Miss TABBARA (Lebanon), on behalf of the sponsors, introduced a compromise amendment to article I of the draft International Convention (A/5921 annex), sponsored by the delegations of Ghana, India, Lebanon, Mauritania, Morocco, Nigeria, Poland and Senegal (A/C.3/L.1238). The sponsors had used the words "national origin" in paragraph 1 rather than the words "place of origin" used in the first Indian amendment (A/C.3/L.1216) because the former expression had been used in the Universal Declaration of Human Rights and in some national constitutions and had a special meaning in some economic systems. The amendment made it clear that the Convention would not apply to non-citizens or effect legislation on nationality, citizenship or naturalization, provided that there was no discrimination against any particular nationality.

2. Lady GAITSKELL (United Kingdom), in explanation of her delegation's vote on the draft Convention and amendments thereto, said that the original text of the Convention was strong and clear and some of the amendments merely lengthened the text without strengthening it. For example, the second Brazilian amendment (A/C.3/L.1209) weakened the force of the Convention, whose articles already imposed upon States the obligation to discourage racial discrimination. She therefore appealed to the Brazilian representative to withdraw his delegation's amendment.

3. The third Polish amendment (A/C.3/L.1210) would oblige a State to adopt legislation prohibiting racial discrimination whether or not such legislation was necessary; but racial discrimination might persist even after the adoption of such legislation. The General Assembly should not attempt to dictate to States, particularly since the nature and size of the problem varied from country to country. Her delegation would therefore oppose that amendment.

4. The phrase "and to discourage anything which tends to strengthen racial division" at the end of the fourth amendment submitted by Brazil, Colombia and Senegal (A/C.3/L.1217) was, in her view, too weak and too general, particularly when contrasted with the positive prohibitions and injunctions placed on Governments in other parts of the Convention; it would weaken rather than contribute to the force of the Convention.

5. Similarly, the new sub-paragraph 1 (d) of article II, proposed on the sixth of the Latin American amendments (A/C.3/L.1226 and Corr.1) only served to weaken the Convention; it almost implied that Governments were not going to observe the positive injunctions laid upon them elsewhere. Finally, she could see no difference of substance between the seventh Latin American amendment and the original text and hoped that the Committee would adopt the latter.

6. The CHAIRMAN said that the Committee would now proceed to vote on the draft articles at present before the Committee.

7. Miss TABBARA (Lebanon) suggested that explanations of vote on each article and on the amendments thereto should be made immediately before or after the voting on the article and amendments in question.

It was so agreed.

Article I

8. Mr. COMBAL (France) said that the text submitted in document A/C.3/L.1238 was entirely acceptable to his delegation and to that of the United States of America which therefore withdrew their own amendments (A/C.3/L.1212).

9. Mr. BELTRAMINO (Argentina) suggested that the meeting should be suspended in order to allow other sponsors to decide whether to withdraw their amendments to article I.

It was so agreed.

The meeting was suspended at 11 a.m. and resumed at 11.15 a.m.

10. The CHAIRMAN announced that the delegations of Poland and India, having co-sponsored the text contained in document A/C.3/L.1238, had withdrawn their own amendments to article I: the second amendment in document A/C.3/L.1210 and the first in document A/C.3/L.1216, respectively. Kuwait had become a sponsor of the new text.

11. Mr. K. C. PANT (India) added that his delegation had withdrawn its amendment on the understanding that the text contained in document A/C.3/L.1238 was intended to replace only paragraph 1 of the article.

12. Mrs. SEKANINOVA (Czechoslovakia) withdrew her delegation's first amendment (A/C.3/L.1220), Mr. LAMPTEY (Ghana) withdrew the six-Power amendment (A/C.3/L.1224) and Mr. BELTRAMINO (Argentina) withdrew the fifth Latin American amendment (A/C.3/L.1226 and Corr.1).

13. The CHAIRMAN said that he would first put to the vote, as a replacement for article I, paragraph 1, of the original text (A/5921, annex), the amendment contained in document A/C.3/L.1238. After article I, paragraph 1, had been disposed of, the Committee would vote on the oral amendments to article I, paragraph 2, proposed at the preceding meeting by the representatives of the Ivory Coast and India, and on the first amendment submitted by Mauritania, Nigeria and Uganda (A/C.3/L.1225).

14. Mr. BELTRAMINO (Argentina) suggested that, in the interest of uniformity in the text of the draft International Convention, an amendment to article I, paragraph 2, similar to the seventh Latin American amendment (A/C.3/L.1226 and Corr.1) to article II, paragraph 2, should be put to the vote.

15. Mr. K. C. PANT (India) recalled that his delegation had expressed its willingness to consider any proposal concerning article I, paragraph 2, which was consistent with the provisions of the Indian Constitution; however, his delegation would require time to study the suggestion just made by the representative of Argentina.

16. The CHAIRMAN said that, in his view, there was a basic difference between article I, paragraph 2, and article II, paragraph 2, in that the former set forth an exception to the definition of racial discrimination contained in article I, paragraph 1, while the latter imposed a specific obligation on States parties. If the sponsors of the seventh Latin American amendment wanted him to put that text to the vote as an amendment to article I, paragraph 2, he would do so, but he saw no incompatibility between that text, as it would read if the Indian amendment was adopted, and that of article II, paragraph 2, proposed by the Latin American countries.

17. Mr. BELTRAMINO (Argentina) said that, in order not to delay the Committee's work, his delegation would not press its suggestion; however, he felt that it might be desirable to have the text of the draft Convention, as eventually adopted, reviewed by a drafting committee for the purpose of eliminating any inconsistencies.

The amendment contained in document A/C.3/L.1238 was adopted unanimously.

18. The CHAIRMAN said that he would next put to the vote the Ivory Coast oral amendment proposing the deletion of article I, paragraph 2, of the original text.

19. Mrs. WARZAZI (Morocco) pointed out that, according to the wording of document A/C.3/L.1238, the new text adopted by the Committee replaced the whole of article I.

20. The CHAIRMAN drew attention to the comment made by the representative of India in connexion with the withdrawal of his amendment, to which no objection had been raised, and said that he himself had been most careful to explain the order of voting on article I. He therefore considered that paragraph 1 had been replaced by the text contained in document A/C.3/L.1238, and that the Committee must now vote on paragraph 2 and the amendments thereto.

21. Mr. SANON (Upper Volta) and Mr. KEITA (Mali) said that, in view of the wording of document A/C.3/L.1238, the vote on article I should be considered completed and the Committee should proceed to vote on article II.

22. The CHAIRMAN pointed out that delegations which opposed the inclusion in article I of any provision other than those set out in document A/C.3/L.1238 could support the Ivory Coast proposal for the deletion of paragraph 2.

The Ivory Coast oral amendment to article I, paragraph 2, of the original text was rejected by 52 votes to 14, with 20 abstentions.

The Indian oral amendment to article I, paragraph 2, of the original text was adopted by 34 votes to 20, with 36 abstentions.

Article I, paragraph 2, of the original text as a whole, as amended, was adopted by 67 votes to 10, with 15 abstentions.

Article 1, as a whole, as amended, was adopted by 89 votes to none, with 8 abstentions.

23. Miss AGUTA (Nigeria) said that she had voted in favour of the article as a whole but against paragraph 2 (new paragraph 4). That paragraph as amended was much weaker than the original text, because it would leave it to the authorities which might be responsible for racial oppression to decide whether or not special measures were necessary.

24. Lady GAITSKELL (United Kingdom) said that she had voted in favour of the article as a whole because it probably represented the best attainable compromise on the different wordings proposed. The word "nationality" was obviously interpreted in different ways in different countries; her delegation understood the word "nationality" as used at the end of the new text (A/C.3/L.1238) which now replaced the original paragraph 1, to mean persons of a particular national origin.

25. Mrs. WARZAZI (Morocco) said that she considered paragraph 2 (new paragraph 4) to be superfluous since a virtually identical provision appeared in the more suitable context of article II. Desiring to avoid needless repetition of the same clause, she would vote against article II, paragraph 2.

26. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that his delegation would have preferred the original text of article I (A/5921, annex) with the square brackets removed, but had accepted the amended version in a spirit of compromise. It was most anxious that the articles of the Convention

should be adopted unanimously in order to secure the widest possible acceptance by States.

27. Miss KING (Jamaica) said that she had abstained in the vote on the Indian amendment, as she considered it less precise than the wording suggested by the representative of Nigeria. Despite her misgivings concerning the term "national origin" she had voted in favour of the compromise text (A/C.3/L.1238) replacing the original paragraph 1.

28. Mr. MACDONALD (Canada) said that he had voted in favour of article I because the text adopted made it clear that individuals could have a nationality on the basis of race as well as of citizenship. He welcomed the new clause (new paragraph 3) which had been proposed in document A/C.3/L.1238.

29. Mr. LAMPTEY (Ghana) said that he had abstained in the vote on the article as a whole, because he considered the first amendment submitted by Mauritania, Nigeria and Uganda (A/C.3/L.1225) preferable to the Indian amendment to the original paragraph 2. However, his abstention would not prejudice his attitude towards the Convention as a whole.

30. Mr. MUMBU (Democratic Republic of the Congo) said that although his delegation had originally opposed a reference to "national origin", it had nevertheless voted in favour of the compromise text; it had some reservations, however, concerning the last clause of that text (new paragraph 3). It had abstained in the vote on the article as a whole because the voting procedure had been somewhat confused and because of the adoption of the Indian amendment.

Article II

31. Mr. SAPOZHNIKOV (Ukrainian Soviet Socialist Republic) said that his delegation would vote in favour of the third Polish amendment (A/C.3/L.1210) because the original text implied, by the words "if necessary", that it would be left to States—including those that practised racial discrimination—to decide whether or not to take legislative measures against discrimination. The Polish amendment would greatly strengthen the text.

32. Miss TABBARA (Lebanon) said that she would vote in favour of the third amendment submitted by Brazil, Colombia and Senegal (A/C.3/L.1217), which expressed an idea that she hoped to see incorporated in both the preamble and the articles of the Convention. The second Brazilian amendment (A/C.3/L.1209) and the text proposed for a new sub-paragraph (d) by the Latin American countries in their sixth amendment (A/C.3/L.1226 and Corr.1) were basically the same. She considered them unnecessary, since they took a negative and weak approach to a matter which was dealt with positively and strongly in other provisions of the draft Convention. She would vote in favour of the sixth Latin American amendment concerning sub-paragraph (b), which was clear and precise, and she would support an earlier suggestion that the amendment concerning sub-paragraph (c) should be limited to the deletion of the word "national". She would support the fourth amendment submitted by Brazil, Colombia and Senegal, the first Bulgarian amendment (A/C.3/L.1218), and the Indian delegation's oral amendment to article I, paragraph 2. of the original text, if it was reintroduced in connexion with article II, paragraph 2. She asked the Polish representative whether his delegation's third amendment (A/C.3/L.1210) would mean that in a country such as hers, where racial discrimination was not practised and where no distinction among citizens was allowed under the Constitution, special legislation against racial discrimination would have to be enacted.

33. Mr. RESICH (Poland) said that the object of his delegation's third amendment was to ensure that racial discrimination was prohibited by law in any State where it might exist. If such legislation already existed, there was no need for adoption of any new legislation.

34. Mr. BELTRAMINO (Argentina) said that on the sixth of the Latin American amendments (A/C.3/L.1226 and Corr.1) it had been proposed to delete the word "national" and add the words "of any kind" in article II, sub-paragraph 1 (c), in order to ensure that any organization, whether foreign or national, would be prosecuted for fomenting racial discrimination. However, since the words "of any kind" raised problems for some delegation, the sponsors would limit the amendment to the deletion of the word "national".

35. In reply to a question by Mr. KOCHMAN (Mauritania), the CHAIRMAN said that the rules of procedure imposed no limitations on the submission of oral sub-amendments. Under rule 131 of the rules of procedures, he was required to put to the vote first the amendment furthest removed in substance from the original proposal. In the case of article II, paragraph 2, that would be the Ethiopian and Indian oral amendment.

36. Mr. LEA PLAZA (Chile) said that his delegation would vote in favour of the third of the amendments submitted by Brazil, Colombia and Senegal (A/C.3/L.1217) because it was consistent with one of the fundamental principles of Chilean law. His delegation would vote against the third Polish amendment because it departed from the intent of the original provision. There might in fact be no need for new legislation because legislation already existed. His delegation would vote in favour of the sixth and seventh Latin American amendments, of which it was co-sponsor.

37. Mr. K. C. PANT (India), supported by Mr. ABDEL-HAMID (United Arab Republic), moved the adjournment of the meeting.

The motion was adopted

The meeting rose at 12.45 p.m.

Litho Litho in U.N. 77301—February 1966—2,175

Annex 42

Third Committee, 1353rd meeting, 24 November 1965,
doc. A/C.3/SR.1353

United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

THIRD COMMITTEE, 1353rd MEETING

Wednesday, 24 November 1965, at 3.25 p.m.

NEW YORK

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

Tribute to the memory of His Highness Abdulla Al-Salem Al-Sabah, Amir of the State of Kuwait

On the proposal of the Chairman, the members of the Committee observed a minute's silence in tribute to the memory of His Highness Abdulla Al-Salem Al-Sabah, Amir of the State of Kuwait.

1. Mr. LAMPTEY (Ghana), on behalf of the Afro-Asian group of delegations, Mr. ZULOAGA (Venezuela), on behalf of the Latin American delegations, Miss WILLIS (United States of America), on behalf of the Western Group of delegations and others, Mr. BECK (Hungary), on behalf of the delegations of the Socialist countries, Mr. LAZAREVIC (Yugoslavia) and Mr. Sharaf (Jordan) expressed their condolences to the Government and delegation of Kuwait on the untimely passing away of His Highness Abdulla Al-Salem Al-Sabah, Amir of the State of Kuwait.

2. Mr. KHANACHET (Kuwait) thanked the members of the Committee for their expressions of sympathy, which his delegation would convey to the people and Government of Kuwait.

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1237, L.1239, L.1241, L.1249, L.1262, L.1272, L.1291, L.1292, L.1297)

ARTICLES ON MEASURES OF IMPLEMENTATION (continued)

Articles VIII and VIII (bis) (concluded)

3. Mr. BELTRAMINO (Argentina), speaking in explanation of his delegation's vote at the previous meeting on articles VIII and VIII (bis), said that, while his delegation was not entirely satisfied with the revised text, it had voted in favour of those articles both because they represented a compromise arrived at after lengthy consultations and also because they would establish effective machinery for the implementation of the Convention. He hoped that in discussions on subsequent articles, delegations would show the same spirit of co-operation and understanding as they had shown in connexion with articles VIII and VIII (bis).

4. His delegation considered that the Convention, in addition to providing for reports from States Parties to the committee should establish the right of individuals to submit petitions to that body. He hoped that the Third Committee would adopt appropriate articles to make that possible.

5. Mr. SY (Senegal) said that his delegation had voted in favour of articles VIII and VIII (bis) as a whole since, in general, it approved the revised text. However, it had voted against article VIII, paragraph 5, sub-paragraph (b) because it considered that, in filling casual vacancies, the election procedure set forth in article VIII, paragraph 1, should be followed and that States Parties should be consulted. That, however, was a point of secondary importance and his delegation would unreservedly support those articles of the Convention.

6. Mr. LAMPTEY (Ghana) said that his delegation had voted against the Venezuelan oral amendment to article VIII, paragraph 1, as it had been under the impression that the amendment had been to insert the words "on the Elimination of Racial Discrimination" after the words "the Committee" in the parenthesis in that paragraph. If his delegation had properly understood the amendment, it would have supported it.

7. Mrs. MBOIJANA (Uganda) said that, although her delegation had supported the revised text as a whole, it had voted in favour of the second Tanzanian amendment to paragraph 1 of article VIII, because it considered the word "members" more appropriate. It had also supported the Tanzanian amendment to paragraph 6, because it felt that the expenses of the proposed committee should be borne by the United Nations. It had opposed the Iraqi amendment to paragraph 6, because it felt that the developing countries might suffer unduly from such a provision. Her own country might have difficulty in meeting its contribution to the expenses of the committee.

8. Mr. SHARAF (Jordan) said that his delegation had voted in favour of the revised text as submitted since it felt that that text reflected the general views of the Committee on the question of reporting.

9. Mr. TEKLE (Ethiopia) said that his delegation had voted in favour of the revised text as a whole, but had abstained on the Iraqi amendment to article VIII, paragraph 6. It considered that if the proposed committee was to report to the General Assembly, its expenses should be borne by the United Nations. It had also abstained in the vote on the Tanzanian oral amendment to delete the word "general" in both sentences of article VIII (bis), paragraph 2, since it would have preferred to replace "general" by "specific".

10. Miss KING (Jamaica) said that her delegation had supported the revised text as a whole. It had thought that, initially at least, the United Nations should be responsible for the expenses of the committee. However, since that was no longer possible it favoured the idea that each State Party should make an equal contribution to the financing of the committee.

Article IX

11. The CHAIRMAN invited the Committee to consider article IX of the text submitted by Ghana, Mauritania and the Philippines (A/C.3/L.1291).

12. In reply to a question put by Mr. KIRWAN (Ireland), Mr. WALDRON-RAMSEY (United Republic of Tanzania) proposed that in article IX, paragraph 4, the word "normally" should be added before the words "be held at United Nations Headquarters"; that amendment was designed to enable the committee to hold its meetings away from Headquarters in the event of unusual circumstances. Article XI, paragraph 4, contained a similar provision. His delegation could not agree with those who held that the function of the proposed committee would merely be to receive reports and transmit them to the General Assembly; if that were to be the case, there would be no point in having such a committee.

13. Mr. ZULOAGA (Venezuela) supported that view. He too considered that the proposed committee should not be precluded from meeting away from United Nations Headquarters if extraordinary circumstances made that advisable.

14. Mr. LAMPTEY (Ghana), speaking on behalf of the co-sponsors of document A/C.3/L.1291, said that the question raised by the Tanzanian amendment was primarily financial. If the committee met away from Headquarters, that would involve additional expenditure. Moreover, since the committee was intended to be simply a reporting body there would be no reason for it to hold meetings outside Headquarters.

15. In reply to a question put by Mr. SAKSENA (India), Mr. DAS (Secretary of the Committee) said that the financial implications of the Tanzanian amendment would depend on whether a decision was taken to hold meetings away from Headquarters. As had been stated in document A/C.3/L.1292, paragraph 3 (d), with reference to the proposed conciliation commissions, such expenses could not be estimated in advance.

16. Mr. SAKSENA (India) said that his delegation would support the Tanzanian amendment since it did not seem likely to involve any extraordinary expenditure, and would give the committee greater latitude.

17. The CHAIRMAN invited the Committee to vote on article IX (A/C.3/L.1291) and the amendment thereto.

The Tanzanian oral amendment to insert the word "normally" before the words "be held at United Nations Headquarters" in paragraph 4 was adopted by 38 votes to 10, with 33 abstentions.

Paragraph 4, as amended, was adopted by 83 votes to none, with 2 abstentions.

Article IX as a whole, as amended, was adopted unanimously.

Article X

18. The CHAIRMAN invited the Committee to consider article X of the text submitted by Ghana, Mauritania and the Philippines (A/C.3/L.1291).

19. Mr. GARCIA (Philippines), speaking on behalf of the sponsors, said that two changes should be made in the text of the proposed article X: in the second sentence of paragraph 1, the words "States Parties" should be replaced by the words "State Party", and in paragraph 2 the words "constituted in accordance with paragraph 1 of article VIII" should be deleted, since they were superfluous.

20. Mr. SAKSENA (India) said that the words "explanations or" in the third sentence of paragraph 1 were inappropriate and should preferably be deleted. In the same sentence, the words "any remedy" were unsatisfactory because they implied a presupposition that the complaint was justified. It would therefore be advisable to replace those words by the words "the remedy, if any,". Paragraph 3 was imprecise and might be revised or reworded to remove ambiguity. In the first place it did not specify how the committee was to ascertain that available remedies had been invoked and exhausted. Again, whether remedies referred to there were remedies elsewhere mentioned in the draft Convention or "domestic" remedies. Secondly, it was not clear whether the phrase "in conformity with the generally recognized principles of international law" referred to the act of "ascertaining" or to the principle of invoking the remedies. He wondered whether it would not be appropriate to borrow the wording of article 41 of the draft Covenant on Civil and Political Rights, which contained similar provisions but in simple and precise words. He would welcome clarification on those points from the sponsors.

21. Mr. ZULOAGA (Venezuela) expressed surprise that the Indian representative should be dissatisfied with the words "generally recognized principles of international law" in paragraph 3. In his view the words were perfectly clear and satisfactory.

22. Mrs. CABRERA (Mexico), referring to paragraph 1, suggested that in the second sentence the word "complaint" should be replaced by the word "communication". In the third sentence the words "shall submit" should be replaced by "may submit".

23. Miss KING (Jamaica) asked whether the expression "available remedies" in paragraph 3 referred

to domestic remedies only or included other remedies. Paragraph 5 gave a general authorization to States Parties to send representatives to take part in the proceedings of the proposed committee. Since it might on some occasions be preferable for the committee to hold closed meetings, it might be advisable to find more flexible wording that would leave the committee some latitude in the matter.

24. Mr. WALDRON-RAMSEY (United Republic of Tanzania) agreed with the Indian representative that it would be advisable to use, in paragraph 1, neutral wording which would not appear to prejudge the case. He suggested that the last part of the third sentence should be amended to read "... written statements with reference to the matter and any action that may have been taken by that State".

25. Paragraph 3 was highly ambiguous. As the Jamaican representative had said, it was not clear whether the words "available remedies" referred to domestic remedies only or included other remedies. The words "in conformity with the generally recognized principles of international law" could be taken as referring either to the action of the committee or to the application of the remedies. Furthermore, as the Indian representative had pointed out, those words could give rise to varying interpretations, for the principle of non-interference in domestic jurisdiction was generally recognized in international law, yet it would have to be infringed if it was to be ascertained that all available domestic remedies had been exhausted. His delegation felt that in cases of racial discrimination, which were an offence against humanity, such infringement was justified, but not all countries shared that view. Paragraph 3 in its present form would be an escape clause for any signatory which did not wish to apply the Convention in good faith. He therefore proposed the deletion of the paragraph.

26. Mr. LAMPTEY (Ghana), referring to the amendment to paragraph 1 suggested by the Mexican representative, said that the word "complaint" was preferable, since the "communication" would be submitted by a State Party which was, in fact, complaining that another State Party was not giving effect to the provisions of the Convention. Similarly, the "written statements" referred to in the third sentence would, by definition, be explanations. The sponsors had deliberately used those words because they were strong and accurate. With regard to the "available remedies" mentioned in paragraph 3, the sponsors had not specified that they should be domestic remedies because the two States concerned might employ other remedies, such as bilateral negotiations. If, however, the Committee preferred to insert the word "domestic" between "available" and "remedies", the sponsors would accept that amendment.

27. Mr. CAPOTORTI (Italy) agreed with the Ghanaian representative that it would be more accurate to use the word "complaint" in the second sentence of paragraph 1. The Committee should not be afraid of using vigorous wording.

28. With reference to the Ghanaian representative's last remark, he agreed that it would be advisable to insert the word "domestic" before the word "remedies" in paragraph 3. States should be left as free as possible to deal with a case through domestic procedures, for it was a recognized international principle that all domestic remedies should be exhausted before a matter was referred to an international body. The Ghanaian representative had explained that the sponsors had omitted the word "domestic" because the States concerned might employ other remedies, such as bilateral negotiations, but there was a danger that the receiving State might use such procedures as a pretext to postpone consideration of a case by the Committee.

29. Paragraph 3 also gave rise to a problem in connexion with the method of ascertaining that all available domestic resources had been exhausted. The proposed committee could not deal directly with the question at that stage of the procedure; it would be difficult for the complaining State to undertake the task and it would be in the interest of the other State to deny that such remedies had been exhausted. Since the question was closely linked to the functioning of the conciliation mechanism, the sponsors might consider dealing with that point in article XI.

30. Mr. COMBAL (France) said that it was normal and desirable to specify that the committee should deal with matters referred to it only after all available domestic remedies had been invoked and exhausted, but that principle should not be allowed to provide the receiving State with a pretext for procrastination. The sponsors might therefore consider using the formula employed in article 41 of the draft Covenant on Civil and Political Rights, which reads, "Normally, the Committee shall deal with a matter referred to it only if available domestic remedies have been invoked and exhausted in the case. This shall not be the rule where the application of the remedies is unreasonably prolonged". That formula could be used either in article X or in article XI, but it should be clear that it applied to all the activities of the committee and of any conciliation commission that might be appointed.

31. Mr. COCHAUX (Belgium) supported the French representative's suggestion.

32. Mrs. BEN-ITO (Israel), referring to paragraph 3, agreed with the Indian and Italian representatives that it was necessary to clarify the method of ascertaining that all available remedies had been invoked and exhausted. In her view, it would be advisable to place the burden of proof on the receiving State. The sponsors might therefore consider adding at the end of the paragraph a sentence on the following lines: "It will be presumed that all available domestic remedies have been exhausted unless the receiving State proves to the satisfaction of the committee that domestic remedies exist which have not yet been used."

33. Mr. NETTEL (Austria) said that the last sentence of paragraph 5 seemed superfluous and should be deleted. It concerned a procedural matter and the question of the committee's procedure was adequately covered in article IX, paragraph 1.

34. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) said that although, generally speaking, his delegation supported the three-Power text of

article X, it supported the amendment to paragraph 1 which had been suggested by the representative of Mexico; the word "complaint" had a specific juridical meaning, and certain procedures for dealing with complaints existed in all national legislations; moreover, the word "communication" was used in paragraph 2. Unless paragraph 3 was to be deleted entirely, the reference to generally recognized principles of international law should be retained.

35. Mr. OSPINA (Colombia), referring to the remarks of the representatives of Italy and France, said that it would be relatively simple to give clarity and precision to paragraph 3 by making certain changes in the text. For instance, the word "sólo" in the Spanish text, might be deleted and the words "a su juicio" inserted between "cuando" and "haya". He proposed that the words "on the basis of the reply" should be inserted after "ascertained".

36. Mr. CAPOTORTI (Italy) observed that the first change suggested by the representative of Colombia would be difficult to incorporate in the French text unless the paragraph was completely redrafted.

37. The CHAIRMAN suggested that the mere deletion of the word "sólo" would bring the Spanish text into line with the other language versions.

The deletion of the word "sólo" in the Spanish text was approved.

38. Mr. INCE (Trinidad and Tobago) said he could not agree with the Mexican suggestion that the words "shall submit" in paragraph 1 should be replaced by "may submit", since there must be an obligation on the receiving State to make a report. Recalling that some delegations had opposed the use of the word "experts" in article VIII, he pointed out that if the Committee was to ascertain that all available remedies had been exhausted it would have to be composed of experts familiar with international law and with the domestic law and legal systems of certain countries. However, he believed that only the State itself could decide whether its domestic remedies had been exhausted, and he would welcome some explanation of how an external committee could investigate the question. The reference in paragraph 3 to generally recognized principles of international law seemed unexceptionable, but he would point out to the Venezuelan representative that several countries had their own definition of those principles, as a result of which international law was currently in a state of disarray.

39. Mr. MACDONALD (Canada) observed that the doubts expressed by a number of delegations with respect to paragraph 3 could be met quite simply by the insertion of the word "domestic" before the word "remedies"; that would make clear exactly what, in the view of many delegations, was prescribed by the generally recognized principles of international law, and would obviate the possibility of any State's attempting to claim, as a pretext for continued discrimination, that it was pursuing remedies other than domestic ones.

40. Miss TABBARA (Lebanon) said that her delegation supported, in principle, the text of article X as proposed in document A/C.3/L.1291. It had no objection, however, to the replacement of the word "complaint" by "communication" and the deletion of the words "explanations or" in paragraph 1, which did not affect the substance and might make the text more generally acceptable. The phrase "the remedy, if any" would also be appropriate, but she could not agree to the use of the words "may submit", which gave too much latitude to the receiving State.

41. She agreed with preceding speakers that paragraph 3 was not clear and that the simplest solution would be the insertion of the word "domestic", although she had no objection to the formula used in article 41 of the draft Covenant on Civil and Political Rights, if that was preferred by the Committee.

42. Mr. VAN BOVEN (Netherlands) said he believed that the words "in conformity with the generally recognized principles of international law" in paragraph 3 were meant to refer to the two exceptions to the rule that available remedies must be exhausted before a case was taken to the international level. The exceptions in question were cases where numerous precedents showed that no redress was to be expected from the available remedies or where, as mentioned by the representative of France, application of the remedies was unreasonably prolonged. A similar clause had been included in the Protocol to the Convention against Discrimination in Education, so that it was already accepted phraseology. However, if some delegations felt that its use might lead to misunderstanding and difficulties, the last part of the paragraph, beginning with the words "in conformity with...", might be replaced by "or are likely to be ineffective". He wished to make it clear that that was merely a suggestion, and that the existing text was perfectly satisfactory to the Netherlands delegation.

43. Mr. GARCIA (Philippines) announced that the sponsors of the text contained in document A/C.3/L.1291 had agreed to replace the word "complaint" by "communication" and the words "any remedy" by "the remedy, if any" in paragraph 1, and to insert the word "domestic" before the word "remedies" in paragraph 3.

44. Mr. WALDRON-RAMSEY (United Republic of Tanzania) said that his delegation was strongly opposed to the inclusion of the word "domestic", which represented a deliberate attempt to provide a State which had violated the Convention with unlimited opportunities for frustrating the true purpose of the instrument by continuing indefinitely to argue that all domestic remedies had not yet been exhausted. He believed that that point had been taken into consideration by the sponsors in drafting the text, and the phrase "all available remedies", although open to many interpretations, was preferable. Unless paragraph 3 was deleted entirely, the only acceptable formulation was that suggested by the representative of Israel, which placed the onus of proving that some remedies remained to be exhausted on the State of which complaint was made.

45. Miss AGUTA (Nigeria) agreed that the word "communication" was more appropriate than "complaint" in paragraph 1, since a State submitting information concerning racial discrimination within

another State was not itself the injured party. She agreed with the representative of Lebanon that the use of the words "may submit" would give too much latitude to the receiving State, which must be required to answer any allegation of non-observance.

46. In the view of her delegation, paragraph 2 was quite unsuitable in its present form and should be replaced, after further negotiation, by a new text. Paragraph 3 might be amended to read simply: "The Committee shall deal with a matter referred to it in accordance with paragraph 2 of the present article only as a last resort, in conformity with the generally recognized principles of international law." Paragraph 4 seemed acceptable, but the words "while the matter is under consideration" in paragraph 5 might require further thought.

47. Mr. VERRET (Haiti) welcomed the changes in paragraph 1 which had been accepted by the sponsors, and suggested that the words "from the receiving State" should be inserted after the word "ascertained" in paragraph 3.

48. Mr. SY (Senegal) said that he did not agree with the Tanzanian representative's objection to the insertion of the word "domestic" in paragraph 3, since that addition removed all ambiguity concerning the generally recognized principles of international law involved and would prevent a proliferation of complaints at the international level. To suggest that States Parties to the Convention might use delaying tactics called into question their good faith in acceding to the Convention. With respect to the Haitian suggestion, he believed that the burden of proof that available remedies had been exhausted should rest on the complainant; the committee could only take note of the allegation and compare it with the information on legislative, judicial, administrative or other measures submitted by the State of which complaint was made under the terms of article VIII (bis).

49. Mrs. GROTEWOLD (Guatemala) agreed with the changes in paragraph 1 suggested by the representative of Mexico and with the views expressed by the representative of France concerning paragraph 3. She hoped that the sponsors of the text would bear in mind the suggestion made by the representative of Israel.

50. Miss FAROUK (Tunisia) said that her delegation had a particular interest in paragraph 1, because it was based on the Tunisian amendment (A/C.3/L.1273) to article 11 of the original Philippines text. In the second sentence of that text, however, the words "the opinion of the complaining State" had been used, and her delegation would prefer that phrase to the word "communication" which had now been accepted by the sponsors of document A/C.3/L.1291.

51. Mr. LAMPTEY (Ghana) explained that the sponsors had not used the words "the complaining State" because it had been pointed out, during the informal consultations leading up to the drafting of the text, that the proposed committee would not be a judicial body. With respect to paragraph 3, the sponsors could not, from a juridical point of view, accept the thesis that a matter could be taken to the international level without an assurance that domestic remedies had been exhausted. They had agreed to delete the last sentence of paragraph 5, as suggested by the representative of Austria.

52. As the sponsors had now accepted a number of suggestions by other delegations, he believed that the Committee should proceed to vote on article X.

53. Mrs. BEN-ITO (Israel) said that she would not submit her suggestion concerning paragraph 3 as a formal amendment, because she had not had time to draft it precisely. However, she urged the sponsors to give the matter further attention before pressing for a vote. The proposed committee would be saved much time and trouble if the manner of proving that available remedies had been exhausted was laid down in the Convention itself, and although the committee would not be a judicial body, it would have to reach conclusions and make recommendations.

54. Mr. BELTRAMINO (Argentina) observed that, in the discussion of paragraph 3, the broader aspects were being overlooked. Everyone agreed that domestic remedies should be exhausted before a case was taken to the international level, but it should be borne in mind that one State might bring a complaint against another, not with respect to the treatment of individuals or goups of individuals, but concerning failure to comply with certain provisions of the Convention which could be rectified by the adoption of new legislation. He therefore agreed with the representative of Israel that further thought should be given to paragraph 3 before it was put to the vote.

55. Mr. KOCHMAN (Mauritania) observed that there should be no difficulty in determining what domestic remedies were available in a given State, since the committee would have before it the report on measures adopted to give effect to the provisions of the Convention, submitted under the terms of article VIII (bis).

56. Mr. WALDRON-RAMSEY (United Republic of Tanzania) suggested that, in view of the appeals for further consideration of article X, paragraph 3, made by the representatives of Israel and Argentina, that paragraph should not be put to the vote at the current meeting.

57. The CHAIRMAN said that, as many delegations saw a need to expedite the proceedings, he believed that the Committee should now vote on article X of the text submitted by Ghana, Mauritania, and the Philippines (A/C.3/L.1291), as revised by the sponsors, and on the oral amendments thereto.

The Tanzanian amendment to paragraph 1 was rejected by 34 votes to 7, with 43 abstentions.

The Tanzanian proposal to delete paragraph 3 was rejected by 70 votes to 2, with 12 abstentions.

The Colombian amendment to paragraph 3 was rejected by 24 votes to 13, with 45 abstentions.

58. Mr. WALDRON-RAMSEY (United Republic of Tanzania) requested a separate vote on the word "domestic" in paragraph 3, as orally revised by the sponsors.

The word "domestic" was adopted by 61 votes to 2, with 16 abstentions.

Paragraph 3, as revised by the sponsors, was adopted by 72 votes to none, with 13 abstentions.

Article X, as a whole, as revised by the sponsors, was adopted by 83 votes to none, with 2 abstentions.

The meeting rose at 6.20 p.m.

Litho in U.N. 77301—September 1966—2,175

Annex 43

Sub-Commission on Prevention of Discrimination and Protection of Minorities, Draft International Convention on the Elimination of All Forms of Racial Discrimination, Proposed Measures of Implementation by Mr. Ingles, 17 January 1964, doc. E/CN.4/Sub.2/L.321

UNITED NATIONS

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COMMISSION ON HUMAN RIGHTS
SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES
Sixteenth session
Item 4 of the agenda

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Mr. Ingles: Proposed Measures of Implementation

Article 1

1. The States Parties to this Convention undertake to submit a report on the legislative or other measures, including judicial remedies, which they have adopted and which give effect to the provisions of this Convention, (a) within one year after the entry into force of the Convention for the State concerned and (b) thereafter whenever the Economic and Social Council so requests upon recommendation of the Commission on Human Rights and after consultation with the States Parties.

2. All reports shall be submitted to the Secretary-General of the United Nations for the Economic and Social Council which may transmit them to the Commission on Human Rights or the specialized agency concerned for information, study and, if necessary, general recommendations.

3. The States Parties directly concerned may submit to the Economic and Social Council observations on any general recommendations that may be made in accordance with paragraph 2 of this article.

Article 2

There shall be established under the auspices of the United Nations a Fact-Finding and Conciliation Committee (hereinafter referred to as "the Committee")

to be responsible for seeking the amicable settlement of disputes between States Parties concerning the interpretation, application or fulfilment of the present Convention.

Article 3

1. The Committee shall consist of eleven members who shall be persons of high moral standing and acknowledged impartiality.
2. The members of the Committee, who shall serve in their personal capacity, shall be elected by the General Assembly of the United Nations in accordance with the procedures established in articles 4 and 5, consideration being given to equitable geographical distribution of membership and to the representation of the different forms of civilization as well as of the principal legal systems.
3. The Committee may not include more than one national of the same State.

Article 4

1. The members of the Committee shall be elected from a list of persons possessing the qualifications prescribed in article 3 and nominated for the purpose by the States Parties to this Convention. Each State Party shall nominate not more than four persons. These persons shall be nationals of the nominating State or of any other State Party to the Convention.
2. At least three months before the date of each election to the Committee, the Secretary-General of the United Nations shall address a letter to the States Parties to the Convention inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated and shall submit it to the General Assembly and to the States Parties to the Convention.

Article 5

The members of the Committee shall be elected for a term of five years. They shall be eligible for re-election if renominated. The terms of six of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these six members shall be chosen by lot by the President of the General Assembly of the United Nations.

/...

Article 6

When electing members of the Committee, the General Assembly of the United Nations shall also designate from the list of nominees submitted by the States Parties under article 4 an alternate for each member so elected. An alternate need not be of the same nationality as the member concerned, but both of them should be from the same geographical area or region.

Article 7

1. In the event of the death or resignation of a member of the Committee, the Chairman shall immediately notify the Secretary-General of the United Nations, who shall declare the seat vacant from the date of death or the date on which the resignation takes effect.

2. If, in the unanimous opinion of the other members, a member of the Committee has ceased to carry out his functions for any cause other than absence of a temporary character, or is unable to continue the discharge of his duties, the Chairman of the Committee shall notify the Secretary-General of the United Nations who shall thereupon declare the seat of such member to be vacant.

3. In each of the cases provided for by paragraphs 1 and 2 of this article, the Secretary-General of the United Nations shall forthwith induct into office the alternate concerned as member of the Committee for the unexpired term and shall inform each State Party to this Convention accordingly.

Article 8

Members of the Committee shall receive travel and per diem allowances in respect of the periods during which they are engaged on the work of the Committee from the resources of the United Nations on terms laid down by the General Assembly.

Article 9

1. The Secretary-General of the United Nations shall convene the initial meeting of the Commitee at the Headquarters of the United Nations. Subsequent meetings may be held either at the Headquarters or at the European Office of the United Nations, as determined by the Committee.

2. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

/...

Article 10

1. The Committee shall elect its Chairman and Vice-Chairman for a period of two years. They may be re-elected.

2. The Committee shall establish its own rules of procedure. Before adopting such rules, the Committee shall send them in draft form to the States then Parties to the Convention who may communicate any observation and suggestion they may wish to make within three months.

3. The Committee shall re-examine its rules of procedure if at any time so requested by any State Party to the Convention.

Article 11

1. If a State Party to this Convention considers that another State Party is not giving effect to a provision of the Convention, it may, by written communication, bring the matter to the attention of that State. Within three months after the receipt of the communication, the receiving State shall afford the complaining State an explanation or statement in writing concerning the matter, which should include, to the extent possible and pertinent, references to procedures and remedies taken, or pending, or available in the matter.

2. If the matter is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee by notice given to the Secretary-General of the United Nations and to the other State.

Article 12

The Committee shall deal with a matter referred to it under article 11 of this Convention only after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law.

Article 13

In any matter referred to it, the Committee may call upon the States concerned to supply any relevant information.

/...

Article 14

1. Subject to the provisions of article 12, the Committee, after obtaining all the information it thinks necessary, shall ascertain the facts, and make available its good offices to the States concerned with a view to an amicable solution of the matter on the basis of respect for the Convention.

2. The Committee shall in every case, and in no event later than eighteen months after the date of receipt by the Secretary-General of the United Nations of the notice under article 11, paragraph 2, draw up a report in accordance with the provisions of paragraph 3 below which will be sent to the States concerned and then communicated to the Secretary-General of the United Nations for publication. When an advisory opinion is requested of the International Court of Justice, in accordance with article 15, the time-limit shall be extended appropriately.

3. If a solution within the terms of paragraph 1 of this article is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached. If such a solution is not reached, the Committee shall draw up a report on the facts and indicate the recommendations which it made with a view to conciliation. If the report does not represent, in whole or in part the unanimous opinion of the members of the Committee, any member of the Committee shall be entitled to attach to it a separate opinion. Any written or oral submission made by the parties to the case shall also be attached to the report.

Article 15

The Committee may recommend to the Economic and Social Council that the Council request the International Court of Justice to give an advisory opinion on any legal question connected with a matter of which the Committee is seized.

Article 16

The Committee shall submit to the General Assembly, through the Secretary-General of the United Nations, an annual report on its activities.

/...

Article 17

The States Parties to this Convention agree that any State Party complained of or lodging a complaint may, if no solution has been reached within the terms of article 14, paragraph 1, bring the case before the International Court of Justice after the report provided for in article 14, paragraph 3, has been drawn up.

Article 18

The provisions of this Convention shall not prevent the States Parties to the Convention from submitting to the International Court of Justice any dispute arising out of the interpretation or application of the Convention in a matter within the competence of the Committee; or from resorting to other procedures for settling the dispute, in accordance with general or special international agreements in force between them.

Annex 44

Third Committee of the General Assembly, 1344th meeting,
16 November 1965, A/C.3/SR.1344

United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

THIRD COMMITTEE, 1344th MEETING

Tuesday, 16 November 1965, at 3.10 p.m.

NEW YORK

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 12

Reports of the Economic and Social Council (A/5803, chaps. VIII, (sects. I, II and V), IX and X (sects. I, IV, V and VII); A/6003, chaps. XII (sects. I, III and IV), XIII and XIV (sects. I, III and V) (concluded)

1. Lady GAITSKELL (United Kingdom), in explanation of her vote at the previous meeting on the draft resolution concerning advisory services in the field of human rights (A/C.3/L.1282/Rev.1, as amended), said that while it recognized the logic in the present political climate of the Committee's decision to give priority to the seminar on apartheid over the seminar on the status of women, her delegation thought that during the debates the rights of women had been brushed aside by some representatives, especially the Saudi Arabian representative. She considered that the United Nations programme concerning the status of women had suffered badly as a result of the decision which the Third Committee had taken at the previous meeting. Her delegation reserved the right to try to rehabilitate the programme for the status of women at some future date.

2. Her delegation regretted that the wise suggestion of the Netherlands delegation had been greeted with suspicion and considered by some to be tainted with colonialism. She would point out that the purpose of a seminar should not be just to condemn apartheid; it should seek to achieve the multi-racial society envisaged by the Netherlands delegation in which all citizens would be able to live in liberty, fraternity and equality. It was on that understanding that her delegation had voted in favour of the resolution for the holding of such a seminar.

3. Mrs. MANTZOULINOS (Greece) and Miss TABBARA (Lebanon) said that had they not been compelled to be absent at the time of the vote on the resolution for the holding of a seminar on apartheid, they would have voted in its favour.

4. Miss LUMA (Cameroon) wished to dispel any doubts that her statement at the previous meeting might have created in the minds of some delegations concerning her delegation's position on the question of the status of women. The Government of Cameroon championed the cause of the emancipation of women as strongly as it deplored apartheid. Furthermore, her delegation, which had voted for the holding of a seminar on apartheid, had also voted for the resolution concerning the emancipation of women.

5. The sole purpose of her intervention at the previous meeting had been to prevent a postponement of the seminar on apartheid, whose importance and urgency in the present circumstances were obvious to everyone, even if that meant foregoing, for the time being, one of the seminars on women, which, incidentally, unlike the seminar on apartheid, could be held at the national level.

6. In reply to those delegations which had said that by voting for the seminar on apartheid the Committee appeared to have gone back on its vote on the resolution concerning the emancipation of women, she pointed out that that was only a secondary consideration because in cases of urgency decisions might have to be reversed.

7. She was gratified that the matter had been entrusted to the Secretary-General and that the Committee had merely indicated what order of priority should be followed.

8. Mrs. MBOIJANA (Uganda), speaking on behalf of the sponsors of the draft, wished to thank the members of the Committee for having adopted the resolution. The sponsors had appreciated the arguments advanced in support of its adoption, all of which reflected the importance that the Committee attached to the matter.

9. The Guinean representative had eloquently explained the principles underlying the draft resolution. He had also made it clear that the point raised by the Netherlands representative, namely the concept of a multi-racial society, would be included in the agenda of the seminar.

10. Mr. MUMBU (Democratic Republic of the Congo) welcomed the decision taken by the Committee in adopting the resolution. The Congo, which considered the struggle against apartheid and the cause of the emancipation of women to be equally important, hoped that it would be possible to hold the seminars on both matters in 1966. Agreeing on that point with

the Chairman and with the representatives of Madagascar and the Soviet Union, among others, he had not felt that, by voting for the international seminar on apartheid, he had been going back on the decision that had been taken in regard to the seminars concerning women.

11. Mr. ELMENDORF (United States of America) said that while he was gratified at the Committee's unanimous vote in favour of the seminar on apartheid, he would have liked the Secretary-General to have been given greater latitude with regard to the financing of the seminar.

12. He was glad that the Committee's report would reflect the general desire of the representatives to maintain the fellowship programme.

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued)* (A/5803, chap. IX, sec. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1221, L.1239, L.1241, L.1249, L.1251, L.1262, L.1266, L.1268, L.1270 to L.1273, L.1274/Rev.1, L.1278)

ARTICLES ON MEASURES OF IMPLEMENTATION

13. The CHAIRMAN reminded the Committee that it had already adopted the preamble and the substantive articles of the draft International Convention on the Elimination of All Forms of Racial Discrimination (A/C.3/L.1239, L.1241, L.1249, L.1262). It now had to consider the measures of implementation and the final clauses. In view of the importance of those provisions, he agreed with the suggestion made by the French and Italian representatives, among others, that the Committee might concentrate on the measures of implementation. In that regard, the Committee had before it the proposals submitted by the Philippines (A/C.3/L.1221) and the amendments thereto submitted by the United Kingdom (A/C.3/L.1266), the Latin American countries (A/C.3/L.1268), the Netherlands (A/C.3/L.1270), the United States of America (A/C.3/L.1271), Tunisia (A/C.3/L.1273) and Ghana (A/C.3/L.1274/Rev.1). The Committee also had before it statements of the financial implications submitted by the Secretary-General (A/C.3/L.1251, L.1278).

14. Mr. GARCIA (Philippines) recalled that in the substantive articles of the Convention which had been approved by the Committee, provision had been made for the measures to be taken by each State Party within its jurisdiction to comply with its legal obligations under the Convention. The Philippine proposals would further provide for means of implementation beyond the national level in respect of States Parties, persons, groups of individuals and non-governmental organizations in order to strengthen the Convention and make it an effective instrument.

15. Article 1 of the proposals (A/C.3/L.1221) would call for reports on legislative or other measures adopted by States Parties to be submitted through the Secretary-General to the Economic and Social Council for transmission to the Commission on Human Rights or the specialized agency concerned for information, study and recommendations.

16. Articles 2 to 18 would provide for the establishment of a good offices and conciliation committee to which States Parties might complain on grounds of non-implementation of the Convention, but only after all domestic remedies had been exhausted. If a solution could not be reached, the committee would draw up a report on the facts and indicate its recommendations. Eventually the States Parties could bring the case before the International Court of Justice.

17. Article 16 would allow the committee to receive petitions from persons, groups of individuals and non-governmental organizations in consultative status with the Economic and Social Council, provided that the State Party concerned had recognized the committee's competence to receive such petitions.

18. Article 19 provided for the submission to the International Court of Justice of any dispute involving the interpretation or application of the Convention.

19. Reviewing the background of the Philippine proposals, he recalled that with the exception of article 16, which had been inserted shortly before the submission of the proposals, the texts of all the articles were the same as the texts of the documents mentioned in the note by the Secretary-General (A/5921, paras. 5 (b) and (c)), namely article X of the draft Convention transmitted to the Commission on Human Rights by resolution 1 (XVI) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/3873, para. 281) and the preliminary draft of additional measures of implementation transmitted to the Commission on Human Rights by resolution 2 (XVI) of the Sub-Commission (E/3873, annex I).

20. With the exception of article 16, all the articles in the Philippine proposals had been drafted and introduced in the Sub-Commission by Mr. J. D. Inglés, the Philippine expert serving on that body. He had taken as the basis of his draft the relevant provisions of the draft covenant on civil and political rights and on the Protocol to the UNESCO Convention against Discrimination in Education. Article 16, concerning the right of petition, had been based on a similar provision in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

21. The Philippine proposals consisted essentially of two measures—the reporting procedure provided for in article 1 and the establishment of implementation machinery in the form of a good offices and conciliation committee (articles 2 to 18). Within the framework of the second measure, article 16 provided for a third means—the right of petition by persons, groups of individuals and non-governmental organizations.

22. The original article 1 of Mr. Inglés's preliminary draft, considered by the Sub-Commission, had become article X of the draft Convention submitted to the Commission on Human Rights. That article had now become article 1 of the Philippine proposals. The remainder of the preliminary draft—articles 2 to 15 and 17 to 19 of the Philippine proposals—had been transmitted by the Sub-Commission to the Commission on Human Rights as an expression of the general views of the Sub-Commission.

*Resumed from the 1318th meeting.

23. Owing to lack of time, the Commission at its twentieth session had been unable to vote on article X of the draft Convention, although that article had been discussed and had appeared to meet with no objection, or on the remainder of the preliminary draft, and it had decided to refer all the provisions relating to measures of implementation to the General Assembly.

24. Thus, the measures proposed by the Philippines were not new or radical and represented a logical next step for the completion of the Convention. Moreover, although the Convention on the Elimination of All Forms of Racial Discrimination was an entirely separate instrument, those measures, excepting article 16 on petitions, were similar to the measures of implementation in the draft Covenant on Civil and Political Rights. In other words, the many debates and studies to which the latter had given rise in various United Nations bodies and particularly the Commission on Human Rights, the Economic and Social Council, the Third Committee and the Secretariat, as well as the comments of Governments, could usefully be consulted in the consideration of the Philippine proposal.

25. Even article 16, which was an addition to the original draft, was not new since it had been discussed in the Commission on Human Rights some fifteen years ago.

26. The last time that the General Assembly had dealt with the draft International Covenants on Human Rights, at its eighteenth session in 1963, it had also considered the question of implementation, and had adopted resolution 1960 (XVIII). In that resolution it had stated that the measures of implementation were vital for the adoption and effectiveness of the Covenants, which of course applied equally well in the case of the Convention on the Elimination of All Forms of Racial Discrimination. He trusted that Member States, to which the Secretary-General had transmitted the documents on implementation in pursuance of resolution 1960 (XVIII), were now in a position to decide on the matter of implementation with regard to both the Covenants and the Convention.

27. During the debates in the Committee on the substantive articles of the Convention, his delegation had been deeply impressed by the universal desire of members to complete the consideration of the Convention quickly in order to secure an effective means of eliminating racial discrimination, which was clearly an important and urgent problem. Nevertheless, his delegation wondered whether the Convention in its present form, although the product of much hard work, was very different from the United Nations Declaration on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly in 1963 (resolution 1904 (XVIII)). The Convention would acquire meaning and substance only if it was accompanied by effective measures of implementation; such measures were the very core of the instrument and without them it would remain a dead letter.

28. As a country which had actively taken part in the promotion of human rights since the birth of the United Nations, the Philippines was most anxious that a Convention able to serve that cause effectively should be adopted.

29. In view of the fact that the debates on the Convention had revealed a wide range of opinions, that compromises had been reached on many controversial issues because of the desire of members to hasten the Convention's adoption, and that many provisions might give rise to conflicting interpretations, it was important to establish procedures for safeguards and conciliation.

30. During the past few years the protection of human rights, including those threatened by the practice of racial discrimination, had become a fundamental concern of international law. He believed it should be emphasized that the Convention was an international legal instrument and where implementation was concerned, should be viewed solely from the legal standpoint. It should also be pointed out that the Convention was the first major international agreement on human rights to emerge from the United Nations, and the first to be preceded by a declaration. Accordingly, in considering the implementation of the Convention, the Committee was in fact blazing a trail and paving the way for similar measures in instruments of a like nature. The question of implementation had been before the General Assembly long enough for a decision on the matter to be taken in regard to the Convention, especially in the light of the recommendation of the Commission on Human Rights (see Economic and Social Council resolution 1015 E (XXXVII)) that several such conventions should be adopted and opened for ratification and accession before the International Year for Human Rights in 1968.

31. His delegation believed that the time had now come to consider and possibly decide upon the measures of implementation. It was clear from the summary record of its 810th meeting that the Commission on Human Rights had intended to refer the matter of implementation measures in the Convention to the Assembly for a decision (see E/3873, para. 283). The Third Committee was well qualified to undertake that task in order to complete the Convention, possibly at the present session.

32. Those were the reasons which had led his delegation to submit its proposals on implementation before the 11 October deadline for the submission of amendments, in order to bring the question of implementation to the fore. Had the proposals not been submitted, the Committee might perhaps have thought that it had concluded its consideration of the Convention, whereas it would not have taken up the measures of implementation which, to his delegation, were of the utmost importance.

33. His delegation would pay the closest attention to all comments, suggestions and advice which members might put forward. It realized the difficulty of drawing up implementation provisions which would be acceptable to all States. But any measure of agreement which might be reached in that matter would eloquently demonstrate the progress made by the United Nations in the field of human rights. The achievements of the Organization in that sphere over the past twenty years had been substantial, but the road had not been easy nor progress rapid enough. In order to translate the principles of human rights into concrete legal provisions, which was the

only way of achieving the objectives of the United Nations, new ground must be broken and many obstacles overcome. His delegation was certain that the Committee would prove equal to the challenge.

34. Lastly, he hoped that the spirit of understanding and the sense of urgency which had prevailed so far in the Committee would continue to prevail in the deliberations on the question of implementation.

35. He might have occasion to speak again on the substance of the proposals he had just introduced.

36. Mr. LAMPTEY (Ghana) said that his delegation, having listened attentively to the various opinions expressed during the discussion and having studied all aspects of the problem, was now convinced that the Third Committee should neither leave it to the Commission on Human Rights to prepare draft articles on measures of implementation for the Convention or be satisfied to adopt one or two harmless measures now and ask the Commission on Human Rights to draft the remainder. Since the schools of thought in the Commission and the Committee were more or less the same, the deliberations of the former would overlap with those held subsequently in the latter, which would moreover find itself confronted with a flood of amendments when it took up the draft. It was thus the Committee's task to prepare and adopt the measures of implementation at the current session, which it could do in as friendly an atmosphere as prevailed in the Commission on Human Rights.

37. It had been said that certain opponents of the draft Convention had called for implementation measures in order to block its adoption. Even if that was true, those who had been sincere in their support of the draft Convention during the general debate should take care not to fall into the trap by postponing a decision on the measures of implementation.

38. It had also been said that the Afro-Asians had not been very anxious for the immediate adoption of implementation measures, but no one could believe such talk after hearing their statements and observing their actions on behalf of the Convention. Each of them had emphasized the necessity and urgency of the instrument, and it would be the height of hyprocrisy for them now to recant. Nor was the argument that the Convention could be adopted by the Assembly and ratified by States even before implementation clauses were prepared very convincing, since without such clauses the draft Convention could be but a declaration, which would contribute nothing new to the world.

39. Some had spoken of the lack of time, but that argument also carried little weight; for no matter how lengthy the implementation articles might be, only a few clauses should be the subject of controversy. Moreover, the members of the Committee had already demonstrated that they were capable of a high degree of statesmanship and genuine cooperation in reaching acceptable compromises without abandoning principle. His delegation, in revising its original text, had sought to produce one which could command a large majority. The need to observe the time-limit for submission of amendments had obliged it to submit the text in its own name, so that at least a second document on the question would be before the Committee and the growing campaign to delay a decision could be halted.

40. Introducing his delegation's amendments (A/C.3/L.1274/Rev.1) to the Philippine draft (A/C.3/L.1221), he said that the committee of eighteen members elected by States Parties to the Convention, which would be responsible for receiving reports from States and overseeing the effective application of the Convention, would not be sufficiently independent and impartial to be able to serve as a conciliation body in the event of a dispute between parties. Provision might be made for a permanent conciliation body, but that solution, apart from being too costly because of the condition of United Nations finances, would have many other disadvantages; experience had shown that bodies of that nature often created more problems than they solved, that sooner or later they were dominated by one ideological group, and that their authority might be challenged by the majority of States, which already found it difficult to accept the jurisdiction of the International Court of Justice. It had therefore been considered wiser to provide for the creation, on an ad hoc basis, of a conciliation commission of relative impartiality, by the unanimous consent of the parties to the dispute, with the assistance of the chairman of the committee of plenipotentiaries. A similar formula had been adopted and used quite effectively by the International Labour Organisation.

41. With reference to the actual provisions of his delegation's draft articles, he observed that, as the Convention obliged States to undertake legislative, judicial and administrative measures to eliminate racial discrimination, it was only natural that they should be asked to report on the measures they had taken to implement the Convention. It had been thought best to confer the responsibility for reviewing the reports on a body consisting solely of representatives of States parties to the Conventions. Similarly, under article I, paragraph 6, the committee could request explanations from States Parties and make recommendations to the General Assembly, but only after consulting the States Parties concerned, so that in the event of the committee's being dominated by any State or group of States the atmosphere of agreement surrounding the conclusion of the Convention might maintained.

42. For similar reasons, article VI provided that, when any matter arising out of article III was being considered by the Committee, the Governments in question should, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the committee, but without voting rights. Article VII contained provisions designed to ensure the impartiality of the members of the conciliation commission, who were not to be nationals of the States parties to the dispute. The form of solemn declaration which members of the conciliation commission would have to sign was modelled on the basic ILO texts.

43. With respect to article IX, the International Law Commission had formulated draft provisions on the question of arbitration which, however, had not been accepted by all Member States. His delegation, being anxious to obtain the agreement of a large majority,

had abandoned its original idea and had made the common consent of the parties the essential condition for the submission of the dispute to the International Court of Justice. Nevertheless, his delegation was of the opinion that, once States had given such consent, they were obliged to accept the decision of the Court. As the Convention would be adopted under the auspices of the United Nations, article X, as proposed by his delegation, provided that the committee might ask the General Assembly or the Security Council to secure compliance with the recommendations of the conciliation commission or the decisons of the International Court of Justice.

44. Article XII was based, with some changes, on the amendment submitted by Saudi Arabia to article 40 of the draft Covenant on Civil and Political Rights (A/C.3/L.1267) on the question of petitions by individuals. The article was an important one, since racial discrimination affected individuals, rather than sovereign States. With respect to article XIII, many United Nations agencies already had arrangements for the settlement of disputes, which should be dealt with by the most appropriate procedures.

45. The Third Committee must seize the opportunity afforded by the tide of public opinion against racial discrimination in order to finish its work in that field. Racial hatreds had occasionally erupted between certain peoples, sometimes to a degree of unbelievable savagery. For centuries, however, the black people had suffered most. For that reason, his delegation was resolutely determined to see the Committee complete its work.

46. Mr. LEA PLAZA (Chile) said that the Latin American countries had approached the study of the Convention realistically and constructively. On behalf of those countries he introduced the amendments (A/C.3/L.1268) to the articles relating to measures of implementation submitted by the Philippines.

47. The first proposal was for the insertion, in article 1 of a new paragraph 3, the text of which was taken from the draft Convention submitted to the Commission on Human Rights by the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

48. He pointed out, in connexion with that text, that racial discrimination was seldom elevated to the status of an official policy. It was usually the work of certain groups of society, and was practised independently of and in spite of State legislation. The draft submitted by the Philippine delegation provided for periodic reporting on legislative or other measures adopted by Governments to implement the provisions of the Convention. Under that procedure, reports would be forwarded to the Economic and Social Council and the Commission on Human Rights by the State itself. The Latin American countries had submitted their amendments in order to provide racial groups subjected to discrimination with a means of direct recourse and to allow them to inform world opinion of the discriminatory measures directed against them. The procedure proposed was similar to that which had been established for the purpose of securing respect for human rights. Persons suffering from racial discrimination would be able to address a communication to the Secretary-General. The State of which complaint was made would also be allowed to state its views. The Economic and Social Council could transmit those communications and the replies of the States to the Commission on Human Rights or any other competent body for information and study. It would not be required to do so, however, since the Council would be responsible for judging how serious or justified were the complaints received. In the second proposal, which followed from the first, the sponsors requested the addition, at the end of the existing paragraph 3, which would become paragraph 4, of a sentence allowing the States Parties directly concerned to make observations also on any recommendations that might be made in accordance with the new paragraph 3 of article 1.

49. Unless individuals were given an opportunity to inform international bodies of the discrimination to which they were subjected, States would be forced to go to the defence of persons or groups of persons in another State, and that would involve interference in the domestic affairs of States which the countries concerned would be unable to accept.

50. The delegations of the Latin American countries believed that the clauses they were proposing would broaden the scope of the Convention and they would welcome any suggestions for improving the text.

51. Lady GAITSKELL (United Kingdom) observed that the question which the Committee was now taking up—that of implementation measures—was one of the most important aspects of its work since it meant considering how to do something really practical about human rights.

52. With reference to the remarks of the representative of Ghana, she was astonished that after years of progress and effort some representatives still favoured passing the subject back to the Commission on Human Rights. That attitude seemed to indicate either that certain delegations feared that racial discrimination was too politically thorny a subject, that they were not awake to the urgency of the problems—although they had adopted a resolution calling for the organization of a seminar on apartheid—or that they considered it safer to back down when it came to implementing proposals which they themselves had originally warmly supported.

53. The instruments so far adopted by the United Nations were certainly useful, if only because they gave an idea of the measure of agreement reached on principles. However, agreement on principles was not enough. States were indeed obliged to go further, under the obligations expressed in the Preamble and in Articles 55 and 56 of the Charter, and see that the United Nations was given a practical and active role in the promotion of human rights.

54. Unlike the representatives who had denied during the discussions that any racial discrimination existed in their countries, she admitted that such discrimination did exist in the United Kingdom, where it had been aggravated by a large influx of new immigrants. The unfettered United Kingdom Press had made no attempt to hide that fact from world public opinion. Her country was dealing with its problems of racial dis-

crimination and welcomed the fact that the United Nations was interesting itself in them also. It was precisely because her delegation regarded racial discrimination as an extremely complex problem—it was only necessary to look at the way in which men distorted facts and invented theories to prove their superiority—that it considered legislation alone to be of doubtful value in eradicating it. In her opinion, using legislation by itself was like cutting down a noxious weed above the ground and leaving the roots intact.

55. Moreover, there came a point when legislation encroached on freedom of speech and association. The United Kingdom had always sought to keep a balance between repressive legislation and freedom of expression. It might well be that that attitude was displeasing to certain delegations—the same ones which never failed to search the free Press of the United Kingdom for arguments which they could use against that country. Nevertheless her delegation could not express strongly enough its belief in free speech, free communication and free association, to say nothing of the freedom to come and go across frontiers, which it considered to be the most valuable way of revealing and eliminating racial discrimination wherever it existed.

56. The United Kingdom delegation was sure that the same delegations which had strongly supported legislative action by the United Nations would be just as ready to tackle boldly the question of implementation and thus prove to the world that they were ready to translate their words into deeds.

57. Mr. CAPOTORTI (Italy) welcomed the proposals made by the representatives of the Philippines and Ghana, which both had the same aim of arming the substantive articles of the convention with effective implementation clauses.

58. Quite apart from the fact that a convention consisting solely of provisions of a legislative or judicial nature left each State free to interpret the convention in its own way and to decide to what extent the convention was binding upon it, it was absolutely vital, in view of the inadequacy of the remedies which could be sought in existing international law when a right was violated, to establish special international guarantees designed to prevent abuses and possible violations of the principles of the convention by States which, even if they had ratified the convention in good faith, might be induced by force of circumstances or by reasons of internal policy to betray it and thus compromise the achievement of its objectives. Periodic reports could obviously be useful, but they were not sufficient, as they did not make it possible to intervene at the time when a violation took place. It was true that the Charter—which had been conceived in an outmoded spirit of conservatism since it seemed to acquiesce in the continuance of the system of trusteeship—provided only for periodical reports on dependent Territories, but, since the drawing up of the Charter, changes had taken place and the need for resort to direct testimony had been realized. In the case of the present convention, which was designed to protect individuals against racial discrimination and provide for their defence, the victims of such discrimination should be able to make themselves heard at the international level by presenting petitions.

59. Obviously, States desired to remain free and to retain the power of judgement which they regarded as an attribute of their sovereignty, and the very expression "international control" seemed suspect to them. When, as often happened, however, an urgent situation arose in which they were not themselves involved, they were the first to call for intervention by international organizations; but, unfortunately, once the situation had become critical it was already too late to take action. The wisest course, therefore, was to take precautions in advance by adopting the implementation provisions which were essential if legal obligations rather than mere moral obligations were to be imposed on States. The difference between legal and moral obligations was that the former carried means of enforcement. There was nothing in the proposals before the Committee that jeopardized the sovereignty of States, for those proposals called merely for the institution of good offices and conciliation machinery.

60. Mr. MOMMERSTEEG (Netherlands) considered that the implementation provisions of the draft International Convention on the Elimination of All Forms of Racial Discrimination which were under discussion in the Committee and in connexion with which a number of proposals had been made, particularly by the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1), formed an integral part of the whole work of the United Nations in promoting respect for human rights and fundamental freedoms. Any decision on them should therefore be taken in the context of the broad framework of United Nations activities in the field of human rights and particularly the implementation of the draft international covenants.

61. Numerous international instruments—conventions, declarations and recommendations—dealing with human rights had been formulated in order to satisfy the desire of the international community for basic legal standards and were now incorporated in international law. However, the proclamation of such standards was not generally considered to provide a sufficient guarantee of their observance, and the creation of effective safeguards to ensure the protection and enjoyment of the rights proclaimed was recognized as an indispensable part of the task of the United Nations in the fields of human rights and fundamental freedoms. It appeared to be that consideration which had prompted the delegations of the Philippines and Ghana each to take the valuable initiative of proposing a set of articles relating to measures of implementation for addition to the provisions of the draft Convention.

62. There did already exist international machinery for the implementation of international instruments: a case in point was the system of periodic reports based on the Universal Declaration of Human Rights, which was not only a source of information and a valuable incentive to Governments' efforts to protect human rights and fundamental freedoms, but also a yardstick of the progress made while awaiting the adoption and entry into force of the Covenants on Human Rights. There was also the example of the

United Nations Fact-Finding Mission to South Viet-Nam established by the General Assembly at its eighteenth session to investigate the alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community of that country: in his delegation's view fact-finding was one of the most effective means of dealing with violations of human rights. However, the drafts before the Committee provided for the establishment of new machinery: thus, in the case of the draft Covenant on Civil and Political Rights it was proposed to establish a system of periodic reporting and to set up a human rights committee to which States Parties might submit complaints concerning failure to give effect to any provisions of the Covenant; in the case of the draft Covenant on Economic, Social and Cultural Rights it was proposed to set up a system of periodic reports from States Parties, and in the case of the draft Convention on the Elimination of All Forms of Racial Discrimination there were the proposals made by the delegations of the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1), while the proposal of the delegation of Costa Rica (A/5963) calling for the creation of the post of United Nations High Commissioner for Human Rights (agenda item 98) should also be mentioned in that connexion. He wondered whether it was really desirable to establish several similar institutions each designed to ensure the implementation of a separate international instrument. Was there not a danger, in view of the growing number of international instruments, that that might lead to organizational complications, and would not it be preferable to consider the possibility of creating only one single machinery for the implementation of all the international instruments in the field of human rights, which raised the same problems of application? The Netherlands delegation was aware, of course, that the concentration and co-ordination of implementation activities, however desirable it might be in theory, might not be attainable at present.

63. Broadly speaking, it appeared that the measures of implementation involved three different techniques, each of which had its merits: the system of periodic reports provided for in the Philippine and Ghanaian texts was undoubtedly the least controversial method but was of only limited value, since reports submitted by States tended to paint too rosy a picture. The system of complaints proposed by the Philippines (A/C.3/L.1221) and Ghana (A/C.3/L.1274/Rev.1) provided that, if a matter was not adjusted to the satisfaction of both the complaining State and the State complained against, either by bilateral negotiations or by any other procedure open to them, either State should have the right to refer the matter to a committee, which in the Philippine text was a good offices and conciliation committee and in the Ghanaian text a fact-finding committee, conciliatory powers being vested in an ad hoc commission appointed by the chairman of the committee. Under that system, the case might be referred to the International Court of Justice as a last resort; his delegation could not but approve such a provision but it would be effective only if the State complained of or the State lodging a complaint could submit the dispute to the Court without first having to obtain the consent of the other State. However useful that system might be, it was not entirely satisfactory, for intervention by States to redress violations of human rights was usually of a political nature, and its value and effectiveness suffered accordingly.

64. The last system—that of petitions from individuals, groups and non-governmental organizations—was in his delegation's opinion the most valuable and effective. He therefore welcomed the provision in article 16 of the Philippine text (A/C.3/L.1221) empowering the good offices and conciliation committee to receive petitions addressed to the Secretary-General from any person or group of individuals claiming to be the victim of a violation of the Convention by any State Party, or from any non-governmental organization in consultative status with the Economic and Social Council. He approved the optional nature of the article, which made it a condition for the receipt of petitions by the committee that the State Party complained of should declare that it recognized the competence of the committee to receive such petitions. He hoped that, in due course, many States would be convinced of the great merits of the right of individual petition. His delegation had submitted an amendment (A/C.3/L.1270) which did not affect the principle laid down in the Philippine article 16 but which would make it possible to screen the petitions and eliminate those that were ill-founded or that constituted an abuse of the right of petition. The original Ghanaian text had included provisions on the right of petition which had largely corresponded to his delegation's ideas, but the revised version of that text had considerably changed the proposed procedure in the matter.

65. In conclusion, he wished to express clearly the firm hope of his delegation that at the current session the Committee would complete the Convention on the Elimination of All Forms of Racial Discrimination, including the measures of implementation, without which a convention could hardly amount to anything more than a declaration.

66. Mr. KOCHMAN (Mauritania) said that his delegation could not yet give a final opinion on any of the amendments, since the measures of implementation were still purely theoretical. However, it unreservedly supported article 1 of the Philippine proposals (A/C.3/L.1221).

67. He might have occasion to speak again later.

68. Mr. KIRWAN (Ireland) said that, in his delegation's opinion, an instrument as important as the draft International Convention on the Elimination of All Forms of Racial Discrimination should incorporate strong and meaningful articles of implementation. His delegation acknowledged the validity of the argument that articles of implementation were superfluous, since in ratifying the Convention the States Parties ipso facto undertook to implement its provisions; but it considered that the United Nations should not hesitate to provide the additional safeguard of an international guarantee by establishing suitable collective machinery to ensure that the rights and freedoms prescribed in the Convention were respected. By so doing it would make a formidable advance, and would be following the lead of other

international organizations which recognized the principle of an international guarantee; the Constitution of the ILO, for instance, provided for a system of periodic reports, a complaints procedure, and the possibility of referring certain disputes to the International Court of Justice.

69. The proposals put forward by the Philippines (A/C.3/L.1221) were best calculated to make the Convention a meaningful instrument, although there was room for revision on points of detail; his delegation would also take into account the amendments submitted by the delegation of Ghana (A/C.3/L.1274/Rev.1).

70. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) expressed the keen hope that the Committee would equip the International Convention on the Elimination of All Forms of Racial Discrimination with effective measures of implementation as quickly as possible. His delegation had always done its utmost towards the final elimination of colonialism, of which racism was one of the most atrocious expressions. It had been very glad to hear certain delegations, especially that of the United Kingdom, state during the discussion of the substantive articles of the Convention that they attached great importance to its speedy adoption.

71. Yet the adoption of a convention, however, perfect it might be, was not enough. Experience had shown that the effectiveness of such instruments depended on the measures laid down for their implementation at the international level. So long as the economic and social conditions that gave rise to racism persisted in certain States, manifestations of racial discrimination were only to be expected. If all States adopted practical measures wherever they were needed to eliminate the conditions that gave rise to racism, mankind would see that monstrous and shameful aberration gradually disappear. It was essential that the General Assembly should adopt at its current session the measures of implementation for the Convention on the Elimination of All Forms of Racial Discrimination, and all delegations must do their best to that end. In that connexion, his delegation had been somewhat surprised to hear the Ghanaian representative say that some delegations did not wish the measures of implementation to be adopted at the present stage.

72. His delegation's position on the subject of the measures of implementation was clear and consistent: it considered that those were the articles which would ensure respect for the Convention, which was based on the Declaration on the Granting of Independence to Colonial Countries and Peoples and the Declaration on the Elimination of all Forms of Racial Discrimination.

73. The articles of implementation must be clear and precise, and must raise no difficulties likely to delay their adoption. Furthermore they should be of reasonable length, so as not to unbalance the Convention. They should be based on respect for the principle of the sovereignty of States and the principle of non-interference in the domestic affairs of States, both of which were embodied in the United Nations Charter. His delegation advocated the establishment of a special organ composed of States Parties to the Convention, which should work in a spirit of international co-operation to enforce the Convention. It was in favour of a system of reports from the States Parties to the Convention on the legislative, administrative, legal, economic and social measures taken to ensure the elimination of all forms of racial discrimination. Disputes arising out of the application of the Convention should be settled in the same spirit as all international disputes, i.e., with due regard for the views of States and for their sovereignty.

74. His delegation might have occasion to submit amendments at a later stage. It was prepared to co-operate with all delegations, particularly the sponsors of amendments, and hoped that all delegations would be moved by the same spirit of conciliation so that the General Assembly might adopt unanimously, at its twentieth session, the entire Convention on the Elimination of All Forms of Racial Discrimination.

75. Mr. BAROODY (Saudi Arabia) said that he wished to state his delegation's general position on the measures of implementation of the Convention on the Elimination of All Forms of Racial Discrimination. It would be tempting but unrealistic to leave it to States to make their own arrangements for safeguarding the rights of their nationals. Racial discrimination existed even in States which had reached a very advanced stage of development and whose constitutions proclaimed the equality of all men. He agreed with the USSR representative that care must be taken not to encroach upon the sovereignty of States, and that a multilateral treaty must avoid any interference in the domestic affairs of States.

76. In a world still beset by the cold war there were certain dangers involved in giving each signatory State the freedom to lodge a complaint against another signatory State. A complaint from a private individual, whether well-founded or not, might serve as a pretext for one State to accuse another, and for interference in the affairs of other countries. His delegation had given thought to the problem and had mentioned its apprehensions to the Chanaian delegation, which had taken them into account in its draft article XII. That article was designed to protect, not so much the individual injured by another individual—who could in principle resort to the law courts, although that possibility was sometimes problematical—as the individual whose rights were violated by the authorities, especially in multiracial societies. Under that article, the injured individual could complain to the national committee which would be set up in every signatory State and which would be composed of independent persons having no official connexion with the Government. Those national committees would submit to the Secretary-General certified copies of their registers, and would protect the rights of private persons. On the other hand, he opposed the establishment of the eighteen-member committee provided for in the Ghanaian amendment. Without a screening system, the committee might be overwhelmed by an avalanche of complaints; moreover it might be unfamiliar with the various social systems prevailing in the different signatory States and, for all its goodwill and conscien-

tiousness, would probably not be able to satisfy all complainants, however well-founded their complaints. Lastly, its eighteen members might give way to pressure or to political feeling. In his opinion the proposed national committees offered an adequate guarantee, and to increase the number of organs and remedies might mean reducing the number of accessions to the Convention. In any case, the mere existence of the national committees would have the effect of making Governments more respectful of the rights of their nationals, for they would not wish their reputations to be sullied by reports to the Secretary-General. Thus States in which coloured people suffered discrimination in such matters as housing, employment or remuneration would be keen to put matters right before their nationals complained to the national committees and the latter reported to the Secretary-General.

77. He would speak again later in order to submit some amendments to the draft measures of implementation.

The meeting rose at 6.20 p.m.

Litho in U.N. 77301—September 1966—2,175

Annex 45

Commission on Human Rights, Draft International Convention on the Elimination of All Forms of Racial Discrimination, Final Clauses, Working Paper prepared by the Secretary-General, 17 February 1964, doc. E/CN.4/L.679

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Twentieth session
Item 3 of the provisional agenda

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Final Clauses

Working paper prepared by the Secretary-General

1. The Chairman of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities, with the agreement of the members of the Sub-Commission, requested the Secretary-General to submit to the Commission a working paper presenting alternative forms for final clauses, including those submitted by members of the Sub-Commission, and taking into account provisions included in texts of conventions prepared by the United Nations and the specialized agencies, in order to assist the Commission in its work on the draft International Convention on the Elimination of all Forms of Racial Discrimination (E/CN.4/873, para. 115).

2. In compliance with this request the Secretary-General submits herewith a working paper setting forth alternative forms of final clauses in the following order:

I	Signature and ratification	Article 1 A - 1 G
II	Accession	Article 2 A - 2 C
III	Entry into force	Article 3 A - 3 E
IV	Territorial Application	Article 4 A - 4 F
V	Federal State	Article 5
VI	Reservation	Article 6 A - 6 C
VII	Denunciation and Abrogation	Article 7 A - 7 D
VIII	Settlement of Disputes	Article 8 A - 8 D
IX	Revision	Article 9 A - 9 C
X	Notifications	Article 10 A - 10 C
XI	Authentic Text	Article 11 A - 11 C

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At the end of the working paper a list is given of the instruments cited in the paper, with a reference to the documents in which they may be consulted.

3. More comprehensive examples of final clauses are set out in the "Handbook of Final Clauses", (ST/LEG/6) which was prepared by the Treaty Section of the Office of Legal Affairs in 1957.

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I. Signature and Ratification

Article 1-A[1/]

1. This Convention shall be open until for signature by any State Member of the United Nations or any of its specialized agencies, at the Headquarters of the United Nations.

2. This Convention shall be subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 1-B[2/]

1. The present Convention is open for signature by all States at the United Nations Headquarters.

2. The present Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 1-C[3/]

1. This Convention shall be open for signature on behalf of any Member of the United Nations and also on behalf of any other State to which an invitation has been addressed by the General Assembly.

2. This Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

1/ Paragraphs (1) and (2) of article IV of the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission (E/CN.4/873, annex I B).

2/ Article 4 of the draft convention on the elimination of all forms of racial discrimination submitted by Messrs. Ivanov and Ketrzynski to the Sub-Commission (E/CN.4/873, annex I C).

3/ Article IV of the Convention on the Political Rights of Women, 1952 (General Assembly resolution 640 (VII), annex).

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Article 1-D[4/]

1. The present Convention shall be open for signature and ratification on behalf of any State Member of the United Nations and also on behalf of any other State which is or hereafter becomes a member of any specialized agency of the United Nations, or which is or hereafter becomes a Party to the Statute of the International Court of Justice, or any other State to which an invitation has been addressed by the General Assembly of the United Nations.

2. The present Convention shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 1-E[5/]

1. This Convention shall be open for signature until 31 December 1963 on behalf of any non-Member State which is a Party to the Statute of the International Court of Justice, or Member of a specialized agency, and any other non-Member State which has been invited by the Economic and Social Council to become a Party to the Convention.

2. This Convention shall be ratified. The instruments of ratification shall be deposited with the Secretary-General.

4/ Article 3 of the Convention on the Nationality of Married Women, 1957 (General Assembly resolution 1040 (XI), annex). See also article VIII of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958 (E/CONF/26/9/Rev.1), articles 48 and 49 of the Vienna Convention on Diplomatic Relations, 1961 (A/CONF/20/14/Add.1) and articles 74 and 75, of the Vienna Convention on Consular Relations, 1963 (A/CONF/25/12).

5/ Article 13 of the Convention on the Recovery Abroad of Maintenance, 1956 (E/CONF/21/7).

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Article 1-F[6/]

1. The present Convention shall, until 31 December 1963, be open for signature on behalf of all States Members of the United Nations or members of any of the specialized agencies, and of any other State invited by the General Assembly of the United Nations to become a party to the Convention.

2. The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 1-G[7/]

1. This Convention shall be subject to ratification or acceptance by States Members of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification shall be deposited with the Director-General of UNESCO.

6/ Article 4 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962 (General Assembly resolution 1763 (XVII), annex). See also the statement made by the Legal Counsel at the 1142nd meeting of the Third Committee in connexion with this article (A/C.3/L.985, and A/C.3/SR.1142, paras. 25-27).

7/ Article 12 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II).

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II. Accession

Article 2-A[8/]

This Convention shall be open to accession by any State referred to in paragraph 1 of article 1. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 2-B[9/]

1. The present Convention shall be open for accession to all States referred to in paragraph 1 of article 1.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 2-C[10/]

1. This Convention shall be open to accession by all States, not members of UNESCO, which are invited to do so by the Executive Board of the Organization.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of UNESCO.

III. Entry into force

Article 3-A[11/]

1. This Convention shall enter into force ninety days after the date of deposit of the /twentieth/ instrument of ratification or accession.

2. For each State ratifying or acceding after the date of deposit of the /twentieth/ instrument of ratification or accession, this Convention shall enter into force ninety days after the deposit of the instrument.

8/ Paragraph 3 of article IV of the draft Convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi (E/CN.4/873, annex I B).

9/ Article V of the Convention on the Political Rights of Women, 1952, article 5 of the Convention on the Nationality of Married Women, 1957, article 5 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962.

10/ Article 12 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II).

11/ Article IV of the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission (E/CN.4/873, annex I B).

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Article 3-B[12/]

1. The present Convention shall enter into force on the thirtieth day from the date of the deposit with the Secretary-General of the United Nations of the fifth instrument of ratification or instrument of accession.

2. For the States ratifying the Convention or acceding to it after the deposit of the fifth instrument of ratification or instrument of accession, the present Convention shall enter into force on the thirtieth day from the date of the deposit of their own instruments of ratification or instruments of accession.

Article 3-C[13/]

1. The present Convention shall come into force on the ninetieth day following the date of deposit of the sixth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day after deposit by such State of its instrument of ratification or accession.

Comments

Similar clauses are to be found in most other Conventions drawn up under the auspices of the United Nations, but the number of ratifications and accessions and the time-limits required for entry into force of the Convention may vary. For example, article 6 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962, refers to eight instead of six instruments of ratification or accession as being necessary before that Convention can enter into force. Article 29 of the Convention on the Territorial Sea and the Contiguous Zone, 1958, provides for the entry into force

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12/ Article 5 of the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Ivanov and Mr. Ketrzynski (E/CN.4/873, annex I C).

13/ Article VI of the Convention on the Political Rights of Women, 1952, and article VI of the Convention on the Nationality of Married Women, 1957.

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of the Convention on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession (A/CONF.13/18). Similar requirements are contained also in article 34 of the Convention on the High Seas, 1958, article 18 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958, in article 11 of the Convention on the Continental Shelf, 1958 (A/CONF.13/38), in article 15 of the Vienna Convention on Diplomatic Relations, 1961 (A/CONF.20/14/Add.1), in article 77 of the Vienna Convention on Consular Relations, 1963 (A/CONF.25/12).

Article 41 of the Single Convention on Narcotic Drugs, 1961, provides that the Convention shall come into force on the thirtieth day following the date on which the fortieth instrument of ratification or accession is deposited (62.XI.1).

Article 3-D[14/]

1. /This Convention/ shall come into force twelve months after the date on which the ratification of two members have been registered with the Director-General of the International Labour Office.

2. Thereafter this Convention shall come into force for any member twelve months after the date on which its ratification has been registered.

Article 3-E[15/]

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on/or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

14/ Article 8, paras. 2 and 3 of the ILO Convention concerning discrimination in respect of employment and occupation, 1958 (E/CN.4/Sub.2/234, annex I).

15/ Article 14 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II).

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IV. Territorial Application

Article 4-A[16/]

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territory, but also to all non-self-governing, trust, colonial and other territories for the international relations of which they are responsible; they undertake to consult, if necessary, the Governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Secretary-General of the United Nations of the territories to which it is accordingly applied, the notification to take effect three months after the date of its receipt.

Article 4-B[17/]

Each State Party shall undertake to apply this Convention not only to its metropolitan territory but also to all non-self-governing, trust and colonial territories for which it is for the time being responsible.

Article 4-C[18/]

The provisions of the present Convention shall extend to or be applicable equally to a contracting metropolitan State and to all the territories, be they non-self-governing, trust or colonial territories, which are being administered or governed by such metropolitan State.

16/ Article V of the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission (E/CN.4/873, annex I B). A similar clause is included in article 15 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II).

17/ Additional article proposed by Mr. Mudawi (E/CN.4/873, para. 112) to the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Abram to the Sub-Commission (E/CN.4/873, annex I A).

18/ Article IX of the Convention on the International Right of Correction, 1952 (General Assembly resolution 630 (VII), annex). The General Assembly by resolution 422 (V) requested the Commission on Human Rights to include a similar article in the International Covenant on Human Rights.

Article 4-D[19/]

The provisions of this Convention shall extend to or be applicable equally to all non-self-governing, trust or other territories for the international relations of which a Contracting Party is responsible, unless the latter, on ratifying or acceding to this Convention, has given notice that the Convention shall not apply to any one or more of such territories. Any Contracting Party making such a declaration may, at any time thereafter, by notification to the Secretary-General, extend the application of the Convention to any or all such territories.

Article 4-E[20/]

Any Contracting State may at any time, by notification addressed to the Secretary-General of the United Nations extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that Contracting State is responsible.

Article 4-F[21/]

1. This Convention shall apply to all non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any State Party is responsible; the Party concerned shall, subject to the provisions of paragraph 2 of this article, at the time of signature, ratification or accession declare the non-metropolitan territory or territories to which the Convention shall apply ipso facto as a result of such signature, ratification or accession.

19/ Article 12 of the Convention on the Recovery Abroad of Maintenance, 1956 (E/CONF/21/7). A similar clause is included in article 14 of the Convention on the Declaration of Death of Missing Persons, 1950 (United Nations Treaty Series, Vol. 119).

20/ Article 12 of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948 (General Assembly resolution 260 (III), annex). Similar provisions are included in article 40 of the Convention Relating to the Status of Refugees, 1951 (A/CONF.2/108) and article 36 of the Convention Relating to the Status of Stateless Persons, 1954 (E/CONF.17/S/Rev.1).

21/ Article 12 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956 (E/CONF/24/23). A similar clause is included in article 7 of the Convention on the Nationality of Married Women, 1957, and article 42 of the Single Convention on Narcotic Drugs, 1961 (62.XI.1).

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2. In any case in which the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Party or of the non-metropolitan territory, the Party concerned shall endeavour to secure the needed consent of the non-metropolitan territory within the period of twelve months from the date of signature of the Convention by the metropolitan State, and when such consent has been obtained, the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General.

3. After the expiry of the twelve-month period mentioned in the preceding paragraph, the States Parties concerned shall inform the Secretary-General of the results of the consultations with those non-metropolitan territories for whose international relations they are responsible and whose consent to the application of this Convention may have been withheld.

V. Federal State

Article 5[22/]

In the case of a Federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment.

22/ Article 41 of the Convention Relating to the Status of Refugees, 1951. Similar clauses are included in article 37 of the Convention Relating to the Status of Stateless Persons, 1954, and article 11 of the Convention on the Recovery Abroad of Maintenance, 1956.

(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

VI. Reservation[23]

Article 6-A[24]

Reservation to this Convention shall not be permitted.

Article 6-B[25]

In the event that any State submits a reservation to any of the articles of this Convention at the time of signature, ratification or accession, the Secretary-General shall communicate the text of the reservation to all States which are or may become Parties to this Convention. Any State which objects to the reservation may, within a period of ninety days from the date of the said communication (or upon the date of its becoming a Party to the Convention), notify the Secretary-General that it does not accept it. In such case, the Convention shall not enter into force as between such State and the State making the reservation.

Article 6-C[26]

1. At the time of signature, ratification or accession, any State may make reservations to any article of the present Convention other than articles.....

23/ See comments at the end of article 6-C below.

24/ Article 9 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II). Similar clause is included in article 9 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956 (E/CONF/24/23).

25/ Article VII of the Convention on the Political Rights of Women, 1952.

26/ Article 8 of the Convention on the Nationality of Married Women, 1957.

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2. If any State makes a reservation in accordance with paragraph 1 of the present article, the Convention, with the exception of those provisions to which the reservation relates, shall have effect as between the reserving State and the other Parties. The Secretary-General of the United Nations shall communicate the text of the reservation to all States which are or may become Parties to the Convention. Any State Party to the Convention or which thereafter becomes a Party may notify the Secretary-General that it does not agree to consider itself bound by the Convention with respect to the State making the reservation. This notification must be made, in the case of a State already a Party, within ninety days from the date of the communication by the Secretary-General; and, in the case of a State subsequently becoming a Party, within ninety days from the date when the instrument of ratification or accession is deposited. In the event that such a notification is made, the Convention shall not be deemed to be in effect as between the State making the notification and the State making the reservation.

3. Any State making the reservation in accordance with paragraph 1 of the present article may at any time withdraw the reservation, in whole or in part, after it has been accepted, by a notification to this effect addressed to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received.

Comment

The Secretary-General draws attention of the Commission to General Assembly resolution 598 (VI) of 12 January 1952 by which the Assembly recommended that organs of the United Nations "should, in the course of preparing multilateral conventions, consider the insertion therein of provisions relating to the admissibility or non-admissibility of reservations and to the effect to be attributed to them".

VII. Denunciation and Abrogation

Article 7-A[27/]

A Contracting State may denounce this Convention on its own behalf or on behalf of any territory for whose international relations it is responsible, by a written

27/ Article VII of the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission (E/CN.4/873, annex I B). A similar clause is included in article 16 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II).

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notification to the Secretary-General of the United Nations. A denunciation shall take effect for that State one year after the date of its receipt by the Secretary-General.

Article 7-B[28/]

Any Contracting State may denounce the present Convention by notification to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

Article 7-C[29/]

1. Any Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

2. The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

Article 7-D[30/]

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

28/ Article X of the Convention on the International Right of Correction, 1952.

29/ Article VIII of the Convention on the Political Rights of Women, 1952, and article 9 of the Convention on the Nationality of Married Women, 1957.

30/ Article 9 of the ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (E/CN.4/Sub.2/234, annex I).

/...

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this article.

VIII. Settlement of Disputes

Article 8-A[31/]

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of this Convention, which is not settled by negotiation, shall at the request of any of the parties to the dispute be referred to the International Court of Justice for decision unless they agree to another mode of settlement.

Article 8-B[32/]

Any dispute which may arise between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiation shall, at the request of all the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties agree to another mode of settlement.

31/ Article IX of the Convention on the Political Rights of Women, 1952. Similar provisions are included in article 38 of the Convention Relating to the Status of Refugees, 1951, in article V of the Convention on the International Right of Correction, 1952, in article 34 of the Convention Relating to the Status of Stateless Persons, 1954, in article 10 of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and in Article 10 of the Convention on the Nationality of Married Women, 1957.

32/ Article 8 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962.

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Article 8-C[33/]

Any dispute which may arise between any two or more States Parties to this Convention concerning the interpretation or application of this Convention, which is not settled by negotiation shall at the request of the parties to the dispute be referred, failing other means of settling the dispute, to the International Court of Justice for decision.

Article 8-D[34/]

1. If there should arise between two or more Parties a dispute relating to the interpretation or application of this Convention, the said Parties shall consult together with a view to the settlement of the dispute by negotiation, investigation, mediation, conciliation, arbitration, recourse to regional bodies, judicial process or other peaceful means of their choice.
2. Any such dispute which cannot be settled in the manner prescribed shall be referred to the International Court of Justice for decision.

Comment

There are other examples of clauses concerning arbitration, interpretation and settlement of disputes (see ST/LEG/6, IX), including opticnal Protocols concerning the compulsory settlement of disputes, such as those connected with the Convention relating to the Law of the Sea, 1958, and Conventions relating to Diplomatic and Consular Relations, 1961 and 1963 respectively. (see A/CONF.13/38, A/CONF.20/14/Add.1 and A/CONF.25/15).

In this connexion attention is drawn also to the preliminary draft of the additional measures of implementation proposed for the draft international convention on the elimination of all forms of racial discrimination which were transmitted by the Sub-Commission to the Commission (E/CN.4/873, para. 123, resolution 2 (XVI), annex).

33/ Article 8 of the UNESCO Convention Against Discrimination in Education, 1960. In addition, the General Conference of UNESCO adopted a Protocol Instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex III).

34/ Article 48 of the Single Convention on Narcotic Drugs, 1961.

/...

IX. Revision

Article 9-A[35/]

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such a request.

Article 9-B[36/]

At such times as it may consider necessary the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 9-C[37/]

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession as from the date on which the new revising convention enters into force.

35/ Article XVI of the Convention on the Prevention and Punishment of the Crime of Genocide, 1948. A similar provision is included in article 45 of the Convention Relating to the Status of Refugees, 1951. Similar provisions are included also in article 30 of the Convention on Territorial Sea and the Contiguous Zone, 1958, in article 35 of the Convention on the High Seas, 1958, in article 20 of the Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958, and in article 13 of the Convention on the Continental Shelf, 1958 (A/CONF.13/38, annexes), except that under these Conventions a request for revision may be made only after the expiration of five years from the date of entry of any one of the Conventions.

36/ Article 12 of the ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958 (E/CN.4/Sub.2/234, annex I).

37/ Article 18 of the UNESCO Convention Against Discrimination in Education, 1960 (E/CN.4/Sub.2/234, annex II).

X. Notifications

Article 10-A[38/]

The Secretary-General of the United Nations shall inform all the States referred to in paragraph (1) of article IV of the following particular:

(a) Signatures, ratifications and accessions under article IV;

(b) Extensions under article V;

(c) The date of entry into force of this Convention under article VI;

(d) Denunciation under article VII;

Article 10-B[39/]

The Secretary-General of the United Nations Organization shall notify all States of:

(a) Signature of the Convention and receipt of the instruments of ratification under article IV;

(b) Receipt of the instruments of accession under article V;

(c) Date of entry into force of the present Convention under article V.

Article 10-C[40/]

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-Member States contemplated in paragraph _____ of article _____ of this Convention on the following:

(a) Signatures and instruments of ratification received in accordance with article _____;

(b) Instruments of accession received in accordance with article _____;

(c) The date upon which this Convention enters into force in accordance with article _____;

(d) Communications and notifications received in accordance with article ____;

(e) Notifications of denunciation received in accordance with paragraph _____ of article _____;

(f) Abrogation in accordance with paragraph _____ of article _____.

38/ Article VIII of the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission (E/CN.4/873, annex I B).

39/ Article 6 of the draft convention on the elimination of all forms of racial discrimination submitted by Messrs. Ivanov and Ketrzynski to the Sub-Commission (E/CN.4/873, annex I C).

40/ Article X of the Convention on the Political Rights of Women, 1952. A similar clause is included in article 11 of the Convention on the Nationality of Married Women, 1957, and in article 9 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962.

XI. Authentic Text

Article 11-A[41]

In witness whereof the undersigned Plenipotentiaries have signed this Convention.

Done at New York, this ..... day of ..... 196..., in a single copy, of which the Chinese, English, French, Russian and Spanish texts are equally authentic and which shall be deposited in the archives of the United Nations, and certified copies of which shall be sent by the Secretary-General of the United Nations to all the States referred to in paragraph (1) of article IV of this Convention.

Article 11-B[42]

1. The present Convention, the Chinese, English, French, Russian and Spanish texts of which are equally authentic, shall be deposited with the United Nations Organization.

2. The Secretary-General of the United Nations Organization shall communicate certified copies of the this Convention to all States.

Article 11-C[43]

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy of the Convention to all States Members of the United Nations and to the non-Member States contemplated in paragraph _____ of article _____.

41/ This provision is taken from the draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission (E/CN.4/873, annex I B).

42/ Article 7 of the draft convention on the elimination of all forms of racial discrimination submitted by Messrs. Ivanov and Ketrzynski to the Sub-Commission (E/CN.4/873, annex I C).

43/ Article XI of the Convention on the Political Rights of Women, 1952, article 12 of the Convention on the Nationality of Married Women, 1957, and article 10 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962.

/...

Documentary references

Draft convention on the elimination of all forms of racial discrimination submitted by Mr. Calvocoressi to the Sub-Commission on Prevention of Discrimination and Protection of Minorities	E/CN.4/873, annex I B
Draft convention on the elimination of all forms of racial discrimination submitted by Messrs. Ivanov and Ketrzynski to the Sub-Commission on Prevention of Discrimination and Protection of Minorities	E/CN.4/873, annex I C
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	General Assembly resolution 260 (III), annex
Convention on the Declaration of Death of Missing Persons, 1950	United Nations Treaty Series, Vol. 119
Convention Relating to the Status of Refugees, 1951	A/CONF.2/108
Convention on the International Right of Correction, 1952	General Assembly resolution 630 (VII), annex
Convention on the Political Rights of Women, 1952	General Assembly resolution 640 (VII), annex
Convention Relating to the Status of Stateless Persons, 1954	E/CONF.17/5/Rev.1
Convention on the Recovery Abroad of Maintenance, 1956	E/CONF.21/7
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956	E/CONF.24/23
Convention on the Nationality of Married Women, 1957	General Assembly resolution 1040 (XI), annex
ILO Convention concerning Discrimination in Respect of Employment and Occupation, 1958	E/CN.4/Sub.2/234, annex I

/...

Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958	E/CONF.26/9/Rev.1
Convention on the Territorial Sea and the Contiguous Zone, 1958 Convention on the High Seas, 1958 Convention on Fishing and Conservation of the Living Resources of the High Seas, 1958 Convention on the Continental Shelf, 1958	A/CONF.13/38
UNESCO Convention Against Discrimination in Education, 1960	E/CN.4/Sub.2/234, annex II
Single Convention on Narcotic Drugs, 1961	United Nations Sales No.: 62.XI.1
Vienna Convention on Diplomatic Relations, 1961	A/CONF.20/14/Add.1
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962	General Assembly resolution 1763 (XVII), annex
Vienna Convention on Consular Relations, 1963	A/CONF.25/12

Annex 46

Third Committee of the General Assembly, Draft International Convention on the Elimination of All Forms of Racial Discrimination, Suggestion of final clauses submitted by the Officers of the Third Committee, 15 October 1965, doc. A/C.3/L.1237

UNITED NATIONS

GENERAL ASSEMBLY

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A/C.3/L.1237
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ORIGINAL: ENGLISH

Twentieth session
THIRD COMMITTEE
Agenda item 58

DRAFT INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Suggestions for final clauses submitted by the Officers of the Third Committee

I. SIGNATURE AND RATIFICATION

1. The present Convention is open for signature by any State Member of the United Nations or of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and by any other State which has been invited by the General Assembly of the United Nations to become a party to the Convention.

2. The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

II. ACCESSION

1. The present Convention shall be open to accession by any State referred to in paragraph 1 of article 1.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

III. ENTRY INTO FORCE

1. The present Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or instrument of accession.

2. For each State ratifying the Convention or acceding to it after the deposit of the twentieth instrument of ratification or instrument of accession, the present Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

IV. TERRITORIAL APPLICATION

1. The present Convention shall apply to all non-self-governing, trust, colonial and other non-metropolitan territories for the international relations of which any State Party is responsible. Subject to the provisions of paragraph 2 of this article, the Party concerned shall, at the time of signature, ratification or accession, declare the non-metropolitan territory or territories to which the Convention shall apply ipso facto as a result of such signature, ratification or accession.

2. In any case in which the previous consent of a non-metropolitan territory is required by the constitutional laws or practices of the Party or of the non-metropolitan territory, the Party concerned shall endeavour to secure the needed consent of the non-metropolitan territory within the period of twelve months from the date of signature of the Convention by the metropolitan State, and when such consent has been obtained, the Party shall notify the Secretary-General. This Convention shall apply to the territory or territories named in such notification from the date of its receipt by the Secretary-General.

3. After the expiry of the twelve-month period mentioned in the preceding paragraph, the States Parties concerned shall inform the Secretary-General of the results of the consultations with those non-metropolitan territories for whose international relations they are responsible and whose consent to the application of this Convention may have been withheld.

V. FEDERAL STATE

In the case of a Federal or non-unitary State, the following provisions shall apply:

(a) With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of Parties which are not Federal States;

(b) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

(c) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

VI. RESERVATIONS

1. At the time of signature, ratification or accession, any State may make reservations to any article in the present Convention.

2. If any State makes a reservation in accordance with paragraph 1 of the present article, the Convention, with the exception of those provisions to which the reservation relates, shall have effect as between the reserving State and the other Parties. The Secretary-General of the United Nations shall communicate the text of the reservation to all States which are or may become Parties to the Convention. Any State Party to the Convention or which thereafter becomes a Party may notify the Secretary-General that it does not agree to consider itself bound by the Convention with respect to the State making the reservation. This notification must be made, in the case of a State already a Party, within ninety days from the date of the communication by the Secretary-General; and, in the case of a State subsequently becoming a Party, within ninety days from the date when the instrument of ratification or accession is deposited. In the event that such a notification is made, the Convention shall not be deemed to be in effect between the State making the notification and the State making the reservation.

3. Any State making the reservation in accordance with paragraph 1 of the present article may at any time withdraw the reservation, in whole or in part, after it has been accepted, by a notification to this effect addressed to the Secretary-General of the United Nations. Such notification shall take effect on the date on which it is received.

VII. DENUNCIATION AND ABROGATION

A Contracting State may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

VIII. SETTLEMENT OF DISPUTES

Any dispute between two or more Contracting States over the interpretation or application of this Convention, which is not settled by negotiation, shall at the request of any of the parties to the dispute be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

IX. REVISION

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General. The General Assembly shall decide upon the steps, if any, to be taken in respect of such a request.

X. NOTIFICATIONS

The Secretary-General of the United Nations shall inform all States referred to in paragraph (1) of article I of the following particulars:

(a) Signatures, ratifications and accessions under articles I and II;

(b) The date of entry into force of this Convention under article III;

(c) Communications and ratifications received in accordance with articles IV, V and IX;

(d) Reservations and denunciations under articles VI and VII.

XI. AUTHENTIC TEXT

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

/...

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in paragraph (1) of article I.

Annex 47

Third Committee of the General Assembly, 1367th Meeting,
7 December 1965, doc. A/C.3/SR.1367

United Nations
GENERAL ASSEMBLY
TWENTIETH SESSION
Official Records

THIRD COMMITTEE, 1367th MEETING

Tuesday, 7 December 1965, at 10.55 a.m.

NEW YORK

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Chairman: Mr. Francisco CUEVAS CANCINO (Mexico).

AGENDA ITEM 58

Draft International Convention on the Elimination of All Forms of Racial Discrimination (continued) (A/5803, chap. IX, sect. I; A/5921; E/3873, chap. II and annexes I and III; A/C.3/L.1237, L.1239, L.1241, L.1249, L.1262, L.1272, L.1292, L.1305 and Add.1, A/C.3/L.1307/Rev.2, L.1313, L.1314, L.1317)

FINAL CLAUSES (continued)

CLAUSE IV

1. The CHAIRMAN invited the Committee to continue its consideration of the suggestions for final clauses submitted by the officers of the Committee (A/C.3/L.1237) and the amendments thereto.

2. Mr. ABDEL-HAMID (United Arab Republic) said that his delegation was in favour of the deletion of clause IV, as proposed in the third of the Polish amendments (A/C.3/L.1272), since the substance of the text was already contained in the second revised version of article XIII (bis) (A/C.3/L.1307/Rev.2) of the articles relating to measures of implementation.

3. Mr. HOVEYDA (Iran), supported by Miss FAROUK (Tunisia) and Mr. RIOS (Panama), suggested that the vote on clause IV and on the third Polish amendment should be postponed, in order not to prejudge the Committee's decision on article XIII (bis).

It was so agreed.

CLAUSE V

4. Miss TABBARA (Lebanon) supported the fourth Polish amendment (A/C.3/L.1272), calling for the deletion of clause V. A State, whether unitary or federal, was represented at the international level as a single entity, and the United Nations had never concerned itself with the manner in which international instruments were applied within the territory of a country. It might be dangerous for the federal States themselves to expose their systems to criticism, as a consequence of the procedure envisaged in clause V, sub-paragraph (c). The question was a purely domestic one, which it would be better for the States concerned to settle internally.

5. Mr. LAWREY (Australia) observed that, as the representative of a federal State, he did not share the misgivings expressed by the representative of Lebanon. For essentially practical reasons, his delegation favoured the inclusion of a federal clause in the draft Convention, and it was quite prepared to accept the text suggested by the officers of the Committee, including sub-paragraph (c). Under Australia's written federal Constitution, the implementation of most international instruments relating to economic and social matters necessarily required the consent of, and action by, a number of governments. To obtain such consent and action was time-consuming and sometimes difficult, owing to the variety of legislation involved; in the case of the draft Convention under discussion, even municipal ordinances and regulations would be required. The adoption of clause V would enable the Australian Government to accept obligations under the Convention within the limits of its authority, without awaiting the consent of all local governments which would be necessary for the application and implementation of the instrument. His delegation therefore felt obliged to oppose the fourth Polish amendment.

6. Mrs. SEKANINOVA (Czechoslovakia) opposed the inclusion of the so-called "federal clause" in the draft Convention. In addition to the arguments advanced by the representatives of Poland and Lebanon, her delegation considered that such a clause would substantially weaken the Convention as a whole by establishing inequality of obligations as between federal and unitary States. It would not be in conformity with the recognized principles of international law, under which a federal State as a whole was regarded as a subject of international law.

7. Mr. HOVEYDA (Iran) said that, although he had no strong views on the matter, he thought it rather strange to include in the draft Convention a provision such as the suggested clause V. When a federal State acceded to an international Convention, it acted on behalf of all its constituent states or provinces, and the Third Committee had already adopted provisions designed to ensure implementation of the Convention throughout the territory of a State Party. He was not

convinced by the Australian representative's argument, and he would vote in favour of the Polish amendment.

8. Miss WILLIS (United States of America) said that, although her country had a written Constitution and was a federal State, her delegation nevertheless agreed with the representative of Poland who, in introducing his amendment, had said that such clauses tended to destroy the uniform application of international agreements by placing federal States in a special position. Her delegation would therefore vote in favour of the Polish amendment.

9. Mr. KOCHMAN (Mauritania) said that his delegation, too, would vote in favour of the Polish amendment. A federal State which ratified a convention must ensure that its provisions were applied throughout its territory, and only the central Government could take the necessary measures to that end.

10. Mr. TSAO (China) said that his delegation's main concern was to ensure that as many States as possible acceded to the Convention. The constitutional position of other federal States was not necessarily the same as that of the United States, and his delegation would therefore vote in favour of the retention of the federal clause.

11. Mr. INCE (Trinidad and Tobago) supported the Polish amendment. It was an accepted fact that, whatever form of constitution a State might have, foreign affairs were within the purview of the central Government. Some treaties, which were self-executing, automatically became the law of the land once they were acceded to by a federal State, while in the case of non-self-executing treaties the constitutional processes of the federal State provided for legislation to make them operative in the constituent provinces or states. His delegation could not, therefore, accept the arguments advanced by the representatives of Australia and China.

12. Mr. TAYLOR (United Kingdom) said that for his country, which itself had no problems arising from a federal constitution, an explanation such as that given by the representative of Australia concerning the genuine difficulties a government would have in accepting a United Nations instrument was sufficient reason for the inclusion in the instrument of a federal or other necessary clause. It was not appropriate for any Member State to imply that another could manage its affairs more effectively if it adopted a different kind of constitution. His delegation would therefore abstain in the vote on the Polish amendment.

13. Mr. LAWREY (Australia) said that the statement of the position of federal States made by the representative of Trinidad and Tobago did not accurately reflect Australia's constitutional position. In order not to take the time of the Committee, he himself had not dwelt on the subject in detail, but it was true, as the representative of China had suggested, that the constitutional position was not necessarily identical in all federal States. As the United Kingdom representative had appreciated, the matter was of some practical concern to Australia, and it was in the interest of facilitating the widest and easiest acceptance of the draft Convention that his delegation had taken its position in favour of the retention of a federal clause.

14. Mr. BOULLET (France) observed that the suggested clause V was not of direct concern to his country, which had a unitary Constitution. His delegation, while appreciating the concern of federal States for the integrity of their constitutional systems, believed that a federal clause would enable a State to accede to the Convention while avoiding the application of its provisions to a part of its territory. It would appear more logical for a federal Government first to obtain the consent of its constituent states or provinces, after which it could accede to the Convention without reservations of any kind. His delegation therefore favoured the deletion of the federal clause.

15. Mr. RODRIGUEZ FABREGAT (Uruguay) recalled that his delegation had always taken the position that the argument of domestic jurisdiction could never be advanced in justification of any violation of human rights. The United Nations Charter made it quite clear that all human beings, whether living in a federal or a unitary State or in a colonial territory, were entitled to the enjoyment of such rights, and the draft Convention must go at least as far as the Charter itself. His delegation would vote accordingly on clause V.

16. Mrs. MANTZOULINOS (Greece) said she did not believe that a federal clause was customary in United Nations practice. Although she appreciated the concern of some delegations, the inclusion of such a clause would, in her view, establish international precedents which might create difficulties in the future. Her delegation therefore considered that the federal problem should be treated as a domestic matter.

17. Miss AGUTA (Nigeria), speaking as the representative of a federal State, said that her Government supported the Polish amendment because it deemed it inappropriate for the United Nations to specify how any State should implement the Convention in the light of its own Constitution. The provisions already adopted provided a sufficient option for States wishing to become parties to the Convention.

18. Mr. DAYRELL DE LIMA (Brazil) said that his delegation would support clause V in the form in which it appeared in document A/C.3/L.1237.

19. The CHAIRMAN invited the Committee to vote on the fourth amendment submitted by Poland (A/C.3/L.1272) calling for the deletion of clause V.

The fourth Polish amendment (A/C.3/L.1272) calling for the deletion of clause V was adopted by 63 votes to 7, with 16 abstentions.

CLAUSE VI

20. Mr. LAMPTEY (Ghana), introducing the three-Power amendment (A/C.3/L.1314) to the fifth Polish amendment (A/C.3/L.1272) concerning clause VI of the suggested final clauses (A/C.3/L.1237) on behalf of the sponsors, said that the latter supported the fifth Polish amendment in the belief that reservations to the substantive clauses, and especially to articles I to V, would make the Convention meaningless. They had submitted their amendment because a careful

reading of the articles on measures of implementation (articles VIII to XIV) showed that reservations to those articles would nullify their effect, render the implementation machinery meaningless, and destroy the whole Convention.

21. Mr. ABDEL-HAMID (United Arab Republic) suggested that, since the text of articles VIII to XIV had not yet been finalized, the Committee should postpone action on final clause VI.

It was so agreed.

CLAUSE VII

22. The CHAIRMAN invited the Committee to consider clause VII of the suggested final clauses (A/C.3/L.1237).

Clause VII was adopted unanimously.

CLAUSE VIII

23. The CHAIRMAN invited the Committee to consider clause VIII of the suggested final clauses (A/C.3/L.1237) and the amendments thereto: the sixth Polish amendment (A/C.3/L.1272) and the second amendment submitted by Ghana, Mauritania and the Philippines (A/C.3/L.1313).

24. Mr. MACDONALD (Canada), referring to the suggested final clause VIII, said that he opposed the sixth Polish amendment (A/C.3/L.1272), since it would have the effect of nullifying the entire clause on the settlement of disputes. If all parties to a dispute had to consent to its submission to the International Court of Justice, there was no need for a special provision on the subject, since any inter-State dispute could be brought before the Court with the common consent of the parties.

25. Any party to a dispute over the interpretation or application of the Convention should be able to bring the matter before the Court, for the Convention was being prepared under United Nations auspices and the Court was the Organization's principal juridical organ. Moreover, clause VIII allowed parties to a dispute considerable latitude. They could resort to negotiation and other modes of settlement, and no time-limit was imposed for settlement. A controversy could thus be protracted almost indefinitely before recourse was had to the Court. In view of the flexibility of the article's terms, he did not see why the Polish delegation should want, in effect, to eliminate reference to the Court under the Convention.

26. He supported the second three-Power amendment (A/C.3/L.1313), which made a valuable addition to the clause.

27. Mr. KORNIENKO (Ukrainian Soviet Socialist Republic) supported the Polish amendment and expressed surprise that the Canadian representative should have interpreted it as eliminating reference to the International Court of Justice. It was the Committee's repeatedly expressed desire that the Convention should be ratified by the largest possible number of States. If that was so, the views of a large number of States on the present issue should be respected. As the Polish representative had said at the 1358th meeting, under international law a sovereign State could not be made subject to the jurisdiction of the Court except by its own consent. That principle had been confirmed by the Committee's own action in adopting article 8 of the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages. The Committee should not now take a backward step and create fresh obstacles for prospective signatories. The Polish amendment was not designed to eliminate reference to the Court, but to bring the clause concerning such reference into line with current practice.

28. Mr. MACDONALD (Canada) said that he had meant only that the adoption of the Polish amendment would leave matters as they currently stood under international law. His delegation hoped, on the other hand, that it would be possible to confer in advance on the Court a measure of jurisdiction in regard to matters connected with the Convention. He fully realized that some countries might be reluctant to accept the Court's jurisdiction. However, in view of the latitude allowed under clause VIII, which did not require reference to the Court unless it was requested, he had hoped that all delegations could accept the clause as drafted.

29. Mr. LAMPTEY (Ghana) said that the three-Power amendment was self-explanatory. Provision had been made in the draft Convention for machinery which should be used in the settlement of disputes before recourse was had to the International Court of Justice. The amendment simply referred to the procedures provided for in the Convention.

30. Replying to a question from Mr. COCHAUX (Belgium), Mr. DABROWA (Poland) said that the meaning of the Polish amendment was that all parties to disputes must agree on the Court's jurisdiction in each particular case.

31. Mr. OSPINA (Colombia) said that the Polish amendment would deprive clause VIII of all its force. He supported the three-Power amendment.

32. Miss WILLIS (United States of America) said that the Polish amendment would make clause VIII a meaningless provision since in the absence of such a provision the States Parties could agree among themselves to refer a dispute to the International Court of Justice. The Polish delegation's argument that under the Court's Statute the jurisdiction of the Court was compulsory only for States accepting the "optional clause" of Article 36 was not entirely correct. It was true that the Court's jurisdiction depended on consent, but the declaration provided for in Article 36, paragraph 2, of the Statute was only one way by which a State could indicate such consent. Article 36, paragraph 1, of the Statute provided that the Court's jurisdiction comprised, inter alia, "all matters specially provided for ... in treaties and conventions in force". Moreover, the San Francisco Conference had clearly accepted the principle that "legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court" (Article 36, paragraph 3, of the Charter). The adoption of clause VIII as drafted would reaffirm the Committee's adherence to a Charter principle. Moreover, the Court, composed of judges of the highest moral character and legal qualifications, could be of considerable value in settling the complex legal

issues which might be involved in disputes arising out of the Convention. Her delegation would regret any decision which would make reference to the Court dependent on the agreement of all States parties to a dispute.

33. Mr. MOVCHAN (Union of Soviet Socialist Republics) said that the authors of the Charter and the Statute had proceeded on the basic premise that the Court could consider only such matters as were referred to it with the consent of the parties. That principle was clearly stated in both the Charter and the Statute. Thus there were no grounds for suggesting that the Polish amendment belittled the functions and importance of the Court. The United States representative had referred to Article 36, paragraph 1, of the Statute, but it was important to note that the Article began: "The jurisdiction of the Court comprises all cases which the parties refer to it ...".

34. Agreement to bring cases before the Court could be given in individual cases or in advance with respect to certain categories of questions. For a number of years two opposing approaches had been taken in the drafting of multilateral agreements, and the approach defended in the Committee by the Canadian and United States representatives had by no means won general acceptance. In view of the United States delegation's frequent appeals for generally acceptable provisions he would have thought the Polish amendment would have commended itself to that delegation. The amendment would reaffirm what was stated in the Charter and the Statute and would leave reference to the Court open to those States which had accepted its compulsory jurisdiction. It was therefore in keeping with the spirit in which the draft Convention had so far been formulated.

35. Regardless of the decision taken in the Committee, the principle of voluntary recourse to the Court could not be altered. It had been confirmed by the practice of recent years and was being increasingly recognized in international agreements, among them the Vienna Conventions on Diplomatic Relations and on Consular Relations and the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages.

36. Mr. WALDRON-RAMSEY (United Republic of Tanzania) endorsed the previous speaker's remarks. The consent of all parties to a dispute must obviously be obtained before the question was brought before the International Court of Justice. That was consistent with the Charter and the Statute of the Court.

37. Obtaining the common consent of parties had practical merits as well. The Committee had discussed at length who would defray the expenses incurred in the implementation of the Convention. In the present instance, if any party to a dispute could refer it to the Court, financial problem were likely to arise. The expenses of the Court would have to be defrayed by someone. Whether it would be the party referring the case to the Court, both parties or the United Nations would have to be determined. If the Polish amendment was adopted, however, recourse to the Court would be with the consent of both parties and it was logical to expect that they would share the costs. Thus for practical reasons in addition to reasons of principle he favoured the Polish amendment.

38. Mr. BOULLET (France) said that his delegation could not support the Polish amendment. It was his country's traditional position to accept a priori the jurisdiction of the International Court of Justice whenever a party to a dispute chose to submit the matter to the Court, provided of course that the issue arose within the framework of a convention to which his country had acceded. His delegation would support the three-Power amendment since it brought clause VIII into line with provisions already adopted in the matter of implementation.

39. Mr. CAPOTORTI (Italy) said that the Statute of the Court and current international law clearly allowed for both possibilities under discussion—the submission of a dispute to the Court either by any or by all of the parties. The principle of consent of the parties was respected in both cases, the only difference being in the time of consent; in one case consent was given upon ratification of the convention, while in the other it was given when a particular dispute arose. It had been said that the Polish amendment was more in keeping with international practice, but that practice in fact recognized both methods. Many conventions included a provision such as the suggested clause VIII. He did not think international law or the Statute of the Court could usefully be invoked to decide the present issue. The Committee should adopt a practical approach and decide which method was more in accord with the spirit of the Convention and would ensure the most satisfactory settlement of disputes relating to the Convention. From that standpoint he favoured the clause suggested by the officers of the Committee (A/C.3/L.1237). Consent of States would be much more difficult to obtain when a dispute already existed than when the Convention was opened for signature. States should be all the more ready to give their consent at the outset because of the great variety of admissible settlement procedures short of recourse to the Court. He therefore supported clause VIII and the three-Power amendment, which was a useful addition.

40. Mr. COCHAUX (Belgium) agreed with the previous speaker. The Court was an important international organ whose role in settling disputes connected with the present draft Convention—an instrument created by the United Nations—should not be belittled. As others had noted, clause VIII provided for various modes of settlement offering ample opportunity for agreement before the Court was resorted to. Acceptance of the clause was very important for the effective implementation of the Convention. He would support the three-Power amendment, which introduced a useful clarification.

41. Mr. INCE (Trinidad and Tobago) said that his delegation supported the three-Power amendment to clause VIII, which would strengthen that clause. He agreed with the Canadian representative that the use of the word "all" would make it much more difficult to bring a case before the International Court of Justice. However, since, in accordance with accepted principles of international law, a sovereign State could not be haled before the Court without its consent and since the Convention was being drawn up in a spirit of goodwill, the wisest course might be to let the word "any" stand, in order to facilitate reference of cases

to the Court. He therefore appealed to the Polish representative not to press his amendment.

The second amendment submitted by Ghana, Mauritania and the Philippines (A/C.3/L.1313) was adopted unanimously.

The sixth Polish amendment (A/C.3/L.1272) was rejected by 37 votes to 26, with 26 abstentions.

Clause VIII, as a whole, as amended, was adopted by 70 votes to 9, with 8 abstentions.

42. Mr. LAMPTEY (Ghana) said that his Government took the position that cases should be referred to the International Court of Justice only with the full consent of both parties. However, it had accepted the compulsory jurisdiction of the Court in the case of certain specific conventions. His delegation attached so much importance to the International Convention on the Elimination of All Forms of Racial Discrimination that it could have supported clause VIII as submited by the officers of the Committee. In view of its position of principle on the question of the International Court, it had abstained in the vote on the Polish amendment.

43. Mr. BOŽOVIĆ (Yugoslavia) said that his country did not recognize the compulsory jurisdiction of the International Court of Justice and had reserved its right to decide in each case whether a dispute arising out of the provisions of a treaty to which it was a signatory should be referred to the Court. It supported the principle that disputes over the interpretation of treaties should be brought voluntarily before the Court. For that reason his delegation had abstained in the vote on clause VIII.

44. Mr. TEKLE (Ethiopia) said that he had voted in favour of the Polish amendment because he considered that the full consent of both parties was necessary for a case to be brought before the International Court of Justice.

CLAUSE IX

45. The CHAIRMAN invited the Committee to consider clause IX of the suggested final clauses (A/C.3/L.1237).

46. Mr. BOULLET (France) said that his delegation could not accept the principle that the General Assembly, whose membership would include some States not parties to the Convention, should decide on a request for revision of the Convention. That decision should be taken by the States Parties alone. In any event, the procedure for such requests and the action to be taken on them should be dealt with in rules of procedure and not in the Convention itself. His delegation therefore requested that a separate vote should be taken on the second sentence of clause IX.

47. Miss TABBARA (Lebanon), supported by Mrs. WARZAZI (Morocco), said that the procedure provided for in the second sentence of clause IX was entirely appropriate. Since it was the General Assembly which was preparing and would adopt the Convention, it and not the States Parties should revise it.

48. Mr. DABROWA (Poland) and Mr. KOCHMAN (Mauritania) supported the French representative's request for a separate vote.

49. Mr. CAPOTORTI (Italy) said that the situation would be quite different once the Convention was in force. Now, when the General Assembly was drafting the Convention, no States had as yet assumed obligations under it. However, a revision of the Convention when the latter was in force would affect the obligations of the parties and it was thus logical that the task of revision should be entrusted to the States Parties. He therefore supported the French representative's view. Clause IX should in any case be regarded as supplementing clause X.

50. Mr. LAMPTEY (Ghana) observed that since the Convention would be a multilateral instrument in which all States would have an interest, it was only proper that all States, including non-parties, some of which might be in the process of ratifying it, should have a say in its revision. The General Assembly was certainly the appropriate body to institute revision procedures.

51. Mr. BELTRAMINO (Argentina) said that clause IX should be read in the light of article VIII (bis) as adopted by the Committee (A/C.3/L.1305), which implied the idea of revision of the Convention. His delegation would support clause IX in its present form.

The second sentence of clause IX (A/C.3/L.1237) was adopted by 47 votes to 21, with 23 abstentions.

Clause IX as a whole was adopted by 75 votes to none, with 16 abstentions.

CLAUSE X

52. The CHAIRMAN invited the Committee to consider clause X of the suggested final clauses (A/C.3/L.1237).

53. Mr. DABROWA (Poland) requested a separate vote on the words "referred to in paragraph 1 of article I".

54. In reply to questions by Mr. MUMBU (Democratic Republic of the Congo) and Mr. AL-RAWI (Iraq), the CHAIRMAN said that, while it was true that the Committee had not yet voted on the clause concerning reservations and that the numbers of the articles referred to in clause X would have to be changed in the light of previous decisions, the Committee would be voting only on the notification procedure. The consequential amendments necessitated by decisions which the Committee had taken or would take would be made to the final text.

The words "referred to in article I, paragraph 1 in clause X (A/C.3/L.1237) were adopted by 62 votes to 11, with 18 abstentions.

Clause X as a whole was adopted by 81 votes to none, with 10 abstentions.

CLAUSE XI

55. The CHAIRMAN invited the Committee to consider clause XI of the suggested final clauses (A/C.3/L.1237) and the seventh Polish amendment (A/C.3/L.1272) which proposed the deletion from paragraph 2 of the words "belonging to any of the categories mentioned in article I, paragraph 1".

The seventh Polish amendment (A/C.3/L.1272) was rejected by 55 votes to 14, with 20 abstentions.

Clause XI as a whole was adopted by 78 votes to none, with 10 abstentions.

56. Mrs. MANTZOULINOS (Greece) said she wished the record to indicate that her delegation had voted in favour of clause XI.

The meeting rose at 1.40 p.m.

Litho in U.N. 77301—September 1966—2,175

Annex 48

Note Verbale to the Ministry of Foreign Affairs of the State of Qatar
from the Embassy of the Arab Republic of Egypt in Doha,
21 February 2015

Arabic with English translation

Embassy of the
Arab Republic of Egypt
Doha

سفارة
جمهورية مصر العربية
الدوحة

١٥
١١٢١

Date
Ref

التاريخ :
رقم القيد :

تهدي سفارة جمهورية مصر العربية أطيب تحياتها الى وزارة خارجية دولة قطر الشقيقة (إدارة الشئون القنصلية).

وفي إطار متابعة السلطات المصرية المختصة للقرار الصادر من المنظمة الدولية للشرطة الجنائية "الإنتربول الدولي" بإصدار نشرات دولية حمراء لضبط قيادات بالتنظيم الدولي للإخوان لحصارهم في الدول المتواجدين بها.

تتشرف السفارة بالإحاطة بأن إحدى النشرات المشار اليها قد تضمنت إسم/ يوسف عبد الله على القرضاوي (مواليد ١٩٢٦/٩/٩).

هذا، وقد طلبت السلطات المصرية المختصة إبلاغ ما تقدم الى السلطات القطرية المعنية للتكرم بإتخاذ ما يلزم نحو تسليم المذكور الى سلطات جمهورية مصر العربية بناءا على النشرة الحمراء الصادرة بحقه.

وتنتهز سفارة جمهورية مصر العربية هذه المناسبة لتعرب لوزارة خارجية دولة قطر الشقيقة عن فائق تقديرها واحترامها.

- وزارة خارجية دولة قطر الشقيقة.
- إدارة الشئون القنصلية.

وارد عادي رقم 5553 بتاريخ 2018/10/2 - صفحة رقم 13 من إجمالي 26

Embassy of the Arab Republic of Egypt,

Doha

Date: 21/2/2015

Ref: 62

The Embassy the Arab Republic of Egypt presents its compliments to the Ministry of Foreign Affairs of the brotherly State of Qatar (Department of Consular Affairs).

In the framework of the Egyptian competent authorities to follow-up the decision of the International Criminal Police Organization on issuing red notices to arrest leaders of the International Brotherhood Organization and to besiege them in the states in which they are located.

The Embassy has the honor to notify that one of the abovementioned red notices contained the name, Yusuf Abdullah Aly Al-Qaradawi (DOB 9/9/1926).

The Egyptian competent authorities requested us to report the above-mentioned to the Qatari competent authorities to take what is deemed necessary to extradite the mentioned person to the Egyptian authorities pursuant to the red notice issued against him.

The Embassy of the Arab Republic of Egypt avails itself of this opportunity to renew its highest consideration to the Ministry of Foreign Affairs of the brotherly State of Qatar.

- Ministry of Foreign Affairs of the brotherly State of Qatar.
- Department of Consular Affairs

Annex 49

Ministry of Foreign Affairs of the Kingdom of Bahrain, News Details, "A Statement Issued by the Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain", 5 March 2014

A statement issued by The Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain

The Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain issued today the following statement:

The Kingdom of Saudi Arabia, the United Arab Emirates and the Kingdom of Bahrain would like to clarify that:

Based on what is dictated by the principles of the tolerant Islamic Shari'a of the need for unity, cooperation and non-dissention in compliance with the verse in which Allah says in the Holy Quran 'And hold fast, all together, by the Rope which Allah (stretches out for you), and be not divided among yourselves," and the verse, 'And obey Allah and His Messenger; and fall into no disputes, lest ye lose heart and your power depart',
Committed to the principles on which the statute of Gulf Cooperation Council (GCC) was based on, which provided for the realization of member states of common destiny and unity of purpose that combine their peoples and the Council's aim to achieve coordination, cooperation and interdependence among member states in all fields for the unity, deep-rooted strong ties and existing cooperation between their peoples in various fields,

And stemming from the sincere desire of the leaders for the need to exert all efforts for closer ties between the GCC countries and according to the aspirations of the people for the need to maintain what has been accomplished of achievements and gains as priority of maintaining the security and stability of the GCC countries, which is stipulated in the security agreement signed between the GCC countries as a collective responsibility borne by these countries; these countries have made great efforts to communicate with the State of Qatar at all levels in order to agree on a course approach that ensures the movement within the framework of a unified policy for the GCC countries based on the principles set forth in the Statute of the GCC in the agreements signed between them, including the security agreement, and a commitment to the principles that ensure non-interference in the internal affairs of any of the GCC countries, either directly or indirectly , and not to support all of the actions that threaten the security and stability of the GCC countries by organisations or individuals, either through direct security work or by attempting political influence as well as not supporting hostile media.
However, these efforts have resulted in the approval of the State of Qatar of that through the signing of Shaikh Tamim bin Hamad Al Thani, Emir of the State of Qatar, on the agreement following a meeting held in Riyadh on 23-11-2013 in the presence of Shaikh Sabah Al Ahmad Al Jaber Al Sabah, Emir of the State of Kuwait, which was signed and endorsed by all the leaders of the GCC member countries, the three countries had hoped that the above mentioned agreement to be put into effect by the State of Qatar if signed.

Yet, in light of the passing of more than three months after the signing of the agreement with no necessary actions being taken by the State of Qatar to put it into effect, and based on the approach of openness and full transparency, which the leaders of the three countries were consistently adopting in all the issues related to high national interests of their countries and sensing the gravity of great challenges being witnessed by the region as well as variables relating to decisive issues directly affecting the security and stability of the GCC countries, the responsibility entrusted to the three leaders necessitated assigning their foreign ministers of their respective countries to clarify the seriousness of the matter to the State of Qatar and the importance of standing together against whatever might destabilize the fundamentals and be detrimental to the security of their countries and stability in the meeting, which was held in Kuwait on 17-2-2014 in the presence of Shaikh Sabah Al Ahmad Al Jaber Al Sabah, Emir of the State of Kuwait; Shaikh Tamim bin Hamad bin Khalifa Al Thani, Emir of the State of Qatar and the GCC Foreign Ministers Council, in which they agreed that the foreign ministers of the Council develop a mechanism to monitor the implementation of the Riyadh agreement.

This was followed by a meeting of foreign ministers of the GCC countries in Riyadh on 4-3-2014, during which major attempts were made to persuade the State of Qatar of the importance to take the necessary measures to put the Riyadh agreement into effect and agree on a mechanism to monitor its implementation.
However, all these efforts have not resulted, with great regret, in the consent of the State of Qatar to adhere to these procedures, so the three countries have to start taking whatever they deem appropriate to protect their security and stability by withdrawing their ambassadors from the State of Qatar, as of today 5-3-2014.

طباعة الخبر

The three countries confirm their keenness on the interests of all the people of the GCC member States, including the brotherly people of Qatar whom they consider as an integral part of the other people of the GCC member States, , hoping that the State of Qatar takes immediate steps to respond to what had been agreed upon and to protect the march of the GCC countries from any rift as all the GCC people build high hopes on their GCC council.

Annex 50

Fourth Report of the Follow-up Committee on the Implementation of the Riyadh Agreement Mechanism, 15 July 2014

Arabic with English translation

سري للغاية

التقرير الرابع
للجنة متابعة تنفيذ آلية اتفاق الرياض

١٨ رمضان ١٤٣٥هـ الموافق ١٥ يوليه ٢٠١٤م
الأمانة العامة

عقدت لجنة المتابعة اجتماعها التاسع في مقر الأمانة العامة بمدينة الرياض يوم الثلاثاء ١٨ رمضان ١٤٣٥هـ الموافق ١٥ يوليه ٢٠١٤م ، بحضور وفود من الدول الأعضاء (مرفق قائمة بالأسماء) .

في بداية الاجتماع ألقى الأمين العام كلمة استهلها بالترحيب بالوفود المشاركة ، معبرا عن شكره وتقديره للجهود التي تقوم بها الوفود في نطاق مسئوليات اللجنة.

كما عبر معالي الامين العام عن شكره وتقديره لفريق المتابعة الدائم الذي عقد اجتماعه الثالث بتاريخ ٢٦ يونية ٢٠١٤م ، واجتماعه الرابع بتاريخ ١٤ يوليه ٢٠١٤م ، وتوصله الى عدد من التوصيات المعروضة على لجنة المتابعة الدائم . ونقل تحياتي اصحاب السمو والمعالي وزراء الخارجية لما تقوم به لجنة المتابعة من جهود مخلصة ، وتأكيدهم بالالتزام بتنفيذ اتفاق الرياض .

واشار الى ان تقرير الاجتماع الثالث للجنة المتابعة ،والذي عقد في مقر الامانة العامة بمدينة الرياض يوم الثلاثاء ٢٨ رجب ١٤٣٥هـ الموافق ٢٧ مايو ٢٠١٤م ، تم رفعه الى اصحاب السمو والمعالي وزراء الخارجية بدول المجلس ، اللذين عقدوا اجتماعا لهم متزامنا مع عقد الدورة (١٣١) للمجلس الوزاري بتاريخ ٢ يونية ٢٠١٤م ، حيث اطلعوا على التقرير والتوصيات الواردة فيه وتم اعتماده ، ووجهوا باستمرار عمل اللجنة وعقد الاجتماعات كل اسبوعين .

وقد أطلعت اللجنة على محضري الاجتماع الثالث والرابع لفريق المتابعة الدائم ، وما ورد بهما من توصيات

في نهاية الاجتماع وبعد التداول توصلت اللجنة إلى ما يلي :

١. المصادقة على تقريري فريق المتابعة الدائم الثالث والرابع لفريق العمل .
٢. يستمر فريق المتابعة الدائم بعقد اجتماعاته الدورية على ان يخصص اجتماعات خاصة لمناقشة الجانب الامني .
٣. التأكيد على قرار وزراء الخارجية بدول المجلس في اجتماعهم الثاني الذي عقد في مدينة جده بتاريخ ٣ مايو ٢٠١٤م بان تقوم الدول الاعضاء بموافاة الامانة العامة بالإجراءات التي اتخذتها لتحقيق التزامها ببنود آلية تنفيذ اتفاق الرياض .

The Fourth Report
Follow-Up Committee of the Implementation of the Riyadh Agreement Mechanism
18 Ramadan 1435, 15 July 2014
General Secretariat of the GCC

The Follow-Up Committee held its ninth meeting at the General-Secretariat in Riyadh on Tuesday, 18 Ramadan 1435 (15 July 2014), attended by delegations of member states (attached is a list of names).

At the beginning of the meeting, the Secretary General delivered a speech, welcoming the delegations and expressing his thanks and appreciation to their efforts within the duties of the committee.

The Secretary General also expressed his thanks and appreciation to the permanent follow-up team which held its third meeting on 26 June 2014 and fourth meeting on 14 July 2014, and reaching a number of recommendations presented to the permanent follow-up committee. He conveyed the greetings of Their Highnesses and Excellencies the Ministers of Foreign Affairs for the sincere efforts of the follow-up committee, affirming commitment to the implementation of the Riyadh Agreement.

He pointed out that the report of the third meeting of the follow-up committee, held at the General Secretariat in Riyadh on Tuesday, 28 Rajab 1435 (27 May 2014) has been presented to Their Highnesses and Excellencies the Ministers of Foreign Affairs, who held a meeting coinciding with the 131st session of the Ministerial Council on 2 June 2014. They discussed the report and recommendations contained within it, which they approved and issued directives for the continuation of work by the committee to held meetings every two weeks.

The committee reviewed the minutes of the third and fourth meetings of the permanent follow-up committee and the recommendations contained within it.

At the end of the meeting, and following discussions, the committee reached the following:

1- Ratification of the third and fourth reports by the permanent follow-up team for the work team.
2- The permanent follow-up team will continued to hold its periodical meetings, while allocating special meetings to discuss the security aspect.
3- Affirm the decision of the Ministers of Foreign Affairs of the GCC states in their second meeting held in Jeddah on 3 May 2014, stipulating that member states update the General Secretariat of the measures taken to achieve their commitment to provisions of the mechanism to implement the Riyadh Agreement.

سري للغاية

مواقف الدول الاعضاء في اجتماع اللجنة

الامارات العربية المتحدة :

- ضبطت الامارات العربية المتحدة شخصين من الجنسية القطرية احدهما مرافق شخصي لرئيس جهاز الامن القطري .لقيامهما بأعمال تحريضية موجهة ضد الدولة والشقيقة المملكة العربية السعودية ، وان هناك قنوات أمنية بين دول المجلس لمعالجة مثل هذه المسائل وليس من خلال وسائل الاعلام .
- لم يصدر أي تعليق رسمي من الدولة بشأن المقبوض عليهم باعتبار انهم جواسيس وما زالت التحقيقات جارية بشأن هذا الموضوع وأن هذه الصفة اطلقتها وسائل الاعلام القطرية الرسمية والتي يتم تكرارها من ممثل دولة قطر .
- لم تقم دولة قطر بتنفيذ بنود اتفاق الرياض الاساسية على الرغم من اننا نجتمع هنا بسبب مواقفهم فلم يتم اخراج أي من الاخوان المسلمين ، بل يتم استقبالهم وتكريمهم ودعمهم ماليا ومعنويا.
- ترى دولة الامارات أن اللجنة وعلى الرغم مما قامت به من اعمال ايجابية خلال الاجتماعات السابقة الا انه تم اغراقها بمسائل تتعلق بالموضوعات والاساءات الاعلامية دون وجود مؤشرات على تنفيذ بعض الدول الامور الهامة المتعلقة بالموضوعات الامنية والتي نراها هي صلب اتفاق الرياض .
- أيد سعادة رئيس وفد الامارات العربية المتحدة ما اشار اليه معالي رئيس وفد مملكة البحرين بأن المنحى تصعيدي ، فالإمارات قدمت قائمة بأسماء أشخاص من حماس موجودين في دولة قطر وكان رد دولة قطر بأنهم من غير الاخوان المسلمين **مع انهم في دستورهم يقولون بأننا اخوان مسلمين** .

مملكة البحرين :

- ان وجودنا هنا هو لحالة عدم الثقة بين دول المجلس ، وقد يكون هذا بسبب المنابر الهادمة الغير مسئولة ، من اصحاب الفتن والاجندات المشبوهة، وهم للأسف من غير ابناء دول المجلس .
- أن عدد الاجتماعات التي عقدت هنا والمستوى التمثيلي العالي للدول الاعضاء لايرقى الى ما تم التوصل اليه حتى الان ، فلا زال التراشق الاعلامي والاتهامات متبادلة والتهديد الامني ما زال مستمر .
- أن الوضع الذي اوصلنا الى هذه النقطة ومن قبلها الموقف الثلاثي الرافض للسياسات الخاطئة وما تلاها من سحب السفراء من دولة قطر الشقيقة من قبل الدول الثلاث هو لنقول للعالم ارجو عدم التدخل في الشأن الخليجي وبالأخص الملف القطري .

Positions of Member States at the Committee's Meeting

The United Arab Emirates:

- The United Arab Emirates identified two Qatari citizens, one of them is the personal aide to the President of the Qatari security agency, who were carrying out seditious work targeting the brotherly Kingdom of Saudi Arabia, and that there are security channels between the GCC states to resolve such matters and not through media outlets.

- There was not any official committee from the country in regards to those arrested; considering they were spies and investigations are still ongoing in this regard. The official Qatari media outlets launched this characterization and the representative of the State of Qatar repeated it.

- The State of Qatar did not implement the basic provisions of the Riyadh Agreement despite that we are meeting here due to their positions, whereas the Muslim Brotherhood has not been deported, in fact they are being received, honored and provided with financial and moral support.

- The United Arab Emirates believes that the committee, despite of the positive work it carried out during previous meetings, it has been dragged down with issues related to media offences without any indicators on the implementation of some countries important matters related to security issues, which we see as the core of the Riyadh Agreement.

- His Excellency the head of the UAE delegation supported the point made by His Excellency the head of the Kingdom of Bahrain delegation about the escalating situation. He added that the UAE presented a list of individuals from Hamas who are in the State of Qatar and the response of Qatar was that there were not from the Muslim Brotherhood, **even though in their Charter they state that they are the Muslim Brotherhood**.

The Kingdom of Bahrain:

- Our presence here is due to the lack of trust between GCC states, which may be the reason behind the irresponsible and destructive parties behind sedition and suspicious agendas, who unfortunately are not from the GCC states.

- The number of meetings held here and the high level of representation for member states is not in line with what has been reached so far, there are still continuation of media attacks, exchange of accusations and security threats.

- The situation that made us reach this point and previously the tripartite position rejecting wrong policies and what followed of withdrawing ambassadors from the brotherly State of Qatar by the three countries was to tell the world do not interfere in Gulf affairs, particularly the Qatari issue.

- سوف نعمل في دول المجلس على حل القضية خليجيا وليس بأسلوب الانتقام العربي الارهابي ، واننا هنا لنحمي دولة قطر ووحدة دول مجلس التعاون .
- ما زلنا نسمع عن خلايا للقاعدة وشبكات تجسس وتجنيس مستمر ومتسارع .
- اذا كانت دولة قطر تظن بان سحب السفراء ثقيلا عليهم فان وجود سفراءكم في دول المجلس اثقل علينا بسبب وجود عدد من الملفات العالقة والتي لازالت تراوح مكانها بدون حل .
- بالنسبة لموضوع تجنيس البحرينيين ، فما زال التجنيس مستمر بل وبازدياد ، وترغب مملكة البحرين في ايقاف التجنيس حالا ، وقد تم ارسال خطاب الى معالي وزير الداخلية في دولة قطر بهذا الشأن ، وسيتم بعد الايقاف عقد اجتماعات بين المختصين في الدولتين ، او عن طريق اجتماعات اللجنة المشتركة بين مملكة البحرين ودولة قطر .
- شكر دولة قطر على ازالة برنامج صرخة ظلام، ولكن ليس هذا هو البرنامج الوحيد الذي يسيء لمملكة البحرين، ولابد من العمل على ازالة أي كل البرامج المسيئة لأي من دول المجلس .
- اذا وصلت دول المجلس لعدم الثقة فيما بينها فلا بد من الرفع بذلك الى اصحاب السمو والمعالي وزراء الخارجية بان اللجنة وصلت الى طريق مسدود بسبب المماطلة واستمرار التجاوزات الامنية والاعلامية . ولهم ان يتخذوا ما هو مناسب من قرارات بهذا الشأن لان بعد كل التعهدات ما زالت الامور خارج السيطرة بل في وتيرة من الازدياد في الشرخ الخليجي، لعل وعسى ان يتخذوا قرارات قد تكون اكثر صرامة في مصلحة العمل الخليجي المشترك.

المملكة العربية السعودية :

- ان اتفاق الرياض وضع دول المجلس في قارب واحد، بهدف الحفاظ على منظومة مجلس التعاون ،الا اذا كان هناك اهداف وتحالفات اقليمية اخرى تؤثر على منظومة مجلس التعاون، ويجب المصارحة بشأن الاخطار التي تواجه دول المجلس.
- الطلب من الدول الاعضاء برد مكتوب عن الاجراءات التي تم اتخاذها بشأن القوائم التي قدمتها المملكة العربية السعودية .
- الطلب من الاجهزة الامنية في الدول الاعضاء الاسراع في حل المسائل الامنية.
- يجب أن تحل الامور اولا بأول واذا كانت المشاكل الامنية ثنائية فلا بد من حل عاجل لها .

- We will work in the GCC states on the Gulf issue and not in an Arab terrorist revengeful manner. We are here to protect the State of Qatar and the unity of GCC states.

- We still hear about Al Qaeda cells, spy networks and continued and rapid naturalization.

- If the State of Qatar believes that the withdrawal of Ambassadors was harsh against them, then the presence of your Ambassadors in GCC states is harsher on us because the existence of the number of pending issues that remain unresolved.

- In regards to the issue of naturalizing Bahrainis, the naturalization continues, in fact more increasingly. The Kingdom of Bahrain would like to immediately stop naturalization. A letter was sent to His Excellency the Minister of Interior of the State of Qatar in this regard and the meetings, which previously stopped, will be held between those concerned between the two countries or through the meetings of the joint committee between the Kingdom of Bahrain and the State of Qatar.

- Thanks to the State of Qatar for removing the program "A Shout in the Dark", however this is not the only program that harms the Kingdom of Bahrain and work must be carried out to remove any program that harm any GCC state.

- If the GCC states reach a point of lack of trust between them, then this must be presented to Their Highnesses and Excellencies the Ministers of Foreign Affairs that the committee reached a dead end due to stalling and the continued security and media breaches. They will consider and take the ideal decisions in this regard. After all the pledges, there are still issues that are out of control, in fact are increasing the split in the Gulf. Hopefully they will take stringier decisions for the benefit of joint Gulf work.

The Kingdom of Saudi Arabia:

- The Riyadh Agreement place the GCC states in one boat with the aim of safeguarding the entity of the Gulf Cooperation Council, unless there are other regional objectives and alliances that affect the GCC. There must be honesty in regards to dangers facing GCC states.

- Request member states for a written response on the measures taken in regards to the list presented by the Kingdom of Saudi Arabia.

- Request the security authorities of member states to accelerate solving security issues.

- Matters must be resolved instantly as they arise, and if the security problems are secondary, the must be an immediate solution for them.

سري للغاية

دولة قطر :

- آلية تنفيذ اتفاق الرياض ملزمة لكافة الدول الموقعة عليها واعتبار محتواها اساسا لأمن واستقرار دول مجلس التعاون وتماسك دوله وعدم تجاوز التوجه الجماعي لدول المجلس.
- اشارت دولة الامارات في بيانها بتاريخ ٢ يونيو ٢٠١٤م الموجه الى معالي الامين العام بان اتفاق الرياض وآليته يخص دولة قطر وحدها وهذا ادعاء غير صحيح وفيه اضعاف للالية ولا يخدم الهدف الذي من اجله وضع اتفاق الرياض وآليته و نحن في دولة قطر نرى ان هذا الاتفاق وآليته معنية وملتزمة به كافة دول المجلس.
- دولة قطر التزمت منذ التوقيع على الالية بالعمل على تطبيق وتنفيذ بنودها فمنذ الاجتماع الأول للجنة المتابعة أوضح وفد دولة قطر بأنه اتخذ الاجراءات اللازمة لوضع بنود الآلية موضع التنفيذ وفيما يلي هذه الاجراءات التي اتخذتها دولة قطر كما يلي:

- تم التوجيه واتخذت الاجراءات الرسمية اللازمة لالتزام جميع القنوات والصحف والمجلات والشبكات الاعلامية الرسمية والمدعومة سواء الواردة في القوائم او التي لم ترد.
- اتخذت الاجراءات اللازمة حيال اصحاب المعرفات الموثقة وكذلك المغردين المعروفين بصورة تدريجية ولحين الانتهاء من القائمة المقدمة.
- تم اتخاذ الاجراءات المناسبة بشأن عدد (٤) اشخاص اماراتيين وردت اسماؤهم في القائمة المقدمة من دولة الامارات والتي ذكرت بأنهم يقومون بنشاط معارض لحكومتهم، حيث تم تأمين مغادرة اثنين منهم بينما الآخرين (زوج وزوجته) تم ابلاغهما بالمغادرة وبسبب وجود جواز سفر الزوجة في سفارة دولة الامارات لم يغادرا البلاد وحتى تاريخه يطلب من الجانب الاماراتي خلال اجتماعات الفريق تسليمهما جوازيهما للعمل على خروجهما من دولة قطر والى الآن لم يتخذ اللازم من قبل الجانب الاماراتي.
- تم تقديم قوائم بالمواطنين الخليجيين والجنسيات الغير خليجية المقيمين بدول المجلس وكذلك قوائم ممن اساؤا الى دول المجلس أو قاموا بأعمال مناهضة ضدها ، الا ان دولة الامارات ترى أن الأدلة غير كافية لاتخاذ اللازم حيالهم رغم ما تم تقديمه من أدلة واضحة وكافية على اساءتهم والتدخل في الشؤون الداخلية لدولة قطر.
- اتخذت الاجراءات اللازمة بشان من ثبت انتمائهم للإخوان المسلمين الذين وردت اسماؤهم في القوائم المقدمة من دول المجلس فقد تم تأمين

The State of Qatar:

- The mechanism to implement the Riyadh Agreement obliges all states that signed it, considering its content is the basis of security and stability in GCC states, their unity and not to breach the collective policy of Gulf states.

- The United Arab Emirates in its statement on 2 July 2014 presented to His Excellency the Secretary General that the Riyadh Agreement and its mechanism relates to only the State of Qatar. This is an incorrect claim, weakens the mechanism and does not the objective that resulted in the Riyadh Agreement and its mechanism. We in the State of Qatar believe that this agreement and its mechanism relates and obligatory to all GCC states.

- The State of Qatar has been committed since signing on the mechanism to work on implementing its provisions. Since the first meeting of the follow-up committee, the State of Qatar delegation explained that it took the necessary measures to implement the provisions and following are the measures taken by the State of Qatar:

    - Directives were issued and the necessary official measures were taken to ensure the commitment of all channels, newspapers, magazines, official and backed media networks, whether they were mentioned on the lists or not.
    - The necessary measures were taken towards owners of documented accounts as well as well-known tweeters in a gradual manner and until finalizing the list presented.
    - The suitable measures were taken in regards to (4) Emirati individuals named on the list presented by the United Arab Emirates, which stated that they (the 4 individuals) were carrying out activities against their government. Ensured the departure of two of them, while the others (a husband and his wife) were notified to leave, but since the wife's passport was in the UAE embassy they did not leave the country. To this date, the UAE side is requested during the team's meetings to give her the passport to work on the process of her departure from the State of Qatar. Until now, the necessary measures were not taken by the Emirati side.
    - Presented the lists of Gulf citizens and non-Gulf nationalities residing in GCC states as well as lists of individuals who harm GCC states or carried out activities against them. However, the UAE believes that the evidence is not sufficient to take the necessary towards them, despite of the clear and sufficient evidence provided on their harmful activities and interference in the internal affairs of the State of Qatar.
    - The necessary measures were taken on individuals listed by GCC states, securing the departure of (3) individuals and currently securing the departure of (8) other

مغادرة (٣) اشخاص وجار تأمين مغادرة (٨) اشخاص آخرين خلال ستة اشهر بناءً على توصية لجنة المتابعة واعتماد تلك التوصية من وزراء الخارجية.

- تم اتخاذ الاجراءات اللازمة بخصوص القائمة الاسترشادية بالمجموعات والجماعات والتنظيمات الداخلية والخارجية التي تمثل تهديدا لأمن واستقرار دول مجلس التعاون سواءً في اليمن او سوريا وغيرها من مواقع الفتن.
- تم اغلاق اكاديمية التغيير كما تم اغلاق المؤسسة العربية الديموقراطية ولم يتم تجديد عقد معد راند ووضعت مخرجات مركز بروكينغز تحت المراقبة.
- بعث معالي الشيخ عبدالله بن ناصر بن خليفة آل ثاني رئيس مجلس الوزراء ووزير الداخلية دعوة لمعالي الشيخ راشد بن عبدالله آل خليفة وزير الداخلية بمملكة البحرين الشقيقة بتاريخ ٢٠١٤/٥/٧م بشأن مناقشة موضوع التجنيس والمواضيع الثنائية وفقا لقرار المجلس الوزاري.

- **الإجراءات المتخذة من دولة قطر بشأن التقرير المقدم من الأشقاء في المملكة العربية السعودية وهي كالتالي:**

- تم اتخاذ الاجراءات المناسبة حيال الاساءات الصادرة من شبكة قناة الجزيرة ومذيع قناة الجزيرة أحمد منصور وكذلك فيما يتعلق بمحرر الخبر الذي نشر على الجزيرة نت ولا يزال التحقيق جار في الموضوع.
- فيما يتعلق بتجاوزات معرفات التواصل الاجتماعي فقد تم التحقيق مع المدعو محمد الهامي محمد عبدالكريم (مصري) جواز رقم (A٠٧٤١٢١٥٢) واتضح بانه من قام بتوجيه الاساءة الى خادم الحرمين الشريفين ، حفظه الله، وتقرر ترحيله بشكل فوري من البلاد .
- تم استدعاء المدعو علاء صادق محمد موسى (مصري) جواز رقم (A٠٦١٢٩٤٤٠) محلل رياضي والتحقيق معه بخصوص الاساءة الموجهة الى خادم الحرمين الشريفين ، حفظه الله، المرصودة في موقع التواصل الاجتماعي في حساب علاء صادق حيث اتضح عدم صلته بهذا الحساب وان الاساءة ليست من حسابه الرسمي وقد قام بتقديم بلاغ رسمي لمعرفة منتحلي شخصيته كما قام بنشر تغريدة ينفي صلته بالتغريدات المسيئة وانها من حساب مزيف علما بأنه ليس من المنتمين الى الاخوان المسلمين.
- اما بخصوص سيد فراج فقد تم البحث عنه ولم يتبين دخوله الى دولة قطر حيث توفرت لدينا معلومات تفيد بأنه متواجد في السودان.

individuals during six months based on the recommendation of the follow-up committee, which was approved by the Ministers of Foreign Affairs.

- All necessary measures were taken in regards to the guidelines list on the internal and foreign groups and organizations that pose a threat on the security and stability of GCC states, with in Yemen, Syria or other areas of sedition.
- The Academy of Change has been shut down as well as the Arab Democracy Foundation, while the contract with the RAND Policy Institute was not renewed. The output of the Brookings Doha Center is being monitored.
- The Prime Minister and Minister of Interior, Shaikh Abdulla bin Nasser bin Khalifa Al Thani, extended an invitation to the Minister of Interior of the Kingdom of Bahrain, Shaikh Rashid bin Abdulla Al Khalifa, on 7/5/2014 in regards to discussing the issue of naturalization and bilateral issues based on the decision by the Cabinet.

- **Measures taken by the State of Qatar in regards to the report presented by the brotherly Kingdom of Saudi Arabia were the following:**

  - The suitable measures were taken towards the offenses by Al Jazeera channel and the Al Jazeera presenter Ahmed Mansoor as well as in relation to the news item editor who published it on Al Jazeera-net, where an investigation is still ongoing in this regard.
  - In relation to the offenses social network accounts, an interrogation was carried out with Mohammed Al Hami Mohammed Abdulkarim (Egyptian) passport No. (A07412152), and it was revealed that he was the one who carried out the offense against the Custodian of the Two Holy Mosques and it was decided that he immediately leaves the country.
  - Ala'a Sadiq Mohammed Mousa (Egyptian) passport No. (A06129440) a sports analyst was summoned and interrogated in regards to the offense against the Custodian of the Two Holy Mosques posted on a social media website in the account Ala'a Sadiq. It was revealed that he did not have any connection to this account and that the offense was not from his official account. He made an official complaint to identify the impersonator as well as posted a tweet denying his link to the offensive tweets that were from a fake account, stating that he is not a member of the Muslim Brotherhood.
  - In regards to Wajdi Abdulhameed Mohammed Ghanim (Egyptian) passport No. (A09187514), he was summoned and interrogated. He pledged never to offend any

- اما فيما يتعلق بالمدعو وجدي عبدالحميد محمد غنيم (مصري) جواز رقم (A٠٩١٨٧٥١٤) فقد تم استدعائه والتحقيق معه وتعهد بعدم الاساءة لأي من قادة ورموز دول المجلس لحين موعد مغادرته دولة قطر نهائيا حسب المهلة الممنوحة له.

- الاجراءات التي اتخذتها دولة قطر بشأن القائمة المقدمة من الاشقاء بالامارات العربية المتحدة بشأن الاخوان المسلمين وذلك على النحو التالي :
  - اشخاص تمت مغادرتهم دولة قطر وعددهم ٣ .
  - اشخاص جار اتخاذ الاجراءات المناسبة ضدهم وعددهم ٦ .
  - قائمة الغير مقيمين والغير معروفين وعددهم ٢٨ .
  - قائمة القطريين وعددهم ٢ .
  - قائمة الذين لا ينتمون او لم يثبت انتماؤهم وعددهم ١٨ .
  - قائمة حركة حماس وعددهم ٨٠ .

واكد رئيس وفد دولة قطر على ضرورة وأهمية تقديم الادلة والاثباتات على الانتماء الى جماعة الاخوان المسلمين ، كما ان بعض الاسماء غير مكتملة والاخرى مكررة ومن جنسيات مختلفة ولم يثبت انتمائهم الى جماعة الاخوان المسلمين ، وحركة حماس حركة سياسية وبعض اعضائها المقيمين على ارض قطر والمذكورين في قائمة الامارات لا صلة لهم بتنظيم الاخوان المسلمين ووجود بعضهم في قطر ضمن تفاهمات وترتيبات لاستضافتهم لانهم كانوا اسرى في السجون الإسرائيلية ويصعب استقبالهم من أي بلد ، والبعض الاخر بناءا على اتفاق مع الاردن وبعض الاسماء لا صلة لها بحركة حماس . وقد عرض الموضوع على اجتماع وزراء الخارجية بشأن وضعهم القانوني حيث انهم ضيوف على دولة قطر وفق اتفاقيات وتفاهمات دولية واقليمية.

- اما بالنسبة لطلب رئيس وفد مملكة البحرين من رئيس وفد دولة قطر العمل على إزالة برنامج صرخات في الظلام والذي ترجم الى عدة لغات ويعرض على قنوات الجزيرة . أكد رئيس وفد دولة قطر بان دولة قطر غير راضية على بث هذا البرنامج وسيتم العمل على ازالته .
- أشارت دولة قطر الى استمرار اجهزة ووسائل الاعلام التابعة لدولة الامارات بالإساءة اليها بصورة مباشرة أو غير مباشرة ورغم ما قدم من أدلة تؤكد هذه الاساءة الا انه لم يتخذ أي اجراء حيال ذلك.
- ترى دولة قطر ان ما ذكره رئيس وفد دولة الامارات بشأن المواطنين القطريين اللذين تم اعتقالهما في المركز الحدودي لدولة الامارات (الغويفات) واتهامهم بأنهم يقومون بأعمال تخريبية وتجسسية غير صحيح مطلقا حيث أنهم ذهبوا الى الامارات لتوصيل سيارة رئيس جهاز امن الدولة لابنه الذي كان في زيارة عائلية لأقاربه في امارة أبوظبي واحدهما موظف في مكتب رئيس جهاز أمن الدولة وهو

of the GCC leaders and symbols until he is scheduled to leave the State of Qatar permanently based on the period granted to him.

- The measures taken by the State of Qatar in regards to the list presented by the brotherly United Arab Emirates on the Muslim Brotherhood was the following:

  - Individuals who left the State of Qatar accounted for (3).
  - Individuals the relevant measures were taken against them accounted for (6).
  - List of the non-resident and unknown accounted for (28).
  - List of Qataris accounted for (2).
  - List of those who do not belong or there was no proof that they belong accounted for (18).
  - List of the Hamas Movement accounted for (80).

The head of the State of Qatar delegation affirmed the importance of providing evidence and proof of association to the Muslim Brotherhood. Some of the names were incomplete and others repeated and from various nationalities without proof that they belong to the Muslim Brotherhood group. The Hamas Movement is a political movement and some of its members residing in Qatar and named in the list presented by the UAE do not have a connection to the Muslim Brotherhood. Their presence in Qatar is part of understandings and preparations to host them because they were prisoners in Israeli jails and it is difficult to receive them by any country. Others were based on an agreement with Jordan and some of the names are not connected to the Hamas Movement. This issue has been presented at the meeting of the Ministers of Foreign Affairs in regards to their legal status, whereby they are guests at the State of Qatar based on regional and international agreements and understandings.

- In regards to the request by the head of the delegation of the Kingdom of Bahrain from the head of the delegation of the State of Qatar on removing the program “Shouting in the Dark”, which has been translated to a number of languages and broadcast on Al Jazeera channels. The head of the delegation of the State of Qatar affirmed that the State of Qatar was displeased with the broadcast of this program and work will be carried out to remove it.
- The State of Qatar pointed out to the continued offences by media outlets of the United Arab Emirates against Qatar, either directly or indirectly, and despite the evidence provided that affirm these offences, no measures have been taken.
- The State of Qatar believes that what was stated by the head of the UAE delegation in regards to Qatari nationals detained in the UAE Border Center (Al Ghuwaifat) and accusing them of carrying out sabotage and spy activities is completely false. They went to the UAE to deliver the car of the Head of the State Security to his son who was on a family visit for his relatives in Abu Dhabi. One of them is an employee in the office of the Head of the UAE State Security Agency, which is considered an arbitrary arrest and

يعد اعتقال تعسفي وغير مبرر لكون هذا الموظف معروف لدى جهاز أمن الدولة الاماراتي واي اتهامات ضدهما تعتبر ملفقة لأنه لا يمكن ان يذهب اشخاص في مهمة أمنية بسيارة مسؤول أمني معروف وابنه موجود في أبوظبي وانه يتهم بهذا الاتهام الخطير بمجرد القبض عليه في المركز الحدودي قبل دخوله البلاد.

- ترى دولة قطر أن استمرار فريق المتابعة الدائم ولجنة المتابعة في مواصلة اجتماعاتهم امرا يسهم في تنفيذ اتفاق الرياض وآليته ويعزز الأمن والاستقرار لدول المجلس وانهاء القضايا الواردة في آلية تنفيذ اتفاق الرياض، وتكون اللجنة دائمة الانعقاد للنظر في أي امر مستجد قد يعرض عليها وفقا لتوجيهات أصحاب السمو والمعالي وزراء الخارجية.
- طلب وفد دولة قطر تقديم ادلة عن توجيه اتهامات الى دول المجلس حول دعم تنظيم القاعدة حسب ما ورد في بيان مملكة البحرين المقدم الى وزراء الخارجية.
- ذكر وفد دولة قطر بان ما ادلى به وزير خارجية مملكة البحرين في لقاءه التلفزيوني مع قناة روتانا الخليجية بتاريخ ٢٠١٤/٧/١٢م ، بشأن التجنيس الطائفي والسياسي ، بانه غير واقعي ويفتقر الى الحقيقة ، فدولة قطر شأنها شأن باقي الدول تجنس وفق دستورها وقوانينها دون تمييز.

انتهى

unjustifiable due to the employee being well known to the UAE State Security. Any accusations can be considered baseless charges since people do not leave on a security mission using the car of a well-known security official and his son is in Abu Dhabi. He was accused of this dangerous charges as soon as the arrest was made at the boarder center before he entered the country.

- The State of Qatar believes that the continuation of the permanent follow-up team and the follow-up committee of their meetings will contribute to the implementation of the Riyadh Agreement and its mechanism as well as bolster the security and stability of GCC states. This is in addition end all issues stipulated in the mechanism to implement the Riyadh Agreement. It should be a committee that permanently holds meetings to look into any new issue that might be presented to it based on the directives of Their Highnesses and Excellencies the Ministers of Foreign Affairs.
- The State of Qatar delegation requested proof to be presented for the accusations by the GCC states on backing Al Qaeda organization, based on the statement by the Kingdom of Bahrain presented to the Ministers of Foreign Affairs.
- The State of Qatar delegation stated that the comments made by the Minister of Foreign Affairs of the Kingdom of Bahrain in a television interview with the Gulf channel Rotana on 12/7/2014 in regards to sectarian and political naturalization was unrealistic and lacks truth. The State of Qatar has a similar situation with the rest of the states that naturalize based on the constitution and laws, without discrimination.

Annex 51

Summary of Discussions in the Sixth Meeting of their Highnesses and Excellencies the Ministers of Foreign Affairs, Jeddah, 30 August 2014

Arabic with English translation

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ملخص لمداولات الاجتماع السادس
الخاص لأصحاب السمو والمعالي وزراء الخارجية
٤ ذو القعدة ١٤٣٥هـ الموافق ٣٠ أغسطس ٢٠١٤م
مدينة جدة - المملكة العربية السعودية

عقد أصحاب السمو والمعالي وزراء خارجية دول مجلس التعاون اجتماعهم السادس الخاص ، يوم السبت ٤ ذو القعدة ١٤٣٥هـ الموافق ٣٠ أغسطس ٢٠١٤م ، لمناقشة التقرير السادس للجنة متابعة تنفيذ آلية اتفاق الرياض، في مدينة جدة بالمملكة العربية السعودية ، برئاسة معالي يوسف بن علوي بن عبدالله، الوزير المسئول عن الشئون الخارجية في سلطنة عمان، وبحضور أصحاب السمو والمعالي:

سمو الشيخ/ عبدالله بن زايد آل نهيان	وزير الخارجية في الإمارات العربية المتحدة
معالي الشيخ / خالد بن أحمد بن محمد آل خليفة	وزير الخارجية في مملكة البحرين
صاحب السمو الملكي الأمير / سعود الفيصل	وزير الخارجية في المملكة العربية السعودية
معالي الدكتور / خالد بن محمد العطية	وزير الخارجية في دولة قطر
معالي الشيخ/ صباح خالد الحمد الصباح	النائب الأول لرئيس مجلس الوزراء ووزير الخارجية في دولة الكويت

وشارك في الاجتماع معالي الدكتور/ عبداللطيف بن راشد الزياني، الأمين العام لمجلس التعاون.

أطلع صاحب السمو الملكي الأمير سعود الفيصل ، أصحاب السمو والمعالي وزراء خارجية دول المجلس على نتائج الزيارات التي كلفه بها خادم الحرمين الشريفين الملك عبدالله بن عبدالعزيز آل سعود ، إلى كل من دولة قطر ومملكة البحرين والإمارات العربية المتحدة .

أعرب أصحاب السمو والمعالي الوزراء المشاركون في هذا الاجتماع الخاص ، عن شكرهم وتقديرهم للجهود التي يبذلها خادم الحرمين الشريفين في كل ما من

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Summary of Discussions in the Sixth Meeting of Their Highnesses and Excellencies the Ministers of Foreign Affairs
4 Dhu'l-Qa'dah 1435, 30 August 2014
Jeddah – Kingdom of Saudi Arabia

Their Highness and Excellencies the Ministers of Foreign Affairs of the GCC states held their sixth meeting on Saturday (4 Dhu'l-Qa'dah 1435, 30 August 2014) to discuss the sixth report of the committee in charge of following up the implementation of the mechanism of the Riyadh Agreement in Jeddah, Kingdom of Saudi Arabia, chaired by His Excellency Yousef bin Alawi bin Abdulla, the Minister Responsible for Foreign Affairs in the Sultanate of Oman and in the presence of Their Highnesses and Excellencies:

His Highness Shaikh Abdulla bin Zayid Al Nahyan	The Minister of Foreign Affairs of the United Arab Emirates
His Excellency Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa	The Minister of Foreign Affairs of the Kingdom of Bahrain
His Royal Highness Prince Saud Al Faisal	The Minister of Foreign Affairs of the Kingdom of Saudi Arabia
His Excellency Dr Khalid bin Mohammed Al Attiya	The Minister of Foreign Affairs of the State of Qatar
His Excellency Shaikh Sabah Khalid Al Ahmad Al Sabah	The First Deputy Prime Minister and Minister of Foreign Affairs of the State of Kuwait

Participating in the meeting was His Excellency Dr Abdullatif bin Rashid Al Zayani, the Secretary General of the Gulf Cooperation Council.

His Royal Highness Prince Saud Al Faisal informed Their Highnesses and Their Excellencies the GCC Ministers of Foreign Affairs on the outcome of the visits that were tasked by the Custodian of Two Holy Mosques King Abdulla bin Abdulla Sal Saud, to the State of Qatar, the Kingdom of Bahrain and the United Arab Emirates.

Their Highnesses and Their Excellencies the Ministers of Foreign Affairs taking part in this special meeting expressed their thanks and appreciation to the efforts exerted by the

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شأنه أن يؤدي إلى وحدة وتماسك منظومة مجلس التعاون ويعزز المسيرة المشتركة لدول المجلس .

وفيما يلي ما تم تداوله في هذا الاجتماع :

معالي/ يوسف بن علوي بن عبدالله :

بسم الله الرحمن الرحيم،،،

نحمد الله على أن جميع الجهود المخلصة التي بذلها ورعاها خادم الحرمين الشريفين، حفظه الله ، للسعي لترسيخ وحدة وترابط دول المجلس والحفاظ على مصالح الجميع قد كللت بالتوفيق، وبفضل من الله، توصلنا جميعا إلى قناعة بأنه من المصلحة أن نخدم أنفسنا ونحافظ على رابطتنا ومشاعر ومصالح شعوبنا، وأن يحرص الأخ على مشاعر ومصلحة أخيه.

وأعطي الكلمة الآن لصاحب السمو الملكي الأمير سعود الفيصل.

صاحب السمو الملكي/ الأمير سعود الفيصل :

شكرا سيدي الرئيس، أنقل شكري للأخوة الذين زرناهم، وهذه الجولة كانت تلبية لتوجيهات سيدي خادم الحرمين الشريفين ، نظرا لأن المدة طالت ، ولابد من حسم الأمور نهائيا، بدلا من أن تكون معلقة، ونكون مرهونين ومعلقين بفترة أسبوع أو أسبوعين ، ولجنة المتابعة بذلت جهودا كبيرة ورفعت لنا تقارير ، وقراراتها كانت "لا كذا ولا كذا" لأنها كانت متشعبة. فوجه حفظه الله ورعاه بالقيام بهذه الزيارة ، وبحثنا مع الإخوة في قطر بالتفصيل وتفصيل التفصيل، ونأمل إن شاء الله أن تتسع قلوبهم معنا ويكونوا راضين عنا.

عرضنا خلال لقائنا مع صاحب السمو الشيخ تميم بن حمد آل ثاني ، حفظه الله ، جميع النقاط الخلافية مثل دعم الإسلاميين، والإخوان المسلمين، والنهج السياسي، وليبيا، وموضوع الإعلام، والفئات التي تعمل ضد دول المجلس، والأخطار الناتجة عن ذلك علينا جميعا، وبحثنا ذلك بالتفصيل، ووجدنا من سموه قبولا، وأنه يبذل جهده في إنهاء هذه المشاكل ، خاصة أنه تولى مقاليد الحكم منذ سنة، وهو الأول والأخير المسؤول عن كل ما يحدث في قطر، وأعطى وعده لخادم الحرمين الشريفين وأنه ملتزم بهذا الوعد، وطلب سموه إيجاد الدليل القاطع للتنفيذ، وقال سموه أنا مستعد للتعاون في كل ما تريدون، وقال أنه ليس هناك مشكلة لا يوجد لها حل.

أبلغنا سموه بأننا نرغب أن يقف مع مصر وأن لا يقف مع الإخوان المسلمين أو يشجع المتطرفين، ووافق سموه على إيقاف التعامل إعلاميا ضدنا ، وكما تعلمون

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Custodian of the Two Holy Mosques in all that leads to uniting and consolidating the GCC entity and bolstering joint work of the Council.

Following are the discussions that took place in this meeting:

His Excellency Yousef bin Alawi bin Abdulla:

In the name of Allah, Most gracious, Most merciful,

We thank God for all the sincere good efforts of the Custodian of the Two Holy Mosques to bolster the unity and consolidation of GCC states and maintain the interests of everyone, which resulted with success. We all reached the belief that it is in the interest to serve ourselves and safeguard our unity as well as the feelings and interests of our people, and for a brother to be considerate for the feelings and interest of his fellow brother.

He then offered the turn to speak to His Royal Highness Prince Saud Al Faisal.

His Royal Highness Prince Saud Al Faisal:

Thank you Mr Chairman, I convey my thanks to our brothers whom we have visited, which was in response to the directives of the Custodian of the Two Holy Mosques, in view of the fact that the period has been prolonged and issues must be resolved permanently, instead of remaining pending and we are obliged to a period of one or two weeks. The following-up committee has exerted great efforts and presented to us reports, which were "neither this nor that" because the matter was too complex. Therefore, His Royal Highness issued directives for these visits to be carried out. We had discussions with our brothers in Qatar in great detail, and we hope, God Willing, that their hearts open up to ours and they are satisfied with us.

We presented during our meeting with His Highness Shaikh Tamim bin Hamad Al Thani all the points of conflict, such as the support for Islamists, Muslim Brotherhood, political policy, Libya and the issue of the media as well as the groups that work against the GCC and the consequential dangers that affect us all. We discussed this in detail and we found an acceptance by His Highness and that he is exerting efforts in resolving this problem, particularly that he ascended to the throne a year ago and that he is the first and last person responsible for all that happens in Qatar. He gave his promise to the Custodian of the Two Holy Mosques and that he was committed to this promise. His Highness requested finding indisputable evidence for the implementation and said that he was prepared to cooperate in 'all that you want', adding that there is no problem without a solution.

We informed His Highness that we would like him to stand by Egypt and not with the Muslim Brotherhood or encourage extremists. His Highness agreed to stop the media treatment against us, and, as you know, the media is part of the political policy of any

أن الإعلام جزء من النهج السياسي لأي دولة، وقال سموه أن الإعلام سيلتزم ولن يسخر ضد مصر، بل للوقوف مع مصر ودعم جهودها وأنه لن يكون لقطر يد في دعم المتطرفين ولا تشجيعهم . وهذه هي السياسة التي نريدها.

الاتفاق الآن الذي التزم به سموه أن يكون نفس التوجه العام الذي يلتزم به مجلس التعاون.

وبعد زيارتنا لدولة قطر ذهبنا لمملكة البحرين وذكرنا لهم التزام الشيخ تميم بحل المشاكل ومنها مشكلة التجنيس، وأنه لم يكن لسموه أية تحفظات، وأنهم مستعدون لاتخاذ الإجراءات.

وبعد زيارتنا لمملكة البحرين، ذهبنا إلى الإمارات العربية المتحدة وتحدثنا عن الالتزام في الإعلام، والالتزام بالنهج الخليجي، وعن المشاكل الإعلامية بين البلدين، وتطرقنا إلى جميع النقاط الواردة في بيان مكة.

العبرة الآن في التنفيذ، وهناك التزامات سابقة لم تنفذ و نحن نطالب بالتنفيذ.
يقترح خادم الحرمين الشريفين تشكيل "غرفة عمليات" في المملكة لمتابعة كل قضية إلى منتهاها و نحن نتثبت من كافة الأمور .. وطلبوا أن يكون هناك مساعدة من كل دول المجلس وأي شيء يأتي لهم سيسعون إلى تنفيذه.
غرفة العمليات تعمل يوميا لتنفيذ المطلوب، وسيكون لها تقرير يومي يأتي إلينا ، وإذا أرادت أي دولة أن ترسل شخص أو ممثل لها في غرفة العمليات للاطلاع فأهلا وسهلا به.

الهدف من غرفة العمليات هو ضمان أن لا يحصل تجاوز وأن يكون العمل في إطار أهداف مجلس التعاون، وبذلك نضمن إزالة أية عقبة في التنفيذ، وإزالة أي تشكيك في استغلال الوقت، والمحاسبة والمتابعة ستكون يومية ، والمعلومات التي تجمعها الأجهزة الأمنية . "غرفة العمليات" تكون واعية لمهامها وتقوم باللازم ، وتتكون الغرفة من جميع الأجهزة الأمنية وتتخذ اللازم للتأكد من ما حصل ومن التنفيذ.
وقد أمر خادم الحرمين الشريفين بإنشاء هذه الغرفة ، بعد تقديمنا تقرير الزيارة لجلالته ، وأنا آسف أني لم أزر مسقط والكويت، ولكن البركة فيكم لنقل ذلك .

country. His Highness said the media would be committed and will not taunt Egypt, but instead will stand by Egypt and support its efforts, adding that Qatar will not have a hand in supporting extremists or encouraging them, and that this is the policy that we want.

The agreement now that His Highness committed to will be the same general policy that the GCC is committed to.

Following our visit to the State of Qatar, we went to the Kingdom of Bahrain, and we conveyed to them the commitment of Shaikh Tamim to resolve the problems, including the naturalization problem, and that His Highness did not have any reservations, and that they were prepared to take measures.

Following our visit to the Kingdom of Bahrain, we went to the United Arab Emirates and discussed adherence of the media, commitment to Gulf policy and the media problems between the two countries. We discussed all points stipulated in the Mecca communique.

Proof is in implementation, and there are prior commitments that have not been implemented and we call for their implementation. The Custodian of the Two Holy Mosques proposed establishing an "Operations Room" in the Kingdom to follow up all cases until they are resolved and we confirm all matters … they asked that there is assistance from all GCC states and have noted that they will seek to implement anything presented to them. The Operations Room will work daily to implement the necessary and will have a daily report presented to us. If any country wants to send someone or a representative to the Operations Room to view matters, they are welcome.

The objective of the Operations Room is to ensure there are no breaches and that work is carried out within the goals of the GCC. With this, we ensure removing any obstacles facing the implementation process, remove any doubts in utilizing time. Accountability and follow up will be daily as will the information gathered by security authorities. The "Operation Room" will be aware of its duties and take the necessary measures. It will comprise of all types of security authorities and take the necessary measures to ensure progress and the implementation process.

The Custodian of the Two Holy Mosques ordered the establishment of this 'room' after we presented a report of our visit to His Majesty. I am sorry I did not visit Muscat or Kuwait, but we hope you convey this.

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معالي / يوسف بن علوي بن عبدالله :

نحن نثق في التزام سمو الشيخ تميم بما ذكرتموه، ولاشك أن أصحاب الجلالة والسمو سيكونون مسرورين لهذا الاتفاق ، وغرفة العمليات ستكون حامية لمصالح الجميع ، وأن تشكيلها جاء كما قال سيدنا إبراهيم "ليطمئن قلبي" وهذه أزمة وإن شاء الله انتهت.

غرفة العمليات هي لإتمام ما تم .. وهي ستزيد من ثقة التعاون .. وتعطينا المزيد من الاهتمام ، نحن نريد الخير لمجلس التعاون ونسعى إلى إشاعة روح الوحدة الخليجية بين أبناء دولنا، وهذا أبلغ رد للناس الذين يتطاولون على مجلس التعاون، خادم الحرمين الشريفين، قام بدور كبير لمسألة مهمة، وكذلك صاحب السمو الشيخ تميم ، وهذا لا شك تطور يضيف ثقة فوق الثقة الموجودة قبل الأزمة.

معالي الشيخ /خالد بن أحمد بن محمد آل خليفة :

أتفق مع ما تفضل به سمو الأمير سعود ومعالي الأخ يوسف، وهذه مسألة بين الأهل والإخوان.

معالي الشيخ/ صباح خالد الحمد الصباح :

كما عودتنا الشقيقة الكبرى وخادم الحرمين الشريفين، دائما، على الحرص والمبادرة في خطوات كبيرة، وخادم الحرمين الشريفين حريص على المحافظة على هذه المنظومة التي تجمعنا، وأشكر الشيخ تميم لما تم الاتفاق عليه و الالتزام به.

لنا تسعة أشهر ونحن في غاية الألم لهذه الأزمة ، خصوصا في ظل تصدع البيت الخليجي والأوضاع والمشاكل التي تحيط بنا وتدور حولنا في المنطقة، نحن سعدنا لما حصل ومتفائلون بالخير، وعلى أتم الاستعداد لتقديم الدعم لمبادرة ومقترح خادم الحرمين الشريفين ، ونحن على يقين بأن الأمور ستكون بأيد أمينة ، وعلى استعداد للمتابعة في غرفة العمليات التي ستشكل ، وتسهيل العمل في ذلك، ونرغب في طي هذه الصفحة .

نحن سعداء بمقترح خادم الحرمين الشريفين ونؤيد العمل الفوري والجاد لإنهاء هذه القضايا .

سمو الشيخ/ عبدالله بن زايد آل نهيان :

شكرا سيدي الرئيس، بودي أن أتبع نهجكم لتقديم الشكر لوالدنا خادم الحرمين الشريفين لما يبديه من عطف ورعاية تجاه دول المجلس بكل حكمة وحلم، ورغبته الحقيقية في تقوية مجلس التعاون وهذه المنطقة .

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His Excellency Yousef bin Alawi bin Abdulla:

We trust the commitment of His Highness Shaikh Tamim over what you have stated. There is no doubt that Their Majesties and Highnesses will be happy with this agreement. The Operations Room will protect the interests of everyone. Its formation comes, as Prophet Ibrahim had said 'for my heart may be satisfied', and this is a crisis and God willing it will be over.

The Operations Room aims to finalize what has been agreed, it will increase trust in our cooperation and give us more care. We want the good for the GCC, seek to spread the spirit of Gulf unity among the citizens of our countries and this is the ideal response to people who want to harm the GCC. The Custodian of the Two Holy Mosques had a great role in a major role in the establishment as has Shaikh Tamim. This is, no doubt, progress that adds confidence to that existing prior to the crisis.

His Excellency Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa:

I agree with His Highness Prince Saud and His Excellency Mr Yousef, and this is a matter between families and brothers.

His Excellency Shaikh Sabah Khalid Al Ahmad Al Sabah:

Our big brother as well as the Custodian of the Two Holy Mosques have made us accustomed to being keen and taking initiative through major steps. The Custodian of the Two Holy Mosques is keen to maintain this entity that unites us and I thank Shaikh Tamim for what has been agreed upon and committed to.

We spent nine month in great pain due to this crisis, particularly in view of the situations and problems surrounding us and around us in the region. We are happy with the outcome and optimistic. We are completely prepared to provide the support to the initiative and proposal of the Custodian of the Two Holy Mosques. We are confident that matters are in safe hands. We are prepared to follow up in the to-be-established Operations Room and facilitate work in this regard. We are keen to turn the page.

We are happy with the proposal by the Custodian of the Two Holy Mosques and support immediate and serious work to end these issues.

His Highness Shaikh Abdulla bin Zayid Al Nahyan:

Thank you Mr Chairman. I would like to also extend thanks to our father the Custodian of the Two Holy Mosques for his sentiments and care towards GCC states with great wisdom and patience as well as his true desire to strengthen the GCC and this region.

وكما قال الشيخ صباح، نحن نمر في ظروف صعبة ، ولكننا ولله الحمد نعيش في منطقة فيها خير ومن الله عليها بقادة محبين لها ويتمتعون بالحكمة .. وذلك يزيد من عزيمتنا وإصرارنا على مواجهة التحديات وعلى تنمية دول المجلس .

أتمنى أن نخرج بعد هذه التسعة أشهر، أكثر قناعة وعزيمة على تقوية دول المجلس ، وكما تفضل أخي الشيخ صباح، بأن المنطقة تمر في ظروف صعبة، ومن الضروري أن نعمل سويا للحفاظ على مجلس التعاون، أتمنى أن نخرج من أزمة التسعة أشهر ، بأننا تعلمنا ضرورة تقوية مجلس التعاون، ونحمد الله أنه راضٍ علينا ليس فقط لوجود البترول بل لوجود قيادات حكيمة ومخلصة، نسأل الله أن يهدينا لما فيه الخير.

أخي يوسف، استشهادك بما قاله سيدنا إبراهيم "ليطمئن قلبي" هو عين الصواب، وهذا يشمل جميع إخواني بما فيهم إخواننا في قطر.

معالي الدكتور/ خالد بن محمد العطية :

أشكر إخواني جميعا، زيارة الأمير سعود أسعدتنا ونتمنى أن نكون قد أجبنا على تساؤلات سموه، لن نجد أحرص من خادم الحرمين الشريفين على تماسك دول المجلس .. وكما قال أخي الشيخ عبدالله أن نحرص على مجلس التعاون وهو الكتلة الوحيدة التي يجب أن نحافظ عليها، تسع أشهر والجميع يقول ، يا جماعة مجلس التعاون .. مجلس التعاون ، حافظوا على مجلس التعاون .

أثناء قدومي من المطار كنت أتحدث مع سمو الأمير عبدالعزيز بن عبدالله ، حول الإعلام والقضايا التي يتناولها، وكنت أتابع الإعلام الغربي الذي كان يتكلم عن إيران بأنها تتعاون وتدافع ضد الإرهاب ، وأن دول المجلس تختلف فيما بينها ، لذلك نؤكد بأن حكمة خادم الحرمين الشريفين بإنشاء هذه الغرفة لهو أمرٌ به خيرٌ لنا جميعا، وهو أمر يجعلنا نركز على العمل الذي نجتمع بسببه، وأنا متأكد بأن هذه الغرفة سيتم إقفالها خلال أيام لأنها أنهت مهمتها التي أنشأت من أجلها، ولأنه لم يعد لها عمل تؤديه. وشكرا

معالي الشيخ/ خالد بن أحمد بن محمد آل خليفة :

في الحقيقة أشكر خادم الحرمين الشريفين على هذه الحكمة التي تعودنا عليها في مجلس التعاون، إن شاء الله أننا متفائلون بأننا سنصل للهدف المراد وأن تكون مهمة الغرفة قصيرة ، كما تفضل أخي الدكتور خالد ، أن فترة عمل الغرفة ستكون قصيرة لأنها لن تجد عملا لها ولن يكون عندها شغل .

As Shaikh Sabah had said, we are undergoing difficult conditions but, thank God, live in a region blessed with many blessings from God, with leaders who love it and have great wisdom. This inspires us and gives us further determination to face the challenges and develop GCC states. I hope that we come out after these nine months with further conviction and determination to strengthen the GCC states. As my brother Shaikh Sabah said, the region is undergoing difficult conditions and it is important to work together to safeguard the GCC. I hope that we come out from the nine-month crisis having learned the importance of strengthening the GCC and we thank God that he is pleased with us and blessed us, not only with the presence of oil, but also for the presence of wise and sincere leaderships. We ask God to guide us to what is good.

My Brother Yousef referencing the saying of our Prophet Ibrahim, 'for my heart may be satisfied', is very true, and this includes all my brothers, including our brothers in Qatar.

His Excellency Dr Khalid bin Mohammed Al Attiya:

I thank all my brothers. The visit of Prince Saud has delighted us and we hope that we answered all of his questions. We will not find anyone more keen than the Custodian of the Two Holy Mosques over the unity of GCC states. As my brother Shaikh Abdulla said, we are keen to maintain the GCC, which is the only entity that we must safeguard. Nine months and everyone is saying, people, this is the GCC … it is the GCC, safeguard the GCC.

During my arrival at the airport, I was talking to His Highness Prince Abdulaziz bin Abdulla, about the media and the issues it covers. I was following the Western media, which was talking about Iran, that it is cooperating and fighting against terrorism and that the GCC states are in disagreement among themselves. In view of this, we affirm that the wisdom of the Custodian of the Two Holy Mosques to establish this 'Operations Room' is for the benefit of everyone. It makes us focus on the work that we are meeting about and I am confident that this 'Operations Room' will be shut down within days for completing its duties that it was established for and because there will no longer be any further work to be carried out. Thank you.

His Excellency Shaikh Khalid bin Ahmed bin Mohammed Al Khalifa:

I thank the Custodian of the Two Holly Mosques for this wisdom that we have been accustomed to in the GCC. God willing, we are optimistic that we will reach our goal and that the duties of the 'Operations Room' will be short lived. As my brother Dr Khalid has said the period of work of the 'Operations Room' will be short because it will not find any further duties to carry out.

ونريد أن نعرف عن هذه الغرفة ونوعية الشخص الذي سترسله كل دولة للمشاركة في الغرفة، هل التمثيل سيكون لشخص دبلوماسي، كما أريد أن نعرف متى ستبدأ هذه الغرفة عملها ؟

صاحب السمو الملكي / الأمير سعود الفيصل :

نحن استبقنا الأحداث وبدأنا عملنا في غرفة العمليات، هناك شخص من قطر موجود فيها، وسيبدؤون بجمع المعلومات .. وقد طلبوا منا المساعدة لإنهاء بعض القضايا .. بعض القضايا ستأخذ وقت ، وغرفة العمليات ستجتمع كل يوم لتنهي أعمالها، إذا أنهت الغرفة أعمالها سيتم إبلاغكم بذلك، غرفة العمليات لن تكون متشعبة لتبت الأمور بسرعة وشفافية .

انتهى

We would like to know about this 'Operations Room', its type and the person who will be sent from each county to take part. Will representation be by a diplomat? When will this 'Operations Room' begin its duties?

His Royal Highness Prince Saud Al Faisal:

We took the initiative and started work on the Operations Room. There is someone from Qatar present there and they will start gathering information. They requested from us assistance to finalize some of the issue, but some issues will take time. The Operations Room will meet every day to complete its work. Once the Operations Room completes its work, you will be notified. The Operations Room will not be too complex in order to be able to address matters in a rapid and transparent manner.

Annex 52

"UAE supports statements of Kingdom of Bahrain and Kingdom of Saudi Arabia on Qatar", UAE Ministry of Foreign Affairs, 5 June 2017

UAE supports statements of Kingdom of Bahrain and Kingdom of Saudi Arabia on Qatar

Mon 05-06-2017 10:05 AM

United Arab Emirates

ABU DHABI, 5th June, 2017 (WAM) -- The United Arab Emirates has issued the following statement: "The UAE affirms its complete commitment and support to the Gulf Cooperation Council and to the security and stability of the GCC States. Within this framework, and based on the insistence of the State of Qatar to continue to undermine the security and stability of the region and its failure to honour international commitments and agreements, it has been decided to take the following measures that are necessary for safeguarding the interests of the GCC States in general and those of the brotherly Qatari people in particular: 1-In support of the statements issued by the sisterly Kingdom of Bahrain and sisterly Kingdom of Saudi Arabia, the United Arab Emirates severs all relations with the State of Qatar, including breaking off diplomatic relations, and gives Qatari diplomats 48 hours to leave the UAE.

2-Preventing Qatari nationals from entering the UAE or crossing its points of entry, giving Qatari residents and visitors in the UAE 14 days to leave the country for precautionary security reasons. The UAE nationals are likewise banned from traveling to or staying in Qatar or transiting through its territories.

3-Closure of UAE airspace and seaports for all Qataris in 24 hours and banning all Qatari means of transportation, coming to or leaving the UAE, from crossing, entering or leaving the UAE territories, and taking all legal measures in collaboration with friendly countries and international companies with regards to Qataris using the UAE airspace and territorial waters, from and to Qatar, for national security considerations.

The UAE is taking these decisive measures as a result of the Qatari authorities' failure to abide by the Riyadh Agreement on returning GCC diplomats to Doha and its Complementary Arrangement in 2014, and Qatar's continued support, funding and hosting of terror groups, primarily Islamic Brotherhood, and its sustained endeavours to promote the ideologies of Daesh and Al Qaeda across its direct and indirect media in addition to Qatar's violation of the statement issued at the US-Islamic Summit in Riyadh on May 21st, 2017 on countering terrorism in the region and considering Iran a state sponsor of terrorism. The UAE measures are taken as well based on Qatari authorities' hosting of terrorist elements and meddling in the affairs of other countries as well as their support of terror groups – policies which are likely to push the region into a stage of unpredictable consequences.

While regretting the policies taken by the State of Qatar that sow seeds of sedition and discord among the region’s countries, the UAE affirms its full respect and appreciation for the brotherly Qatari people on account of the profound historical, religious and fraternal ties and kin relations binding UAE and Qatari peoples."

Annex 53

Declaration of the Kingdom of Bahrain, 5 June 2017

Arabic with English translation

بيان مملكة البحرين

"استنادا الى اصرار دولة قطر على المضي في زعزعة الامن والاستقرار في مملكة البحرين والتدخل في شؤونها والاستمرار في التصعيد والتحريض الاعلامي ودعم الانشطة الارهابية المسلحة وتمويل الجماعات المرتبطة بأيران للقيام بالتخريب ونشر الفوضى في البحرين في انتهاك صارخ لكل الاتفاقات والمواثيق ومبادئ القانون الدولي دون ادنى مراعاة لقيم او قانون او اخلاق او اعتبار لمبادئ حسن الجوار او التزام بثوابت العلاقات الخليجية والتنكر لجميع التعهدات السابقة.

فان مملكة البحرين تعلن قطع العلاقات الدبلوماسية مع دولة قطر حفاظا على امنها الوطني وسحب البعثة الدبلوماسية البحرينية من الدوحة وامهال جميع افراد البعثة الدبلوماسية القطرية 48 ساعة لمغادرة البلاد مع استكمال تطبيق الاجراءات اللازمة

كما تعلن غلق الاجواء امام حركة الطيران واقفال الموانئ والمياه الاقليمية امام الملاحة من والى قطر خلال 24 ساعة من اعلان البيان.

واذ تمنع حكومة مملكة البحرين مواطنيها من السفر الى قطر او الاقامة فيها فانها تأسف لعدم السماح للمواطنيين القطريين من الدخول الى اراضيها اوالمرور عبرها كما تمنح المقيمين والزائرين القطريين مهلة 14 يوما لمغادرة اراضي المملكة تحرزا من اي محاولات ونشاطات عدائية تستغل الوضع رغم الاعتزاز والثقة العالية في اخواننا من الشعب القطري وغيرتهم على بلدهم الثاني.

ان الممارسات القطرية الخطيرة لم يقتصر شرها على مملكة البحرين فقط .. انما تعدته الى دول شقيقة احيطت علما بهذه الممارسات التي تجسد نمطا شديد الخطورة لايمكن الصمت عليه او القبول به وانما يستوجب ضرورة التصدي له بكل قوة وحزم.

ومع اسف مملكة البحرين لهذا القرار الذي اتخذته صيانة لأمنها وحفاظا لأستقرارها فانها تؤكد حرصها على الشعب القطري الشقيق الذي يدرك معاناتنا وهو يشهد مع كل عملية ارهابية سقوط ضحايا من اخوانه واهله في البحرين بسبب استمرار حكومته في دعم الارهاب على جميع المستويات والعمل على اسقاط النظام الشرعي في البحرين."

Declaration of the Kingdom of Bahrain

"Based on the persistence of the State of Qatar in regard to its pursuit to destabilize the security of the Kingdom of Bahrain, its interference in Bahrain's affairs and the continuous escalation and instigation in media, as well as its ongoing support to the terrorist armed activities and financing the groups affiliated with Iran in order to sabotage Bahrain and spread chaos in the country, which are considered acts violating all the covenants and international conventions and law principles, without considering values, law, morale or concepts of good neighborhood and Gulf countries relations since it denied all its previous commitments.

Hence, the Kingdom of Bahrain ceases all the diplomatic relations with State of Qatar in order to protect its national security. The Government of Bahrain will withdraw all the diplomatic mission in Doha and will give the delegates a grace of 48 hours to leave the country while proceeding with the other required procedures.

The Kingdom also announces closure of its air space and maritime ports as well as regional water before the Qatari navigation in 24 hours after this declaration.

Kingdom of Bahrain bands its citizens from travelling to Qatar or staying in the country, however, with sorrow it will also ban all Qatari citizens from entering to or passing through the lands of the Kingdom to avoid any trials or violent activities that might exploit the current situation despite the high confidence and appreciation to our brothers from Qatar and their interest in their second country-Bahrain.

The Qatari grave practices did not include Bahrain only, but also several sister countries which well aware of these practices that embody a very dangerous pattern that cannot be acceptable or denied, but it must be confronted and combated fiercely.

Despite the sorrow expressed by Bahrain when issuing this resolution taken to protect its security and stability, it confirms that it considers the safety of the Qatari people who realize the suffering endured by Bahrain when we witness many terrorist operations leaving people dead in the country because of the insistence of their government to support the terrorism on all levels in order to topple the legitimate regime in Bahrain."

Annex 54

Declaration of the Arab Republic of Egypt, 4 June 2017

Arabic with English translation

بيان جمهورية مصر العربية

قررت الحكومة المصرية قطع العلاقات الدبلوماسية مع دولة قطر في ظل اصرار الحكم القطري على اتخاذ مسلك معادي لمصر، وفشل كافة المحاولات لاثناءه عن دعم التنظيمات الارهابية، وعلى رأسها تنظيم الاخوان الارهابي، وايواء قياداته الصادر بحقهم احكام قضائية في عمليات إرهابية أستهدفت امن وسلامة مصر، بالإضافة الى ترويج فكر تنظيم القاعدة وداعش ودعم العمليات الارهابية في سيناء، فضلا عن اصرار قطر على التدخل في الشؤون الداخلية لمصر ودول المنطقة بصورة تهدد الامن القومي العربي وتعزز من بذور الفتنة والانقسام داخل المجتمعات العربية وفق مخطط مدروس يستهدف وحده الأمة العربية ومصالحها.

كما تعلن جمهورية مصر العربية غلق أجواءها وموانئها البحرية أمام كافة وسائل النقل القطرية حرصاً على الأمن القومي المصري، وستتقدم بالاجراءات اللازمة لمخاطبة الدول الصديقة والشقيقة والشركات العربية والدولية للعمل بذات الاجراء الخاص بوسائل نقلهم المتجهة الى الدوحه.

Declaration of Arab Republic of Egypt

The Egyptian government decided to cease all diplomatic relations with the State of Qatar. That came due to the insistence of the Qatari regime on adopting a hostile approach to Egypt, and the failure of all trials to deter its support to the terrorist organizations, topped by the terrorist group of the Muslim Brotherhood. The Qatari regime sheltered its leaders, who have received judicial rulings in terrorist operations targeted the safety and security of Egypt, in addition to promoting the doctrine of Al-Qaeda and ISIL, as well as supporting the terrorist operations in Sinai. Qatar has been insisting on interfering in the internal affairs of Egypt and the countries of the region, in a way that threatens the Arab national security and boosts the feelings of schism and fission inside the Arab communities, according to well-planned schemes targeting the unity of the Arab nation and its interests.

The Arab Republic of Egypt announces closing its air and maritime ports before all Qatari transportation means in a pursuit to protect the national Egyptian security. Egypt will address the sister and friendly country, and the international and Arab companies to act accordingly and apply this action related to their flights and vessels moving to Doha.

Annex 55

Declaration of Kingdom of Saudi Arabia, 5 June 2017

Arabic with English translation

بيان المملكة العربية السعودية

"لقد اتخذت المملكة العربية السعودية قرارها الحاسم هذا نتيجة للانتهاكات الجسيمة التي تمارسها السلطات في الدوحة ، سراً وعلناً ، طوال السنوات الماضية بهدف شق الصف الداخلي السعودي ، والتحريض للخروج على الدولة ، والمساس بسيادتها ، واحتضان جماعات إرهابية وطائفية متعددة تستهدف ضرب الاستقرار في المنطقة ، ومنها جماعة (الإخوان المسلمين) و (داعش) و(القاعدة) ، والترويج لأدبيات ومخططات هذه الجماعات عبر وسائل إعلامها بشكل دائم ، ودعم نشاطات الجماعات الإرهابية المدعومة من إيران في محافظة القطيف من المملكة العربية السعودية ، وفي مملكة البحرين الشقيقة وتمويل وتبني وإيواء المتطرفين الذين يسعون لضرب استقرار ووحدة الوطن في الداخل والخارج ، واستخدام وسائل الإعلام التي تسعى إلى تأجيج الفتنة داخلياً كما اتضح للمملكة العربية السعودية الدعم والمساندة من قبل السلطات في الدوحة لميليشيا الحوثي الانقلابية حتى بعد إعلان تحالف دعم الشرعية في اليمن.

كما أنها اتخذت هذا القرار تضامناً مع مملكة البحرين الشقيقة التي تتعرض لحملات وعمليات إرهابية مدعومة من قبل السلطات في الدوحة. وإنه منذ عام 1995م بذلت المملكة العربية السعودية وأشقاؤها جهوداً مضنية ومتواصلة لحث السلطات في الدوحة على الالتزام بتعهداتها ، والتقيد بالاتفاقيات ، إلا أن هذه السلطات دأبت على نكث التزاماتها الدولية ، وخرق الاتفاقات التي وقعتها تحت مظلة دول مجلس التعاون لدول الخليج العربية بالتوقف عن الأعمال العدائية ضد المملكة ، والوقوف ضد الجماعات والنشاطات الإرهابية ، وكان آخر ذلك عدم تنفيذها لاتفاق الرياض.

وإنفاذاً لقرار قطع العلاقات الدبلوماسية والقنصلية يمنع على المواطنين السعوديين السفر إلى دولة قطر ، أو الإقامة فيها ، أو المرور عبرها ، وعلى المقيمين والزائرين منهم سرعة المغادرة خلال مدة لا تتجاوز 14 يوماً ، كما تمنع ، بكل أسف ، لأسباب أمنية احترازية دخول أو عبور المواطنين القطريين إلى المملكة العربية السعودية ، وتمهل المقيمين والزائرين منهم مدة 14 يوماً للمغادرة؛ مؤكدة التزامها وحرصها على توفير كل التسهيلات والخدمات للحجاج والمعتمرين القطريين.

وتؤكد المملكة العربية السعودية إنها صبرت طويلاً رغم استمرار السلطات في الدوحة على التملص من التزاماتها ، والتآمر عليها ، حرصاً منها على الشعب القطري الذي هو امتداد طبيعي وأصيل لإخوانه في المملكة ، وجزء من أرومتها ، وستظل المملكة سنداً للشعب القطري الشقيق وداعمة لأمنه واستقراره بغض النظر عما ترتكبه السلطات في الدوحة من ممارسات عدائية."

Declaration of Kingdom of Saudi Arabia

"KSA took this decisive decision due to the grave violations practiced by the authorities of Doha, in public and in secret, for the last year, aiming at creating a fission in the internal unity of Saudi and instigating to defy state authority, violate its sovereignty, and fostering several terrorist and sectarian groups which aim at destabilizing the region. Qatar sponsors Muslim Brotherhood, ISIL and Al –Qaeda groups, promotes their literature and schemes constantly in its media. It also supports the terrorism groups supported by Iran in Al Qatif governorate in KSA and the Kingdom of Bahrain. It funds, fosters and shelters the terrorists who aim at destabilizing and disuniting the country inside and out. It uses media that pursues inciting the internal schism as it was clarified to KSA that Doha supports and backs the coup Houthi militia, even after the announcement of a coalition supporting legitimacy in Yemen.

It also took this decision in solidarity with the sister Kingdom of Bahrain which is a target for multiple terrorist operations and actions supported by the authorities in Doha. Since 1995G, KSA and its sister countries exerted tiresome and consistent efforts to instigate the authorities in Doha to committee to its covenants and conventions, however, these authorities has been used to transgressing its international commitments and break the conventions signed under the Gulf Co-operation Council Countries agreement requiring it to halt its aggressive actions against the Kingdom and support provided to these terrorism groups and activities, that was topped by its failure to implement the Riyadh agreement.

In pursuant to this resolution of ceasing the diplomatic and consular relations with Qatar, the Saudi citizens are banned from travelling to, living in, or passing by this State. The Saudi residents and visitors are asked to leave quickly in a period does not exceed 14 days. With sorrow, we ban also the entrance or passing of all Qatari citizens into KSA for security cautions, and they are allowed to leave in a period not exceeding 14 days. Saudi is confirming its commitment to provide all facilities to the pilgrims of Qatar.

KSA affirms that it has been patient for long time, despite the insistence of the authorities in Doha on breaking their commitments and plotting conspiracies, and that for the sake of the Qatari people who constitute a natural extension to the nation of Saudi and form a part and parcel of its structure. Therefore, KSA will remain a support to the Qatari people and a prop to their security and safety regardless of what has been committed by Doha in regard to its hostile attitude."

Annex 56

Declaration of the United Arab Emirates, 5 June 2017

NEWS

UAE supports statements of Kingdom of Bahrain and Kingdom of Saudi Arabia on Qatar.

6/5/2017

وزارة الخارجية والتعاون الدولي

MINISTRY OF FOREIGN AFFAIRS & INTERNATIONAL COOPERATION

The United Arab Emirates has issued the following statement:

"The UAE affirms its complete commitment and support to the Gulf Cooperation Council and to the security and stability of the GCC States. Within this framework, and based on the insistence of the State of Qatar to continue to undermine the security and stability of

the region and its failure to honour international commitments and agreements, it has been decided to take the following measures that are necessary for safeguarding the interests of the GCC States in general and those of the brotherly Qatari people in particular:

1-In support of the statements issued by the sisterly Kingdom of Bahrain and sisterly Kingdom of Saudi Arabia, the United Arab Emirates severs all relations with the State of Qatar, including breaking off diplomatic relations, and gives Qatari diplomats 48 hours to leave the UAE.

2-Preventing Qatari nationals from entering the UAE or crossing its points of entry, giving Qatari residents and visitors in the UAE 14 days to leave the country for precautionary security reasons. The UAE nationals are likewise banned from traveling to or staying in Qatar or transiting through its territories.

3-Closure of UAE airspace and seaports for all Qataris in 24 hours and banning all Qatari means of transportation, coming to or leaving the UAE, from crossing, entering or leaving the UAE territories, and taking all legal measures in collaboration with friendly countries and international companies with regards to Qataris using the UAE airspace and territorial waters, from and to Qatar, for national security considerations.

The UAE is taking these decisive measures as a result of the Qatari authorities' failure to abide by the Riyadh Agreement on returning GCC diplomats to Doha and its Complementary Arrangement in 2014, and Qatar's continued support, funding and hosting of terror groups, primarily Islamic Brotherhood, and its sustained endeavours to promote the ideologies of Daesh and Al Qaeda across its direct and indirect media in addition to Qatar's violation of the statement issued at the US-Islamic Summit in Riyadh on May 21st, 2017 on countering terrorism in the region and considering Iran a state sponsor of terrorism. The UAE measures are taken as well based on Qatari authorities' hosting of terrorist elements and meddling in the affairs of other countries as well as their support of terror groups – policies which are likely to push the region into a stage of unpredictable consequences.

While regretting the policies taken by the State of Qatar that sow seeds of sedition and discord among the region's countries, the UAE affirms its full respect and appreciation for the brotherly Qatari people on account of the profound historical, religious and fraternal ties and kin relations binding UAE and Qatari peoples."

Annex 57

UAE Ministry of Foreign Affairs and International Cooperation
Announcement, Directive for Hotline Addressing Mixed Families,
11 June 2017

NEWS

President issues directives to address humanitarian cases of Emirati-Qatari joint families.

6/11/2017

President His Highness Sheikh Khalifa bin Zayed Al Nahyan has instructed the authorities concerned to take into consideration the humanitarian circumstances of Emirati-Qatari joint families in recognition of the brotherly Qatari people, an official source announced.

And in implementation of these directives, the Ministry of Interior has set up a telephone line (+9718002626) to receive such cases and take appropriate measures to help them.

The source said these measures were in line with the statement issued by the UAE that severed ties with the State of Qatar for the pretexts mentioned in the resolution and its procedures. The statement also underscored the UAE's commitment to the well being of the brotherly Qatari people as a natural extension of the brotherly UAE people.

Annex 58

Official Statement by the UAE Ministry of Foreign Affairs and International Cooperation, 5 July 2018

NEWS

An official Statement by The UAE Ministry of Foreign Affairs and International Cooperation.

7/5/2018

وزارة الخارجية والتعاون الدولي

MINISTRY OF FOREIGN AFFAIRS & INTERNATIONAL COOPERATION

Since its announcement on June 5, 2017, pursuant to which the United Arab Emirates (UAE) took certain measures against Qatar for national security reasons, the UAE has instituted a requirement for all Qatari citizens overseas to obtain prior permission for entry into the UAE. Permission may be granted for a limited-duration period, at the discretion of the UAE government.

The UAE Ministry of Foreign Affairs and International Cooperation wishes to confirm that Qatari citizens already resident in the UAE need not apply for permission to continue residence in the UAE. However, all Qatari citizens resident in the UAE are encouraged to obtain prior permission for re-entry into UAE territory.

All applications for entry clearance may be made through the telephone hotline announced on June 11, 2017 (+9718002626).

As a result of the false accusations made by the State of Qatar against the UAE, the UAE deems it necessary to affirm its long-standing policy on the entry and residence conditions applicable to persons of Qatari citizenship. Since the announcement severing relations with Qatar was made by the UAE Ministry of Foreign Affairs and International Cooperation on June 5, 2017 in support of the same decisions of the Kingdom of Bahrain and the Kingdom of Saudi Arabia, the UAE has not issued any legal or administrative laws or orders relating to the expulsion of Qatari citizens from UAE territory. The UAE took no action to expel Qatari citizens and national who remained in the UAE following the expiry of the 14 day period referred to in the June 5, 2017 announcement.

The UAE regrets that Qatar continues to misrepresent the UAE's policy on the entry and residence conditions applicable to Qatari citizens. The UAE affirms its full respect and appreciation for the people of Qatar.

The UAE will continue to maintain all measures instituted against the Qatari government to address the threat it poses to regional security and the people of the UAE. The UAE calls upon Qatar to respect its international commitments and to cease its policies of sponsoring and harbouring terrorist organizations and individuals, interfering in the affairs of its neighbours and giving a platform to extremists through its religious institutions and its government controlled media networks.

Annex 59

Ministry of Foreign Affairs of the State of Qatar, "Foreign Minister: Qatar Sees Any GCC Meeting Golden Opportunity for Civilized Dialogue", 22 October 2017

Foreign Minister: Qatar Sees Any GCC Meeting Golden Opportunity for Civilized Dialogue

Doha / Information Office / October 22

HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani stressed that the State of Qatar believe that the convening of any GCC meeting is a golden opportunity to at least start a dialogue in a civilized manner and in accordance with the established diplomatic channels in this regard, noting that the State of Qatar has received no official reports or messages regarding a postponement of the Gulf summit, hoping that the summit will take place as scheduled.

Speaking on Sunday during a joint press conference with HE U.S. Secretary of State Rex Tillerson, HE the foreign minister said that any postponement of such an important meeting for Gulf leaders will be due to the intransigence of the siege countries and their rejection of dialogue.

Sheikh Mohammed bin Abdulrahman Al-Thani noted that the GCC is important as a system of collective security, expressing his regret that it has become a victim of such a fabricated crisis against the State of Qatar and noting that this unjust crisis has directly affected the collective security of the GCC countries because of the irresponsible actions of the siege countries.

Officials of the siege countries always resort to non-diplomatic methods that have nothing to do with international relations in their modern perspective such as the use of tribalism and the politicization of religion and other irresponsible behaviors, HE the foreign minister said.

Sunday, Oct 22, 2017

He expressed the State of Qatar's commitment to the GCC as a system and stressed the importance of this system for the collective security of the region, wishing that the siege countries would share this perspective with the State of Qatar so that these countries would shoulder their responsibility in terms of engaging in a positive and serious dialogue to put an end to this crisis that has no clear reasons so far neither to the State of Qatar nor to any of its allies.

On the Iranian influence in the region, HE Sheikh Mohammed bin Abdulrahman Al-Thani said the position of the State of Qatar was clear before the Gulf crisis and remains so during and even after it. "Doha's stance is the same; rejection of any negative influence and interference in the region and the Arab world as a whole. The State of Qatar was and still is clear in expression of these sources of concern."

HE the foreign minister added that the State of Qatar believes that the current crisis undermines endeavors to resolve the regional issues and disrupts efforts to combat terrorism despite claims of siege countries' officials that they face it, while, on the contrary, they negatively affect these efforts by imposing unfair measures on a country that, until a recent time, was a strong ally for them.

He added that the State of Qatar has followed a clear policy regarding Iran and remains committed to solving all regional problems through dialogue, and this is not only the position of the State of Qatar, but rather the rest of the GCC countries.

"In our last meeting last year in Bahrain, the leaders pledged to engage in a serious dialogue with Iran on the basis of the principle of non-interference in the internal affairs of any party, and to stop any negative influence in the region," he said, adding that "we remain committed to these principles and to resort to dialogue."

Referring to the recent statements by the Bahraini foreign minister on the crisis, HE the foreign minister said that the crisis has shown "many marvels" and added that there are "allegations by so-called leaders of diplomacy, in which we unfortunately did not see any diplomacy or maturity," describing the statements as "comic."

HE Sheikh Mohammed bin Abdulrahman Al-Thani said that those who make these allegations and talk about "social repression" have "the worst forms of social repression" in their countries. "Who talks about stirring up strife is the one who stirs it," HE the foreign minister said, directing a message to them that those who make these allegations must stop disregarding their peoples and the minds of all GCC peoples, and rise with their rhetoric.

On the Kuwaiti mediation, HE Sheikh Mohammed bin Abdulrahman Al-Thani stressed Qatar's position that the Kuwaiti mediation is the umbrella for resolving the crisis. He affirmed his support for the Kuwaiti mediation and all the countries that adopt it and stand behind it, for the status enjoyed by the State of Kuwait among the GCC States, noting the importance of relying on the GCC system for stability and collective security.

HE the foreign minister also praised the efforts of HH Emir of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah and his mission that confirms the commitment of the State of Kuwait to dialogue in mediation despite the difficulties and intransigence that it faces from the siege countries.

HE Sheikh Mohammed bin Abdulrahman Al-Thani pointed out that there are attempts by the siege countries to claim normalization of the current situation. He stressed that any measures taken in this regard are against international relations, and that in no way bad humanitarian situation can be normalized such as separation of families or normalizing the issue of 26,000 people affected by the siege and those who were dispersed by these unjust measures. HE the minister stressed that the word "normalization" should not be used at a time when the siege countries continue inciting and disbursing the money of their people irresponsibly to open up fronts in the West against the State of Qatar to distribute lies and allegations.

He added: "Their claim of normalization is incorrect and baseless. If they consider the issue to be normalized, then they should carry out the process properly and transparently for all actions taken, and not continue the series of incitement and interference in the internal affairs of the State of Qatar."

At the beginning of the press conference, HE Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani said that he had discussed with his U.S. counterpart the importance of strong bilateral relations between the State of Qatar and the United States, which are strategic in various fields including defense, economy and education.

He also noted that the talks touched on regional issues including the Syrian, Libyan and Palestinian issues, and that all efforts aimed at bridging the gap between all the Palestinian forces to reach the ground for effective peace talks according to the Arab peace initiative were emphasized, adding that "there were also discussions on various topics, including the important role of the United States in the fight against terrorism and maintaining security in partnership with all the countries of the region, which unfortunately began to suffer turmoil due to this crisis by the siege countries."

For his part, HE Tillerson reaffirmed the importance of the issues that were discussed today, including bilateral efforts to combat terrorism in the region, in addition to the Gulf crisis and a number of issues of mutual interest.

The U.S. secretary of State addressed the progress made in implementing the memorandum of understanding on counterterrorism, which was signed between the State of Qatar and the United States in July. "Significant progress has been made and a number of important efforts in our counterterrorism joint efforts, including the sharing of terrorist lists and terrorist financing. We have participated in a number of counterterrorism technical sessions and training. And significant steps have been taken to enhance aviation security," he said, expressing delight with the progress in strengthening bilateral relations between the two countries in counterterrorism.

HE Tillerson said the United States will continue to work closely with the State of Qatar to crack down on terrorists, noting that U.S. President Donald Trump places the issue of counterterrorism among his priorities.

The U.S. secretary of state expressed concern over the Gulf crisis, which is nearing the five months' mark. "The United States remains concerned today as it was at the outset" of the crisis, he said, adding that "the united States has felt the effects" of the situation and thinks "it is very important for GCC to continue to pursue unity" because "none of us can afford to let this dispute linger."

He called on all the parties involved to "continue to work towards discussion and dialogue and finding a way to deal with the differences," expressing hope that all parties would "minimize the rhetoric and de-escalate the tensions" in order to reach a solution for the crisis.

HE Tillerson said the United States will continue to do its part in supporting the mediation efforts led by HH Emir of Kuwait to find a diplomatic solution and will "continue to engage all parties" in order to "better help them understand their concerns and possibly find a solution."

In addition, he thanked the State of Qatar for donating $30 million to alleviate the suffering and impacts of the hurricanes in his country, hailing the ties linking the United States with Qatar. He said that there are mutual interests and businesses between the two countries and the size of Qatari investments in the United States is huge and "we look forward to expanding the economic relationship between our two countries" on the long term.

The U.S. secretary of state said his country "does not have any intention to impose a solution on anyone" in the crisis. "We are staying in very close contact with all of the parties," he said, adding that President Trump spoke to the leaders of the countries involved and stressed that "he believes it is time to find a solution to this dispute."

HE Tillerson said the United States is prepared to facilitate dialogue either by facilitating the discussions or offering roadmaps, adding that "the parties have to come to that point that they are ready to solve this."

" We have expressed our view that we think it is time that a solution be sought and we are going to continue to make these points. We are going to continue to offer whatever assistance we can whether it be hosting dialogue or facilitating dialogue, and support the ongoing efforts" of the Kuwaiti mediation, HE Tillerson said. "But it is not for the U.S. to impose" a solution on anyone, he added.

He noted that there is not a strong indication from the siege countries that they are ready to talk yet, adding that his country can't force talks on parties that are not ready to talk, so "there has been no invitation" to the White House for negotiations because "it is not clear that the parties are ready to engage."

On whether the current crisis is in Iran's favor, Tillerson said that "anytime there is a conflict and destabilization among countries that are typically allies, someone will always come to exploit those differences."

As for the situation in Iraq, the U.S. secretary of state said his country has "encouraged restraint and the minimization of any kind of conflict" between forces involving either the Kurdistan Peshmerga or the Iraqi government coalition, adding that the U.S. encourages the parties to engage in dialogue to "fully implement the Iraqi constitution" and urges them to "not forget that the war to defeat ISIS is not yet over and that remains the greatest threat to Iraq."

Annex 60

Qatar Ministry of Foreign Affairs, "Qatar Highly Appreciates HH the Emir of Kuwait's Speech on Gulf Crisis", 24 October 2017

Qatar Highly Appreciates HH the Emir of Kuwait's Speech on Gulf Crisis

Doha /information office / 24 October 2017
The Ministry of Foreign Affairs underlined that the State of Qatar highly appreciates what HH Emir of the State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah said in his speech at the opening of the session of the Kuwaiti National Assembly regarding the Gulf crisis.

In a statement, the Foreign Ministry hailed the appeal made by HH the Emir of Kuwait to preserve the rights of future generations by the current generation of Gulf leaders, saying that their rights require not to escalate the situation and hasten to heal the wounds caused by the crisis between countries that are linked by close bonds of brotherhood and unity of faith, destiny and common interests.

Throughout its history, the State of Qatar has pursued all means of reconciliation and adopted civilized and peaceful approaches to resolve conflicts, as established by its active diplomacy for decades, thereby, the State of Qatar announces its response to the appeal of HH the Emir of Kuwait.

The statement underlined that Qatar has a strong belief in the fairness of its position in this crisis and its adherence to dialogue based on mutual respect, on the basis of its principles and values.

These principles are not new and are not reflections of the current circumstances. The State of Qatar has been always pursuit of unity in the Gulf, the achievement of the common Gulf goal and the fulfillment of all commitments to preserve the GCC, the statement added.

Despite the systematic media campaign that is involving its symbols, government and people, and the unfair and illegal measures it has been subjected to during the past months, the State of Qatar, proudly of the civilized and moral position of the Qatari people, in response to the call of HH the Emir of Kuwait and in line with the approach laid down by HH the Emir of Qatar Sheikh Tamim bin Hamad Al-Thani in his address to the people of Qatar on 21 July 2017, calls upon citizens, residents and all media in Qatar to avoid slipping into the abuse of Gulf symbols or drifting behind what is promoted from the siege countries of outdated tribal rifts.

Tuesday, Oct 24, 2017

Concluding, the statement underlined that the State of Qatar, which is committed to the rules of security, solidarity and friendship among the GCC, does not accept the violation of these rules, while the Government of Qatar and its people maintain their right to legitimate defense on their just cause with all objectivity and professionalism in all forums and platforms.

Annex 61

Qatar Ministry of Foreign Affairs, "Foreign Ministry's Spokesperson: Qatar Continues to Welcome Kuwaiti Mediation, Hopes for Serious Steps by Siege Countries", 3 March 2018

Foreign Ministry's Spokesperson: Qatar Continues to Welcome Kuwaiti Mediation, Hopes for Serious Steps by Siege Countries

Geneva – Information Office – 03 March

HE Lulwah Rashid Al Khater, the official spokesperson for the Foreign Ministry, has affirmed Qatar's continued welcome to the Kuwaiti mediation to solve the Gulf crisis, while also expressing her hope for a response and interaction of the siege countries with this mediation by taking serious steps to get out of the crisis.

At a press conference held in Geneva, Switzerland, on the sidelines of the Human Rights Council, HE Al Khater said that affirmation of the siege states that the only way out of this crisis is through Kuwaiti mediation is a good development and progress by the siege countries, stressing that the State of Qatar welcomes Kuwaiti mediation and respects the positive and active role of HH the Emir of the State of Kuwait Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah.

She added that HH the Emir Sheikh Tamim bin Hamad Al-Thani was the only leader among the parties of the Gulf crisis who attended the GCC summit in Kuwait in appreciation of Kuwaiti mediation, urging the siege countries to take serious steps and to respond to the Kuwaiti mediation appeals to return to the dialogue table.

HE the spokesman of the Foreign Ministry said the siege imposed on the State of Qatar by Saudi Arabia, the UAE, Bahrain and Egypt by closing land, sea and air routes is illegal, noting that about 90% of the food and medicine entered Qatar via Saudi Arabia and the UAE.

Her Excellency also pointed to the expulsion of Qatari students from the universities of the siege countries and the prevention of the citizens of these countries from going to Qatar with some exceptions unless evidence of the presence of relatives and families in Qatar is presented to obtain approval to go to Qatar. She stressed that Qatar did not reciprocate with the siege countries and did not take similar measures, noting the presence of about 200,000 Egyptians working in Qatar, despite the fact the Egypt is one of the siege countries.

Saturday, Mar 03, 2018

HE the Spokesman for the Foreign Ministry also emphasized that Qatar overcome the economic siege within 48 hours by finding and establishing new and alternative air routes or sea lines through Kuwait, Oman, India, Pakistan and other countries.

Qatar remains the fastest growing economy among the GCC countries despite the siege, she said, noting that Qatar remains the world's first exporter of liquefied natural gas and the second largest exporter of helium gas. Qatar's economy is strong, but its concerns about the Gulf crisis are threefold: human rights violations, regional security, and the insistence of the siege countries to resort to the back-door-policy instead of dealing with diplomatic and political channels, she said.

Her Excellency also pointed out that the siege comes in the context of a series of crises launched by the same parties, referring to a growing polarization in the region by these countries using a sectarian discourse. "We are concerned about the sectarian discourse used in the polarization in the region."

HE spokesperson for the Foreign Ministry Lulwah Rashid Al Khater, pointed out that the siege countries were able to destabilize the GCC system, which was considered, especially in the wake of the Arab Spring, as a contributing factor to stability and as the most stable bloc in the region.

Al Khater went on saying that Qatar's concern and main worry lies in the regional security and the repercussions of the siege on it, despite the fact that Qatar has overcome its economic impact. "We are also concerned about the siege countries', especially GCC members, use of the back door tactics, to defame Qatar and damage its image in Western countries," she added pointing that the siege countries departed the diplomatic means and opted for back doors tactics and fanning tribal celebrations that they decided to organize. HE Al Khater saw a great contradiction between announcing a major reform agenda and adopting a sectarian and tribal discourse, stressing that blocking the diplomatic process is disturbing.

"The plots and attempts to tamper with Qatari currency, in some countries, will be legally addressed by Qatar Central Bank," she said pointing to evidences linking this case to one of the siege countries, a GCC member.

HE Lulwah Al Khater called for revisiting the report of the technical mission of the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued in December 2017, saying that the mission visited the State of Qatar and wanted to visit the siege countries to study their positions, but those countries refused to welcome the mission.

She went on saying that the mission prepared its report and contacted the siege countries again to give their views on the report, but they also refused. "After publishing the report, the siege countries decided to question the mission as well as the integrity and objectivity of the report," she said asking "Why did not the siege countries allow the mission to enter their territories"?

Al Khater said that the technical report has documented 504 cases of violation of the right to education, 1174 cases violations of the right to property and 629 cases of families separation in addition to 1261 cases of suspension and restrictions of freedom of movement and communication, pointing to the existence of 6500 marriages of Qatar citizens and citizens of the siege countries. "These families are now deprived from the right to reunification in one country," she added.

She referred to the contradiction that the siege countries claim to establish free trade zones, while politicize the economic dimension and deprive Qatari businessmen and businesswomen from access to their property and investment, pointing that the National Commission for Compensation documented about 4500 complaints by individuals who are unable to access their investments and property in the siege countries/

The Foreign Ministry's Spokesperson went on saying that the report of the technical mission concluded that the siege targeted the State of Qatar and Qatari citizens, and that the measures taken by the siege countries were unilateral, while Qatar did not reciprocate by imposing similar measures on the citizens of these countries, stressing that the report describes the measures taken against the State of Qatar as an economic war, and described the media discourse in the siege countries to a hate speech against Qatar and Qatari citizens.

"The technical mission, two times, gave the siege countries the opportunity to respond, but they refused to. After publishing the report in December, 2017 the siege countries described it as biased and politicized instead of addressing the issues at hand," she said.

HE Lulwah Rashid Al Khater, the official spokesperson for the Foreign Ministry, said following HE the Deputy Prime Minister and Foreign Minister Sheikh Mohammed bin Abdulrahman Al-Thani's speech before the Human Rights Council, the siege countries responded with a statement that does not address the actual violations, describing the violations in the report as a "minor issue" and saying that international community is not concerned with this issue at all.

There is no surprise in the response of the siege countries, given their human rights record not only against Qatari citizens but also against their own citizens, she said.

Her Excellency continued by saying it is not surprising because they are not interested in human rights violations against Qatari citizens under the siege. This is normal for them, but for us, any violation against a Qatari citizen is a great deal of importance to us. We are keen and we will seek that every citizen get his rights and receive his appropriate compensation.

She pointed out that the siege countries indicated in their response that this crisis is a diplomatic one caused by Qatar, but the fact is that on June 5, these countries decided to cut ties and close their borders with Qatar, which 90% of its food and medicine imports come through them.

Replying to a question by Spanish news agency, HE Lulwah Al Khater said that Qatari diplomacy has been very active recently, pointing out in this regard to the US-Qatari dialogue which was held at the end of January in Washington, as well as several tours made by Qatari diplomacy in various continents.

Her Excellency also stressed that the State of Qatar has overcome the siege economically and looks forward to strengthening bilateral relations with all countries, pointing to various agreements signed by the State of Qatar with the United Kingdom and the United States of America, and other countries.

On Qatar's complaint to the World Trade Organization (WTO) against the siege countries, Her Excellency answered a question by Turkish Anadolu Agency saying that the State of Qatar continues to take legal steps in this direction.

She added harm occurred at different levels to individuals, companies and government institutions, and this will be addressed through different channels, explaining that the rights of individuals are pursued by the National Human Rights Committee through a group of lawyers.

With regard to the companies affected by the siege, HE Lulwah Al Khater said the documentation of the damage is going on but takes time in term of the preparation of documents and evidence collection, stressing that things are moving forward in this regard in what needed to be done by other parties.

Responding to a question by the UAE news agency about why Qatar does not take steps to address concerns and fears of the four countries if it is keen to resolve the crisis, the official spokesman of the Foreign Ministry wished that the siege countries would sit down with Qatar face to face to hold dialogue and civilizational debate to bring these fears to Qatar just as this reporter is sitting down and raising them here.

If the siege countries have observations on Qatar, the State of Qatar has observations on these countries, just as a number of countries in the region such as Lebanon, Yemen and other Arab countries have observations on the siege countries, she added.

Commenting on what the UAE news agency correspondent said regarding what was reported by Al Jazeera news channel, she said if Al Jazeera aired content that some parties do not like, these parties should respond through their media as it is done in civilized countries that have multi-spectrum media. As the siege countries have observations on Al-Jazeera, Qatar also has professional observations on the media of the siege countries, she said, stressing at the same time that she will not defend Al Jazeera. "They (Al Jazeera) are present in the Hall and they can defend themselves if they wish."

Her Excellency added that every observation and problem must be resolved through natural channels. Observations may be of a political, diplomatic or economic nature and these are resolved through their natural channels. What happened is that in this crisis, diplomatic and political channels were blocked and things were politicized, she said.

She also expressed surprise at the politicization of religion and the use of its figures to attack Qatar, adding that politicization also affected sports and social relations.

HE Lulwah Al Khater criticized the contradiction in the siege countries' discourse, as they talk locally about Qatar's relations with Iran and to Western audience about Qatar's relationship with terrorism, citing the speech of the UAE Minister of State for Foreign Affairs Anwar Gargash in a lecture in Britain that the crisis with Qatar has nothing to do with Iran, but with terrorism, asking about the reason behind contradiction between the local and international discourse.

She also asked about the reason why the siege countries have not present a single document to the Kuwaiti mediator or the US side to prove Qatar's support for terrorism, pointing that the State of Qatar has signed counter-terrorism agreements with several countries.

In this respect, she pointed that US, the spearhead of the fight against terrorism, stressed in the joint statement issued by the US-Qatar Strategic Dialogue on January 30, that Qatar is a partner in the fight against terrorism.

She added that even the countries that initially joined the siege quartet by severing diplomatic relations with the State of Qatar, have initiated the resumption of those diplomatic relations, as the Republic of Senegal and the Republic of Chad.

In response to a question by Reuters about the situation in Syria, HE Lulwah Al Khater explained that the State of Qatar has been supporting Geneva 1 since the beginning.

she also voiced Qatar's concern about the military operations in Eastern Ghouta, describing the situation there as catastrophic.

The State of Qatar appealed to all sides to stop military operations and allow aid to reach the Syrian people, she said reminding of Qatar's call for transitional justice. Failure to realize justice means that terrorist groups can find people's grievances a pretext for violence, she added.

She also warned in this context of the return of a new version of ISIS and other extremist groups.

On the peace talks between the Taliban movement and the government of Afghanistan, HE Lulwah Al Khater confirmed that there is nothing currently under way, pointing out that Qatar is always coordinating with the US in this regard.

As for the attempts to deprive Qatar from organizing the 2022 FIFA World Cup, the Foreign Ministry's Spokesperson expressed hope that this is not the purpose of the siege, stressing that Qatar is continuing to build the necessary infrastructure for the World Cup.

She affirmed that the World Cup will be held in Qatar, calling on the international media to come to Qatar and see the progress in of World Cup projects.

Annex 62

Mark Mazzetti, C.J. Chivers and Eric Schmitt, "Taking Outsize Role in Syria, Qatar Funnels Arms to Rebels", *The New York Times*, 29 June 2013

https://www.nytimes.com/2013/06/30/world/middleeast/sending-missiles-to-syrian-rebels-qatar-muscles-in.html

The New York Times

Taking Outsize Role in Syria, Qatar Funnels Arms to Rebels

By Mark Mazzetti, C. J. Chivers and Eric Schmitt

June 29, 2013

WASHINGTON — As an intermittent supply of arms to the Syrian opposition gathered momentum last year, the Obama administration repeatedly implored its Arab allies to keep one type of powerful weapon out of the rebels' hands: heat-seeking shoulder-fired missiles.

The missiles, American officials warned, could one day be used by terrorist groups, some of them affiliated with Al Qaeda, to shoot down civilian aircraft.

But one country ignored this admonition: Qatar, the tiny, oil- and gas-rich emirate that has made itself the indispensable nation to rebel forces battling calcified Arab governments and that has been shipping arms to the Syrian rebels fighting the government of President Bashar al-Assad since 2011.

Since the beginning of the year, according to four American and Middle Eastern officials with knowledge of intelligence reports on the weapons, Qatar has used a shadowy arms network to move at least two shipments of shoulder-fired missiles, one of them a batch of Chinese-made FN-6s, to Syrian rebels who have used them against Mr. Assad's air force. Deployment of the missiles comes at a time when American officials expect that President Obama's decision to begin a limited effort to arm the Syrian rebels might be interpreted by Qatar, along with other Arab countries supporting the rebels, as a green light to drastically expand arms shipments.

Qatar's aggressive effort to bolster the embattled Syrian opposition is the latest brash move by a country that has been using its wealth to elbow its way to the forefront of Middle Eastern statecraft, confounding both its allies in the region and in the West.

The strategy is expected to continue even though Qatar's longtime leader, Sheik Hamad bin Khalifa al-Thani, stepped down last week, allowing his 33-year-old son to succeed him.

"They punch immensely above their weight," one senior Western diplomat said of the Qataris. "They keep everyone off balance by not being in anyone's pocket."

"Their influence comes partly from being unpredictable," the diplomat added.

Mr. Obama, during a private meeting in Washington in April, warned Sheik Hamad about the dangers of arming Islamic radicals in Syria, though American officials for the most part have been wary of applying too much pressure on the Qatari government. "Syria is their backyard, and they have their own interests they are pursing," said one administration official.

Qatari officials did not respond to requests for comment.

The United States has little leverage over Qatar on the Syria issue because it needs the Qataris' help on other fronts. Qatar is poised to host peace talks between American and Afghan officials and the Taliban, who have set up a political office in Doha, the Qatari capital. The United States Central Command's forward base in Qatar gives the American military a command post in the heart of a strategically vital but volatile region.

Qatar's covert efforts to back the Syrian rebels began at the same time that it was increasing its support for opposition fighters in Libya trying to overthrow the government of Col. Muammar el-Qaddafi. Its ability to be an active player in a global gray market for arms was enhanced by the C-17 military transport planes it bought from Boeing in 2008, when it became the first nation in the Middle East to have the durable, long-range aircraft.

The Obama administration quietly blessed the shipments to Libya of machine guns, automatic rifles, mortars and ammunition, but American officials later grew concerned as evidence grew that Qatar was giving the weapons to Islamic militants there.

American and Arab officials have expressed worry about something similar happening in Syria, where Islamists in the north have turned into the most capable section of the opposition, in part because of the weapons from Qatar. Saudi Arabia recently has tried to wrest control from Qatar and take a greater role in managing the weapons shipments to Syrian rebels, but officials and outside experts said the Qatari shipments continue. The greatest worry is over the shoulder-fired missiles — called

man-portable air-defense systems — that Qatar has sent to Syria since the beginning of the year. Videos posted online show rebels in Syria with the weapons, including the Chinese FN-6 models provided by Qatar, and occasionally using them in battle.

The first videos surfaced in February and showed rebels wielding the Chinese missiles, which had not been seen in the conflict previously and were not known to be in Syrian government possession. .

Western officials and rebels alike say these missiles were provided by Qatar, which bought them from an unknown seller and brought them to Turkey. The shipment was at least the second antiaircraft transfer under the Qataris' hand, they said. A previous shipment of Eastern bloc missiles had come from former Qaddafi stockpiles.

The shipments were small, the Western officials and rebels said, amounting to no more than a few dozen missiles. And rebels said the Chinese shipments have been plagued with technical problems, and sometimes fail to fire. The first FN-6s were seen in the custody of groups under the Free Syrian Army banner, suggesting that they were being distributed, at least initially, to fighters backed by the United States and not directly to extremists or groups with ties to Al Qaeda.

American and Arab officials said that Qatar's strategy was a mixture of ideology — the ruling family's belief in a prominent role for Islam in political life — and more hard-nosed calculations.

"They like to back winners," one Middle Eastern official said.

In meetings with Mr. Obama, the leaders of Jordan and the United Arab Emirates have expressed a host of grievances about the Qatari shipments and have complained that Qatar is pursuing a reckless strategy.

In Mr. Obama's meeting with Sheik Hamad at the White House on April 23, American officials said, he had warned that the weapons were making their way to radical groups like Jabhet al-Nusra, also known as the Nusra Front, a Qaeda-affiliated group that the United States has designated as a terrorist organization.

"It was very important for the Qataris to understand that Nusra is not only an organization that destabilizes the situation in Syria," said one senior Obama administration official. "It's a national security interest of ours that they not have weapons."

But Charles Lister, an analyst with the IHS Jane's Terrorism and Insurgency Center in London who follows the Syria opposition groups, said that there was evidence in recent weeks that Qatar had increased its backing of hard-line Islamic militant groups active in northern Syria.

Mr. Lister said there was no hard evidence that Qatar was arming the Nusra Front, but he said that because of existing militant dynamics, the transfer of Qatari-provided arms to certain targeted groups would result in the same practical effect.

“It’s inevitable that any weapons supplied by a regional state like Qatar,” he said via e-mail, “will be used at least in joint operations with Jabhet al-Nusra — if not shared with the group.”

At least some extremists have already acquired heat-seeking missiles and have posted videos of them, although the sources for these arms are not apparent from videos alone. And they appear to have been made principally in the Eastern Bloc, not in China.

Erin Banco and Mark Landler contributed reporting from Washington, and Karam Shoumali from Antakya, Turkey.

A version of this article appears in print on June 30, 2013, on Page A1 of the New York edition with the headline: Sending Missiles To Syrian Rebels, Qatar Muscles In

Annex 63

Jonathan Schanzer, “Confronting Qatar’s Hamas ties”,
Politico, 10 July 2013

https://www.politico.com/story/2013/07/congress-qatar-stop-funding-hamas-093965

POLITICO

POLITICO

Al-Rumaihi is about to receive a letter that will put his diplomatic skills to the test.

Confronting Qatar's Hamas ties

By JONATHAN SCHANZER | 07/10/2013 01:52 PM EDT

Qatar’s ambassador to Washington, Mohammed Bin Abdullah al-Rumaihi, is about to receive a letter that will put his diplomatic skills to the test.

Congressmen Peter Roskam (R-IL) and John Barrow (D-GA) are circulating a “Dear Colleague” letter on Capitol Hill this week, collecting signatures to challenge the uber-wealthy Persian Gulf emirate over its financial ties to the Palestinian terrorist group Hamas.

The draft letter, addressed directly to Rumaihi, acknowledges that “longstanding, strategic bilateral relations between the United States and Qatar, including a strong defense pact, are of critical importance to both countries.”

“However,” it continues, “we believe that Qatar’s relationship with Hamas empowers, legitimizes, and bolsters an organization committed to violence and hatred.”

Qatar is a valuable ally for Washington. The sprawling al-Udeid Airbase near Doha is a crucial asset for CENTCOM, particularly in the recent conflicts in Iraq and Afghanistan. More recently, Qatar has played a key role in organizing, financing, and arming the opposition to Bashar al- Assad’s regime in Syria at a time when the U.S. government has failed to reach consensus.

However, Roskam, Barrow, and a growing group of other legislators don’t believe that should absolve the Qataris of their support for a terrorist group best known for suicide bombings and firing rockets into civilian areas. Of particular concern is Qatar’s reported pledge of $400 million in financial aid to Hamas last year, and the fact that Hamas’s leader, Khaled Meshal, now hangs his hat in Doha. Meshal recently delivered a sermon at Qatar’s Grand Mosque in which he affirmed Hamas’s commitment “to liberate Jerusalem” – a euphemism for the destruction of Israel.

The congressional letter also notes that Qatar’s recently-retired emir, Sheikh Hamad bin Khalifa al-Thani, made “the first visit by a foreign leader to Gaza since Hamas took power in 2007,” and further expresses alarm that the emir chartered a private plane in April for Hamas militants to visit Doha.

Of course, the emir recently abdicated the throne to make way for his son, Tamim. And it’s possible that Tamim will eschew his father’s Hamas policy. Rumors in the Arabic-language press even suggested that Tamim gave Meshal 48 hours to vacate Qatar after the toppling of the Muslim Brotherhood in Egypt last week.

It is clear now that these were only rumors. Qatar’s policy has not wavered. But what if congressional pressure could force Tamim to change course?

The timing of this letter is critical. It coincides with the fall of Egypt’s Muslim Brotherhood, which was one of Hamas’s most important patrons. One senior Israeli security official told me that he viewed Egypt as the “back office” for Hamas. Cairo, for example, hosted the group’s internal elections earlier this year, and allowed one of its

more senior leaders, Mousa Abu Marzouk, to be based there. More importantly, underground tunnels connecting Egypt's Sinai Peninsula to the Hamas-controlled Gaza Strip serve as a crucial lifeline for the smuggling of weapons, goods, and cash.

With Egypt's Brotherhood down for the count, the Egyptian junta is now shutting down the Hamas tunnels. With few allies left in the region, Hamas is now clinging to Qatar for financial and political assistance. If Congress can successfully challenge that relationship, the Israeli security official believes that it "can weaken or even destroy" the movement.

Roskam and Barrow's letter to al-Rumaihi is expected to drop sometime this month. It will fall far short of labeling Qatar a "state sponsor of terror," but it will undoubtedly encounter stiff resistance from the State Department, which jealously protects its alliance with this tiny but influential state.

Roskam and Barrow are apparently prepared for this battle, particularly if Secretary of State John Kerry weighs in. As they note in their letter, in 2009, then-Senator Kerry warned: "Qatar can't continue to be an American ally on Monday that sends money to Hamas on Tuesday." We're about to find out if that's true.

Jonathan Schanzer, a former terrorism finance analyst at the U.S. Department of the Treasury, is vice president for research at Foundation for Defense of Democracies.

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Annex 64

Eli Lake, "Al-Jazeera and the Muslim Brotherhood",
Asharq Al-Awsat, 25 June 2017

https://eng-archive.aawsat.com/eli-lake/opinion/al-jazeera-muslim-brotherhood

ASHARQ AL-AWSAT

Select Page

Al-Jazeera and the Muslim Brotherhood

by Eli Lake | Jun 25, 2017 | Opinion |

In 2014, Mohamed Fahmy, the former Cairo bureau chief for the Qatar-funded television network began a 438-day sentence in an Egyptian prison on terrorism charges and practicing unlicensed journalism.

Today Fahmy is preparing a lawsuit against his former employers. And while he is still highly critical of the regime that imprisoned him, he also says the Egyptian government is correct when it says al-Jazeera is really a propaganda channel for Islamists and an arm of Qatari foreign policy.

"The more the network coordinates and takes directions from the government, the more it becomes a mouthpiece for Qatari intelligence," he told me in an

interview Thursday. “There are many channels who are biased, but this is past bias. Now al-Jazeera is a voice for terrorists.”

Fahmy’s testimony is particularly important now. Al-Jazeera is at the center of a crisis ripping apart the Arab Gulf states. Earlier this month Saudi Arabia, the United Arab Emirates, Egypt and Bahrain imposed a political and diplomatic blockade on Qatar. As part of that blockade, al-Jazeera has been kicked out of those countries.

Al-Jazeera’s Arabic broadcasts have not met professional standards in recent years. To start, the network still airs a weekly talk show from Muslim Brotherhood theologian Yusuf al-Qaradawi. He has used his platform to argue that Islamic law justifies terrorist attacks against Israelis and US soldiers. US military leaders, such as retired Lt. General Ricardo Sanchez, who commanded forces in the initial campaign to stabilize Iraq, have said publicly that al-Jazeera reporters appeared to have advance knowledge of terrorist attacks. Fahmy told me that in his research he has learned that instructions were given to journalists not to refer to al Qaeda’s affiliate in Syria, al-Nusra, as a terrorist organization.

He said Qatar’s neighbors were justified in banning al-Jazeera. “Al-Jazeera has breached the true meaning of press freedom that I advocate and respect by sponsoring these voices of terror like Yusuf al Qaradawi,” he said. “If al-Jazeera continues to do that, they are directly responsible for many of these lone wolves, many of these youth that are brain washed.”

Fahmy didn’t always have this opinion of his former employer. He began to change his views while serving time. It started in the “scorpion block” of Egypt’s notorious Tora prison. During his stay, he came to know some of Egypt’s most notorious Islamists.

“When I started meeting and interviewing members of the Muslim Brotherhood and their sympathizers, they specifically told me they had been filming protests and selling it to al-Jazeera and dealing fluidly with the network and production companies in Egypt associated with the network,” he said.

One example of al-Jazeera’s coordination with the Muslim Brotherhood revolves around Muslim Brotherhood sit-ins in the summer of 2013, following the military coup that unseated Mohammed Morsi, the Muslim Brotherhood-affiliated president. As part of Fahmy’s case against al-Jazeera, he took testimony from a former security guard for the network and the head of the board of trustees for Egyptian state television. Both testified that members of the Muslim Brotherhood seized the broadcast truck al-Jazeera used to air the

sit-ins that summer. In other words, al-*Jazeera allowed the Muslim Brotherhood to broadcast its own protests.*

(Bloomberg)

Eli Lake

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Annex 65

Mohamed Fahmy, "The Price of Aljazeera's Politics",
The Washington Institute for Far East Policy, 26 June 2015

https://www.washingtoninstitute.org/policy-analysis/view/the-price-of-aljazeeras-politics

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Articles & Op-Eds

The Price of Aljazeera's Politics

Mohamed Fahmy

Fikra Forum

June 26, 2015

The network's leadership has manipulated the truth and revealed itself as a mouthpiece for extremism, rather than providing a much-needed forum for the region's many independent voices.

As a journalist, it has always been my preference to remain behind the headlines rather than make them. However, the past eighteen months have seen a reversal of roles as we three Aljazeera journalists -- Baher Mohamed, Peter Greste, and I -- face high-profile charges in Egypt. We stand accused of belonging to the Muslim Brotherhood, a banned terrorist organization in Egypt, Saudi Arabia, and the United Arab Emirates.

The three of us have endured two separate trials sandwiched around an appeals court ruling, which overturned an initial seven-year sentence. And as I await another verdict, I'm confident that on the basis of the evidence -- or lack thereof -- we should be acquitted. I hope that soon my long ordeal will be over and I can get on with my life.

But I am also aware that this trial is influenced by factors other than personal evidence against us. So I am deeply worried that my colleagues and I will take the fall for violations committed by Aljazeera. We may pay a heavy price for Qatar, the network's owner, meddling in Egypt's domestic affairs.

As the most organized and politically cunning opposition in Egypt during the Arab Spring, the Muslim Brotherhood was able to hijack the Egyptian people's aspirations at a time of great upheaval. Now, Egyptian president Abdul Fattah al-Sisi faces a turbulent road to restore an effective and representative Egyptian government, but the pro-Brotherhood aspects of Aljazeera have little interest in supporting Sisi.

From my research during my incarceration -- where I spent more than four hundred days -- interviewing incarcerated activists, I have come to understand better the murky Masonic-style modus operandi of the Muslim Brotherhood.

This research began to provide me with some understanding of how I arrived in court. And while I strongly oppose the Egyptian state's increasing limits on reporters and freedom of speech, I now understand how Egyptian authorities could conceivably link Aljazeera with the Muslim Brotherhood.

In a recent interview with the Canadian Broadcasting Corporation (CBC) on my predicament, Aljazeera America's new CEO, Al Anstey, spoke repeatedly about how Aljazeera's different channels reach "different demographics." He also discussed how Aljazeera shares content between the different stations, which he described as "normal practice." Those different demographics, I have come to learn, go to the heart of the chameleon that is Aljazeera.

When I agreed to become its Cairo bureau chief in September 2013, I relied on Aljazeera English's strong reputation for journalistic independence and integrity to make my decision. The network repeatedly assured me that our legitimate journalism wouldn't be undermined or tainted by Aljazeera's other channels. I expected the network to honor that commitment. It didn't.

I had not realized the depths to which other Aljazeera stations would stoop to reach those demographics so different from Aljazeera English. I soon learned that branches of Aljazeera employed spectacularly different approaches for gathering and making editorial decisions on the news. Aljazeera English provided true news while other channels operated as broadcast networks dedicated to the Muslim Brotherhood. As one former Aljazeera journalist admitted, "In Egypt, we have become the palace broadcaster" for the Brotherhood.

Aljazeera's Mubasher Misr channel is emblematic of this issue. Although Egyptian authorities banned this channel, Mubasher Misr continued broadcasting antigovernment programming into Egypt with the Muslim Brotherhood's political messaging. This channel had a strong political slant without an impartial editorial line. I was horrified to see our English-language packages, dubbed into Arabic and altered with an aggressive pro-Muslim Brotherhood slant, rebroadcast time and again on the banned channel.

I repeatedly asked my bosses in Doha to stop, knowing that this practice put us, the journalists, at great risk. Each time, the network told me not to worry and that it would not happen again. But the network did not honor those promises. Because Aljazeera continued to repurpose our English-language content for illegal broadcasts, I ended up in jail.

In court, these broken promises allowed the prosecution's lead national security witness to testify that I had "worked for the banned Aljazeera Mubasher," even though this testimony was inaccurate.

A steely faced Anstey denied to the CBC that our packages had been aired in full by Mubasher Misr. When pressed, he claimed he would have to see "the package to answer that in detail." But Aljazeera's own press office contradicted Anstey by acknowledging that the sharing of our English-language packages "may have happened on a very small number of occasions."

Anstey, who was managing director of Aljazeera English at the time of my arrest, was ultimately responsible for ensuring that proper operational licenses were in place to meet Egyptian legal requirements. However, the network's own lawyer warned executives that the network was not properly licensed for us to operate legally, a warning these executives ignored. While sitting in the courtroom prisoners' cage, we learned that the prosecutor was alleging that Aljazeera's broadcast licenses were not in place despite documented management assurances to me that all the legalities were in order.

Surely, if Aljazeera executives like Al Anstey broke the law, they should face the penalties in the Egyptian courts -- one to three years in jail and/or fines -- not Aljazeera's journalists.

The transgressions by Aljazeera also dictated that our legal strategy for the retrial meant distancing ourselves from the negligent actions of the network. The intent was to show that we journalists in the dock were just doing our jobs. The Aljazeera lawyer representing Baher Mohamed in the retrial weeks back highlighted that during interrogations, Baher stated that he correctly translated a televised speech by President Sisi. Then, the network presented cuts of Baher's translation out of context in order to depict Sisi calling for civil strife between the Egyptian people and the Brotherhood. Baher's testimony was cited in the charge sheet, the prosecutor's case, and in the judgment giving reasons for the seven-year sentence handed down to us three journalists during our first trial in June of 2013.

My bosses also neglected to tell me that they had commissioned Muslim Brotherhood members to cover the Brotherhood's own antigovernment protests and sell the footage to the banned Arabic arms of the Aljazeera network. While in prison, I interviewed some of these activists who were caught and jailed. They openly acknowledged receiving cameras and broadcast equipment from Aljazeera. Some of those activists also informed me that they used the money they received in return for their work to print posters for their rallies and provide food for protestors. Upon my release on bail, I reviewed their official interrogation records and confirmed this.

Their families also shared with me their fury at Aljazeera for using their sons without explaining to them that their actions would break the law. This is not citizen journalism. We three journalists and our colleagues Sue Turton, Dominic Kane, and Mohamed Fawzy, who were sentenced to ten years in absentia, would have not accepted this nonsense. My team was kept in the dark by a network that has opted to become part of the struggle -- an agent of change rather than a recorder and interpreter of events.

As I wait in these final days before the judge hands down a verdict, I am struck by how Anstey can coolly talk about "different demographics" as if Aljazeera presents the same so-called media integrity across all its outlets. It clearly doesn't.

It has become clear to me now how much emphasis Aljazeera places on framing and distributing a potentially dangerous and biased point of view, created by Aljazeera's owners and backers in Qatar.

Recently, Qatar's role internationally has been subject to increased scrutiny. Qatar flatters Western governments and invests in eye-catching global projects in Paris, London, and New York. At the same time, it gives voice to terrorist organizations such as Jabhat al-Nusra in Syria and other extreme Islamist groups across the Middle East. Doha's appetite for keeping dubious company runs deep, and Aljazeera plays a central role.

In 2003, senior Aljazeera journalist Taysir Allouni was sentenced to prison in Spain for helping al-Qaeda transfer money to key operatives in Spain as he reported on their activities. Allouni is famous for interviewing Osama bin Laden in October 2001, shortly after the September 11 attacks. Upon his release from prison, Allouni returned to Qatar, where he was welcomed back by then Aljazeera director-general Ahmed bin Jassim al-Thani.

Last month, Aljazeera aired an extended interview with Abu Muhammad al-Julani, the emir of Jabhat al-Nusra. It was the leader's second interview on Aljazeera since 2013, when the militant Islamist group split from what is now known as ISIS. Senior Aljazeera Arabic presenter Ahmed Mansour conducted the hour-long interview from an undisclosed location with Julani, who did not show his face as he sat on an ornate armchair. "Our options are open when it comes to targeting the Americans if they will continue their attacks against us in Syria. Everyone has the right to defend themselves," Julani warned. The program was so deferential to the terrorist leader that it has been described as Qatar's "infomercial" for al-Qaeda's Syrian affiliate. The network labeled him as the head of a "rebel" group.

Three weeks after the interview, German authorities detained, then released Ahmed Mansour, who holds dual Egyptian and British citizenship, as the Cairo Criminal Court had convicted the veteran in absentia with a fifteen-year sentence. This sentence emerged from charges that he participated in the torture and questioning of lawyer Osama Kamal in Tahrir Square during the uprising against President Hosni Mubarak in 2011. Aljazeera has even covered the hotel bills for exiled Muslim Brotherhood leaders staying in Doha.

It is clear that Qatar uses Aljazeera as a tool of influence to advance the cause of the Muslim Brotherhood. Senior

Qatari leaders including former prime minister Hamad bin Jassim al-Thani have even suggested to foreign officials that Aljazeera's coverage can be altered in exchange for actions that complement Qatar's state interests.

Current and former Aljazeera employees have repeatedly argued that the broadcasting network lacks impartiality and promotes a pro-Islamist narrative. The former Aljazeera director-general from 2006 to 2011, Wadah Khanfar, who recently signed on with Arianna Huffington for her new HuffPost Arabi, was described on the Muslim Brotherhood's own website in 2007 as having been "one of the most prominent leaders in the Hamas Office in Sudan."

The same year, Aljazeera Arabic's Washington bureau chief, Hafez al-Mirazi, resigned in protest over the station's "Islamic drift," stating that "from the first day of the Wadah Khanfar era, there was a dramatic change especially because of him selecting assistants who are hardline Islamists."

In 2012, Aktham Suliman, Aljazeera Arabic's Berlin bureau chief for ten years, resigned in protest over Qatar's influence over the channel. He explained that "it's not a good feeling when you have the impression that you're no longer a journalist, you're basically just a guard dog responding to your owner's whistle when he tells you to go after this state or that government...with the Qatari ruler always the one calling the tune."

I started with the best of intentions at Aljazeera English -- objectively reporting on the Arab Spring, one of the biggest stories of our time, with an Arab voice to the Arab world and beyond. However, Aljazeera has used my work to support the extremist and inflammatory narrative of the Muslim Brotherhood.

It was a lost opportunity. The network's slogan, "The opinion and the other opinion," represents a mirage, as the coverage fails to give voice to Qatar's opposition, which calls for the right to protest and form political parties and labor unions. More than ever, the region needs independent voices and reporting to make sense of the forces of change and the possibilities for a better, more peaceful future. Aljazeera had that potential. Sadly, its leadership has instead manipulated the truth and has revealed itself as a mouthpiece for extremism.

Mohamed Fahmy, an award-winning journalist and author, is the former Aljazeera English Egypt bureau chief.

Annex 66

Joby Warrick and Tik Root, "Islamic charity officials gave millions to al-Qaeda, U.S. says", *Washington Post*, 22 December 2013

https://www.washingtonpost.com/world/national-security/islamic-charity-officials-gave-millions-to-al-qaeda-us-says/2013/12/22/e0c53ad6-69b8-11e3-a0b9-249bbb34602c_story.html?noredirect = on&utm_term=.33b1781124ca

The Washington Post

National Security

By Joby Warrick and

Islamic charity officials gave millions to al-Qaeda, U.S. says

December 22, 2013

When Qatar's royal family was looking for advice on charitable giving, it turned to a well-regarded professor named Abd al-Rahman al-Nu'aymi. The 59-
human rights groups.

But one apparent accomplishment was omitted from the list: According to U.S. officials, Nu'aymi also was working secretly as a financier for al-Qaeda, fu
greater freedoms for Muslims.

Nu'aymi was one of two men identified by Treasury Department officials last week as major financial backers of al-Qaeda and its regional chapters acros
named in the latest case are far from ordinary. Both men have served as advisers to government-backed foundations in Qatar and have held high-profile
U.S.-backed political transition.

Their alleged dual roles — promoting humanitarian causes and civil rights while simultaneously supporting extremist groups — reflect a growing challen
current and former U.S. officials say.

"Individuals with one foot in the legitimate world and another in the realm of terrorist financing provide al-Qaeda with a cloak of legitimacy," said Juan
penetrate terrorist financial networks. Zarate said such cases greatly complicate the "financial diplomacy" involved in attempting to disrupt terrorist sup

Despite attempts by gulf states to crack down on jihadist financial networks, former and current U.S. officials have described a surge in private support f

The Obama administration has repeatedly urged both countries to rein in private donations to jihadists, while acknowledging that new tactics, including

"It is essential for countries to take proactive steps to disrupt terrorist financing, especially where al-Qaeda and its affiliates are concerned," David S. Coh
restrictions against Nu'aymi and the Yemeni national, Abd al-Wahhab al-Humayqani. Cohen said the Obama administration would continue to work wit

The administration's action last week named both men as "specially designated global terrorists," a determination that allows U.S. officials to freeze thei
documents alleged that both men used their charity work to conceal efforts to raise millions of dollars for al-Qaeda and other terrorist groups, from Syria

The naming of the two officials raised eyebrows in Qatar and Yemen, where supporters viewed the allegations as politically motivated. Both men have be

Nu'aymi, a Qatar University professor and former president of the Qatar Football Association, was a founding member of a prominent charity — the She
years, Nu'aymi had gained renown as an international activist, serving as president of Alkarama, a Geneva-based human rights organization that works

Alkarama lobbies on behalf of Islamist detainees around the world, and it accuses Western and Arab governments of suppressing the rights of political g
of the group's former clients are linked to Islamist militias seeking to overthrow Syrian President Bashar al-Assad.

Humayqani is an Alkarama founding member and onetime adviser to Qatar on charitable giving, according to his résumé. He is a founding member of Y
established in the wake of the Arab Spring uprising to advise the government on political and economic reforms. The U.S. government strongly backs the

Nu'aymi, in a response posted on Twitter last week, said the U.S. allegations were in retaliation for his criticism of American policies, including drone str
claims about his fundraising work were "far from the truth."

Humayqani was traveling and could not be reached for comment. A statement released by his Rashad Union party condemned what it called "false accus

The allegations against Nu'aymi come at a time of increasing U.S. concern about the role of Qatari individuals and charities in supporting extreme eleme
preferred conduits for donations intended for the group, which has pledged loyalty to al-Qaeda leader Ayman al-Zawahiri.

Root reported from Sanaa, Yemen.

201 Comments

Joby Warrick

Joby Warrick joined The Washington Post's National staff in 1996. He has covered national security, the environment and the Middle East and writes about terrorism. He is t

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Annex 67

Alessandra Gennarelli, "Egypt's Request for Qatar's Extradition of Sheikh Yusuf Al-Qaradawi", *Center for Security Policy*, 27 May 2015

https://www.centerforsecuritypolicy.org/2015/05/27/egypts-request-for-qatars-extradition-of-sheikh-yusuf-al-qaradawi/

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Egypt's Request for Qatar's Extradition of Sheikh Yusuf Al- Qaradawi

May 27, 2015 Alessandra Gennarelli

Sheikh Yusuf Al- Qaradawi, the Muslim Brotherhood chief jurist, has resided in Qatar for decades. However on May 26, 2015 Egyptian authorities requested Qatar extradite Qaradawi back to Egypt. Yusuf Qaradawi, followed by as many as 41 other Muslim Brotherhood officials, such as the former President of Egypt Mohammad Morsi, are awaiting the death penalty in Egypt. Following the ouster of the Muslim Brotherhood government, Qaradawi issued a call for jihad in Egypt. Their convictions include, but are not limited to, murder, violence, inciting violence, theft, insulting the judiciary and escaping from jail. The Egyptian court will have their final decision on the matter June 2, 2015.

Yusuf Al- Qaradawi's background is far from clean, as his membership to the Muslim Brotherhood has led to multiple arrests. The Muslim Brotherhood has been the cause of many Egyptian crackdowns, such as the ones in 1949, 1954 and 1981. In Qaradawi's autobiography, each arrest and imprisonment experience is discussed with a sense of dignity and positivity, even comparing himself to the Quaranic story of Joseph. A similar sense of comfortableness is seen in Qaradawi's comments on the current charges he is facing, saying they are "worthless and undeserving of attention."

Yusuf Al- Qaradawi along with the other 41 Muslim Brotherhood Organization members facing charges can all be found on the Interpol, or the International Criminal Police Organization, wanted list. The addition of all these men to the wanted list is a good sign for Egypt. Leaders like the Chief of the Egyptian Police Interpol, Gamal Abdel Bary, commented saying this is "an important change in the international communities' view to the banned groups members."

Qatar is a member of Interpol, and therefore should comply with the request of Qaradawi's extradition.

However, since Egypt's request was made Qatar has not been inclined to comply. The Assistant to the Minister of Justice Adel Fahmy tells a local Egyptian newspaper, "Qatar did not previously accept the Interpol calls to arrest the defendants although both countries, Egypt and Qatar, are signatories to an agreement of exchange of prisoners." Egypt contacted Qatar earlier this year regarding Qaradawi, requesting Qatar to freeze all assets of his on the basis that they go to fund terrorism. Qaradawi is the head of the Union of the Good a network of Muslim Brotherhood-linked charities which finances Hamas.

Egypt and Qatar's have a long history of a rocky relationship. And to make matters worse, recently the Egyptian delegate to the Arab League, Tariq Adel, accused Qatar of supporting terrorism earlier this year. Qatar responded by recalling its ambassador to Egypt, and their relationship has yet to improve. Qatar's financing of terrorism has also been a source of tension between Qatar and several states, including the U.S., Germany, Iraq and Israel.

Since Egypt's declaration of the Muslim Brotherhood as a terrorist organization, steps have been made to detain Brotherhood members. This move by Egyptian authorities to indict Qaradawi for his role in calling for violence is a painful but necessary step to expose the nature of the Muslim Brotherhood, and their anti-democratic ways.

Reconciliation between Egypt and Qatar seems unlikely, and Qaradawi's return to Egypt is not imminent.

Annex 68

Transcript of Yusuf Al- Qaradawi Interview "Sharia and Life",
Al-Jazeera Television, 17 March 2013

Arabic with English translation

Yusuf Al-Qardawi - Video Clip dated 17 March 2013

Arabic Transcription

الأمور أنها لا تجوز الا بتدبير جماعي يعني الأصل ان الانسان يقاتل فيقتل انما عشان يفجر نفسه هذا لابد ان الجماعة هي التي ترى انها في حاجة الى هذا الامر، إذا الجماعة رأت انها في حاجة الى من يفجر نفسه في الاخرين ويعني يكون هذا أمرا مطلوبا وتدبر الجماعة كيف يفعل هذا بأقل الخسائر الممكنة وإذا استطاع ان ينجو بنفسه فليفعل، أنما لا يترك هذا للأفراد وحدهم. (المذيع يقاطع فيقول: لكن اليس رأي الجماعة) فيقاطعه القرضاوي بأنه أكمل حديثه: لا يجوز للفرد أن يتصرف هذا أنا أروح أفجر نفسي لا أنت ما تتصرفشي لوحدك لازم تتصرف في حدود ما تريده الجماعة تسلم نفسك للجماعة الجماعة هي التي تصرف الافراد حسب حاجاتها و حسب المطالب، انما لا يتصرف الافراد وحدهم هذا هو المطلوب في هذه القضية.

Yusuf Al-Qardawi - Video Clip dated 17 March 2013
Transcription of English Subtitles

[Al-Qaradawi]:
The rule of these things
It can only be achieved by collective measure
The rule is that man fights and kills
But to blow himself, it must be the group's decision
If it thinks it is needed
If the group saw that it needs someone
to blow himself up in others
And, and, and this is required
The group manages how to do this
with least possible casualties
And if he was able to survive
so he would do it.
But this is not left to individuals alone
[Other speaker]:
But isn't …
[Al-Qaradawi]:
individual should not act this …I will blow myself up .. No
You shouldn't act alone.
You have to act within the limits of what the group wants
Give yourself up to the group
The group manages the behavior of individuals according to its needs
According to the requirements
But individuals do not act alone
This is required in this case

Annex 69

"Amir Hosts Iftar banquet for scholars, judges and imams",
Gulf Times, 30 May 2018

https://www.gulf-times.com/story/594565/Amir-hosts-Iftar-banquet-for-scholars-judges-and-i

Amir hosts Iftar banquet for scholars, judges and imams

11:43 PM

Amir hosts Iftar banquet for scholars, judges and imams

★★★★★ 4.6 Stars

Doha

His Highness the Amir Sheikh Tamim bin Hamad al-Thani on Wednesday hosted an Iftar banquet in honour of scholars, judges, imams and religious leaders on the occasion of the Ramadan.

The banquet, held at the Amiri Diwan, was attended by His Highness the Personal Representative of the Amir Sheikh Jassim bin Hamad al-Thani.

Annex 70

Eric Trager, "The Muslim Brotherhood Is the Root of the Qatar Crisis", *The Atlantic*, 2 July 2017

https://www.theatlantic.com/international/archive/2017/07/muslim-brotherhood-qatar/532380/

GLOBAL

The Muslim Brotherhood Is the Root of the Qatar Crisis

The Saudi-led bloc has made 13 demands of Doha, but they're mostly about resolving one issue—and time is almost up.

ERIC TRAGER JUL 2, 2017

People walk past a banner bearing portraits of Qatar's former emir, Sheikh Hamad bin Khalifa al-Thani, and his son Sheikh Tamim. (KARIM JAAFAR / GETTY)

Monday marks the end of the 10 days that Saudi Arabia, the United Arab Emirates, Bahrain, and Egypt gave Qatar to comply with 13 far-reaching demands. For starters, Qatar is being told to cut off relations with Iran, shutter Al Jazeera, and stop granting Qatari citizenship to other countries' exiled oppositionists. Despite high-level American and Kuwaiti mediation efforts, a deal appears unlikely. Qatar considers the demands an assault on its sovereignty and has refused to buckle to pressure. The other four countries, which declared an economic and diplomatic embargo on Doha on June 5, have repeatedly insisted that their demands are non-negotiable, and have promised further escalation if the deadline passes without an agreement.

On the surface, the policy disagreements at the center of this rift aren't new. The anti-Qatar bloc has long viewed Doha as too chummy with Iran, too provocative in its backing of Al Jazeera and similar media outlets, and too supportive of Islamist movements. What's new is the zero-sum stakes that the anti-Qatar bloc perceives in the current standoff. Saudi Arabia and the UAE particularly view Qatar's support for Muslim Brotherhood affiliates as lethally threatening to their own regimes, and therefore see Qatar's behavior as not merely objectionable, but utterly intolerable.

In fact, while the countries' 13 demands of Qatar include a range of issues, the overwhelming majority are relevant to their ongoing concerns about Qatar's relationship with the Muslim Brotherhood, and reflect these countries' desire to nip what they view as an existential threat in the bud.

In a sense, the Gulf monarchies have worried about their long-term stability ever since late 2010, when a series of popular uprisings started upending autocratic regimes across the Middle East and North Africa. While the activists at the forefront of those uprisings demanded political reform and economic equality, the so-called "Arab Spring" rapidly descended into a series of bitter power struggles. In the deadliest of cases, civil wars erupted in Syria and Libya, as regimes responded brutally to protests, fomenting conflicts in which hundreds of thousands have been killed and millions have been displaced. But even in less violent instances, the regimes quickly faced zero-sum stakes: Deposed Tunisian dictator Zine El Abidine Ben Ali fled into exile, while his Egyptian counterpart Hosni Mubarak was tried and jailed. These events, and Washington's embrace of the various protest movements, unnerved the Gulf monarchies—including Qatar to some extent. While Al Jazeera covered the January 2011 uprising in Egypt very aggressively, it joined its Gulf Cooperation Council (GCC) partners in opposing the subsequent uprising in Bahrain, and it participated in the March 2011 Saudi-led military intervention to support the Bahraini monarchy as it quashed the protests.

But as Muslim Brotherhood organizations rose politically in the aftermath of these uprisings, Qatar charted a separate course and strongly backed these groups. Doha's decision partly reflected its ideological inclinations: The emir was infamously close with Egyptian-born cleric Yusuf al-Qaradawi, the de facto Brotherhood spiritual guide who had lived in Qatar since 1961, and Al Jazeera had long provided a platform for Qaradawi and other Brotherhood figures to promote the group's theocratic ideology. But it also reflected Doha's strategic

considerations: With Brotherhood affiliates winning elections in Egypt and Tunisia, the Brotherhood appeared to be the political wave of the future. And the Brotherhood presented no internal risk to the Qatari regime, because Doha had dissolved the domestic Brotherhood chapter in 1999.

Saudi Arabia and the UAE, however, saw the Muslim Brotherhood's emergence as severely threatening. After all, the Brotherhood seeks to establish a "global Islamic state" under its own control, which implies toppling those Muslim governments that are not Brotherhood-ruled in the long run. And both Riyadh and Abu Dhabi feared that the Brotherhood's success in Egypt, Tunisia, and beyond would energize underground Brotherhood groups within their respective countries. Indeed, the Emirati government had been working to dissolve the local Brotherhood branch, known as al-Islah, since 1994, and it viewed al-Islah's traditional influence within the state's educational institutions as particularly worrisome.

Initially, Brotherhood leader Mohammed Morsi attempted to assuage these fears by visiting Riyadh shortly after he won Egypt's June 2012 presidential elections, and the UAE tried to engage Morsi by inviting him to Abu Dhabi. But Brotherhood leaders' persistent and vocal criticisms of the UAE, particularly regarding Abu Dhabi's prosecution of al-Islah in 2013, exacerbated Saudi and Emirati concerns about the Brotherhood's long-term intentions. So when Egypt's military responded to mass protests by ousting Morsi in July 2013, Saudi Arabia and the UAE believed that they had dodged a bullet, and saw the ensuing struggle against the Brotherhood in existential terms. They therefore generously supported then-Defense Minister Abdel Fatah al-Sisi as he brutally repressed the Brotherhood, seeing their own fates as tied to the Brotherhood's defeat.

Yet despite the lethal threat that its GCC partners saw in the Brotherhood, Qatar continued to chart a pro-Brotherhood course. Following the Egyptian coup, Qatar granted refuge to some Brotherhood leaders who escaped from Egypt, and Al Jazeera housed them in a five-star Doha hotel and granted them regular airtime for promoting their cause. Al Jazeera also aired the Brotherhood's ongoing anti-coup protests, and in some cases allegedly paid Muslim Brothers for the footage. In response, Saudi Arabia, the UAE, and Bahrain withdrew their ambassadors from Doha in March 2014, accusing it of violating the GCC's principle against interfering

in members' domestic affairs. The standoff was resolved quietly two months later, and Egyptian Brotherhood leaders left Doha later that year.

But from Saudi Arabia, Bahrain, and the UAE's standpoint, Qatar never lived up to the 2014 agreement and continued to serve as the nexus of the Brotherhood's regional networks. After all, Qatar still houses the leadership of Hamas, which has long identified as the Palestinian branch of the Muslim Brotherhood and is a U.S.-designated terrorist organization. (Hamas recently distanced itself from the international Brotherhood movement, but its leader affirmed that it remains part of the Brotherhood's "intellectual school"—and he made this announcement from Doha.) Moreover, Al Jazeera continues to promote Brotherhood voices, and other Qatari-funded outlets and think tanks often employ Brotherhood cadres and allies. (For example, until recently, former Brotherhood youth Islam Lotfy was chairman of the satellite network Al-Araby Al-Jadeed.) And Qaradawi still enjoys a platform.

So it should come as no surprise that anxiety about the Muslim Brotherhood is at the center of the Gulf crisis—and the list of 13 demands.

The second demand orders Doha to "sever all ties to terrorist organizations, specifically the Muslim Brotherhood," and to declare the Brotherhood a terrorist organization.

The third demand calls for shutting down "Al Jazeera and its affiliate stations," which these countries view as a Brotherhood mouthpiece, and the fourth demand similarly calls for the closure of at least four other outlets that are regarded as staunchly pro-Brotherhood.

The fifth demand calls on Doha to "immediately terminate the Turkish military presence currently in Qatar and end any joint military cooperation with Turkey inside Qatar." This reflects the four countries' concerns regarding Turkish President Recep Tayyip Erdogan's vocal sympathy with the Egyptian Muslim Brotherhood's "anti-coup" cause, and the prospect that Turkish influence within Qatar might consolidate Qatari support for Brotherhood organizations.

The sixth demand orders Doha to "stop all means of funding for individuals, groups or organizations that have been designated as terrorists by Saudi Arabia, the UAE, Egypt, Bahrain, the U.S. and other countries," which includes many Brotherhood affiliates.

The seventh demand asks Qatar to "hand over terrorist figures and wanted individuals from Saudi Arabia, the UAE, Egypt, and Bahrain to their countries of origin," a list that includes Brotherhood cadres and supporters, including Qaradawi.

The eighth demand calls on Doha to "end interference in sovereign countries' internal affairs," which encompasses Brotherhood affiliates across the region, and the ninth demand effectively repeats this: "Stop all contacts with the political opposition in Saudi Arabia, the UAE, Egypt, and Bahrain. Hand over all files detailing Qatar's prior contacts with and support for those opposition groups."

What will Saudi Arabia, the UAE, Bahrain, and Egypt actually do if Qatar doesn't bend? In an interview with *The Guardian*, the UAE ambassador to Russia threatened secondary sanctions against Qatar. But a column in the Saudi-owned *Al Arabiya* went much further, warning Doha that its failure to accept the 13 demands "may be like Rabaa Square"—a reference to Egyptian security forces' August 14, 2013 massacre of Muslim Brotherhood members and allies, in which hundreds were killed.

In other words, this rift is also existential for the Qatari government. But given the country's long history of coups and abdications, there are no good answers for Doha. Refusing to comply with the 13 demands will exacerbate the external threat it faces, but yielding to those demands will show weakness domestically, and could make the emir vulnerable.

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Annex 71

Con Coughlin, "White House calls on Qatar to stop funding pro-Iranian militias", *The Telegraph*, 12 May 2018

https://www.telegraph.co.uk/news/2018/05/12/white-house-calls-qatar-stop-funding-pro-iranian-militias/

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White House calls on Qatar to stop funding pro-Iranian militias

Emails said to be from senior officials in the Qatari government were sent to leading members of groups such as Hizbollah CREDIT: REUTERS/AZIZ TAHER

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By **Con Coughlin**, DEFENCE EDITOR

12 MAY 2018 • 4:32PM

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The Trump administration has called on Qatar to stop funding pro-Iranian militias following revelations about the Gulf state's dealings with terror groups in the Middle East.

US security officials have expressed concern about Qatar's links to a number of Iranian-sponsored militias, many of them regarded as terrorist organisations by Washington.

It follows the disclosure of a number of emails said to be from senior officials in the Qatari government to leading members of groups such as Hizbollah, the Iranian-backed Shia militia that operates in southern Lebanon, as well as senior commanders in Iran's Revolutionary Guard (https://www.telegraph.co.uk/news/2018/05/10/russia-israel-iran-trapped-deadly-dance-future-middle-east/).

The emails, transcripts of which have been seen by the Sunday Telegraph, show that senior members of the Qatari government are on friendly terms with key figures in Iran's Revolutionary Guard such as Qasem Soleimani, the influential head of of the Iranian Quds Force, and Hassan Nasrallah, the head of Hizbollah.

Details of these previously undisclosed conversations between Qatari officials and the heads of several Iranian-backed terror groups show that Doha paid hundreds of millions of dollars - one report puts the figure as high as $1 billion - as part of ransom payments to secure the release of hostages held by Shia militias in southern Iraq.

Hassan Nasrallah, the leader of Hizbollah, reportedly has ties to Qatar

Such payments are in direct contravention to Washington's long-standing policy of not paying ransom demands to terrorist organisations.

Following US President Donald Trump's decision last week to pull out the nuclear deal with Iran, the administration is now calling on Qatar to review its relations with Iran, as well as its ties with Iranian-sponsored terrorist groups.

"What these emails show is that a number of senior Qatari government officials have developed cordial relations with senior figures in Iran's Revolutionary Guard, as well as a number of Iranian-sponsored terrorist organisations," said a senior US security official.

"At a time when the US government is trying to persuade Iran to end its support for terror groups in the Middle East, we do not believe it is helpful that Qatar continues to have ties with such organisations."

Washington regards Qatar as an important ally in the war against Islamist-inspired terrorism, and the US based its command headquarters for the recent military campaign to defeat Islamic State (Isil) at Qatar's Al Udaid air base.

The Qataris say they opened communications with Iran and a number of the terror organisations Tehran supports to secure the release of members of the Qatari royal family who were kidnapped while on a hunting expedition in southern Iraq.

Saved

In one of the emails, that are believed to have been intercepted by foreign governments, a senior Qatari official reports that £50 million was paid to Mr Soleimani in April 2017, while another £25 million was paid to an Iraqi Shia terror organisation that is accused of killing scores of American troops in southern Iraq.

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Annex 72

Egypt: Qatar is the Main Funder of Terrorism in Libya",
Asharq Al-Awsat, 28 July 2017

Arabic with English translation

https://aawsat.com/print/962246

الشرق الأوسط
جريدة العرب الدولية

رابط المصدر: https://aawsat.com/node/962246

مصر: قطر الممول الرئيسي للإرهاب في ليبيا

خلال اجتماع شارك فيه جميع أعضاء الأمم المتحدة

الأربعاء - 3 شوال 1438 هـ - 28 يونيو 2017 م

عناصر داعش في ليبيا (رويترز)

نيويورك: «الشرق الأوسط أونلاين»

أكد السفير طارق القوني مساعد وزير الخارجية المصري للشؤون العربية، أن قطر هي الممول الرئيسي للجماعات والتنظيمات الإرهابية في ليبيا، بالإضافة إلى دولة أخرى في المنطقة لم يسمّها.

وخلال اجتماع عقد أمس (الثلاثاء) بمبادرة مصرية وبمشاركة جميع الدول الأعضاء، بالأمم المتحدة في نيويورك، استعرض القوني أوجه الدعم الذي قدمته قطر للإرهاب في ليبيا، مشيرا إلى تأثير الإرهاب على الوضع في ليبيا وأنها قد أصبحت ملاذا آمنا للإرهاب.

وأكد البيان المصري أنه توجد روابط بين الجماعات والتنظيمات الإرهابية في ليبيا وأنها تعمل تحت مظلة وتستقى أفكارها من الأيديولوجيات المتطرفة لجماعة الإخوان المسلمين.

وأضاف القوني أن مصر واجهت عمليات إرهابية مصدرها ليبيا بما في ذلك تلك التي تعرض لها عدد من الأقباط بصعيد مصر خلال شهر مايو (أيار) 2017، مشيراً إلى ما أعلنه المتحدث الرسمي باسم القوات المسلحة من تدمير القوات المسلحة صباح أمس لعدد 12 من السيارات المحملة بالأسلحة، وذلك بعد تسللها إلى مصر من الحدود الغربية مع ليبيا.

وشدد القوني على أن مصر تطالب بضرورة تطبيق عدد من التدابير بشأن الوضع في ليبيا أولها ضرورة التوصل إلى مصالحة سياسية في البلاد، وثانيها ضرورة تكثيف بعثة الأمم المتحدة للدعم في ليبيا UNSMIL لجهودها لمراقبة وتنفيذ الاتفاق السياسي، وثالثها ضرورة قيام مجلس الأمن ولجانه ذات الصلة بتوثيق الانتهاكات المتكررة من جانب بعض الدول وبصفة خاصة قطر للعقوبات المفروضة على ليبيا وبشكل أخص عن طريق تسليح وتمويل تلك الدول للجماعات والتنظيمات الإرهابية في ليبيا والتصرف إزاء تلك الانتهاكات من جانب هذه الدول... ورابعها الحاجة إلى تعزيز التعاون والتنسيق بين لجنة عقوبات ليبيا ولجنة عقوبات «داعش» و«القاعدة»... وأخيراً ضرورة رفع حظر السلاح المفروض على الجيش الوطني الليبي وهو الحظر الذي يقوض من قدرة الجيش الليبي على مكافحة الإرهاب، بحسب وكالة أنباء الشرق الأوسط الرسمية.

من جهته، أشار السفير عمرو أبو العطا مندوب مصر لدى الأمم المتحدة ورئيس لجنة مكافحة الإرهاب بمجلس الأمن والذي ترأس الاجتماع، إلى أن الإرهاب يشكل أحد أهم التحديات المؤثرة على تحقيق الاستقرار في ليبيا وأن التأثير السلبي للإرهاب في ليبيا يمتد إلى دول الجوار والمنطقة بأسرها. وأضاف أن خطورة الإرهاب تتزايد في ليبيا خاصة مع دعوة «أبو بكر البغدادي» زعيم تنظيم داعش المتطرف المقاتلين الإرهابيين الأجانب الراغبين في الانضمام إلى «داعش» إلى التوجه إلى ليبيا بدلاً من سوريا والعراق.

من جانبه، أكد وفد ليبيا في بيانه على أن حالة عدم الاستقرار التي تشهدها ليبيا توفر بيئة حاضنة للجماعات الإرهابية وأنه لا بد من قيام المجتمع الدولي بعدد من التدابير تشمل دعم قدرة الأجهزة الليبية وموافاتها باحتياجاتها من السلاح التي تمكنها من مكافحة الإرهاب وفقاً لقرار مجلس الأمن رقم 2214 وموافاتها بمعدات لمراقبة الحدود والمنافذ وتتبع المقاتلين الإرهابيين الأجانب وتنفيذ قرار مجلس الأمن رقم 2178 لمنع وصول المقاتلين الإرهابيين الأجانب إلى ليبيا ومنع وصول الأسلحة إلى الجماعات الإرهابية وزيادة التنسيق فيما بين ليبيا والدول الأخرى خاصة دول الجوار الليبي لمتابعة تجارة الأسلحة وإعداد تقارير تبين بلد المنشأ وأرقامها التسلسلية ومصدر الأسلحة ووجهتها، فضلاً عن وضع الدول رقابة صارمة على القنوات الفضائية التي تدعو إلى ثقافة العنف والكراهية والإرهاب والعمل على إغلاق هذه القنوات وملاحقة من يقوم بتمويل وتسهيل عملها وقيام الدول التي تُبث منها تلك القنوات باتخاذ إجراءات صارمة في هذا

الصدد.

من جانبه، قال ممثل قطر إن تهديد الإرهاب يشغل بلاده التي تحرص على المشاركة في جهود القضاء عليه، زاعما أن تقارير فرق الخبراء المختلفة لا تشير إلى تورط قطر في أي خرق لقرارات مجلس الأمن أو أي أنشطة تهدد استقرار ليبيا. وأوضح أن ما ذكره يعتبر كافياً للرد على ما سماها «الادعاءات» الواردة في مداخلة مصر والتي ذكر أنها تأتي في «سياق الحملة الإعلامية التي تهاجم قطر والتي تستند إلى ميليشيات تعمل خارج الشرعية...».

وعلى أثر مداخلة وفد قطر والتي كانت متوقعة إلى حد كبير قام الوفد المصري بتعميم قائمة على المشاركين في الاجتماع تعكس الانتهاكات القطرية المختلفة في ليبيا وفقا لما ورد رسمياً في تقارير فرق خبراء الأمم المتحدة.

وأكد الوفد أن مصر لم تزج باسم قطر في هذا النقاش بل إن قطر من خلال أنشطتها وكونها الممول الرئيسي للإرهاب في ليبيا هي التي ورطت نفسها في ذلك. وأضاف أن الدور الذي تقوم به مصر يعمل على تحقيق الاستقرار في ليبيا وهو معروف للجميع، مشيرا إلى أن التحرك من جانب وفد مصر هو الذي أفحم وفد قطر والذي لم يقم بالرد على وفد مصر.

جدير بالذكر أن الرئاسة المصرية للجنة مكافحة الإرهاب حرصت على تنظيم هذا الاجتماع لإلقاء الضوء على تحديات مكافحة الإرهاب في ليبيا والتأكيد على ضرورة تعزيز التعاون والتنسيق بين لجان مجلس الأمن ذات الصلة بمكافحة الإرهاب وفضح ممارسات قطر والدول الأخرى التي تدعم الإرهاب في ليبيا، وقد كان الاجتماع فرصة جيدة لقيام مصر بإبراز موقفها إزاء الوضع في ليبيا.

وجاءت مشاركة السفير مساعد وزير الخارجية للشؤون العربية في الاجتماع كدليل على اهتمام مصر البالغ بالموضوع واعتبار مصر للوضع في ليبيا وتحقيق الاستقرار فيها كأولوية قصوى.

أخبار ذات صلة

اضغط هنا للطباعة.

ENGLISH TRANSLATION
(FROM ARABIC)

Egypt: Qatar is the main financier of terrorism in Libya.

During a meeting in which all members of the United Nations participated

Wednesday – 3 Shawwal 1438 – 28 June 2017

Picture: ISIS elements in Libya (Reuters)

New York: "Middle East Online"

Ambassador Tariq Al-Qouni, Assistant Foreign Minister for Arab Affairs, said that Qatar is the main financier to terrorist groups and organizations in Libya, as well as other countries in the region that he did not name.

During a meeting on Tuesday with the participation of all UN member states in New York, Al-Qouni reviewed Qatar's support for terrorism in Libya, referring to the impact of terrorism on the situation in Libya and statin that it has become a safe haven for terrorism.

The Egyptian statement stressed that there are links between terrorist groups and organizations in Libya and that it draws its ideas and operates under the umbrella of the extremist ideologies of the Muslim Brotherhood group.

Al-Qouni added that Egypt faced terrorist operations originating from Libya, including those that were exposed to a number of Copts in Upper Egypt during May 2017, referring to what the spokesman of the armed forces announced. He said that yesterday morning the armed forces destroyed a number of cars loaded with weapons after sneaking into Egypt from the western border with Libya.

Al Qouni stressed that Egypt is demanding the application of some measures regarding the situation in Libya. The first measure is the importance of reaching a political reconciliation in the country. The second is the necessity of intensifying support for the United Nations mission in Libya (UNSMIL) in its efforts to monitor and implement the political agreement. The third is the need for the Security Council and its relevant committees to document the repeated violations by some countries, in particular Qatar, of the sanctions imposed on Libya, and particularly those States that are arming and financing terrorist groups and organizations in Libya. The fourth measure concerns the need to strengthen cooperation and coordination between the Libya Sanctions Committee and the(ISIS) and (al Qaeda) sanctions committee … and the last measure is the need to lift the ban on weapons imposed on the Libyan national army, which is a ban that weakens the ability of the Libyan army to fight terrorism, according to the official Middle East News Agency.

Ambassador Amru Abu Al Atta, Egypt's representative to the United Nations and chairman of the Security Council's Counter-Terrorism Committee, who chaired the meeting, pointed out that terrorism is one of the most important challenges affecting stability in Libya and the negative impact of terrorism is extended to the neighbouring countries and the whole region in general. He added that the risk of terrorism is increasing in Libya especially with "Abu Bakr Al Baghdadi", the head of ISIS urging radical foreign terrorist fighters who want to join ISIS to go to Libya instead of Syria and Iraq.

The Libyan delegation stressed in its statement that the situation of instability in Libya is an incubator for terrorist groups and that the international community must undertake a number of measures,

ENGLISH TRANSLATION
(FROM ARABIC)

including supporting the capacity of the Libyan bodies and providing them with their weapons needs to combat terrorism in accordance with Security Council Resolution No. 2214, tracking foreign terrorist fighters and implementing the Security Council Resolution No. 2178 to prevent foreign terrorist fighters from reaching Libya, preventing weapons from reaching terrorist groups, and increasing coordination between Libya and other countries, particularly neighbouring countries, to monitor the trade of weapons and prepare reports that show the country of origin, its serial numbers and the source and destination of weapons, as well as the strict supervision on satellite channels calling for a culture of violence, hatred and terrorism, and aim to shut down these channels, and track those who finance and facilitate their work and issuing strict procedures in this regard.

The representative of Qatar said that the threat of terrorism preoccupied his country, which is keen to participate in efforts to eliminate it, claiming that the various expert teams' reports do not indicate Qatar's involvement in any breach of the Security Council resolutions or any activities that threaten the stability of Libya. He explained that what he said was considered to be enough to respond to what he called the "allegations" contained in Egypt's intervention, which he said came in "the context of the media campaign attacking Qatar, which is based on militias operating outside the legitimacy ..."

Following the intervention of the Qatari delegation, which was largely expected, the Egyptian delegation circulated a list of participants in the meeting reflecting the various Qatari violations in Libya, according to the official reports of the UN expert teams.

The delegation stressed that Egypt did not include Qatar in this debate. It is Qatar, through its activities and being the main financier of terrorism in Libya that has got itself involved in this. He added that Egypt is working to achieve stability in Libya and this is known to all. He pointed out that the move by the delegation of Egypt is what dragged in the delegation of Qatar, which did not respond to the delegation of Egypt.

It is worth mentioning that the Egyptian presidency of the Counter-Terrorism Committee has been keen to organize this meeting to shed light on the challenges of countering terrorism in Libya, stressing the need to strengthen cooperation and coordination between the Security Council committees related to fighting terrorism and exposing the practices of Qatar and other countries that support terrorism in Libya. The meeting was an opportunity for Egypt to highlight its position on the situation in Libya.

The participation of the Assistant Foreign Minister for Arab Affairs in the meeting was a proof of Egypt's keen interest in the issue and Egypt's consideration of the current situation in Libya to achieve stability as a top priority.

Annex 73

"New Human Rights Report Accuses Qatar of 'Harbouring Terrorism in Libya'", *Asharq Al-Awsat*, 24 August 2017

Arabic with English translation

https://aawsat.com/print/1006966

الشرق الأوسط
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رابط المصدر: https://aawsat.com/node/1006966

تقرير حقوقي جديد يتهم قطر بـ«رعاية الإرهاب في ليبيا»

الخميس - 1 ذو الحجة 1438 هـ - 24 أغسطس 2017 مـ رقم العدد [14149]

القاهرة: عبد الستار حتيتة

اتهم أحدث تقرير حقوقي ليبي، دولة قطر، برعاية الإرهاب. وقال التقرير الذي أعدته مؤسسة «العدالة أولا» الليبية، ومقرها الرئيسي في القاهرة، إنها تضع كل ما لديها من تقارير ومعلومات عن الكيانات والأفراد الليبيين المدرجين في قائمتي الدول العربية، تحت تصرف الجهات المعنية بمكافحة الإرهاب. ودعت المؤسسة، العالم، للتعاون مع «الرباعي العربي» الذي أصدر لائحتين عن الشخصيات والكيانات الإرهابية المرتبطة بقطر خلال الشهرين الماضيين، من بينهم سبعة ليبيين، بالإضافة إلى سبع منظمات ليبية. وقال حسن طاطاناكي، رئيس المؤسسة التي أصدرت التقرير، لـ«الشرق الأوسط»: «نطالب دول العالم بالانضمام إلى الدول العربية الأربع، فيما ذهبت إليه بشأن تصنيفها للكيانات والأفراد المتورطين والمرتبطين بالإرهاب، نشاطا وتمويلا وتحريضا». وفي مطلع شهر يونيو (حزيران) الماضي، أعلن الرباعي العربي (السعودية ومصر والإمارات وقطر) تصنيف 59 فردا و12 كيانا في لائحة الإرهاب، كان من ضمنها خمسة ليبيين، هم علي الصلابي، وعبد الحكيم بلحاج، والمهدي الحاراتي، وإسماعيل الصلابي، والصادق الغرياني، بالإضافة إلى تنظيم «سرايا الدفاع عن بنغازي».

كما أصدرت الدول الأربع لائحة ثانية، أواخر الشهر الماضي، أضافت إليها تسع شخصيات وكيانات قالت إنها إرهابية، كان من بينها شخصيتان ليبيتان، هما إبراهيم بوخزيم، وأحمد الحسناوي، إلى جانب ستة كيانات ليبية هي «مجلس شورى ثوار بنغازي»، و«مركز السرايا للإعلام»، و«وكالة بشرى الإخبارية»، و«كتيبة راف الله السحاتي»، و«قناة النبأ»، و«مؤسسة التناصح للدعوة والثقافة والإعلام».

من جانبه، قال طاطاناكي إن الحرب على الإرهاب «ليست عسكرية وأمنية فقط، وإنما هي حروب قانونية، واستخباراتية، واقتصادية، وفكرية».

وفيما يتعلق بـ«قناة النبأ» التي ورد اسمها في اللائحة الثانية للكيانات الإرهابية من الدول الأربع المشار إليها، فقد قال التقرير إن القناة ظهرت قبل أربع سنوات «في صورة تكاد تطابق فضائية الجزيرة القطرية، خصوصا في سياستها التحريرية»، وإن «الراصد لما تبثه القناة سيكتشف بسهولة أنها تروّج للآيديولوجية التي تحملها (الجماعة) الليبية المقاتلة، والأفكار المتطرفة»، و«الدفاع عن الجماعات المصنفة إرهابية، كسرايا الدفاع عن بنغازي، ومجلس شورى ثوار بنغازي، وأنصار الشريعة».

وأفرد التقرير مجالا للحديث عن الفتاوى التي أصدرتها إحدى الشخصيات التي ورد اسمها في لائحة الإرهاب، وقال إنها فتاوى يجري بثها على قناة التناصح الفضائية، و«تحرض على العنف والاقتتال والدم». وقال التقرير إن هذه القناة تتبع «مؤسسة التناصح للدعوة والثقافة والإعلام (ورد اسمها في لائحة الإرهاب الثانية)». وتابع أن هذه المؤسسة «تتلقى دعما مباشرا من دولة قطر»، وأن مَن يديرها عمليا، عضو في دار الإفتاء، ومعروف بنشاطه الدعوي المحرّض على الإرهاب.

وحول ما يتعلق بـ«وكالة بشرى الإخبارية»، قال التقرير إنها تعدّ الذراع الإعلامية لـ«سرايا الدفاع عن بنغازي» الإرهابية، وقد برز دورها بشكل كبير بعد اندماج عدد من التنظيمات والمجموعات الإرهابية في بنغازي، لتصبح الوكالة، فيما بعد، وسيلتها الإعلامية. وأضاف: «تشير عدة قرائن إلى أن وكالة بشرى تتلقى دعما ماليا ولوجيستيا من قطر، ولعل ارتباط شعارها وشعار قناة الجزيرة القطرية في تغطيتها لبعض عمليات السرايا يؤكد هذه الفرضية».

وحول ما يتعلق بتفاصيل التنظيمات المنضوية تحت راية «سريا الدفاع عن بنغازي»، أوضح تقرير مؤسسة «العدالة أولا»، أن هذه السرايا «تكونت من مزيج بين المجموعات التابعة للقاعدة، وتيار الإخوان، حيث تشكلت بشكل أساسي من مجالس شورى ثوار بنغازي، وإجدابيا، ومجلس مجاهدي درنة، وتنظيم أنصار الشريعة، المصنف من قبل مجلس الأمن كجماعة إرهابية»، إضافة إلى ميليشيا أخرى كانت تستغل اسم حرس المنشآت النفطية، في غرب بنغازي، وكذا الاستعانة بمرتزقة من أفريقيا. وقال التقرير إن «سرايا الدفاع عن بنغازي» مسؤولة عن تنفيذ عدة هجمات وعمليات إرهابية على القوات المسلحة الليبية في منطقة الحقول والموانئ النفطية، وتنفيذ عملية في قاعدة براك الشاطئ الجوية بالجنوب الليبي. وعن «مركز السرايا للإعلام»، أوضح التقرير أنه «مؤسسة إعلامية تحريضية ذات مرجعية تكفيرية مرتبطة بأجندات المشروع القطري لدعم الإرهاب في ليبيا والمنطقة، ويعتبر من بين أبرز الأجنحة التي يعتمد عليها مجلس شورى ثوار بنغازي الإرهابي».

وحول ما يتعلق بـ«كتيبة راف الله السحاتي»، فقد قال التقرير إنها متهمة بتصفية المئات من الجنود والضباط، وبإطلاق النار على المتظاهرين السلميين، وإنشاء سجن سري لتعذيب المواطنين.

ENGLISH TRANSLATION
(FROM ARABIC)

A New Human Rights Report Accuses Qatar of Sponsoring Terrorism in Libya

Thursday, August 24, 2017 Issue No. (14149)

Cairo: Abdul Sattar Hatita

The latest Libyan human rights report accused the State of Qatar of supporting terrorism. The report prepared by the Libyan "Justice First" Organization, which is headquartered in Cairo, mentioned that it has put all its reports and information on the Libyan entities and individuals on the list of Arab countries at the disposal of the counterterrorism authorities. The organization called on the world to cooperate with the "Arab Quartet" that issued two lists of terrorist individuals and entities related to Qatar during the last two months. The list included seven Libyans, as well as seven Libyan organizations. Hassan Tattanaki, the president of the organization that issued the report, said to the "Middle East": "We request the countries of the world to join the four Arab countries, and categorize entities and individuals involved and associated with terrorism, whether as an activity, financing or incitement." In the beginning of June, the Arab Quartet (Saudi Arabia, Egypt, the United Arab Emirates and Qatar) announced the classification of 59 individuals and 12 entities to the list of terrorism, including five Libyans, namely Ali Al Salabi, Abdul Hakim Belhaj, Al Mahdi Al Harati, Ismail Al Salabi, and Al Sadiq Al Giryani, in addition to the "Saraya defense of Benghazi" organization.

The four countries also issued a second list late last month, adding nine persons and entities it claimed were terrorists, including two Libyans, namely Ibrahim Bokhzim and Ahmad Al Hasnawi, along with six Libyan entities: "Benghazi Revolutionaries Shura Council"," Al Saraya Media Center", "The Bushra News Agency", "Rafallah Sahati Brigade", "the Al Nabaa TV Channel" and "Tanasuh Foundation for Dawa, Culture and Media."

Tattanaki said that the war on terror is "not only a military and security war, but a legal, intelligence-based, economic, and intellectual war as well".

Regarding the Al Naba channel which was listed amongst the terror-related entities, the report said that the channel appeared four years ago in a form almost identical to the Qatari Jazeera channel, especially in its editorial policy, and that "whoever watches what the channel broadcasts will easily say that it promotes for the ideology of the Libyan Fighting 'Group' and extremist ideologies", and the channel "defends the terror-classified groups, such as Saraya Defense of Benghazi" and Benghazi Revolutionaries Shura Council and the Ansar al-Shariah."

The report provided an opportunity to speak of fatwas issued by one of the individuals listed as a terrorist. It said that those are fatwas broadcasted on the Tanasuh TV channel and "incite violence, aggression and blood". The report said that the channel is affiliated with the "Tanasuh Foundation for Dawa, Culture and Media", which has been listed in the second list of terrorism. The report added that this foundation "receives direct support from the State of Qatar" and that it is managed by a member of the Dar Al Ifta which is known for inciting terrorism.

ENGLISH TRANSLATION
(FROM ARABIC)

Regarding "Boshra Agency News", the report said that it is the media arm of the "Saraya defense of Benghazi" and it appeared after the integration of terror-related organizations and groups in Benghazi. It added: "Al Boshra News Agency receives financial and logistic support from Qatar and perhaps the link between this channel's logo and Al Jazeera Chanel's logo in the coverage of Al Saraya operations is a proof of that theory".

The report of "Justice First" organization explained that "Saraya defense of Benghazi" was formed by a number of Al Qadea related groups and the Brotherhood. They were primarily formed by Benghazi and Ajdabiya revolutionaries' shura Councils, Darna Mujahideen Council, Ansar Al Sharia Organization, which is categorized by the Security Council as a terrorist group in addition to another militia that used the name of the Oil Guard Installations, in the west of Benghazi, as well as the use of mercenaries from Africa.

The report added that the "Saraya defense of Benghazi" is responsible for several attacks and terrorist operations on the Libyan armed forces in the area of oil fields and ports and the implementation of the operation at the base of Barak beach in southern Libya. The report pointed out that "Saraya Media Center" "is a provocative media institution with a takfir reference that is linked to the Qatar agenda to support terrorism in Libya and the region. It is one of the most prominent mediums on which the Benghazi Revolutionaries Shura Council relies."

Regarding the "Rafallah Sahati Brigade", the report said that it was accused of discharging hundreds of soldiers and officers, shooting at peaceful demonstrators and setting up a secret prison to torture citizens.

Annex 74

Khaled Mahmood, " National Libyan Army's Spokesperson: Qatar and Turkey Try to Change the Demographic Composition of Libya", *Asharq Al-Awsat*, 27 July 2018

Arabic with English translation

https://aawsat.com/print/1344606

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رابط المصدر: https://aawsat.com/node/1344606

الناطق باسم «الجيش الوطني»: قطر وتركيا تحاولان تغيير ديموغرافية ليبيا

الجمعة - 14 ذو القعدة 1439 هـ - 27 يوليو 2018 م رقم العدد [14486]

القاهرة: خالد محمود

فيما اتهم الجيش الوطني الليبي، أمس، قطر وتركيا، مرة أخرى، بمحاولة تغيير ديموغرافية الدولة الليبية، نفت قيادة القوات الأميركية العاملة في أفريقيا «أفريكوم» مسؤولية الجيش الأميركي عن غارة جوية استهدفت منزلاً يقطنه، على ما يبدو، قادة من تنظيم داعش الإرهابي في مدينة أوباري الليبية.

وقال كارل ويست، الناطق باسم «أفريكوم»، التي تتخذ من مدينة شتوتجارت الألمانية مقرا لها، لـ«الشرق الأوسط»: «لم تقم قيادة الولايات المتحدة في أفريقيا بتنفيذ أي ضربات في ليبيا مؤخراً»، مشيراً إلى أن آخر غارة جوية شنها الجيش الأميركي ضد متطرفين داخل الأراضي الليبية، كانت بتاريخ الثالث عشر من يونيو (حزيران) الماضي.

وطبقا لما أعلنته وسائل إعلام محلية وناشطون على مواقع التواصل الاجتماعي، فقد قتل ستة أشخاص على الأقل في غارة جوية نفذها طيران مجهول الهوية، مساء أول من أمس، على مزرعة في ضواحي مدينة أوباري.

وقالت مصادر أمنية غير رسمية، إن من بين القتلى اثنين جزائريين، وثلاثة أشخاص من مالي، بالإضافة إلى ليبي يعتقد أنه عضو في تنظيم «القاعدة».

إلى ذلك، شن العميد أحمد المسماري، الناطق الرسمي باسم الجيش الوطني الليبي، الذي يقوده المشير خليفة حفتر، انتقادات علنية لاذعة وحادة إلى تركيا وقطر، واتهمهما في مؤتمر صحافي عقده مساء أول من أمس في مدينة بنغازي (شرق) بدعم المتطرفين والإرهابيين، وإنفاق ما وصفه بأموال ضخمة وطائلة لتغيير ديموغرافية السكان.

وأكد المسماري أن لدى الجيش أدلة ووثائق وتسجيلات لاجتماعات عقدها الإرهابيون في تركيا وقطر، بالإضافة إلى تونس، وتعهد بأن تواصل قوات الجيش معركتها لتأمين وحماية البلاد، قبل أن يعلن مجدداً التزام الجيش الوطني بنتائج الاجتماع، الذي عقده الفرقاء الليبيون في العاصمة الفرنسية باريس في مايو (أيار) الماضي.

كما أكد المسماري أيضاً أن قوات الجيش ستتولى تأمين الانتخابات في حال الاتفاق على إجرائها قبل نهاية العام الجاري، وفقا لخطة بعثة الأمم المتحدة التي أقرها المجتمع الدولي؛ مشيداً في المقابل بمظاهرة محدودة نظمها مواطنون مناوئون لجماعة «الإخوان» وسط العاصمة طرابلس، ورأى أن الحراك المدني والسلمي «هو من سيحرر العاصمة من قبضة الميليشيات المسلحة التي تسيطر عليها منذ سنوات، في غياب الأجهزة الرسمية والحكومية».

ورفع المتظاهرون لافتات منددة بقيادات «الإخوان»، وضد حكومة الوفاق الوطني، التي يترأسها فائز السراج. كما كان لافتاً أمس أن شعبة الإعلام الحربي، التابعة للجيش، قد بثت عبر صفحتها الرسمية على موقع التواصل الاجتماعي «فيسبوك» لقطات مصورة لمظاهرات من قلب طرابلس، فيما وصفته بأنه توثيق لبعض المشاهد أمام قاعة الشعب.

في غضون ذلك، استغل السراج زيارته المفاجئة إلى تشاد، ليعلن لدى اجتماعه مع رئيسها إدريس ديبي، أن بعض الأطراف المشاركة في اجتماع باريس الأخير لم تلتزم بنتائج اللقاء، الذي نص على توحيد المؤسسة العسكرية، وعدم التعامل مع الكيانات الموازية.

وقال السراج في بيان وزعه مكتبه، إن أطرافاً مشاركة في المؤتمر لم تلتزم بذلك، مشيراً إلى ما حدث من خرق في منطقة الهلال النفطي، وأن حكومته «أوفت بالتزاماتها تجاه العملية الانتخابية، برصد مخصصات مالية للمفوضية العليا للانتخابات، كما وفرت جميع المتطلبات لتهيئة الأجواء لإجراء انتخابات آمنة وشفافة».

ونقل بيان للسراج عن ديبي قوله إن الدور الليبي «كان أساسياً وفعالاً في تأسيس الاتحاد الأفريقي، وما يحدث في ليبيا يجد صداه في كل أفريقيا»، مؤكدا أنه «ليس لتشاد أي أجندة خاصة في اهتمامها بالشأن الليبي، سوى الحرص على تحقيق الأمن والاستقرار والسلام». كما شدد على أهمية دور تشاد في دعم الاستقرار في ليبيا، وتطلعه إلى تطوير التعاون بين البلدين لما فيه خير الشعبين الشقيقين.

وخلال اللقاء اتفق الجانبان على التنسيق بين الأجهزة المعنية في البلدين عبر الحدود المشتركة، للتصدي للإرهاب والمهربين وعصابات المرتزقة والمتاجرين في البشر. كما أكدا التزامهما بتطبيق البروتوكول الأمني الذي وقع في أبريل (نيسان) الماضي في نيامي، من قبل ليبيا وتشاد والنيجر والسودان، الذي يعد إطاراً للتعاون في مواجهة التهديدات الأمنية الحدودية.

وبحسب البيان، فقد اتفق الجانبان أيضاً على عقد لقاء مماثل خلال الشهر المقبل في العاصمة السودانية الخرطوم، لبحث آخر المستجدات،

وسبل تأمين الحدود المشتركة، ووقف عمليات الاختراق بأنواعها.

من جانبها، أكدت ستيفاني ويليامز، نائبة رئيس بعثة الأمم المتحدة، لدى لقائها مع عماد السائح، رئيس المفوضية الوطنية العليا للانتخابات، على ما أسمته بـ«الدعم المستمر من الأمم المتحدة». كما ناقشت الجلسات المرتقبة لمجلس النواب الليبي، للتصويت على قانون الاستفتاء على الدستور.

وقالت البعثة الأممية، إن ستيفاني اطلعت أيضاً على الإجراءات الأمنية بعد الهجوم الإرهابي، الذي استهدف مقر المفوضية بطرابلس في مايو الماضي.

وكانت ستيفاني قد بحثت مع سالم بن تاهية، رئيس اللجنة المركزية لانتخابات المجالس البلدية، ملف الانتخابات البلدية المقبلة في ليبيا، مشددة على أهمية المشاركة الشعبية، وعلى استمرار دعم الأمم المتحدة السياسي واللوجستي لهذه العملية، مع اقتراب انعقاد جلسة مجلس النواب في 30 من يوليو (تموز) الجاري.

من جهة أخرى، دعا المشير حفتر، رئيس الحكومة الليبية المؤقتة عبد الله الثني في شرق البلاد، إلى إعادة تبعية الهيئة العامة لشؤون جرحى القوات المسلحة إلى مجلس الوزراء مجدداً، وذلك نتيجة لضرورة أن تكون لجان الجرحى فنية ومتخصصة. وأرجع حفتر قراره إلى الاستفادة من تحرك الحكومة في الساحات الأوروبية، لعلاج الجرحى ذوي الإصابات الخطيرة.

أخبار ذات صلة

اضغط هنا للطباعة.

ENGLISH TRANSLATION
(FROM ARABIC)

National Libyan Army's Spokesperson: Qatar and Turkey Try to Change the Demographic Composition of Libya

Friday- 27 July 2018, issue No. 14486

Cairo: Khalid Mahmood

Once again The Libyan National Army yesterday accused Qatar and Turkey of trying to change the Libyan state's demographics. The commander of the US forces operating in Africa ("AFRICOM") denied responsibility for the US military air strike that targeted a house where leaders of the ISIS terrorist organization in the city of Awbari on Libya were apparently residing.

"The US military in Africa have not carried out any strikes in Libya recently" said Karl West, a spokesman for AFRICOM, based in Stuttgart, Germany, of the "Middle East". He pointed out that the last air strike launched by the US military against extremists inside Libyan territory was on the thirteenth of last June.

According to the announcement by local media and activists on social networking sites, at least six people were killed by an air strike carried out by an unidentified airline, in the evening of the day before yesterday, on a farm on the outskirts of Awbari city.

Unofficial security sources said that among the dead were two Algerians, three from Mali and one Libyan believed to be an al-Qaeda member.

Brigadier General Ahmed Al Mesmari, spokesman for the Libyan National Army, led by Marshal Khalifa Hafter, gave some sharp public criticism to Turkey and Qatar and accused them in the press conference held the evening of the day before yesterday in Bangazi (east) of supporting extremists and terrorists and having spent huge amounts to change the Libyan state's demographics.

Al Mesmari confirmed that the military had evidence, documents and records of the meetings held by terrorists in Turkey, Qatar, and Tunisia. He vowed that the army would continue its mission to protect the country before announcing again the commitment of the national army to the results of the meeting held by the Libyan parties in the French capital Paris in May. Al Mesmari also confirmed that the military forces will take care the security of elections if agreed to be conducted before the end of this year, according to the plan of the United Nations delegation approved by the international community. He praised in return a limited demonstration organized by citizens opposed to the Muslim "Brotherhood " group in downtown Tripoli, and felt that the civil and peaceful movement "will free the capital of the armed militias which controlled them for years, in the absence of official government bodies."

Demonstrators raised banners condemning the leaders of the Brotherhood, and against the Al Wifaq National government, headed by Faiz Al Saraj. It was also noticeable yesterday that the Division of Military Media, broadcasted on its official page on «Facebook» a video footage of demonstrations from the heart of Tripoli, in what it described as documentation of some scenes in front of the People Hall.

ENGLISH TRANSLATION
(FROM ARABIC)

In the meantime, Al Saraj, in his sudden visit to Chad, announced in his meeting with the President Idriss Deby, that some of the parties participating in the last meeting in Paris did not commit to the meeting's results which were to unify the military institution and not to deal with parallel entities.

Al Saraj said in a statement circulated by his office, that some of the parties did not comply with that, referring to what happened to the breach in Hilal's Oil region, and that his government " fulfilled its obligations towards the electoral process by allocating funds to the Electoral Commission, providing all the requirements to create the atmosphere for holding secure and transparent elections."

In a statement about Deby, Al Saraj said that the Libyan role was "essential and effective in the establishment of the African Union, and what is happening in Libya is reflected everywhere in Africa." He stressed that Chad does not have any special agenda in its interest in the Libyan matter, only to ensure the achievement of security, stability and peace. He also stressed the importance of Chad's role in supporting stability in Libya and looked forward to developing cooperation between the two countries for the benefit of the two brotherly nations.

During the meeting, the two sides agreed to coordinate between the concerned bodies of the two countries across the common border to fight terrorism, smugglers, gangs of mercenaries and human traffickers. They also affirmed their commitment to the implementation of the security protocol signed last April in Niamey by Libya, Chad, Niger and Sudan, which is a framework for cooperation against the security threats on the borders.

According to the statement, the two sides also agreed to hold a similar meeting next month in in the Sudanese capital, Khartoum, to find ways to secure the shared borders and stop all types of breakthrough operations.

Deputy head of the United Nations mission, Stephanie Williams, met with Imad Al Saeh, head of the Supreme National Electoral Commission, on what she called "the continued support of the United Nations". They discussed the upcoming meetings of the Libyan House of Representatives, to vote on the referendum law on the Constitution.

The UN mission added that Stephanie has also briefed on the security measures after the terrorist attack, which targeted the headquarters of the Commission in Tripoli last May.

Stephanie had discussed with Salim bin Tahia, head of the central committee of the municipal councils, the upcoming municipal elections in Libya, stressing the importance of popular participation and the continued political and logistical support of the United Nations for this process, with the coming session of the House of Representatives which is going to be held on July 30.

Meanwhile, the head of the Libyan interim government, Abdullah al-Thani, called for the re-establishment of the General Authority for Armed Forces Casualties to the Council of Ministers as a result of the need for the wounded committees to be technical and specialized. He attributed his decision to take advantage of the government's move in the European squares to treat the wounded with serious injuries.

Annex 75

‘Wanted Terrorist’ finished second in Qatar triathlon”,
The Week, 28 March 2018

https://www.theweek.co.uk/odd-news/92582/wanted-terrorist-finishes-second-in-qatar-triathlon

‘Wanted terrorist’ finishes second in Qatar triathlon

Mar 28, 2018

And other stories from the stranger side of life

Source: Twitter/@DohaTriathlon

Qatari officials have come under fire after a man named on a list of wanted terrorists finished second in a government-sponsored triathlon. Mubarak al-Ajji was photographed on the podium receiving a silver medal and prize money just a week after Qatari officials promised the US they would crack down on terrorists.

Annex 76

Zoltan Pall, "Kuwaiti Salafism and Its Growing Influence in the Levant", *Carnegie Endowment For International Peace*, 7 May 2014

https://carnegieendowment.org/2014/05/07/kuwaiti-salafism-and-its-growing-influence-in-levant-pub-55514

CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Kuwaiti Salafism and Its Growing Influence in the Levant

Zoltan Pall
May 07, 2014
Paper
The internal developments and dynamics of Salafism in Kuwait have global significance. In the Middle East, where Salafism's influence has been rising since the Arab revolutions began in 2011, diverse Kuwaiti Salafi groups and networks have forged close contacts with Salafis in other states. But competition among Kuwaiti Salafi currents has produced corresponding fissures in local Salafi communities in Lebanon and Syria, with far-reaching consequences for each country.

Key Themes

- The purist-activist schism in the Revival of Islamic Heritage Society, an umbrella organization of Kuwaiti Salafis, is at the heart of the internal dynamics of Salafism in Kuwait. Purists mainly focus on peaceful proselytization and daily religious practices and are willing to cooperate with other religious groups. Activists, or *haraki*, believe in broader political involvement and often see violence as acceptable to achieve their aims.

- Kuwaiti Salafis have built up vast transnational networks by financially supporting Salafi groups worldwide, making them one of the main financiers of the international movement. This practice has provided them with significant influence over Salafism on the global level.

- Kuwaiti purist Salafis effectively contributed to the fragmentation of Salafism in North Lebanon. Their financial support was among the crucial factors that led Lebanese purists to dramatically increase their influence and counterbalance the activists.

- After the Arab Spring, purist Salafis lost ground to the reemerging haraki Salafis all over the Middle East largely because purist sheikhs had supported the autocratic Arab regimes during the uprisings and issued fatwas against the demonstrators.

- The different Kuwaiti Salafi groups mobilize vast financial resources from Kuwaiti citizens to sponsor a variety of Salafi armed groups in Syria, which has contributed to fragmentation and sectarianism within the Syrian armed opposition.

Recommendations for the Kuwaiti Government

Consolidate support for the rebel Free Syrian Army. The government should consider urging Kuwaiti Salafis to press their beneficiaries in Syria to join the groups associated with the Free Syrian Army in order to strengthen opposition to the Syrian regime.

Advocate for purist Salafism. The Kuwaiti government should assist purist Salafis in strengthening the peaceful purist current in Lebanon. If purists attract more Salafi youth, these young Salafis will be less likely to end up fighting in Syria.

Introduction

Salafism in Kuwait has long been a dynamic movement with transnational linkages. In the past two decades the different Kuwaiti Salafi groups have been among the most important bankrollers of the Salafi movement worldwide. Kuwaiti Salafi charities and individual donors are financing the building and maintenance of thousands of Salafi mosques and other institutions worldwide. The reach of Kuwaiti Salafi groups increased after the Arab Spring, when they became prominent among the main sponsors of the Syrian rebel groups.

But the Salafi scene has undergone a process of fragmentation and change in recent years. Post–Gulf War debates within Salafism in Saudi Arabia led to the emergence of purist and activist factions and were responsible for the fragmentation of the movement in Kuwait. Specifically, disagreement over theological questions between Sheikhs Abdul Rahman Abdul Khaliq and Abdullah al-Sabt, two important religious authorities, caused the schism in the umbrella organization of Kuwaiti Salafis, which is known as Jamaiat Ihya at-Turath al-Islami (the Revival of Islamic Heritage Society, or the RIHS), and the emergence of the purist and activist (*haraki*) factions. The purists have become the stronger faction on the local level, but the harakis possess equally important transnational networks.

Moreover, regime politics and sectarian balancing have often affected the trajectory of Salafism in Kuwait. In the 1980s the Kuwaiti royal family supported Salafis in an effort to curb the influence of the Muslim Brotherhood. After the 1990–1991 Gulf crisis, the regime aided purist Salafis because of activist Salafis' ambiguous stance toward the monarchies of the Arabian Gulf.

The diverse Salafi groups and networks in this small Gulf emirate forged close contacts with Salafis abroad. And Kuwaiti Salafism's internal fissures have affected how the movement has projected itself onto the regional stage. Often cross-border relationships have led to the reshaping of the power structure of Salafism in different localities along the line of the purist-activist dichotomy.

This is particularly true in Lebanon, where Kuwaiti Salafis have contributed to the fractionalization of the local Salafi community. There, after the ousting of the harakis, the RIHS contributed to the emergence of a strong purist faction that became the competitor of the once-dominant activist Salafis.

In Syria, Kuwaiti Salafis have played an important role in bankrolling armed Salafi groups that belong to different ideological currents. In the current Syrian civil war, financial resources channeled by Kuwaiti purists and harakis have contributed to the emergence of a diverse Salafi scene within the opposition. The Kuwaiti government, meanwhile, has tried to restrict the ability of haraki Salafis to channel financial resources to Syrian Salafi rebels. The reason behind this is the fact that the Kuwaiti government has to rely on the parliamentary support of the Shia against the opposition.

It is clear that the internal developments and dynamics of Salafism in Kuwait have global significance because Kuwaiti Salafis are among the main financiers of the movement worldwide. And the influence that the evolution and fragmentation of Kuwaiti Salafism has had on the trajectory of Salafi groups in Lebanon and Syria will have far-reaching consequences.

Salafism in Kuwait

The Emergence

Salafism is a puritan Sunni Islamic movement whose primary concern is practicing the beliefs and religious traditions of the Prophet Muhammad and the first (three) generations of Muslims. Salafis follow a literal reading of the scripture and reject logical, metaphoric, or any other understanding. Their main aim is purifying the beliefs and practices of Muslims from what they identify as any innovation or harmful addition to the religion (*bida*). Salafis are especially hostile toward Shia and Sufi (mystical) practices. They also reject adoption of Western society customs.

The theological approach of Salafism has been present since Islam's early period in the eighth century. It emerged as a powerful religious movement in the Arabian Peninsula toward the end of the eighteenth century, though it was often wrongly labeled as Wahhabism. Salafism started to gain global prominence in the 1980s, when the Saudi Arabian state invested a huge amount of money in proselytization (*dawa*) on the international level. The movement has proved to be appealing to young generations of Muslims who face an identity crisis amid rapid social change. Salafism also influences the religious discourse of ordinary, non-affiliated believers because of its strong presence on the Internet and satellite television channels.

In most localities, Salafism is divided into two factions: purists and activists (or harakis).[1] Purists are those who believe in the necessity of absolute obedience to the ruler. They focus on the minute details of belief and worship. Activists are those who possess a broader political outlook. They aim to Islamize society by proselytizing and by transforming state institutions, using violence if necessary.

Salafism gained a foothold in Kuwait in the late 1960s. In the beginning Salafis spread their message by organizing religious lessons in mosques or using traditional Kuwaiti gatherings, or *diwaniyas*, as spaces for proselytization. Over the course of a decade Salafism gained a considerable base of followers; by the end of the 1970s it had become a mass movement. Three main factors contributed to its growth.[2]

The first was the decline of Arab nationalism and the left, and the subsequent Islamic revival throughout the Middle East. In Kuwait, as in other Arab countries, the various Arab nationalist and Marxist movements enjoyed overwhelming popularity until the late 1960s. However, after the catastrophic defeat of the Arab armies in the 1967 Arab-Israeli War, the reputations of the Arab nationalist and Marxist movements rapidly declined, and the vacuum was filled by an increase in religiosity and the ascendance of Islamic movements. The main beneficiary of this process was the Muslim Brotherhood, which by the early 1980s became the strongest political force in Kuwait. Salafis were also able to take advantage of the religious upheaval because they already controlled several mosques and had direct access to young people who had recently turned to religion.

The second factor is the geopolitical shifts in the region that occurred in the aftermath of the Iranian Revolution and boosted the stature of the Salafis. The Iranian Revolution of 1979 posed a severe threat to the very existence of the Kuwaiti state. In addition to the military threat that came from Tehran, the Ayatollah Ruhollah Khomeini, whose Islamist regime came to power, intended to spread the revolution among the Shia communities of the Gulf. Shia militant cells in Kuwait committed several terrorist attacks during the 1980s.[3] In addition, the fact that Islamists were able to come to power and establish a regime based on sharia law in Iran (despite the fact that they were Shia) gave the Muslim Brotherhood new confidence that their project could also be implemented in countries with Sunni majorities. The Kuwaiti ruling family was truly frightened by the prospect of being overthrown by the Islamists. Therefore, to divide the Sunnis, the state began supporting the Salafi movement against the Muslim Brothers.[4]

The third factor was the Salafi movement's ability to penetrate Kuwait's economic elite. By the late 1970s, many scions of influential merchant families had become followers of Salafism. This enabled the movement to gain a presence in the financial and trading sector, thereby receiving more funding than before. Since the merchants were interested in social and political issues, the voices that became stronger in the Salafi movement were those that were keen to see religious rulings implemented in public life. This was probably one of the reasons that Salafism in Kuwait evolved in a unique way and became active in the country's political life at a time when Salafis elsewhere were mostly preoccupied with personal beliefs and religious practice.

By the early 1980s, the Salafi movement in Kuwait had achieved an unprecedented level of organizational development. While most aspects of the movement's organizational strategy retained an informal character, Salafis gained a strong presence in labor organizations and student unions, where they competed with the Muslim Brothers. As the next stage in their organizational development, the Salafis of Kuwait established the Revival of Islamic Heritage Society. The society was founded in 1981 with the support of the Kuwaiti state and wealthy merchants who had adopted the Salafi ideology. Although according to its founding documents, the RIHS was created for charitable purposes, from the beginning, it covered a wider range of tasks.

In the 1980s the RIHS served as an umbrella organization for Kuwait's Salafis and provided the institutional framework for engaging in the political process. In 1981, for the first time anywhere in the world, Salafis were nominated for parliamentary elections. Around this time, Salafis elsewhere did not support any kind of political participation in secular and parliamentary regimes, since they were heavily influenced by the Saudi religious line, which abstained from any serious political involvement aside from legitimizing the autocratic rule of the royal family. Most Kuwaiti Salafis, however, took a different stance, due to the revolutionary ideology propagated by their main religious authority, Abdul Rahman Abdul Khaliq, an Egyptian scholar who settled in Kuwait in the 1960s.[5]

Until the second half of the 1990s Abdul Rahman was the sole authoritative figure to whom the majority of the Kuwaiti Salafis turned for guidance, and he can be regarded as one of the founders of the haraki Salafi current. He did not fit the profile of the typical Salafi religious scholar of the time, which can be characterized by extreme isolationism and a parochial outlook. Abdul Rahman was one of the first Salafis who extensively wrote books and articles about politics and intended to reform Salafi jurisprudence about politics and participation in social protest and using new media.

He disagreed with the majority of contemporary Salafis who argued that Muslims were in the stage of the early Meccan period of Islam, when the Prophet had not participated in politics and focused only on dawa. As he wrote in one of his famous books, *Politics According to the Shar'ia*, "The Prophet also created secret society (when Muslims were oppressed in Mecca), then a society that worked publicly to change the social system. He used every available media like the interpersonal conversation, sermon . . . the media warfare against pagan beliefs, and all of these are politics." [6]

After the Liberation of Kuwait

While the Salafi movement was quite united until 1990 under the umbrella of the RIHS and the leadership of Abdul Rahman, this was no longer the case after the liberation of Kuwait from the Iraqi occupation. The schism occurred because of debates within the Salafi movement in Saudi Arabia at the time of the 1990–1991 Gulf crisis, which led to the fragmentation of the movement on the global level. As a result of this, the RIHS went through a radical transformation, lost its predominantly haraki profile, and became a purist organization. This development, in turn, determined the structure of the Salafi scene in Kuwait, as is discussed below.

Activist-minded Salafis in Saudi Arabia opposed the Saudi royal family's decision to allow American soldiers in the kingdom. They expressed their discontent by launching a protest movement called Islamic Awakening, or Sahwa, and demanded large-scale political reforms in the kingdom. Traditional-minded Salafis emphasized the need for unconditional obedience to the Muslim ruler and harshly condemned the activists. Although the activists' movement was later repressed, this division shaped the face of Salafism worldwide. [7] The debates over the obedience to the ruler and the necessity to enact political reforms spread to outside the kingdom and resulted in the fragmentation of Salafism to purist and haraki currents on the global level.

During the Gulf War, most Kuwaiti Salafis escaped to Saudi Arabia, where they rapidly began to play active parts in these debates. They were able to integrate quickly into the different Salafi networks and groups in Saudi Arabia because they were often connected to Saudi Salafis through kinship. [8] Many of them became active participants in the Sahwa movement. Upon their return to their home country after the war, these individuals became pioneers of the haraki wing of Kuwaiti Salafism, as was the case for Hakim al-Mutairi, Sheikh Hamid al-Ali, and Abd al-Razzaq al-Shayiji.

During the occupation of Kuwait, others sided with the purist camp, which was represented by the official Saudi ulema. Their main reason for doing so probably was the fact that the purists did not oppose Kuwait's

liberation, even though it was undertaken by Western forces. After the liberation, when most Kuwaiti Salafis returned home, the debates were exported to Kuwait, and in the 1990s, the local Salafi community split along haraki and purist lines. This schism, in turn, had an impact on the RIHS. Until that time, the organization had been under the unquestionable influence of Abdul Rahman.

In the first half of the 1990s, Abdul Rahman was suddenly ousted from the RIHS and the organization's ideological direction changed radically. In around 1996–1997, a purist stream gradually gained control over the RIHS, led by Sheikh Abdullah al-Sabt and Sheikh Hayy al-Hayy, who were both influenced by Sheikh Rabee al-Madkhali and other leading purist sheikhs from Saudi Arabia.[9] The purists allegedly were given intensive state support, since the ruling family no longer trusted Abdul Rahman and his followers.[10] There were two reasons for this. First, Abdul Rahman had personally sympathized with Saddam Hussein prior to the invasion, due to the Iraqi president's anti-Shia stance. Although Shia were not the only victims of Saddam's persecution, many Salafis sympathized with him because he harshly repressed Shia Islamic movements such as the Islamic Dawa Party. Second, the Kuwaiti state was threatened by activist Salafis due to their ambiguous stance toward Arab rulers.

The direct reason for the expulsion of Abdul Rahman and most of his followers from the RIHS was an open feud between him and Abdullah al-Sabt, his former pupil, over a theological issue. Al-Sabt criticized his mentor's views on *tawhid*, or the unity of God. Salafi theology mainly revolves around this concept, namely that nothing can be associated with or compared to the one, omnipotent God. Salafis traditionally distinguish three parts of tawhid that concern first the unity of lordship, namely that God is the only possessor of supernatural powers and everything in the universe depends on his will; second, that only God can be worshipped; and third, that God is unique in all of his attributes, nothing is comparable to him. Abdul Rahman in his writings put a fourth component to tawhid, *tawhid al-hakimiyya* or oneness of the governance, which, according to him, means that divine revelation represents the only legitimate source of legislation and governance.

The idea of oneness of governance comes back repeatedly in the writings of activist Salafis and probably was inspired by Sayyid Qutb's concept of *hakimiyya*. According to the influential Egyptian ideologue, the government should be based on the sovereignty of God, which means that the legal system must be based entirely on sharia. The ruler must rule justly, and must be chosen by the ruled, who must then obey the ruler. However, this obedience is dependent on the ruler's obedience to God. [11] If the ruler often goes against the rules of Islam, his subjects can remove him.

Abdullah al-Sabt accused Abdul Rahman of covertly calling for revolt and the removal of the emir in Kuwait. Soon the organization split into two; the purist faction stood with Sabt, and the activist faction supported Abdul Rahman. In the outcome of this struggle, the purists took complete control of the RIHS. Abdul Rahman was sidelined, and his followers left the organization. They gathered under the banner of a new organization, al-Haraka al-Salafiyya (Salafi Movement), in 1997.

After these events the character of the RIHS completely changed. Abdul Rahman's books disappeared from the organization's publishing houses, which instead began printing the works of the Saudi religious establishment and works by Kuwaiti scholars with purist views. These publications focus on two main issues: the relationship between the ruler and the ruled, and the question of jihad. The reconstituted RIHS also withdrew any material support from activist Salafi groups and endowments abroad and started to support exclusively purist groups and causes.

The fragmentation of the Kuwaiti Salafis, who had been previously unified under the RIHS banner, led to the current structure of the Salafi scene. The movement in this oil-rich country is clearly divided into purists and activists. At the same time these factions are themselves very diverse, as will be shown in the next sections.

The Purists of Kuwait

Most of the purists identify themselves as close to the RIHS, which now serves as their umbrella organization. Although the charitable institution's discourse has changed radically, it is still active in politics and has retained a relatively developed organizational structure in comparison to those of other Salafi groupings. Members of the largest Salafi parliamentary block, al-Tajammu al-Salafi al-Islami (Salafi Islamic Gathering), are closely connected to the RIHS. The group was established in 1981 as the charity's representative in institutional politics.[12] Despite being politically active, group members pursue predominantly purist aims in their parliamentary work. They always emphasize the need to obey the emir of Kuwait, and

they are mostly concerned with the Islamization of social practices, such as segregating the sexes in public institutions and universities and obliging Muslim women to wear a headscarf when they appear in public. As one of the Salafi members of Parliament explained, with the dawa not at an advanced stage, it is endangered by both Westernized "liberals" and "extremists." Parliament offers an excellent opportunity to defend the dawa and support legislation that ensures the Islamic character of society. For example, he mentioned how Salafis had contributed to the creation of a law forbidding the selling of alcohol on Kuwait Airways flights.[13] The members of the Salafi Islamic Gathering are often severely critical of those who are perceived to have insulted the emir, whom they consider to be the legitimate ruler, therefore above criticism.[14]

At the same time, the RIHS preserved the organizational structure that had been established when Abdul Rahman had dominated the institute. Although the Salafis who belong to the circle of the RIHS tend to rely on informal networks, they maintain a more elaborate formal institutional structure than Salafis elsewhere. At the core of this is the charitable organization itself and its branches in Kuwait's different districts. Besides mobilizing funds to implement projects abroad, these branches organize local Salafis. They establish local committees, which set up programs for RIHS adherents.

Opponents of the RIHS in Kuwait often accuse the organization of being a puppet of Riyadh, or even of cooperating with Saudi intelligence. This is based on the fact that the Kuwaiti purists who are associated with the RIHS are closely affiliated with Saudi Arabia's religious establishment. They follow the instructions and religious advice of the Saudi great ulema. The RIHS's committee of religious scholars issues rulings, or fatwas, only in cases that are not discussed by the Saudi ulema. Besides, the leadership of the charity is connected to the religious establishment of the kingdom through personal knowledge and informal ties. Saudi purist sheikhs frequently go to Kuwait to deliver lectures, conduct seminars, or just discuss issues with their fellow scholars in this small Gulf monarchy.

Not all of the Kuwaiti purists belong to the RIHS, though. Some, in fact, are hostile to the organization, which they accuse of betraying the principles of Salafism by participating in parliamentary elections and maintaining institutional structure. These individuals are commonly called "Madkhalis," a reference to their most important religious authority, the Saudi Sheikh Rabee al-Madkhali. For them, participating in politics and creating formal organizations lead to the corruption of one's belief because these actions make people loyal to the organizations and their leaders instead of to God.

Despite the Madkhalis' negative stance toward the political process, one of the cornerstones of their discourse is showing unquestioning loyalty to the ruler and being harshly critical of those who—in their opinion—disobey him. Compared with other purists, Madkhalis interpret this part of the purist Salafi ideology in a much narrower way. Mainstream purists think that Muslims can disobey the ruler and side with the opposition if the ruler uses extreme and unjustified violence against his subjects. For example, most purist Salafis in the RIHS opposed the Libyan revolution, but when the government of Muammar Qaddafi started to murder large numbers of demonstrators, they felt justified in supporting the revolutionaries. Likewise with the Syrian revolution and the brutal actions of Bashar al-Assad's government.[15] By contrast, Madkhalis attacked the RIHS for taking this stance. Sheikh Salim al-Tawil, probably the most important local authority among the Kuwaiti purists, called Assad *wali al-amr* (the legitimate ruler), forbade fighting his army in a fatwa, and harshly attacked those Salafis who sent material support to the revolutionaries.[16]

Although fewer in number than the followers of the RIHS, the Madkhalis have extensive transnational networks in the Middle East, Europe, and Southeast Asia. The Madkhali stream in Kuwait was developed around individuals who seceded from the Salafi mainstream when Salafis entered the political process in 1981. During the Gulf War they became close to the circle of Rabee al-Madkhali. In the early 1990s, many young Salafis who rejected the RIHS's main ideological line became attracted to the Madkhalis. Central to this wing of the Salafi movement in Kuwait are some charismatic sheikhs, such as Salim al-Tawil, Hamad Othman, Falah Mandakar, and, from the younger generation, Ahmad al-Sibai and Muhammad al-Anjari.

Activist Salafis

The core of the activist faction in Kuwait is made up of followers of Abdul Rahman, who seceded from the RIHS in 1997. The majority of Salafis in Kuwait could probably have been considered activists even before the Gulf War, but the Iraqi invasion spurred activist thinking within the movement to develop further. The young generation of Salafis in particular was exposed to the ideas of the Saudi Sahwa, and many of them adopted several elements of Sahwi thinking. The most important figure of the young generation of Kuwaiti activists is probably Hakim al-Mutairi.[17] He became the de facto leader of the activist-minded youth wing within the RIHS that remained loyal to Abdul Rahman.

During the 1990–1991 Gulf War, al-Mutairi, who at that time was pursuing graduate studies in Mecca, became involved in a network centered around Muhammad Surur Zayn al-Abidin, a leading figure in the Sahwa movement. The experience radically changed his thinking. [18] Al-Mutairi is often described as an unusually charismatic person who is able to gain admirers and friends quickly. In a short time, many young Kuwaitis who had escaped to Saudi Arabia joined him and formed a network of activist Salafis.

Upon returning to Kuwait after the liberation, this group remained within the RIHS and established a strong haraki platform within it. After the purists took over leadership of the organization and Abdul Rahman had been sidelined, most of the members of this platform seceded and created the Salafi Movement (SM), under the leadership of al-Mutairi.

The SM has never developed a sophisticated institutional structure. Instead, in the beginning it served as the umbrella organization of different activist Salafi groups in a way very similar to how the RIHS functioned before the fragmentation of Kuwaiti Salafism. The most important shared sentiment of those who gathered under the auspices of the SM was their enmity toward purist Salafis. Activists regarded the purists as tools of an American-Saudi conspiracy to suppress voices that demand political freedom in the Gulf, because the purists have no wider sociopolitical agenda and emphasize the necessity of unconditional obedience to the ruler. Most activists were opposed to Kuwait's alliance with the United States and wanted to reform the emirate's political system. They demanded the application of sharia as the only source of legislation. They also called for the appointment of the government by the parliament, instead of by the emir.

However, this network of activist Salafis did not remain united for long. Internal differences surfaced quite soon. The main cause of the rift was how Hakim al-Mutairi and his deputy, Sheikh Hamid al-Ali, envisioned the future of the SM. The former intended to transform the SM to a well-organized, modern political party. The latter, however, preferred to retain the organization's loose network structure. When al-Mutairi traveled to Birmingham to pursue his doctoral studies, Hamid al-Ali took over the leadership. After he started to implement his own agenda by putting greater focus on transnational charity activity and proselytization, and less on national politics, al-Mutairi decided to leave the SM. When he returned from Britain in 2005, he established a political party, Hizb al-Umma (Umma Party), with other activist Salafis who left the SM.

Activist Salafis have never been able to gain the same degree of influence in Kuwaiti society as the purists. Obviously, most of the committed Salafis in the country sympathize with the RIHS. Activists usually have only one member in the parliament, Waleed al-Tabtabaie, while the Salafi Islamic Gathering has eight to ten members. The relative weakness of the activists is probably due to the fact that the Kuwaiti Muslim Brotherhood (Islamic Constitutional Movement), which traditionally has had a strong representation in the parliament, provides an appropriate platform for many who are attracted to activist Salafism. Unlike the Brotherhood in other countries, most cadres of the Islamic Constitutional Movement are influenced by Salafism, and their discourse is similar to that of the activists.

Despite this relative lack of influence at home, compared with the purists, Kuwaiti activist Salafis are important members of transnational Salafi networks. The country is a significant transnational meeting point for activist-minded Salafis who come from all over the world to meet individuals such as Sheikh Abdul Rahman or al-Mutairi. Prior to the Arab Spring, Kuwait was considered to be the only country in the Middle East where Salafis did not face pressure from the government or security forces and where they were able to freely exchange views. Abdul Rahman claims that the idea that Egyptian Salafis should participate in politics emerged during the meetings and workshops that these Salafis had attended in his house and mosque.[19]

The charitable activities of the activist Salafis are also significant. Their charitable organization, Mabarrat al-Amal al-Khayriyya (Benevolent Work Charity), has projects all over the Middle East and Africa, and it cooperates with the Qatari Eid bin Muhammad Al Thani Charity Association, which is probably the biggest and most influential activist Salafi-controlled relief organization in the world. Activists also raise funds in informal gatherings, such as diwaniyas, where they often collect material contributions from believers for different purposes. Often this money goes to other activist Salafi groups and endowments in poor Muslim countries. It is used also to help Muslim refugees in troubled regions, or even support militants, as will be explained later in the case of the Syrian civil war.

The Influence of Kuwaiti Salafis on Lebanon

Reshaping the Salafi Scene in Northern Lebanon

The struggle for power in Kuwait between harakis and purists was most acutely felt in Kuwait, but Kuwaiti Salafis have long had an impact in the Levant. As haraki personalities declined in power within the RIHS in Kuwait, there was a corresponding effect on the rise of purists in North Lebanon, particularly in Tripoli.

Although its roots go back to the 1940s, Salafism started to appear on the sociopolitical playground of the Sunni community of multi-sectarian Lebanon in the early 1990s. The movement started to grow when about fifty Lebanese graduates of the Islamic University of Medina in Saudi Arabia returned to their home country and began their proselytization activity. The sociopolitical circumstances were particularly favorable to Salafism to gain a foothold in North Lebanon, where the majority of the Sunnis live. Salafis at that time had few competitors. In the period after the 1975–1990 civil war in the country, leftist and nationalist movements that had been previously dominant in the Sunni community's political landscape lost most of their influence. Mainstream Islamist movements, such as the Muslim Brotherhood and the Islamic Unification Movement, were unable to gain long-lasting popularity among the Sunnis.

The other important factor that made the external environment favorable for Salafism was the chronic weakness of the state's official Sunni religious establishment (Dar al-Fatwa). Since the assassination of the charismatic chief mufti, Hassan Khalid, in 1989, the institution has lacked the kind of leadership that could successfully manage it. Therefore in the post–civil war era it lost much of its respect in the wider population. Though Dar al-Fatwa organized the Sunni religious activities and services quite effectively before the civil war, it has suffered from insufficient funding since the war ended in 1990.[20] As a result, it was not able to employ enough religious professionals to perform religious services such as delivering the Friday sermon, giving religious lectures, issuing fatwas, and consulting the believers in religious and social matters.

Some segments of the society, such as parts of the religiously committed lower middle class, saw an alternative in Salafism. Salafi sheikhs were very active in providing religious services for the Sunni population. Joining their networks also provided the believers with access to patronage or space for socialization. Students with no ability to afford public or private schools could get primary and secondary education in the Salafi religious colleges. Some Salafi scholars became successful mediators in social conflicts, which usually erupted between local families over financial issues or homicide cases. All of this elevated the respect of the movement and attracted a significant number of followers.

Lebanese Salafism at that time could be characterized as being overwhelmingly activist. The thinking of most of the sheikhs was closer to the Saudi Sahwa movement. Salafis in the long term aimed to acquire political power by participating in the elections and either putting forth their own candidates or supporting others.[22] At the same time they tried to mobilize Sunni youth by turning their attention to the "danger" coming from Hezbollah and the growing political and economic power of the Shia community in the country. Salafis presented themselves as the vanguard of the Sunnis, capable of resisting the Shia "threat" and saving Sunnis.

Prior to 1997, one of the main supporters of the Association of Guidance and Charity (AGC), the al-Shahhal family's relief endowment, was the RIHS, which was still under the control of activist Salafis. Sheikh Dai al-Islam al-Shahhal befriended many members of the Kuwaiti relief organization during his studies in Medina.

These individuals saw potential in Shahhal to represent their interests in Lebanon. Al-Shahhal followed them to Kuwait, where he stayed for a couple of months. While there, he built up excellent contacts in Kuwait's activist Salafi circles and later became a frequent guest at diwaniyas, conferences, and other Salafi meetings in the country. When he returned to Lebanon in 1990 to start his proselytization activities, the RIHS gave him hundreds of thousands of dollars, likely in excess of $1 million, to establish religious colleges in Tripoli.[23]

The Rise of the Purists

However, this situation changed around 1997–1998. When Abdul Rahman was ousted from the RIHS and the purist Salafis took over the leadership, the charity largely abandoned supporting its previous haraki beneficiaries. This development had a serious impact on the power balance within the Lebanese Salafi movement. The fact that the RIHS stopped bankrolling the AGC and looked for others to support was partly the reason purists were able to gain ground.

The purists' rise was further enabled by a repressive campaign against activist Salafis by Lebanese authorities in the late 1990s. Just before the new millennium a battle erupted in the Dinniyah region, east of Tripoli, between the Lebanese army and a group of Salafi militants that left scores dead on both sides. Some members of the armed group had contacts with al-Shahhal's network, which led to a large-scale crackdown on Salafis by both the Lebanese authorities and the occupying Syrian forces. Dozens of people in al-Shahhal's network were arrested and tortured, while al-Shahhal himself escaped to Saudi Arabia to avoid prosecution. The AGC was closed down, along with many of the Salafi religious colleges and other institutions. Al-Shahhal's network disintegrated completely.

With Sheikh Dai al-Islam al-Shahhal's absence, the Lebanese Salafis lost both their leadership and their access to financial resources. Therefore they started to look elsewhere for potential donors. Many of them traveled to the Gulf and contacted charities that had previously supported al-Shahhal. Those that were purists in their thinking but had been marginalized due to the AGC's predominantly activist outlook reconnected with the RIHS. The Kuwaiti charity at that time already had become dominated by purist Salafis and was willing to grant financial support to fellow purists in Lebanon.

In the first years of the new millennium, the RIHS granted rather modest financial support to certain purist Salafi sheikhs to enable them to continue their proselytization. The Kuwaiti charity was able to engage in more serious activities, and when Syrian forces left Lebanon after the so-called Cedar Revolution, the RIHS set up a branch in Tripoli and became the dominant sponsor of the purists in Lebanon. Compared with money channeled by the Kuwaiti charity, other sponsors, mainly from Saudi Arabia, had a marginal role.[24] The RIHS financed the establishment of a network of Salafi religious institutions in Tripoli and its surrounding areas under the name Islamic Heritage Endowment (IHE). Under the leadership of the relatively young Sheikh Safwan al-Zaabi, the IHE became the backbone of the emerging purist faction in North Lebanon.

The IHE attempted to unify purist Salafis in Lebanon and at the same time coordinate their activities by granting them material support. Al-Zaabi gathered other sheikhs from North Lebanon and made them sign an agreement to follow some basic tenets in their proselytization activity as a condition of the IHE's bankrolling them. First, the document stresses the need to remain loyal to the Saudi great ulema and forbids "mocking them" (the latter is a reference to those harakis who call some of the great ulema the "ulema of menstruation," because of their lack of attention to political issues when lost in the detail of daily religious practice). Second, it calls for the creation of an Islamic society by peaceful dawa and to be patient regarding the injustices of the rulers. The document forbids revolt against the rulers, even if they are not Muslim (referring to Lebanon's Maronite Christian president) and condemns the understanding of jihad propagated by militant groups. Instead, it calls for peaceful coexistence with non-Muslims and respect for "the treaties and contracts made with Muslims and non-Muslims."[25] These points closely resemble the preferences of the RIHS after the ousting of Abdul Rahman.

The IHE also formed a fatwa council composed of some of the most renowned Salafi scholars. Its task was to issue legal opinions in local Lebanese cases where the fatwas of the Saudi great ulema did not fully apply or were not specific enough. The council, for example, legitimized al-Zaabi's attempt to participate in institutional politics and mobilize voters for his preferred candidates in a fatwa. The writers of the legal opinion state that "it does not harm the [Muslim] candidate if he uses the parliament . . . as a tool for the *da'wa* by offering his thoughts and principles. . . ." [26] The writers of the fatwa argue that participating in the election of representatives to parliament is legitimate, since Lebanese law does not oblige them to make decisions that are un-Islamic.

During the 2009 Lebanese elections the IHE mobilized voters to support candidates who belonged to different political groupings. In exchange for the IHE's support, al-Zaabi received material benefits from the candidates. Those who won a parliamentary seat, for example, provided purist Salafis with access to jobs and other services. At the same time the IHE's ability to recruit voters gained influence for its bankroller, the RIHS, in Lebanese politics.

By the end of the 2000s an influential purist stream had emerged in North Lebanon that was able to compete with the activist Salafis. The network of the RIHS's local branch reached almost all towns and villages in North Lebanon. As al-Zaabi stated, in most settlements there is at least a mosque that receives funds from the IHE.[27] The organization also receives funds from the RIHS to employ purist Salafi *dais* (missionaries) and send them to remote regions in North Lebanon to carry out proselytization activities. The IHE also organized courses in the Tripoli mosques about *hadith* (prophetical tradition) and the basics of jurisprudence (*fiqh*). Upon completing these courses, participants received a diploma that affirmed their competence in these subjects.

The Reemergence of the Harakis

The growth of the purists lasted until the 2011 Arab Spring. After the revolutions in the other Arab countries, the IHE's network lost ground to the reemerging haraki Salafis. This reflects developments at the global level, where the revolutions led to the rapid expansion of haraki Salafism and to a simultaneous decrease in the popularity of the purists. The main reason for this is that the purist sheikhs supported and legitimized the autocratic Arab regimes until the last moment and issued fatwas against the demonstrations and their participants all over the Middle East.

The IHE was also weakened when the RIHS fired Safwan al-Zaabi and installed a new administration for the institution. Al-Zaabi was ousted over his earlier attempt to normalize Salafis' relationship with the Shia Hezbollah and his close contacts with the Syrian regime. Previously, he had signed a Memorandum of Understanding with Hezbollah with the support of the Kuwaiti charity in 2008. However, in the first months of 2011 an anti-Shia group gained domination of the RIHS, and it did not tolerate al-Zaabi's close contacts with the Shia party.

Nevertheless, the IHE remained active in Lebanon. The RIHS channels hundreds of thousands of dollars for its local branch to support Syrian refugees—the number is said to exceed a million—who fled to Lebanon.[28] The IHE is very active in providing shelter, medical care, and basic amenities for the refugees. At the same time purist Salafis regard the presence of the refugees as a good opportunity for proselytization. Along with the material help, they offer religious services and distribute books and leaflets.

Activist Salafis, despite the persecution they faced, did not lose all of their influence. They remain strong in the Islamic scene of northern Lebanon. After the withdrawal of the Syrian forces in 2005, al-Shahhal was able to reestablish his charity network. At the same time other charismatic activist religious scholars who were independent of the AGC appeared on the scene, and they did not need the patronage of Dai al-Islam al-Shahhal. One of them is Sheikh Salem al-Rafei, who remains one of the most influential Sunni sheikhs in Lebanon today.

As has been mentioned, the sociopolitical environment created by the Arab Spring resulted in an increase in the influence of the harakis, who are also supported by Gulf charities.[29] Nowadays some of their preachers attract thousands of Sunnis to their mosques during the Friday sermon. These sheikhs successfully exploit Sunni-Shia tensions, which have been further deepened by the civil war in Syria, to gain more followers. The fact that there are no other powerful religious streams and movements that would offer an alternative further boosts the haraki Salafis' authority.

Lebanese haraki Salafis are also active in supporting the Syrian opposition. Many of them have crossed the border and fight with Syrian Salafi groups against the Assad regime. Most of the main Salafi authorities, such as Dai al-Islam al-Shahhal or Salim al-Rafei, advocate al-Jabha al-Islamiyya (the Islamic Front), a coalition of Sunni Islamist rebel groups. However, some of the young harakis allegedly favor the Islamic State of Iraq and the Levant (commonly known by the acronym ISIS), a militant movement affiliated with al-Qaeda that often engages in armed conflict with other rebel factions.[30]

Syria and Kuwaiti Salafis

Kuwait Harakis Fund Syrian Jihadist Currents

The initially peaceful revolution in Syria that began in March 2011 transformed into a ruthless sectarian civil war over the course of just a couple of months. Salafis, who in the past had not managed to gain a foothold in the country, dramatically increased their influence. Their ideology proved to be compatible with the deepening anti-Shia sentiments of the mostly Sunni-armed opposition. The popularity of the Salafi movement multiplied. Salafi fighters are now playing a very significant, if not dominant, role in the armed opposition. Resources coming from the Gulf are crucial for the different Salafi armed factions.

The Salafi groups and networks in Kuwait are especially active in gathering and transferring material support for the Syrian Salafis—jihadis that are associated with both the Nusra Front and ISIS, and Salafi groups that reject jihadi ideology but regard fighting against the regime as permissible. When Salafism began growing rapidly in the rebel-held areas starting in the second half of 2011, Kuwaiti Salafis started to establish contacts with their Syrian fellow activists. Both purists who belong to the RIHS and harakis are sending millions of dollars to Syria.

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umma

Supporting the Syrian opposition has created an opportunity for Kuwaiti Salafis to extend their authority at home by presenting themselves as the ones who take care of the affairs of the *umma* (Islamic nation). This stance increased their authority in an environment where the legitimacy of the political institutions has been weakened and where Sunni-Shia tensions are rapidly deepening. Salafis commonly argue that they are the ones who resist Shia intentions to dominate the countries of the Middle East. The way Salafi preachers often frame the contemporary events of the Middle East is that the Shia, led by Iran, are trying to sideline Sunnis and achieve hegemony. The most important battlefields are Syria, Lebanon, Iraq, Kuwait, Bahrain, and Yemen.

Partly due to such rhetoric, many ordinary Kuwaiti Sunnis were mobilized to give their support to Salafi preachers who were collecting aid for the Syrian opposition. Haraki Salafis were the first contacted by their Syrian fellow activists and channeled material support to them. Probably the two best known sheikhs are Shafi al-Ajmi and Hajjaj al-Ajmi, who collected money and sent it to Syria. Both started their activism in a haraki Salafi milieu hallmarked by al-Haraka al-Salafiyya. They effectively employed both conventional and social media to attract donations.[31]

Shafi al-Ajmi is a lecturer at the College of Sharia and Islamic Studies of Kuwait University. He began to establish himself in late 2011 as one of the most prominent authorities among haraki Salafis. Often thousands of people appeared on Fridays in his mosque in a suburb of Kuwait to listen to his sermon. His television show on the state channel was one of the most popular among the Sunni population of the country. Like other Salafis, Shafi al-Ajmi portrayed the Syrian conflict as an apocalyptic war between good and evil: good being represented by the Sunnis, and evil by the Shia—who according to Shafi al-Ajmi want to destroy Islam from the inside. He calls upon Muslims to give their donations to assist their brethren in Syria to win this war against the "forces of evil."

Hajjaj al-Ajmi, whose views are nearly similar to Shafi's, relies on the vast wealth of his family and the donations sent to his foundation. He holds diwaniyas every day in his house where donors can make their contributions. Both sheikhs are active on Twitter. Besides frequently posting what they claim is firsthand news from the Syrian conflict and disseminating their opinions, they frequently provide the numbers of bank accounts to which anyone can transfer money to support the Syrian opposition.

Shafi and Hajjaj al-Ajmi are not the only ones in the haraki Salafi community who are active in gathering financial support for the jihad in Syria. Salafi authorities such as Hakim al-Mutairi and Hamid al-Ali also collect alms, and Salafi sheikhs who are less known but have bonds to the Kuwaiti haraki networks regularly

organize diwaniyas and receive donations. Charity organizations with links to the harakis, such as the Benevolent Work Charity, also channel a considerable amount of material resources to the rebel groups.[32]

The Syrian rebels are not unequivocally positive in their view of the Kuwaiti contributions to the uprising. Not all of the donations reach the main rebel body, the Free Syrian Army (FSA). Jihadi groups, which refuse any cooperation with the FSA, receive millions of dollars from the Gulf monarchy. One of the main religious authorities of the Syrian rebels, Sheikh Adnan al-Aroor, a Syrian Salafi scholar who currently resides in Saudi Arabia, harshly criticized both Shafi and Hajjaj al-Ajmi. According to his statements on his popular television shows, the material support that they channel to Syrian jihadi groups (mostly to the Nusra Front and ISIS) leads to fragmentation of the lines of the opposition. Jihadis, by controlling large amounts of money, are able to attract fighters to leave the FSA, or even to fight against it.[33]

For his part, Shafi al-Ajmi, in a number of television interviews, accused many of the local military councils that constitute the backbone of the FSA of being corrupt or cooperating with foreign intelligence services. Al-Ajmi claimed that a number of these councils are ineffective and steal donations they are sent to build up their own patronage networks in their district. Others, according to him, are mere tools of U.S. or Russian intelligence agencies.[34]

The financial support of the Kuwait haraki Salafis has played a crucial role in enabling the emergence of a Salafi opposition that is independent of the FSA. By that, they largely contributed to the fragmentation of the anti-regime forces. When the purists also joined in financing Syrian Salafi militias, it further increased the fractionalization of the rebels.

Kuwaiti Purists Split Over Supporting Syrian Rebels

Purist Salafis in Kuwait originally vehemently opposed the revolutions. Sheikhs with ties to the RIHS issued fatwas against the demonstrations and gave lectures in which they condemned those who revolted against their “legitimate” rulers. However, when a full-scale civil war developed in Syria, opinions became less unequivocal. Many within the RIHS argued that the revolution against Bashar al-Assad cannot be called un-Islamic because the president cannot be regarded as Muslim (he belongs to the Alawite sect, an offshoot of Shiism). Today most Salafis argue that Shia are apostates who intend to penetrate Islam and destroy it from within.[35]

Many within the RIHS argued that the Syrian revolution was a mistake because the revolutionaries were not prepared to abolish the regime. Therefore, the revolt led to more negative consequences than if Assad’s rule had not been challenged at all.

However, in the current situation Muslims feel they have to help their brothers regardless of any mistakes committed by the revolutionaries. The president of the RIHS’s fatwa council, Nazim al-Misbah, one of the most renowned Kuwaiti Salafi scholars, said in an interview, “I was not asked by those who started the demonstrations. If they would inquire my opinion, I would say refrain from going to the streets in the current circumstances. However, today an apostate regime is slaughtering Muslims, therefore it is our obligation to help [the opposition].”[36]

Although all of the Salafis who are tied to the RIHS agree on the need to send aid to Syria, they are divided into factions over whether the charity should simply assist the refugees or whether it should also support the armed opposition.

Probably the majority within the RIHS sticks to the purist credentials and approves only helping those Syrian families who gather in refugee camps in the northern part of Syria and neighboring countries. They closely cooperate with Kuwaiti authorities and emphasize that they do not provide material support to anyone who participates in the fighting. This faction sends money, clothes, and medical equipment to the camps in Lebanon, Jordan, Turkey, and Syria. In these countries the RIHS relies on local Salafi charities to distribute the material and carry out relief work on the ground. In Lebanon, for example, the Kuwaiti charity cooperates with the IHE, which has established a strong presence in the northeastern border regions. In Syria, a group of purist Salafis established a charity endowment called Jamaiat Ahl al-Athar (Society of the Community of the Tradition) that mostly operates in the north in the adjacent regions to Turkey.

For the RIHS helping the refugees is more than a purely charity project. In all of the refugee camps and regions where they are present, they carry out dawa. The missionaries sent by the organization distribute leaflets and booklets and organize religious lessons where they disseminate the message of purist Salafism.

The RIHS views Syria as a fertile ground for preaching, and where it can create strong foundations for Salafism that could play an important role in the country in a post–Assad regime.

The other faction within the RIHS openly supports the armed opposition. Its leaders include Fahad al-Khanna, a former member of Parliament, and Sheikh Othman al-Khamis, one of the most famous Kuwaiti scholars. According to their reasoning, the current rebellion against the Assad regime is neither an illegitimate revolt against the ruler nor a strategic mistake as other purists think, but a war to stop the corruption of Islam by the Shia. They argue that the Assad regime was actively supporting the efforts of the Shia to convert Sunnis. This threat to eliminate Sunnism in Syria, therefore, legitimized the revolt.[37]

In 2012 Fahad al-Khanna and another purist Salafi politician, Muhammad Hayef al-Mutairi, the leader of the Thawabit al-Umma (Principles of the Islamic Nation) political group, established Majlis al-Daimin Li-l-Thawra al-Suriyya (Council of the Supporters of the Syrian Revolution, or the CSSR), a platform of purists who collect donations for Syrian Salafi fighters who reject the ideology of al-Qaeda. Most of the CSSR's members are closely related to the RIHS; in fact, many of them are employees of the charity.

The leaders of the CSSR established good relations with many Salafi and other Islamic groups within the armed opposition in Syria. In September 2013 the council played a leading role in unifying six Salafi militias and creating Jaish al-Islam (Army of Islam) in the rebel-controlled outskirts of Damascus. According to a statement by Zahran Alloush, the CSSR donated $470,000 to the Army of Islam to be able to start its operation.[38] It is difficult to measure the extent of the CSSR's control over the Army of Islam, but by actively contributing to its creation it is clear that Kuwaiti Salafis are directly involved in the politics of the Syrian rebel factions.

The establishment of the Army of Islam probably was strongly supported by the Kuwaiti ruling family.[39] The militia already attracts a lot of financial aid from the governments in the Gulf, whose declared aim is to strengthen it and thereby achieve balance with groups affiliated with al-Qaeda such as the Nusra Front or ISIS. Although according to the statements and posted videos of the Army of Islam, its ideology is not radically different from that of the Nusra Front, it is expected that in the aftermath of the Syrian conflict it would act differently. Its members are almost exclusively locals who have little connection with the transnational jihadi movement. Therefore it is unlikely that these fighters would turn their weapons against the regimes in the Gulf, unlike the other Salafi militias, which are filled with nationals from Saudi Arabia and Kuwait.

Until early 2013 the Syrian opposition received financial support from Kuwait almost without control. One of the main reasons was the Kuwaiti population's enthusiasm for helping the rebels. According to one of the prime minister's advisers, the government would risk pushing the country into instability if it imposed any constraints on the bank transfers and other means of sending money to Syria.[40] Salafi preachers were almost absolutely free to praise the Nusra Front and the ISIS and to publicly collect donations for them.

The situation, however, recently started to change. Many Kuwaitis somewhat lost sympathy with the cause of the Syrian armed opposition when militants inspired by al-Qaeda increasingly became a dominant force within it. At the same time, after the dissolution of the parliament in 2012 and the subsequent elections, which were boycotted by the majority of the opposition forces, the government had to rely on the Shia members of Parliament to retain some popular support. The Shia population, however, was frightened by the ascendance of the Salafis and the massacres of Shia in Syria. To satisfy them, the government had to take steps to restrict the Salafis' freedom to materially and verbally support the Nusra Front and ISIS.

In August 2013 the Shafi al-Ajmi's television show was banned after he was accused of inciting sectarian tensions.[41] Authorities also started to monitor Friday sermons in the mosques and forbade several (mainly Salafi) sheikhs to preach. At the same time the government implemented new measures for oversight and control over outgoing financial transactions. A new law enabled the public prosecutor to freeze funds if there was suspicion that the money would go to armed factions. A financial intelligence unit was set up, mainly to investigate the financial support of the Syrian opposition by Kuwaiti Islamic forces.

These measures successfully restricted the flow of financial resources, especially to the Nusra Front and ISIS, but far from stopped it.[42] Salafis still find ways to send money to these groups. Very often they smuggle cash through Iraq or Saudi Arabia.[43] The donations to those groups, which are supported by the Kuwaiti government, reach Syria undisturbed. The Army of Islam is said to regularly receive hundreds of thousands of dollars from the RIHS, which is channeled by Fahad al-Khanna and his close associates within the charity.[44]

Lately, Salafis in Kuwait started to dominate the activities of funding the Syrian rebels. They managed to control the *zakat* committees in the majority of the districts of Kuwait. These committees collect the obligatory religious taxes in Islam and also receive donations from ordinary citizens. The Muslim Brotherhood had to reduce its support of the Syrian rebels after the fall of the Muslim Brotherhood's rule in Egypt in June 2013. The overthrow of Mohamed Morsi and demise of the power of the Egyptian Brotherhood opened an opportunity for the Kuwaitis to take on a leading role in the movement on the international level. Therefore they mobilized their financial resources to support their fellow activists worldwide and restricted channeling money to Syria.[45] The Kuwaiti Muslim Brothers might also be concerned by the possibility that the state could use their support of Syrian armed groups as a justification to oppress them.

Conclusion

In the future, Kuwait will most likely remain one of the centers, and most important sponsors, of Salafism globally. Kuwaiti Salafi groups control vast financial resources, and their networks extend to dozens of countries around the globe. Their ability to influence Salafi groups in other countries makes it important to observe and understand the dynamics and ongoing internal debates of the movement in Kuwait. New ideas and ideological directions emerge rather frequently among Salafis in Kuwait, which can lead to further fragmentation of the movement. This not only would influence the Kuwaiti sociopolitical scene, but also could have significant transnational impacts.

Salafism in Lebanon probably will be an important sociopolitical actor in the future, considering its current popular support. The links with Kuwaiti Salafi groups probably will remain strong, and discourses in Kuwait will affect the Lebanese Salafi scene. The same is true regarding Syria. Salafism is unlikely to lose its influence in the near future in the country. Syrian Salafis have strong contacts with the Kuwaitis. Developments and fragmentations in the Kuwaiti Salafi movement will have resonance in Syria as well.

The Kuwaiti government needs to observe and control more effectively the financial transactions of the local Salafi groups and organizations. It should urge and assist Salafis to channel financial resources to groups associated with the FSA, and it should make an effort to forbid haraki Salafis, such as Shafi and Hajjaj al-Ajmi, to collect and transfer funds to the Nusra Front and ISIS. The government should also consider urging the CSSR to support FSA instead of the Army of Islam. Alternatively, leaders of the CSSR could press the Army of Islam to establish closer cooperation with the FSA. By insisting that funds go to the FSA rather than other organizations, the government of Kuwait could contribute to creating a more unified Syrian opposition.

The Kuwaiti government should assist the RIHS in strengthening the purist current in Lebanon. Purists are more concerned with peaceful proselytization and are willing to cooperate with other religious groups in the multi-sectarian country. If purists were able to attract more Salafi youth to their point of view, they would be less likely to end up fighting in Syria in the lines of one of the Salafi militias. Providing funds for the RIHS to use in Lebanon would be essential to enhance this process.

About the Author

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Notes

[1]The terms "purists" and "activists" were used first by Quintan Wiktorowicz. I refined his classification on the basis of my empirical observations. Quintan Wiktorowicz, "Anatomy of the Salafi Movement," *Studies in Conflict and Terrorism* 29, no. 3 (2006); Zoltan Pall, *Lebanese Salafis Between the Gulf and Europe: Development, Fractionalization and Transnational Networks of Salafism in Lebanon* (Amsterdam: Amsterdam University Press, 2013), 22–28.

[2]Interviews with Abdul Rahman Abdul Khaliq, Kuwait, January 21, 2010, and February 10, 2013.

[3]Magnus Ranstorp, *Hizb'allah in Lebanon: The Politics of the Western Hostage Crisis* (New York: St. Martin's Press, 1997), 117.

[4]This coincided with Saudi Arabia's policy to promote Salafism worldwide as a counterweight to postrevolutionary Iran's growing influence. See Madawi Al-Rasheed, *Contesting the Saudi State: Islamic Voices From a New Generation* (Cambridge: Cambridge University Press, 2007), 105, 126–133.

[5]Abdul Rahman Abdul Khaliq left his country of origin, Egypt, to study in Saudi Arabia in his youth. He became affiliated with Salafism while studying at the Islamic University of Medina. Allegedly he was close to the Saudi Muslim Brotherhood, which deeply influenced his thinking. He arrived to Kuwait in 1965 to work as a secondary school teacher. Soon, he became the main authority of the nascent Salafi movement. Sheikh Abdul Rahman is regarded as one of the most important contemporary Salafi thinkers. He wrote dozens of books about the means through which Salafis have to carry out political and social activism. Besides defining the character of Kuwaiti Salafism, his books are widely read by haraki Salafis in Egypt, Indonesia, Lebanon, Jordan, and Western Europe.

[6]Abdul Rahman Abdul Khaliq, *al-Muslimun wa-l-'Amal al-Siyasi* (Muslims and Political Activism), undated book, accessible online at www.salafi.net.

[7]One of the best analyses of the Sahwa movement is provided by Stephane Lacroix. See Stephane Lacroix, *Awakening Islam: The Politics of Religious Dissent in Contemporary Saudi Arabia* (Cambridge, Mass., and London: Harvard University Press, 2011).

[8]Most Kuwaitis have numerous relatives in Saudi Arabia, especially those who have tribal origins. All of the tribes that are present in Kuwait have extensions in Saudi Arabia.

[9]Sheikh Rabee al-Madkhali is known for his unusually harsh criticism of haraki Salafis and the Muslim Brotherhood. The networks of his followers stretch around the globe.

[10]Interview with a former leading member of the RIHS, Kuwait, February 9, 2012, and interview with Sheikh Abdul Rahman Abdul Khaliq, Kuwait, March 12, 2012.

[11]William E. Shephard, *Sayyid Qutb and Islamic Activism: A Translation and Critical Analysis of Social Justice in Islam* (Leiden: Brill, 1996), 117.

[12]The Salafi Islamic Gathering was established as an officially independent organization due to a Kuwaiti law that forbids any political involvement by welfare organizations. However, in reality it constitutes one entity with the RIHS.

[13]Interview with Ali al-Umayr, January 15, 2010.

[14]"Al-Tajammu' al-Salafi: Narfudu Ayya Massas Bi-l-amir" (Salafi Gathering: We Refuse Touching [the Person] of the Emir), *al-Qabas*, October 12, 2012.

[15]Interview with Khalid Safran, a youth leader of Ihya al-Turath, Kuwait, March 5, 2012.

[16]See www.youtube.com/watch?v=jKbIfbmb1E4. Sheikh Salim's fatwa incited a huge campaign against him, led by the Muslim Brothers and activist Salafis. In early March 2012 he was severely criticized in public sermons, on Internet sites, and in social media (Facebook and Twitter). See also interview, Kuwait, February 3, 2013.

[17]Hakim al-Mutairi (b.1964) originally was influenced by the famous Syrian haraki thinker Muhammad Surur in the late 1980s and early 1990s when he was pursuing his studies at Umm al-Qura University in Mecca. Later he received his PhD in Muhammad Surur's research institute, the Center for Islamic Studies. He became an internationally renowned haraki thinker after his book, *al-Hurriya aw al-Tawfan* (Freedom or the Flood) (Beirut: al-Mu'assasa al-'Arabiyya li-l-Dirasat wa-l-Nashr, 2008) was published. In this publication al-Mutairi argues that according to scripture, Muslims have the right to choose their leaders, and any form of authoritarianism is rejected in the religion. He implicitly states that democracy and Islam are not only compatible, but the former is an organic part of the latter.

[18]Muhammad Surur is one of the leading ideologists of haraki Salafism. Between the 1970s and the 1990s, one of the two dominant activist Salafi networks in Saudi Arabia closely associated itself with his teachings. See Lacroix, *Awakening Islam*, 63–70 and al-Rasheed, *Contesting the Saudi State*, 73–77.

[19]Interview, al-Bayan district, March 12, 2012.

[20]Jakob Skovgaard-Petersen, "The Sunni Religious Scene in Beirut," *Mediterranean Politics* 3, no. 1 (1998): 71.

[21]In the first half of the 1990s Salafism in North Lebanon was equated with the al-Shahhal family and its relief endowment, the Association of Guidance and Charity (AGC). The al-Shahhals were among the first who engaged in preaching Salafi ideology in the country. Sheikh Salim al-Shahhal (1922–2008), the founder of the clan, was influenced by Egyptian Islamic Reformism and became one of the most influential preachers of Tripoli in the second half of the 1940s. His sons and the younger generation of the family turned to Salafism while they were pursuing their studies in Saudi Arabia. The most influential member of the al-Shahhal clan, Dai al-Islam, managed to access Salafi charities in the Gulf, which provided him with ample financial resources to establish a relatively large network of mosques and religious colleges where the tenets of Salafism were taught. Most of the Salafi sheikhs were employed in al-Shahhal's institutions, as preachers, teachers, and employees in the charity endowments.

[22]Interview with a Palestinian Salafi sheikh, Tripoli, October 11, 2009, and interview with Sheikh Hilal Turkomani, Miryata, October 18, 2009.

[23]Interview with Dai al-Islam al-Shahhal, Tripoli, August 9, 2011; interview with a Palestinian Salafi sheikh, Tripoli, October 11, 2009, and interview with Sheikh Hilal Turkomani, Miryata, October 18, 2009.

[24]It is hard to get information about the exact amounts of money that the RIHS channeled to the IHE. According to Safwan al-Zaabi, the Kuwait organization invested "millions of USD" to establish the IHE. The maintenance of the network involved a large amount of money, probably $2–3 million per year. Interview with Sheikh Safwan al-Zaabi, Tripoli, September 29, 2009. The Saudi Ministry of Religious Affairs gave financial aid to Mahad al-Bukhari in Akkar province. According to Sheikh Saad al-Din al-Kibbi, Saudi individual sponsors occasionally channel financial resources to Lebanese purists. Interview with Sheikh Saad al-Din al-Kibbi, Akkar, October 13, 2009.

[25]See "Wathiqat al-Tafahum bayn Hizb Allah wa ba'd al-Jama'iyyat al-Salafiya al-Lubnaniyya bayn al-Tarhib wa-l-Tahaffuz" (Memorandum of Understanding Between Hezbollah and Some of the Lebanese Salafi Groups: Between Welcoming and Reservation), Al-Sharq Al-Awsat, August 20, 2008.

[26]Ibid.

[27]Interview, Tripoli, October 9, 2009.

[28]"Syrian Refugees Looking for a Life in Lebanon," BBC News, January 24, 2014, www.bbc.co.uk/news/in-pictures-25858265.

[29]Probably the main sponsor of the Lebanese harakis is the Qatari Sheikh Aid Charity Association. It helped them to resume their activities when the repression by the authorities was lifted. Kuwaiti relief organizations

also provided financial resources for activist Salafis in North Lebanon. The above-mentioned Benevolent Work Charity, a close associate of SACA, regularly donates financial resources to AGC.

[30]Mona Alami, "ISIS-Nusra Rift Divides Tripoli Salafis," NOW, https://now.mmedia.me/lb/en/reportsfeatures/isis-nusra-rift-divides-tripoli-salafis.

[31]See, for example, www.youtube.com/watch?v=CB9FkCFR8K; "Shafi al-'Ajmi yatahaddath 'an Majzarat al-Hatla wa Nahr Sayyid Shi'i wa Ibnahu" (Shafi al-Ajmi Talks About the Massacre in Hatla and the Killing of a Shia Man and His Son), www.youtube.com/watch?v=3FRRbgjDKoA; "Dr. Shafi al-'Ajmi Jad'u ila Jama' al-Silah li-Thawwar Suriya" (Dr. Shafi al-Ajmi Calls for Collecting Weapons for the Syrian Revolutionaries), www.youtube.com/watch?v=PkYQtb2aFBU; "Kalimat Jari'a min Ard al-Sham li-l-Sheikh Hajjaj al-'Ajmi" (Sheikh Hajjaj al-Ajmi's Brave Words From Syria) www.youtube.com/watch?v=eU3HkZ5SuTs; "Min Ard al-Sham Hajjaj al-'Ajmi Yujib 'ala Su'alayn Muhimmayn" (Hajjaj al-Ajmi Answers Two Important Questions From Syria), www.youtube.com/watch?v=y6TpWthS5h0; https://twitter.com/hajjajalajmi; and https://twitter.com/sHaFi_Ajmi.

[32]Series of meetings with Hakim al-Mutairi and the pupils of Sheikh Hamid al-Ali, November 2013 and January 2014.

[33]"Tawdih Mawqif al-Sheikh 'Adnan al-'Araur min Shafi al-'Ajmi" (Sheikh Adnan al-Aroor Makes His Stance Clear Regarding Shafi al-Ajmi), www.youtube.com/watch?v=ArAF9xQA4WA; see also Elisabeth Dickinson, "Playing With Fire: Why Private Gulf Financing for Syria's Extremist Rebels Risks Igniting Sectarian Conflict at Home," Analysis Paper no. 16, Saban Center at Brookings, December 2013, 10–11.

[34]"Dr. Shafi al-'Ajmi Yuwaddih Sabab al-Khilaf ma' al-'Araur" (Dr. Shafi al-Ajmi Explains the Reasons of the Disagreement With al-Aroor), www.youtube.com/watch?v=IjX9g6U_N4U.

[35]Series of interviews with scholars and officials from the RIHS, February–March 2012, November 2013, and January 2014.

[36]Interview, Kuwait, November 9, 2013.

[37]Discussion with Fahad al-Khanna in his diwaniya, January 28, 2014.

[38] "Qa'id Jaysh al-Islam Zahran 'Allush: La Tad'amna Dual wa Iltaqayt bi Za'im al-Nusra" (Leader of the Army of Islam Zahran Allush: We Are Not Supported by States, and I Met the Leader of al-Nusra Front), Al-Hayat, November 21, 2013, http://alhayat.com/Details/574467.

[39]Interview with an adviser of the Kuwaiti government, Kuwait, November 7, 2013.

[40]Interview, Kuwait, November 7, 2013.

[41] "Waqf Barnamij Tilfiziyuniyya fi-l-Kuwait ba'd Tasrihat Ta'ifiyya li-Sheikh Sunni" (Stopping a TV Program in Kuwait After a Sunni Sheikh's Sectarian Statements), August 14, 2013, http://ara.reuters.com/article/topNews/idARACAE9B2GWT20130814.

[42]The April 2014 statement of U.S. Treasury Undersecretary for Terrorism and Financial Intelligence David S. Cohen that Kuwait had become the "epicenter of fundraising for terrorist groups in Syria" signifies the importance of Kuwaiti donors, the majority of whom are Salafis, in financing Syrian armed factions. See Karen DeYoung, "Kuwait, a U.S. Ally on Syria, Is Also the Leading Funder of Extremist Rebels," *Washington Post*, April 26, 2014, www.washingtonpost.com/world/national-security/kuwait-top-ally-on-syria-is-also-the-leading-funder-of-extremist-rebels/2014/04/25/10142b9a-ca48-11e3-a75e-463587891b57_story.html.

[43]Series of interviews and informal conversations with Kuwaiti Salafis in November 2013.

[44]Interview with an adviser of the Kuwaiti prime minister, Kuwait, November 7, 2013.

[45]Interview with a local official of Jamaiat al-Islah al-Ijtimai, the main charity branch of the Kuwait Muslim Brothers, Kuwait, February 4, 2014.

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Annex 77

Erika Solomon, "The $1bn hostage deal that enraged Qatar's Gulf rivals", *The Financial Times*, 5 June 2017

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News review: exclusives of the year

Qatar

The $1bn hostage deal that enraged Qatar's Gulf rivals

Members of Iran-backed militia Kata'eb Hizbollah, which kidnapped the Qataris in 2015, on parade in Baghdad © Reuters

Erika Solomon in Beirut JUNE 5, 2017

Qatar paid up to $1bn to release members of its royal family who were kidnapped in Iraq while on a hunting trip, according to people involved in the hostage deal — one of the triggers behind Arab states' dramatic decision to cut ties with the government in Doha.

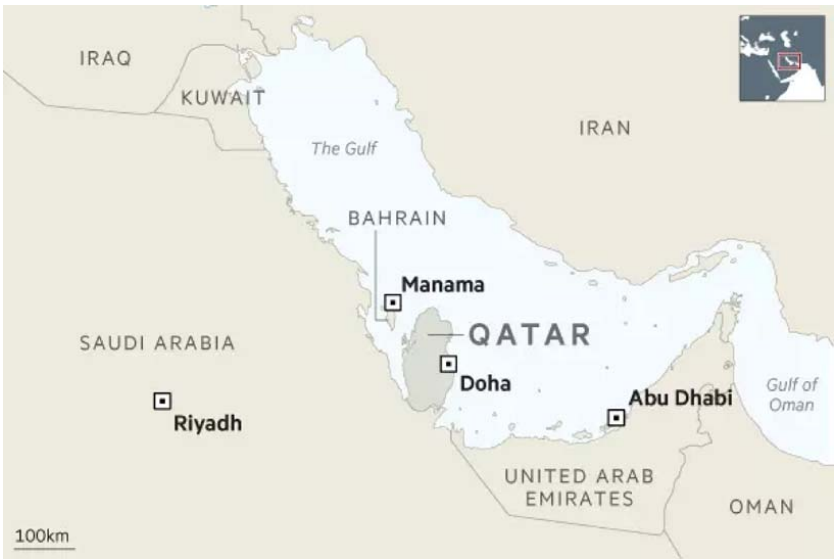
Commanders of militant groups and government officials in the region told the Financial Times that Doha spent the money in a transaction that secured the release of 26 members of a Qatari falconry party in southern Iraq and about 50 militants captured by jihadis in Syria. By their telling, Qatar paid off two of the most frequently blacklisted forces of the Middle East in one fell swoop: an al-Qaeda affiliate fighting in Syria and Iranian security officials.

The deal, which was concluded in April, heightened concerns among Qatar's neighbours about the small gas-rich state's role in a region plagued by conflict and bitter rivalries. And on Monday, Saudi Arabia, Egypt, the United Arab Emirates and Bahrain took the extraordinary step of cutting off diplomatic ties and transport links to Qatar, alleging the country fuels extremism and terrorism.

"The ransom payments are the straw that broke the camel's back," said one Gulf observer.

Doha denies it backs terrorist groups and dismissed the blockade by its neighbours as "founded on allegations that have no basis in fact". It said it could not immediately respond to a request for

comment on the hostage deal. But a person close to the Qatari government acknowledged that "payments" were made. The person was unaware of the amounts or where the money went.



Qatar, a US ally that hosts an American military base, has long drawn the ire of its neighbours, who consider Doha an irritating regional maverick. The world's top exporter of liquefied natural gas, it has used its immense wealth to court relations from London to Washington and Tokyo.

But critics accuse it of seeking to punch above its weight diplomatically, meddling in regional affairs and using the Arabic channel of Al Jazeera, the satellite television network it set up, as a propaganda tool.

Doha has a history of reaching out to all kinds of controversial groups, from rebels in Sudan's Darfur region to the Taliban in Afghanistan and Hamas in Gaza. Qatar touts itself as a neutral player that can act as an intermediary in regional conflicts. But its critics, notably Saudi Arabia and the UAE, allege it also uses such interventions to play both sides and fund radical Islamist groups, most recently in Libya and Syria. And to Doha's critics, the hostage deal was further evidence of that role.

"If you want to know how Qatar funds jihadis, look no further than the hostage deal," said a Syrian opposition figure who has worked with an al-Qaeda mediator on hostage swaps in Syria. "And this isn't the first — it is one of a series since the beginning of the war."

The Financial Times spoke to people involved on both sides of the hostage swap deal, including two government officials in the region, three Iraqi Shia militia leaders and two Syrian opposition figures.

Around $700m was paid both to Iranian figures and the regional Shia militias they support, according to regional government officials. They added that $200m to $300m went to Islamist groups in Syria, most of that to Tahrir al-Sham, a group with links to al-Qaeda.

Read more

Those who spoke to the FT said the deal highlighted how Qatar has allegedly used hostage payments to bankroll jihadis in Syria. But to its Gulf neighbours, the biggest issue is likely to be the fact that Doha could have paid off their main regional rival, Iran, which they accuse of fuelling conflicts in the Arab world.

This particular saga began when an Iranian-backed Iraqi Shia militia, known as Kata'eb Hizbollah, kidnapped the Qataris in December 2015. Three Iraqi militia leaders say the hostages were held in Iran.

Kata'eb Hizbollah is an Iraqi group but it is seen as having links with Iran's main regional proxy, Hizbollah, the Lebanese militant group. The latter is helping Iran back Bashar al-Assad, the Syrian president, in his country's six-year conflict.

Two regional diplomats said they believed one of the Iraqi group's motives for the kidnapping was to give Hizbollah and Iran leverage to negotiate the release of Shia fighters kidnapped by the radical Sunni group Tahrir al-Sham in Syria.

Tahrir al-Sham, in previous iterations, was an al-Qaeda branch. It claims it has broken the connection, but the international community still views it as an affiliate.

The hostage transaction was also linked to a separate agreement to facilitate the evacuation of four towns in Syria, two surrounded by jihadi forces and two besieged by Shia militias, say Syrian rebels and diplomats.

One western diplomat said the arrangement provided Qatar the "cover" to finance the hostage deal. "Iran and Qatar had long been looking for a cover to do this [hostage] deal, and they finally found it," he said.

According to two opposition figures with close contact with the groups paid, Qatar used the evacuation arrangement to pay $120m-$140m to Tahrir al-Sham. Another $80m, they said, went to the Islamist group Ahrar al-Sham.

"The Qataris pay anyone and everyone, to what end? They have only brought about our ruin," said a Syrian rebel commander, who gave details of the payments but asked not to be identified.

A regional Arab official said the total paid to jihadi groups was closer to $300m.

"So, if you add that up to the other $700m they paid to Iran and its proxies, that means Qatar actually spent about a billion dollars on this crazy deal," he said.

The Iraqi Shia militia commanders in Iraq, all from hardline Iranian-backed groups, said that, to their knowledge, Iran had obtained around $400m after giving them a payment they would not disclose. They agreed to share some details because they were unhappy about their share of the payment.

Related article

"They [the Iranians] took the lion's share," said a member of one of the Iranian-backed Shia militias in Iraq. "That's caused some of us to be frustrated, because that was not the deal."

"The hostage deal was perhaps a miscalculation," said Gerd Nonneman, professor of international relations at Georgetown University in Qatar. "This would have been done in good faith in order to return hostages — there would have been no intention to funnel money to Iran."

Another confusing chapter of the deal is that Haidar al-Abadi, the Iraqi prime minister, said in April his government had seized hundreds of millions of dollars, which Iraqi officials said arrived on Qatari planes "illegally". It is not clear if this is money is part of the sums mentioned above or an additional amount.

"The money all came in suitcases. Can you imagine this?" said one senior official.

Additional reporting by Simeon Kerr in Dubai and Mouataz Majid in Baghdad

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French and European Publications Inc., 25 October 2016
(in French)

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Nos très chers émirs

En juin 2017, quelques jours après la crise entre Doha et ses voisins, Donald Trump a, quant à lui, ouvertement accusé le Qatar d'avoir « historiquement » financé l'extrémisme. Aux États-Unis, les rapports – officiels ou non – sont assez nombreux sur cette question. En France, en revanche, même si des hommes politiques comme Bruno Le Maire et Arnaud Montebourg pointent eux aussi un doigt accusateur sur les monarchies du Golfe, les langues ont beaucoup plus de mal à se délier. Entre accusations grossières et volonté de masquer la réalité pour ne pas déplaire à nos partenaires, la vérité est souvent complexe.

Nul n'ignore pourtant que l'Arabie Saoudite finança – très ouvertement et avec l'aval des États-Unis – des légions de djihadistes qui s'en allèrent mener la guerre sainte en Afghanistan à la fin de la décennie 1970 contre l'ennemi commun soviétique.

Qu'en est-il, aujourd'hui que Daech a métastasé, comme s'en inquiète Hillary Clinton ? Nous avions commencé l'enquête bien avant la critique de la candidate démocrate contre ces trois pays alliés des États-Unis. Laxisme dans le contrôle des réseaux de financement du terrorisme, double jeu parfois : le moins que l'on puisse dire, c'est que ces accusations sont souvent fondées.

Le Qatar, « le plus mauvais élève »

« Le Qatar ne tolérerait pas que l'on laisse en liberté des individus qui financent le terrorisme », affirmait en

novembre 2015 au *Journal du Dimanche* l'ambassadeur du Qatar à Paris, Meshaal bin Hamad al-Thani. Nous l'avons pris au mot et sommes allés enquêter sur place à Doha…

Entre « 8 et 12 » Qatariens[1] financent en fait des organisations terroristes, en particulier la branche syrienne d'al-Qaïda – le Front al-Nosra[2] – et Daech.

Nous avons rencontré l'un d'eux à Doha, où il vit sans être inquiété par les autorités. Rien de plus facile que d'entrer en contact avec cheikh Abdulrahmane bin Omer al-Nouaimy, même s'il figure depuis 2014 sur une liste noire des États-Unis et de l'Union européenne. Il suffit de laisser un message sur son répondeur qui vous accueille avec des chants religieux, avant que son secrétaire ne vous rappelle pour un rendez-vous fixé au lendemain à son bureau du Centre arabe pour la recherche et les études. En bordure de la route de Salwan, à la périphérie de Doha, l'établissement, plutôt ancien, ne paie pas de mine.

Après nous avoir proposé de partager une tasse de thé dans une antichambre en compagnie de deux autres « barbus », cheikh Nouaimy nous invite dans son bureau pour discuter au calme. De petite taille, le visage mangé par une épaisse barbe grisonnante, c'est un homme jovial et cordial. Un grand-père tranquille mais prudent : il tient à enregistrer notre entretien : « Je ne veux pas que mes propos soient déformés ou mal interprétés. »

1. « Le Club Med pour terroristes », *Telegraph*, 27 septembre 2014.
2. Sur pression du Qatar, al-Nosra a été rebaptisé à l'été 2016 Front de la conquête du Levant et s'est officiellement désolidarisé d'al-Qaïda.

Nos très chers émirs

Avant d'entrer dans le vif du sujet, petit rappel. Qui est cheikh Nouaimy ? Un financier du djihad qui a transféré des millions de dollars au cours de ces dix dernières années aux filiales d'al-Qaïda en Irak, en Syrie, en Somalie et au Yémen, selon le Département américain du Trésor[1], qui le qualifie de « terroriste spécialement ciblé » pour avoir « assisté, sponsorisé ou apporté une aide financière, matérielle ou technologique » à des organisations terroristes.

Bref, Abdulrahmane al-Nouaimy est tout sauf un second couteau. Jugez plutôt ! Au milieu des années 2000, il versa chaque mois 2 millions de dollars à al-Qaïda en Irak – l'ancêtre de Daech – puis finança le groupe libanais Osbat al-Ansar du camp de réfugiés palestiniens d'Eïn Héloué, au sud de Beyrouth. En 2014, il transféra encore 600 000 dollars à Abou Khaled al-Souri, l'envoyé en Syrie du chef d'al-Qaïda, Ayman al-Zawahiri. Enfin, il fournit 250 000 dollars à la direction d'al-Shabaab, le groupe somalien lié à al-Qaïda.

Toutes ces accusations, le cheikh les balaie d'un revers de main. « Apportez les preuves que nous finançons les extrémistes ! nous rétorque-t-il. Les raisons des accusations des Américains contre moi, c'est la publication d'un rapport sur les drones que j'ai présenté à des experts des Nations unies le 8 décembre 2013 où j'expliquais que les États-

1. Département du Trésor américain, 18 décembre 2013 (http://www.treasury.gov/press-center/press-release/pages/jl2249.aspx).

Unis tuaient de façon illégale des innocents, notamment au Yémen où près de 950 personnes ont été éliminées par des tirs de drones. »

Depuis sa désignation comme « financier » du terrorisme par Washington, on ne peut vraiment pas dire que, contrairement à ce qu'affirme son ambassadeur en France, l'allié qatarien des États-Unis et de notre pays ait montré un grand empressement à agir contre lui. « Je n'ai aucun problème avec les autorités qatariennes, se réjouit-il. Mes ennuis se limitent aux Américains. Ils veulent me faire taire. Mais je ne suis interdit de voyager qu'en Europe, aux États-Unis et en Arabie Saoudite. »

Proche du *diwan al-emiri* – le bureau de l'émir –, son ONG est soupçonnée d'être financée par l'État qatarien. Il faut dire que ses liens avec l'élite dirigeante sont anciens. Certes, l'homme fut emprisonné en 1998 alors qu'il était fonctionnaire du ministère de l'Éducation. Al-Nouaimy avait lancé une pétition s'opposant à l'émancipation de la femme dans la société, y compris de cheikha Moza, la seconde épouse de Hamad, l'émir de l'époque qui le fit jeter en prison[1]. Mais à sa libération au printemps 2001, l'islamiste fut reçu par l'émir Hamad qui en fit ensuite son émissaire auprès de figures djihadistes comme le Yéménite

1. La pétition avait également été signée par trois membres de la famille royale. *Qatar and Terror Finance*, David Andrew Weinberg. Center on Sanctions and Illicit Finance. Foundation for Defense of Democracies. Décembre 2014.

Abdelmajid al-Zindani, un ancien proche de Ben Laden, également réclamé par les États-Unis.

Bref, cheikh al-Nouaimy ne souffrit d'aucune disgrâce. En 2004, il fonda l'ONG al-Karama (dignité, en arabe), dont le siège est situé à Genève. Il s'agit en fait d'une couverture. En 2009, al-Karama appela à soutenir « la résistance » irakienne contre les forces d'occupation étrangères, c'est-à-dire américaines. Les États-Unis, dont une base militaire au Qatar assure la sécurité du minuscule émirat. Voyez le double jeu…

Le pouvoir le laisse organiser des conférences aux accents violemment anti-Occidentaux. Et il n'a jamais plus été arrêté[1]. « J'ai de bons rapports avec le *diwan al-emiri*, c'est mon droit d'être en désaccord avec la politique suivie par les États-Unis. » Il assure que « ce sont les Américains qui ont demandé aux autorités qatariennes d'interrompre sa campagne de dons pour la révolte en Syrie, et non le Qatar qui l'a décidé de son propre chef ».

Quitte à mentir allègrement, le cheikh jure que le Qatar n'a pas plus financé les Frères musulmans que les autres révolutionnaires en Syrie, en Égypte et en Libye. « Nous

1. Voici ce que répondait précisément, au *Journal du Dimanche*, l'ambassadeur du Qatar en France à propos de cheikh al-Nouaymi : « Si jamais des documents officiels américains impliquent cette personne et que les États-Unis en font la demande, nous prendrons toutes les mesures concrètes pour enquêter et agir, car le Qatar ne tolérerait pas que l'on laisse en liberté des individus qui financent le terrorisme. »

avons toujours appuyé les choix des peuples. Si le peuple soutient les islamistes, nous le soutenons. Même s'il y a eu des protestations, le Front al-Nosra (la branche locale d'al-Qaïda) a été accepté par le peuple syrien. Si les gens veulent al-Nosra, c'est leur droit ! Pour moi, il y a d'ailleurs une différence entre al-Nosra et Daech. Daech est une force d'occupation avec des combattants de tous les pays, pas le Front al-Nosra, composé en majorité de Syriens. » Al-Nouaimy assume sans ambages ses sympathies pour un mouvement classé terroriste par la communauté internationale.

Fin 2011, l'argentier d'al-Qaïda est venu à Paris sans être inquiété par les autorités françaises, à l'époque très proches du Qatar. Opposant syrien vivant dans l'Hexagone, Haytham Manna se souvient encore de son dîner avec Al-Nouaymi. « Je lui ai dit que nous avions des difficultés pour venir en aide aux réfugiés. Il m'a répondu : "Mais toi tu es contre la militarisation de la révolte !" "Ce serait une catastrophe !" lui ai-je rétorqué. "Non, on ne peut y échapper", a-t-il tranché. De toute façon, si tu veux de l'aide militaire je suis prêt, mais de l'aide humanitaire, ce n'est pas mon truc[1]. » Au moins, les choses étaient claires…

Mais al-Nouaymi n'est pas un cas isolé. Une demi-douzaine d'autres financiers du terrorisme sont installés au Qatar, où ils bénéficient eux aussi de la mansuétude du pouvoir.

1. Entretien avec l'un des auteurs. Paris, 18 mai 2016.

Salem Hassan Kuwari et Abdullah Ghanim Khawar sont, par exemple, accusés par le Département américain du Trésor d'avoir « fourni plusieurs centaines de milliers de dollars à al-Qaïda pour ses opérations, ainsi que pour faire libérer des détenus al-Qaïda d'Iran et d'ailleurs ». Les deux hommes ont également « facilité le voyage d'extrémistes pour le djihad en Afghanistan ».

Les faits remontent à 2012, juste après leur emprisonnement à Doha pour « risque sécuritaire » entre juin 2009 et mars 2010. Mais au début 2011, le tandem est remis sous les verrous, avant qu'al-Karama, l'ONG d'al-Nouaimy, n'orchestre une campagne médiatique pour les libérer. Objectif atteint en octobre 2011, trois mois, pourtant, après que le duo eut été placé sur une liste noire par les États-Unis.

Employé de la Banque centrale du Qatar, Khalifa Mohammed Turki Subaiy a été, lui, condamné par contumace à Bahreïn en janvier 2008 pour « financement d'activités terroristes », « appartenance à une organisation terroriste » et « entraînement à des activités terroristes ». Deux mois plus tard, Doha le mit en prison. En juillet 2008, les États-Unis l'inscrivirent sur leur liste noire, mais en septembre l'émirat le relâcha, faute de charges. Une libération qui envenima pendant plus d'un an la relation entre Doha et Washington. Selon un télégramme diplomatique américain daté de mars 2009, le procureur-général

du Qatar, Ali bin Fetais al-Marri[1], expliqua que « pour empêcher Subaiy de reprendre ses activités terroristes, il avait besoin d'être réintégré dans la société » et qu'« une des façons pour y parvenir était de l'autoriser à détenir un compte en banque pour s'occuper de sa famille[2] ». Le procureur général assura peu après aux États-Unis que Subaiy était « sous contrôle », soumis à une surveillance et tous ses comptes gelés, sauf un, surveillé directement par la Banque centrale, son ancien employeur.

Subaiy ne fut pas contrôlé très longtemps, puisqu'en septembre 2014 les États-Unis sanctionnèrent deux Jordaniens titulaires d'une carte d'identité qatarienne, qui avaient travaillé avec Subaiy en 2012 et transféré avec lui plusieurs centaines de milliers de dollars à al-Qaïda et à ses leaders au Pakistan. Le ministère qatarien de l'Intérieur lui-même le reconnaît : Subaiy détient toujours un passeport, une carte d'identité et un permis de conduire. De quoi mécontenter les États-Unis !

Autre exemple, le cas des frères al-Marri, qui illustre l'ancienneté des liens entre certains Qatariens et la mouvance al-Qaïda. Les deux hommes furent arrêtés juste après les attentats du 11-Septembre 2001 pour leurs « rôles opéra-

1. Longtemps proche de l'ancienne ministre de la Justice Rachida Dati, al-Marri a été nommé en 2012 par l'ONU avocat régional spécial pour la prévention de la corruption.

2. Wikileaks, 19 mars 2009. (https://cablegatesearch.wikileaks.org/cable.php?id=09DOHA198&q=subaiy).

tionnels » au sein de la mouvance terroriste. Jarallah fut appréhendé à la frontière pakistanaise, Ali Saleh, lui, aux États-Unis, où le cerveau des attaques du 11-Septembre, Khaled Sheikh Mohammed, l'avait envoyé implanter une cellule dormante. Mais en 2008, quand les États-Unis demandèrent au Qatar l'historique de certains comptes bancaires d'Ali pour le procès, Doha botta en touche. L'émirat avait été irrité par la décision américaine d'expulser vers le Soudan un autre Qatarien détenu à Guantanamo[1].

En juillet 2008, transféré depuis le Pakistan, Jarallah devint le seul prisonnier qatarien de Guantanamo avant d'être rapatrié dans l'émirat, sur la foi d'assurances écrites qu'il ne pourrait pas sortir du Qatar et que les États-Unis en seraient informés s'il en allait autrement. Mais début 2009, Jarallah al-Marri refit surface en Grande-Bretagne où il fut arrêté, puis relâché. Pour l'ambassadeur américain à Doha, un tel voyage n'a pu être effectué sans l'aval du procureur général al-Marri. De quoi irriter une fois de plus les Américains.

On comprend mieux pourquoi, dès 2009, la secrétaire d'État Hillary Clinton affirmait dans un télégramme diplomatique que la coopération antiterroriste avec le Qatar était « la pire de la région » du Moyen-Orient[2].

1. Wikileaks, 12 mars 2009. (https://www.wikileaks.org/plusd/cables/09DOHA180a.html).

2. Wikileaks, 30 décembre 2009. (http://wikileaks.org/plusd/cables/09STATE131801a.html).

Les émirs financent-ils le terrorisme ?

Les connexions du Qatar avec la mouvance djihadiste remontent à la décennie 1990. L'idéologie religieuse dominante est le wahhabisme qui irrigue à cette époque certaines branches les plus radicales de l'islam. En 1996, l'avion d'Oussama Ben Laden qui l'emmena du Soudan au nouveau siège d'al-Qaïda à Jallalabad, en Afghanistan, fit escale à Doha. Le chef d'al-Qaïda avait alors coutume de dire à ses proches que « le Qatar est une terre de passage » vers le djihad qu'il convient d'épargner[1]. Et la seule fois, en 2005, où l'émirat fut visé par une action terroriste, c'était très vraisemblablement parce que le Qatar avait coupé les finances à al-Qaïda[2]. Enfin, plusieurs membres de la famille régnante n'ont jamais caché leur sympathie à l'égard des djihadistes. Fahd, le deuxième fils du premier mariage de l'ancien émir Hamad, mena même le djihad en 1993 au Pakistan. Et son oncle cheikh Abdallah était un ami du cerveau des attentats du 11-Septembre, qu'il abrita d'ailleurs au Qatar au début des années 1990.

Pourtant, sous la pression des États-Unis, bien plus que de son allié français, Doha a fait des efforts pour contrer le financement du terrorisme. En 2015, le Qatar a gelé les comptes et imposé une interdiction de sortie du territoire à Sa'd al-Ka'bi et à Abdelatif al-Kawari, deux « financiers du terrorisme », selon les Nations unies. En 2015 toujours,

1. Confidence rapportée par l'ancien garde du corps d'Oussama Ben Laden, Nasser al-Bahri. *Dans l'ombre de Ben Laden*, entretiens avec Georges Malbrunot, Michel Lafon, 2010.

2. Entretien de l'un des auteurs avec un diplomate français. Doha, 15 décembre 2006.

Doha a restructuré son comité antiterroriste, après avoir pris plusieurs décrets limitant les activités des ONG caritatives.

« Malgré ces efforts, souligne le dernier rapport américain du Département d'État, des entités et des individus continuent de servir de financiers à des groupes terroristes, particulièrement les branches régionales d'al-Qaïda comme le Front al-Nosra. »

« On reçoit régulièrement des SMS pour des campagnes humanitaires en faveur des Syriens, de la Somalie ou de Falloudjah, témoigne un journaliste d'Al-Jazeera. On peut donner de 5 à 500 riyals (1,25 à 100 euros). Les messages sont accompagnés de liens pour écouter des prêches de prédicateurs saoudiens en Arabie comme cheikh Aedh al-Qarni[1] ou Mohamed Arifi. La plupart des financiers du djihad appartiennent à des grandes familles ou à des tribus importantes. C'est difficile pour le pouvoir de faire le ménage… » Effectivement, c'est la raison souvent invoquée par les autorités pour justifier leur inertie. S'il s'en prend au membre d'une tribu puissante, le pouvoir se mettra à dos toute la tribu. Le Qatar étant un pays minuscule, cette lutte peut déstabiliser toute la société. Cet argument fait sourire Anwar Gargash, le secrétaire d'État émirien aux Affaires étrangères. « C'est n'importe

1. Cheikh Aedh al-Qarni est par ailleurs interdit d'entrée aux États-Unis.

quoi ! rétorque-t-il. On peut quand même agir, si on le veut[1]. »

Aujourd'hui, plutôt que de financer directement des organisations terroristes, le Qatar a trouvé un autre moyen de leur verser de l'argent : payer des rançons aux ravisseurs d'otages occidentaux, souvent liés à la branche syrienne d'al-Qaïda.

Depuis une dizaine d'années, dans une bonne dizaine de cas d'enlèvements, le Qatar a réglé la facture au profit des preneurs d'otages. La totalité de l'argent ainsi versé à al-Nosra avoisinerait les 150 millions de dollars[2]. Or depuis 2014, le paiement de rançons est prohibé à la fois par le G8, l'ONU et l'OSCE – ce qui n'empêche pas certains États, dont la France, de contourner cette règle.

Au Yémen, au nom de plusieurs pays européens, 20,4 millions de dollars furent déboursés par Doha et Oman au profit d'al-Qaïda dans la péninsule arabique (AQPA) pour libérer un couple de Finlandais et un Autrichien, enlevés en 2012 et 2013[3].

En février 2013, « des officiels yéménites ont affirmé avoir vu des Qatariens débarquer en jet privé avec des valises probablement pleines de billets puis repartir vers Doha avec une otage suisse[4] qui fut reçue ensuite par l'ambassadeur suisse dans l'émirat ». « Ces arrangements concoctés par le Qatar […] peuvent conduire à un désastre », avertissait

1. Entretien avec l'un des auteurs, Paris, 10 mai 2016.

2. « Les groupes liés à al-Qaïda de plus en plus financés par les rançons », *Wall Street Journal*, 29 juillet 2014. Ellen Knickmeyer.

3. « En payant des rançons, l'Europe renfloue al-Qaïda », *New York Times*, 29 juillet 2014.

4. Sylvia Eberhard était détenue depuis douze mois.

à l'époque le ministre des Affaires étrangères yéménite, furieux qu'al-Qaïda puisse aussi aisément financer ses conquêtes territoriales dans la péninsule arabique.

Mais c'est en Syrie et en Irak que l'argent du Qatar a surtout alimenté les caisses de la succursale d'al-Qaïda.

En octobre 2013, le ministre qatarien des affaires étrangères en personne, Khaled al-Atiyeh, négocia avec des rebelles syriens proches d'al-Nosra la libération de neuf pèlerins chiites libanais capturés près d'Alep. La rançon versée par le Qatar au groupe al-Nosra aurait oscillé entre 100 et 150 millions de dollars, selon plusieurs articles de presse au Liban et en Turquie[1].

Un million de dollars par religieuse libérée : c'est ce que le Qatar déboursa une nouvelle fois en mars 2014, pour conclure le retour à la liberté de 13 nonnes syriennes, détenues à Yabroud, près de Homs, par al-Nosra. Et si l'on y ajoute la présence de trois autres femmes également captives, on arrive à la coquette somme de 16 millions de dollars.

En août 2014, une nouvelle médiation qatarienne aida à la libération des mains d'al-Nosra de l'Américain Théo Padnos. Interrogés, des officiels américains démentirent le paiement d'une rançon qui aurait violé la politique des États-Unis en la matière. Mais selon l'enquête réalisée par des journalistes de *Daily Beast*, les ravisseurs auraient exigé jusqu'à 25 millions de dollars pour libérer leur captif[2].

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1. En échange, deux pilotes turcs de Turkish Air Lines détenus au Liban furent libérés et, de son côté, le régime syrien relâcha une centaine de prisonniers. McClatchy, 19 octobre 2013.

2. « La libération d'un agent d'al-Qaïda fait partie d'un échange avec un Américain emprisonné », par Shane Harris et James Kirchick, *Daily Beast*, 25 janvier 2015.

Les émirs financent-ils le terrorisme ?

Pendant de longs mois à partir de l'été 2014, des émissaires qatariens négocièrent directement avec al-Nosra et Daech, qui détenaient conjointement une trentaine de soldats libanais capturés près de la frontière syrienne. Contre leur libération, les terroristes obtinrent la remise en liberté de cinq détenues – dont une épouse irakienne du chef de Daech, Abou Baqr al-Bagdadi – en captivité dans une prison près de Beyrouth, le tout pour la coquette somme de 30 millions de dollars, un million par otage libéré. Al-Nosra avait même exigé la libération d'Omar al-Qatari, un djihadiste qatarien arrêté alors qu'il transportait des fonds à al-Nosra pour un cheikh du Qatar lié à la famille régnante.

Quand on interroge des responsables sur ces financements de groupes terroristes *via* le versement de rançons, ils bottent généralement en touche : « Ne nous blâmez pas, blâmez les pays européens qui nous sollicitent. » Doha se retranche également derrière des considérations « humanitaires ». Mais la proximité religieuse du Qatar avec les ravisseurs jette une ombre sur la « générosité » de Doha dans toutes ces affaires en eau trouble.

« N'imaginez pas que les Qatariens paient des rançons pour les beaux yeux des otages, ils le font pour se rendre indispensables », nous dit un agent du renseignement égyptien travaillant pour l'ONU. En Syrie, il a été témoin des négociations pour libérer 45 casques bleus détenus par al-Nosra en 2014. « Parfois, les Qatariens ruinaient mes négociations, alors que j'étais sur le point de conclure. Ils jouent un sale jeu dans ces affaires. J'ai découvert que les kidnappeurs attendaient le feu vert de Doha.

J'ai la conviction qu'al-Nosra est soutenu par le Qatar. Je l'ai vu de mes propres yeux[1]. »

Ce pactole amassé par la branche syrienne d'al-Qaïda lui a permis d'acheter des armes et de payer des combattants. Pour le Qatar, l'avantage est double. Il rend service à un État qui, tôt ou tard, devra s'en souvenir. Il finance, par ailleurs, des rebelles proches de l'idéologie wahhabite dominante dans l'émirat. Et qui pourrait trouver à redire à une telle assistance humanitaire ?

Dans certains cas, le Qatar ne prévient même pas le pays concerné par le kidnapping de ses ressortissants. Notre enquête nous permet d'affirmer que ce fut le cas une fois au moins, lors de la détention d'une Suissesse, Béatrice Stockly, enlevée en avril 2012 à Tombouctou. « Nous avons appris après sa libération que le Qatar avait payé la rançon au groupe Ansar Dine, nous avons été mis devant le fait accompli », confie une source sécuritaire helvétique[2].

Le Koweït, « épicentre » du financement du djihad

Et si l'on évoquait le Koweït, ce minuscule émirat coincé entre l'Arabie et l'Irak, qui ne fait aujourd'hui pratiquement jamais parler de lui ? Pourtant, le « Koweït est devenu l'épicentre des levées de fonds au profit des groupes terroristes en Syrie », avertissait, dès avril 2014, David Cohen, le sous-secrétaire d'État américain au Trésor.

1. Entretien avec l'un des auteurs. Damas, 3 novembre 2015.
2. Ansar Dine est un groupe salafiste djihadiste, l'une des principales factions à participer à la guerre au nord-Mali.

Annex 79

"The White House Invites Qatar to Stop Funding Militias",
Asharq Al-Awsat, 13 May 2018

Arabic with English translation

https://aawsat.com/print/1266656

الشرق الأوسط
جريدة العرب الدولية

رابط المصدر: https//aawsat.com/node/1266656

البيت الأبيض يدعو قطر لوقف تمويل الميليشيات

الأحد - 27 شعبان 1439 هـ - 13 مايو 2018 مـ رقم العدد [14411]

ميليشيات حوثية في اليمن.

لندن: «الشرق الأوسط»

بعد 13 يوماً على كشف صحيفة «واشنطن بوست» الأميركية عن مراسلات مسربة من قطر تثبت دفع الدوحة ما يربو على مليار دولار لميليشيات متطرفة في سوريا والعراق، أعلنت «ذي ديلي تلغراف» أمس عن دعوة إدارة الرئيس الأميركي (دونالد ترمب) الدوحة إلى وقف تمويل الميليشيات الموالية لإيران، على خلفية «كشف تعاملات تجمع الدولة الخليجية بجماعات إرهابية في الشرق الأوسط». وعبر مسؤولون أمنيون أميركيون عن قلقهم إزاء ارتباط قطر بعدد من الميليشيات التي ترعاها إيران، والتي تصنف واشنطن العديد منها كإرهابية.

تأتي هذه الدعوة بعد الكشف عن عدد من رسائل البريد الإلكتروني التي يقال إنها مُرسلة من قبل مسؤولين رفيعي المستوى في الحكومة القطرية إلى أعضاء قياديين في منظمات كحزب الله، الميليشيا المدعومة من إيران والمتواجدة في جنوب لبنان، وإلى كبار القادة في الحرس الثوري الإيراني.

وتُظهر رسائل البريد الإلكتروني، التي اطلعت عليها صحيفة «صنداي تلغراف»، أن أعضاء رفيعي المستوى في الحكومة القطرية يمتلكون علاقات ودية مع شخصيات بارزة في الحرس الثوري مثل قاسم سليماني، القائد المؤثر لفيلق القدس الإيراني، وحسن نصر الله، زعيم حزب الله.

وتظهر تفاصيل هذه المحادثات التي لم يفصح عنها سابقاً بين المسؤولين القطريين وقادة العديد من الجماعات الإرهابية التي تدعمها إيران أن الدوحة دفعت مئات الملايين من الدولارات - وقد وصل الرقم في أحد التقارير إلى مليار دولار - كجزء من مدفوعات فدية لتأمين الإفراج عن الرهائن المحتجزين من قبل الميليشيات الشيعية في العراق.

وتتعارض مثل هذه المدفوعات بشكل مباشر مع سياسة واشنطن القائمة منذ وقت طويل بعدم دفع فدية للمنظمات الإرهابية.

وبعد قرار الرئيس الأميركي الأسبوع الماضي بالانسحاب من الاتفاقية النووية الإيرانية، فإن الإدارة الأميركية الآن تدعو قطر إلى مراجعة علاقاتها مع إيران، وعلاقاتها مع الجماعات الإرهابية المدعومة من قبل إيران.

وقال مسؤول أمني أميركي رفيع المستوى: «رسائل البريد الإلكتروني تظهر أن عددا من كبار المسؤولين في الحكومة القطرية قد أقاموا علاقات ودية مع شخصيات بارزة في الحرس الثوري الإيراني، وعدد من المنظمات الإرهابية التي ترعاها إيران». وأضاف: «في الوقت الذي تحاول فيه الولايات المتحدة إقناع إيران بوقف دعمها للجماعات الإرهابية في الشرق الأوسط، لا نعتقد أنه من المفيد أن تستمر قطر بامتلاك علاقات مع جماعات كهذه».

وتنظر واشنطن إلى قطر كحليف مهم في الحرب ضد الإرهاب المتأثر بالإسلام، وقد وضعت الولايات المتحدة مقر قيادتها للحملة العسكرية الأخيرة لهزيمة داعش في قاعدة العديد في قطر.

ويقول القطريون إنهم فتحوا الاتصالات مع إيران وعدد من الجماعات الإرهابية التي تدعمها طهران من أجل ضمان إطلاق سراح أفراد من العائلة المالكة القطرية الذين تعرضوا لاختطاف أثناء رحلة صيد في جنوب العراق.

وفي إحدى رسائل البريد الإلكتروني التي يعتقد أنه تم اعتراضها من قبل حكومات أجنبية، يفيد مسؤول قطري رفيع المستوى بدفع 50 مليون جنيه إسترليني لسليماني في أبريل (نيسان) من عام 2017، ودفع 25 مليون جنيه إسترليني إلى مجموعة عراقية إرهابية شيعية متهمة بقتل عشرات الجنود الأميركيين في جنوب العراق.

أخبار ذات صلة

ENGLISH TRANSLATION
(FROM ARABIC)

The White House calls on Qatar to stop funding militias

Sunday – 27 Shaaban 1439 – 13 May 2018 – [14411]

Houthi militias in Yemen

London: 'Asharq Al-Awsat'

13 days after the "Washington Post" reported the leakage of letters from Qatar proving that Doha paid more than one billion dollars to extremist militias in Syria and Iraq, *The Telegraph* made public yesterday that the American Administration invited Doha to refrain from funding militias directly linked to Iran and, against this background, reveal the dealings of the Gulf state group with a terrorist group in the Middle East. US security officials have expressed concern that Qatar is linked to a number of Iranian-sponsored militias, many of which Washington classifies as terrorist.

The call comes after a number of e-mails reportedly sent by senior Qatari government officials to leading members of organizations such as Hezbollah, Iranian-backed militias based in southern Lebanon, and senior commanders of the Iranian Revolutionary Guard, were revealed.

The e-mails seen by *The Telegraph* show that senior members of the Qatari government have friendly relations with prominent figures in the Revolutionary Guards such as Qassim Soleimani, the influential leader of the Iranian Quds Force, and Hassan Nasrallah, the leader of Hezbollah.

Details of the previously unspoken talks between Qatari officials and leaders of several Iranian-backed terrorist groups show that Doha paid hundreds of millions of dollars - a figure of one billion dollars - as part of ransom payment to secure the release of hostages held by Shia'a militias in Iraq.

Such payments directly contravene Washington's longstanding policy of not paying ransom to terrorist organizations.

After the US president's decision last week to withdraw from Iran's nuclear deal, the US administration now calls on Qatar to review its relationship with Iran and its relationship with the Iranian-backed terrorist group.

A senior US security official said: "The e-mails show that a number of senior officials in the Qatari government have established friendly relations with prominent figures in the Iranian Revolutionary Guard and a number of terrorist organizations sponsored by Iran. While the United States is trying to persuade Iran to stop supporting terrorist groups in the Middle East, we do not think it is useful for Qatar to continue to have relations with such groups."

Washington is waiting for Qatar as an important ally in the war against terrorism affected by Islam. The United States has set up its headquarters for the military campaign to defeat many

ENGLISH TRANSLATION
(FROM ARABIC)

leaders in Qatar. Qataris say they have opened contacts with Iran and a number of terrorist groups backed by Tehran to secure the release of members of the Qatari royal family who were kidnapped during a fishing trip in southern Iraq.

In an e-mail message believed to have been intercepted by foreign governments, a senior Qatari official reports that £50m was paid to Sulaimani in April 2017 and one million pounds was paid to a Shia'a terrorist group in Iraq accused of killing dozens of American soldiers in Southern Iraq.

Annex 80

"The Telegraph: The White House Asks Qatar to Stop Funding Iran-Backed Militias", *Asharq Al-Awsat*, 12 May 2018

Arabic with English translation

https://aawsat.com/print/1266391

الشرق الأوسط
جريدة العرب الدولية

رابط المصدر: https://aawsat.com/node/1266391

«تلغراف»: البيت الأبيض يطالب قطر بوقف تمويل المليشيات التابعة لإيران

بعد ثبوت دفعها مئات الملايين من الدولارات لقادة جماعات إرهابية

السبت - 26 شعبان 1439 هـ - 12 مايو 2018 مـ

دعت الإدارة الأميركية قطر إلى مراجعة علاقاتها مع إيران ووقف تمويل المليشيات التابعة لها (رويترز)

لندن: «الشرق الأوسط أونلاين»

طالبت إدارة الرئيس الأميركي قطر بوقف تمويل المليشيات التابعة لإيران، وذلك بعد كشف تعاملات تجمع الدوحة بجماعات إرهابية في الشرق الأوسط.

وعبر مسؤولون أمنيون أميركيون عن قلقهم إزاء ارتباط قطر بعدد من المليشيات التي ترعاها إيران، والتي تصنف واشنطن العديد منها كمجموعات وتنظيمات إرهابية.

وأكدت صحيفة (تلغراف) البريطانية، أن مطالبة واشنطن لقطر بالتوقف عن دعم وتمويل الجماعات الإرهابية، جاء بعد الكشف عن عدد من رسائل البريد الإلكتروني، مُرسلة من قبل مسؤولين رفيعي المستوى في الحكومة القطرية إلى أعضاء قياديين في منظمات كـ"حزب الله" المليشيا المدعومة من إيران والمتواجدة في جنوب لبنان، وإلى كبار القادة في الحرس الثوري الإيراني.

وتُظهر رسائل البريد الإلكتروني، التي اطلعت عليها صحيفة (صنداي تليغراف)، أن أعضاء كبار المسؤولين في الحكومة القطرية يتمتعون بعلاقات ودية مع شخصيات بارزة في الحرس الثوري مثل قاسم سليماني القائد المؤثر لفيلق القدس الإيراني، وحسن نصر الله زعيم "حزب الله".

كما كشفت تفاصيل المحادثات بين المسؤولين القطريين وقادة العديد من الجماعات الإرهابية التي تدعمها إيران، أن الدوحة دفعت مئات الملايين من الدولارات، كجزء من مدفوعات فدية لتأمين الإفراج عن الرهائن المحتجزين من قبل مليشيات عراقية، بينما وصلت المبالغ في إحدى التقارير إلى مليار دولار، وهو ما يتعارض بشكل مباشر مع سياسة واشنطن القائمة منذ وقت طويل بعدم دفع فدية للمنظمات الإرهابية.

وبحسب الصحيفة البريطانية، دعت الإدارة الأميركية قطر، إلى مراجعة علاقاتها مع إيران، وعلاقاتها مع الجماعات الإرهابية المدعومة من قبل إيران، وذلك بعد قرار الرئيس الأميركي الأسبوع الماضي بالانسحاب من الاتفاق النووي الإيراني.

وقال مسؤول أمني أميركي رفيع المستوى: "رسائل البريد الإلكتروني تظهر أن عدد من كبار المسؤولين في الحكومة القطرية قد أقاموا علاقات ودية مع شخصيات بارزة في الحرس الثوري الإيراني، وعدد من المنظمات الإرهابية التي ترعاها إيران".

وأضاف:" في الوقت الذي تحاول فيه الولايات المتحدة إقناع إيران لوقف دعمها للجماعات الإرهابية في الشرق الأوسط، لا نعتقد أنه من المفيد أن تستمر قطر بامتلاك علاقات مع جماعات كهذه".

وفي إحدى رسائل البريد الإلكتروني التي يعتقد أنه تم اعتراضها من قبل حكومات أجنبية، يؤكد مسؤول قطري رفيع المستوى، دفع 50 مليون جنيه أسترليني لقاسم سليماني في أبريل (نيسان) من عام 2017م، و25 مليون جنيه إسترليني إلى مجموعة عراقية إرهابية متهمة بقتل عشرات الجنود الأميركيين في جنوب العراق.

ENGLISH TRANSLATION

(FROM ARABIC)

"Telegraph" The White House calls on Qatar to stop funding the militias of Iran

After being proven to have paid hundreds of millions of dollars to leaders of terrorist groups

Saturday – 26 Sha'aban 1439 – 12 May 2018

The administration of the US President requested Qatar to stop financing Iran's militias, after disclosing Doha's association with a terrorist group in the Middle East.

US security officials have expressed concern about Qatar's association with a number of Iranian-sponsored militias, many of which are classified by Washington as terrorist groups and organizations.

The British "Telegraph" confirmed that Washington's request to Qatar to stop supporting and financing terrorist groups, came after the disclosure of a number of emails, sent by senior officials in the Qatari government to leading members of organizations such as "Hezbollah" militia backed by Iran, located in southern Lebanon, and to senior commanders of the Iranian Revolutionary Guards.

The e-mails, seen by the Sunday Telegraph, show that members of senior Qatari government officials have friendly relations with prominent Revolutionary Guard figures such as Qassim Soleimani, the influential leader of the Iranian Jerusalem Force, and Hassan Nasrallah, the leader of Hezbollah.

Details of talks between Qatari officials and leaders of several Iranian-supported terrorist groups also revealed that Doha had paid hundreds of millions of dollars as part of ransom payments to secure the release of hostages held by Iraqi militias. This is directly contrary to Washington's longstanding policy of not paying ransom to terrorist organizations.

According to the British newspaper, the US administration requested Qatar, to review its relationship with Iran, and its relationship with terrorist groups backed by Iran, after the decision of President of the United States last week to withdraw from the Iranian nuclear agreement

"The e-mails show that a number of senior officials in the Qatari government have established friendly relations with prominent figures in the Iranian Revolutionary Guard and a number of terrorist organizations sponsored by Iran," a senior US security official said.

"At a time when the United States is trying to persuade Iran to stop supporting terrorist groups in the Middle East, we do not think it is useful for Qatar to continue to have relations with such a group," he said.

In an e-mail believed to have been intercepted by foreign governments, a senior Qatari official confirmed that he had paid 50 million pounds sterling to Qasim Soleimani in April 2017 and 25 million pounds sterling to an Iraqi terrorist group accused of killing dozens of US soldiers in Southern Iraq.

Annex 81

"Al-Nosra, the Qatari Terrorist Arm in Syria", *Sky News Arabia*, 17 June 2017

Arabic with English translation

https://www.skynewsarabia.com/video/957485

Arabic Transcription of Titles and Audio from Al-Nosra, the Qatari Terrorist Arm in Syria", *Sky News Arabia*, available at:
https://www.skynewsarabia.com/video/957485

النصرة.. ذراع قطر المتطرف في سوريا

تمويل، تسليح، دعم اعلامي

تمويل

64.2 مليار دولار من التمويل للجماعات الارهابية بين 2010-2015

30 مليون دولار فدية الصحفي الامريكي

16 مليون دولار دفعة على الهواء من الدوحة فدية لراهبات "معلولا"

تسليح

[يقول شخص مسلح]: تم بحمد الله شراء هذا المدفع مضاد الطيران بفضل الله ثم بمساعدة اخواتنا الخيرين في حملة مدد اهل الشام من قطر

[يقول شخص مسلح]: تم بعون الله تعالى شراء عدد من الاسلحة و كمية من الذخائر لإعداد الاخوة في المعسكر...عن طريق حملة مدد اهل قطر لأهلنا في الشام

دعم اعلامي

لم تتأخر قطر عن دعمهم اعلاميا

يظهر "اميرهم الجولاني" في وسائل اعلامها [قناة الجزيرة]

[الجولاني للجزيرة: لا نطمح للانفراد بصياغة مستقبل سوريا]

[مقابلة مع ابو محمد الجولاني، امير جبهة النصرة]

قطر.. نصرة الجبهة

ENGLISH TRANSLATION
(FROM ARABIC)

Al-Nusra, the radical arm of Qatar in Syria

Financing, arming, providing media support

Financing

64.2 Billion Dollar as a support to the terrorist groups between 2010-2015

30 Million Dollar as a ransom for the American journalist

16 Million Dollar as a payment on live t.v. from Doha, as a ransom for the nuns "of Maaloula [an ancient city in Syria]"

Arming

[An armed man speaking]: Thanks to Allah [God], we bought this anti-aircraft gun with the help of Allah [God] and then with the help of our good brothers in the campaign of the support of the Levant [Syrian] people from Qatar.

[An armed man speaking]: With the help of Allah, we bought a number of weapons and a quantity of ammunition to prepare the brothers in the camp ... through the campaign of the Qatari people to support our people in the Levant [Syria].

Providing Media Support

Qatar did not hold back by supporting them through media

"Their Prince Al-Jolani", was shown in their media [Al-Jazeera Channel]

[Al-Jolani to Aljazeera: "We do not intend to be alone in shaping the future of Syria"]

[Clip of an interview with Abo Muhammad Al-Jolani, the prince of Jabhat Al-Nusra]

Qatar.. Supports the Jabhat [Al-Nusra]

Annex 82

Elizabeth Dickinson, "The Case Against Qatar", *Foreign Policy*, 30 September 2014

https://foreignpolicy.com/2014/09/30/the-case-against-qatar/

REPORT

The Case Against Qatar

The tiny, gas-rich emirate has pumped tens of millions of dollars through obscure funding networks to hard-line Syrian rebels and extremist Salafists, building a foreign policy that punches above its weight. After years of acquiescing -- even taking advantage of its ally's meddling -- Washington may finally be punching back.

BY ELIZABETH DICKINSON | SEPTEMBER 30, 2014, 7:08 PM

ABU DHABI and DOHA — Behind a glittering mall near Doha's city center sits the quiet restaurant where Hossam used to run his Syrian rebel brigade. At the battalion's peak in 2012 and 2013, he had 13,000 men under his control near the eastern city of Deir Ezzor. "Part of the Free Syrian Army (FSA), they are loyal to me," he said over sweet tea and sugary pastries this spring. "I had a good team to fight."

Hossam, a middle-aged Syrian expat, owns several restaurants throughout Doha, Qatar, catering mostly to the country's upper crust. The food is excellent, and at night the tables are packed with well-dressed Qataris, Westerners, and Arabs. Some of his revenue still goes toward supporting brigades and civilians with humanitarian goods — blankets, food, even cigarettes.

He insists that he has stopped sending money to the battle, for now. His brigade's funds came, at least in part, from Qatar, he says, under the discretion of then Minister of State for Foreign Affairs Khalid bin Mohammed Al Attiyah. But the injection of cash was ad hoc: Dozens of other brigades like his received initial start-up funding, and only some continued to receive Qatari support as the months wore on. When the funds ran out in mid-2013, his fighters sought support elsewhere. "Money plays a big role in the FSA, and on that front, we didn't have," he explained.

Hossam is a peripheral figure in a vast Qatari network of Islamist-leaning proxies that spans former Syrian generals, Taliban insurgents, Somali Islamists, and Sudanese rebels. He left home in 1996 after more than a decade under pressure from the Syrian regime for his sympathy with the Muslim Brotherhood. Many of his friends were killed in a massacre of the group in Hama province in 1982 by then President Hafez al-Assad. He finally found refuge here in Qatar and built his business and contacts slowly. Mostly, he laid low; Doha used to be quite welcoming to the young President Bashar al-Assad and his elegant wife, who were often spotted in the high-end fashion boutiques before the revolt broke out in 2011.

When the Syrian war came and Qatar dropped Assad, Hossam joined an expanding pool of middlemen whom Doha called upon to carry out its foreign policy of supporting the Syrian opposition. Because there were no established rebels when the uprising started, Qatar backed the upstart plans of expats and businessmen who promised they could rally fighters and guns.

Hossam, like many initial rebel backers, had planned to devote his own savings to supporting the opposition. Qatar's donations made it possible to think bigger.

In recent months, Qatar's Rolodex of middlemen like Hossam has proved both a blessing and a curse for the United States. On one hand, Washington hasn't shied away from calling on Doha's connections when it needs them: Qatar orchestrated the prisoner swap that saw U.S. soldier Bowe Bergdahl freed in exchange for five Taliban prisoners in Guantánamo Bay. And it ran the negotiations with al-Nusra Front, al Qaeda's affiliate in Syria, that freed American writer Peter Theo Curtis in August. "Done," Qatari intelligence chief Ghanim Khalifa al-Kubaisi reportedly texted a contact — adding a thumbs-up emoticon — after the release was completed.

But that same Qatari network has also played a major role in destabilizing nearly every trouble spot in the region and in accelerating the growth of radical and jihadi factions. The results have ranged from bad to catastrophic in the countries that are the beneficiaries of Qatari aid: Libya is mired in a war between proxy-funded militias, Syria's opposition has been overwhelmed by infighting and overtaken by extremists, and Hamas's intransigence has arguably helped prolong the Gaza Strip's humanitarian plight.

For years, U.S. officials have been willing to shrug off Doha's proxy network — or even take advantage of it from time to time. Qatar's neighbors, however, have not. Over the past year, fellow Gulf countries Saudi Arabia, the United Arab Emirates, and Bahrain have publicly rebuked Qatar for its support of political Islamists across the region. These countries have threatened to close land borders or suspend Qatar's membership in the regional Gulf Cooperation Council unless the country backs down. After nearly a year of pressure, the first sign of a Qatari concession came on Sept. 13, when seven senior Egyptian Muslim Brotherhood figures left Doha at the request of the Qatari government.

Both Qatar and its critics are working to ensure that Washington comes down on their side of the intra-Gulf dispute. At stake is the future political direction of the region — and their roles in guiding it.

Late last week, on Sept. 25, Glenn Greenwald's *The Intercept* documented how a Washington, D.C.-based firm retained by the United Arab Emirates made contacts with journalists that appear to have yielded articles detailing how fundraisers for groups such as al-Nusra Front and Hamas operate openly in Doha, Qatar's capital. Foreign Policy also obtained documents from the Camstoll Group, run by former U.S. Treasury Department official Matthew Epstein. Although some of this open-source information is referred to in this article, the vast majority of the reporting comes from months of investigation in the region.

After several weeks of bad press, Qatar is also going on the offensive. "We don't fund extremists," Emir Tamim bin Hamad Al Thani told CNN's Christiane Amanpour during his first interview as Qatar's leader on Sept. 25. Just over a week earlier, Qatar instituted a new law to regulate charities and prevent them from engaging in politics. And on Sept. 15, Doha began a new six-month

contract with Washington lobbying firm Portland PR Inc., which may include lobbying Congress and briefing journalists.

So far, Washington appears unwilling to confront Qatar directly. Aside from the U.S. Treasury Department, which last week designated a second Qatari citizen for supporting al Qaeda in Syria and elsewhere, no senior U.S. administration officials have publicly called out Doha for its troublesome clients.

The State Department said that nobody would be available to comment for this article, but released a fact sheet on Aug. 26 that describes Qatar as "a valuable partner to the United States" and credits it with "play[ing] an influential role in the region through a period of great transformation."

The question is what the United States is prepared to do about Qatar if it fails to stem its citizens' support for extremist groups, says Jean-Louis Bruguière, the former head of the EU and U.S. Treasury Department's joint Terrorist Finance Tracking Program, now based in Paris. "The U.S. has the tools to monitor state and state-linked transfers to extremist groups. But intelligence is one thing and the other is how you react," he told FP by phone. "What kind of political decision is the U.S. really able to make against states financing terrorism?"

Friends of Qatar

There is no more telling indication of Qatar's ambitions than the fact that Doha taxi drivers are perpetually lost. With construction ongoing everywhere — part of a $100 billion infrastructure plan to prepare for hosting the 2022 World Cup — buildings open and projects come online so fast that the city's cabbies can't keep up.

On the world stage, Qatar sees its role as no less grandiose. Beneath the high-chandeliered ceilings of Doha's five-star hotel lobbies, eager delegations from around the world make their case for support. Governments, political parties, companies, and rebel groups scurry in and out nervously, and then wait over hot tea to have their proposals considered by the relevant Qatari authorities. Which hotel the visitors stay in indicates their prospects for support. The Four Seasons and Ritz-Carlton are old favorites; Hamas leader Khaled Meshaal has stayed at the former, the Syrian opposition at the latter. The W Hotel is a posh newcomer, mostly housing eager European delegations seeking investment or natural gas. The Sheraton — one of Doha's first hotels — is by now passé; that's where top Darfuri rebels stayed during negotiations with the Sudanese government. Everyone wants into the network, because as one Syrian in Doha put it, "Qatar has money and Qatar can connect money."

The winners in this hustle have often been those with the longest ties to this tiny, gas-rich state — a menagerie of leaders from the global Muslim Brotherhood. Doha was already becoming an extremist hub by the early 2000s, as government-funded think tanks and universities popped up filled with Islamist-minded thinkers. The government-funded Al Jazeera was growing across the region, offering positive media attention to Brotherhood figures across the Middle East, and many

of the ruling family's top advisors were Brotherhood-linked expatriates — men like the controversial Egyptian cleric Yusuf al-Qaradawi, who heads the International Union of Muslim Scholars from Doha.

What Doha saw in the Muslim Brotherhood was a combination of religiosity and efficacy that seemed parallel to its own. Moreover, the Qatari ruling family sought to differentiate itself from competing monarchies Saudi Arabia and the United Arab Emirates (UAE), both of which frown upon political Islam as dangerously power-seeking. It was pragmatism, argues Salah Eddin Elzein, head of the Al Jazeera Center for Studies, a think tank associated with the Qatar-owned satellite network. "Islamists came [to the region] in the 1980s, and Qatar was trying to ally itself with the forces that it saw as those most likely to be the dominant forces for the future."

But the global Muslim Brotherhood isn't Qatar's only — or even its most important — network. Nor does the royal family subscribe to the Brotherhood's ideals per se. Often overlooked is a second strand that tows closer to Qatar's official sympathies: the Salafi movement.

Emerging in the 1990s, activist Salafists merged the purist ideology of Saudi Arabia's clerical establishment with the politicized goals of the Muslim Brotherhood. Some of these thinkers would become the first incarnations of al Qaeda, while others gained a strong foothold in liberated Kuwait, where the first activist Salafi political party was formed.

It was in Qatar that the activist Salafists found their benefactor. Over the last 15 years in particular, Doha has become a de facto operating hub for a deeply interconnected community of Salafists living in Qatar but also in Saudi Arabia, Kuwait, Bahrain, and elsewhere. Clerics have been hosted by ministries and called to talk for important events. Charities have touted the cause — charities like the Sheikh Eid bin Mohammad al Thani Charity, regulated by the Qatari Ministry of Labor and Social Affairs, which is "probably the biggest and most influential activist Salafi-controlled relief organization in the world," according to a recent report by the Carnegie Endowment for International Peace.

As early as 2003, the U.S. Congress was made aware that Qatari-based charities were helping move and launder money linked to al Qaeda, providing employment and documentation for key figures in the operation. At the same time, Qatar's global influence was growing: State-backed Qatar Airways began an aircraft-buying spree in 2007 to fuel its vast expansion, linking the once far-flung emirate to every corner of the world. And by 2010, Al Jazeera had evolved into the Arab world's most influential media operation, supported by a massive annual budget of $650 million.

Just as the Arab Spring invigorated opposition movements across the Middle East, so too did it electrify Qatar's network of political clients.

Power projection by proxy

Qatar was the only Gulf country not to view with trepidation the changes that roiled the Arab world starting in 2011. Saudi Arabia was shaken by how quickly Washington dropped its decades-long ally in Egypt, Hosni Mubarak. Bahrain convulsed when its majority Shiite population took to the streets to demand greater political influence. The UAE joined Qatar in backing NATO strikes in Libya but was considerably more reticent about the rise of the Muslim Brotherhood there and in Egypt, fearing the group would invigorate Islamist-sympathizers among its own population.

Qatar, meanwhile, placed a long bet that political Islam was the next big thing that would pay off. "Qatar believes in two things. First, Doha doesn't want the Saudis to be the major or only player in the Sunni region of the Middle East," says Kuwaiti political scientist Abdullah al-Shayji. "Second, Qatar wants to have a role to play as a major power in the region."

Yet mismatched with its grand ambitions, Qatar's foreign policy faced a key limitation. The country is home to just under 300,000 nationals, and government decision-making is concentrated in the hands of just a few officials. Lacking their own infrastructure, Qatar sought to amplify its impact by working through its network of Brotherhood and Salafi allies.

"The Qataris usually work by identifying individuals who they think are ideologically on the same wavelength," says Andreas Krieg, an assistant professor at King's College London and an advisor to the Qatar Armed Forces. "There is no vetting process per se; it's 'these are people we can trust.'"

The first battlefield test of Qatar's proxy chain was in Libya, where there was a broad regional consensus — as well as U.S. support — to oust then-leader Muammar al-Qaddafi. Qatar, together

with the UAE, had signed on to Western airstrikes against the regime. But Doha also wanted to help build up rebel capacity on the ground.

"They had to literally go to their address book and say, 'Who do we know in Libya?'" says Krieg. "This is how they coordinated the Libya operation." Doha lined up a collection of businessmen, old Brotherhood friends, and ideologically aligned defectors, plying them with tens of millions of dollars and 20,000 tons of arms, the *Wall Street Journal* later estimated. After a months-long war, the rebels took Tripoli and Qaddafi was dead. Doha's clients found themselves among the most powerful political brokers in the new Libya. And long after the NATO strikes had ended, some Qatari-backed militias continued to receive support, says Bruguière.

Amid the initial euphoria of the Arab Spring, many expected the nascent summer protests in Syria to quickly topple the Assad regime. Presidents in Tunisia and Egypt had lasted just weeks before resigning, after all, and the world had quickly rallied to oust a more persistent Qaddafi. By August, Washington was calling on Assad to step down as well. Not long thereafter, Qatar began its Syrian operation, modeled on the Libyan adventure.

Like the tendering of a contract, Doha issued a call for bidders to help with the regime's overthrow. "When we started our battalion [in 2012], the Qataris said, 'Send us a list of your members. Send us a list of what you want — the salaries and support needs,'" Hossam, the Syrian restaurant owner, remembers. He and dozens of other would-be rebel leaders submitted a pitch. He doesn't say how much his brigade received, but says his own fundraising efforts for humanitarian goods have yielded hundreds of thousands of riyals.

Qatar's friends abroad were also at work. Throughout 2012 and early 2013, activist Salafists in Kuwait teamed up with Syrian expatriates to build, fund, and supply extremist brigades that would eventually become groups such as al-Nusra Front and its close ally, Ahrar al-Sham. Using social media to tout their cause and a deep Rolodex of Kuwaiti business contacts, clerics and other prominent Kuwaiti Sunnis raised hundreds of millions of dollars for their clients. They were able to work essentially unhindered thanks to Kuwait's lax counterterrorism financing laws and its freedoms of association and speech.

One such donor was the young Kuwaiti Salafi cleric Hajjaj al-Ajmi, who on Aug. 6 was designated by the U.S. Treasury Department as a funder of terrorism for backing al-Nusra Front. Ajmi runs the so-called People's Commission for the Support of the Syrian Revolution, many of whose campaign posters on Twitter spoke of charity work — giving food or medicine to the needy and displaced. But back in June 2012, Qatar's Ministry of Endowments and Islamic Affairs invited the cleric to speak in the coastal city of Al Khor, 30 miles outside Doha, where he argued that humanitarian support alone would never topple the Syrian regime.

"Did you know that bringing down Damascus would not cost more than $10 million?" he intoned, wagging his fingers from his chair in front of the old Syrian flag adopted by revolutionaries. "The priority is the support for the jihadists and arming them."

In the months that followed, many of Ajmi's campaigns in Kuwait ran parallel collections in Qatar. Donations could be placed through a representative named Mubarak al-Ajji, according to campaign posters, which affirm he is under Ajmi's "supervision." Ajji's Twitter bio describes him as loving Sunni jihadists who hate "Shiites and infidels." His timeline is flush with praise for Osama bin Laden.

One of Ajmi's Kuwaiti colleagues, a cleric named Mohammad al-Owaihan, also used Qatar as a base, calling it his "second country" in a tweet in August. As recently as April, Owaihan solicited Qataris to help prepare fighters for battle on the Syrian coast. "Our jihad is a jihad of Money in Syria," one poster read, offering contact numbers in Kuwait and Qatar.

These fundraising efforts were well-honed appeals, for example placing donors in special categories for donations of varying sizes. A "gold" gift was 10,000 Qatari riyals ($2,750), while a "silver" donation came in at 5,000 riyals. When particularly generous donations arrived, Ajji and others reported them on Twitter, for example posting photos of jewelry turned over to fund the cause.

Among the grateful rebel brigades that released videos thanking the Kuwaiti cleric Owaihan is Ahrar al-Sham, a Salafi group that counted an al Qaeda operative as one of its top commanders until he was killed this year: "O the kind people of Qatar, O people of the Gulf, your money has arrived," an October 2013 video from the brigade proclaims. Ajmi boasted of his proximity to Ahrar al-Sham on Sept. 9 in a tweet showing the private online message the group's leader sent him when the Kuwaiti cleric was designated and sanctioned by the U.S. Treasury Department.

All of these fundraising activities were orchestrated by individuals — not the government — as Qatar has noted in its defense in recent weeks. But this is also exactly the point: By relying on middlemen, Doha not only outsourced the work but also the liability of meddling. And even where it wasn't involved directly, Qatar is not unaware of what's going on in its network.

Many clerics in the activist Salafi movement have, like Ajmi, been outspoken in their backing of groups like al-Nusra Front in Syria — views that have found a welcome audience among government-backed organizations in Doha. Saudi cleric Mohammad al-Arefe, who has called for arming jihadists in Syria and Palestine, was invited by Qatar's Ministry of Endowments and Islamic Affairs in March 2012 and January 2014 to deliver a Friday sermon and a lecture at Qatar's Grand Mosque. Kuwaiti Salafist Nabil al-Awadhy — a known fundraiser for groups close to al-Nusra Front — was the featured lecturer in Qatar at a Ramadan festival on July 4, 2014, hosted by a charity and aid group closely linked with the government.

Hostage to proxies

Qatar's Arab Spring strategy began to fail in the same place it was conceived, amid the masses of protesters in Cairo's Tahrir Square. On July 3, 2013, demonstrators cheered on the Egyptian military's ouster of Islamist leader Mohamed Morsi, whose government Qatar had backed to the tune of $5 billion. Within days, Saudi Arabia, the UAE, and Kuwait welcomed the new military-backed government with combined pledges of $13 billion in aid. Days later, Saudi Arabia seized

control of backing the Syrian opposition by installing its preferred political leadership. By early fall, Libya was also falling into utter disarray, exemplified by the temporary kidnapping of the country's prime minister in October 2013. Doha, which had just seen the ascension of a new 33-year-old emir, meekly vowed to focus on internal affairs.

"One of the things about Qatar's foreign policy is the extent to which it has been a complete and total failure, almost an uninterrupted series of disasters," says Hussein Ibish, a senior fellow at the American Task Force on Palestine. "Except it's all by proxy, so nothing bad ever happens to Qatar."

In both Libya and Syria, Qatar helped fund internationally backed umbrella groups — but it also channeled support to individuals and militias directly. In Libya, for example, one of Qatar's main conduits to the rebels, the Doha-based cleric Ali al-Sallabi, clashed furiously with Mahmoud Jibril, a Western-backed leader who served as interim prime minister until he resigned in October 2011, warning of "chaos" as various factions battled for control. Today, that warning seems prescient as Libya is mired in an accelerating battle between various rival militias split along regional and ideological lines. The UAE, using U.S.-made jets and operating out of Egypt, has reportedly undertaken several rounds of airstrikes to roll back Qatari-funded Islamists since mid-August.

But it is in Syria where Qatar's network most spectacularly misfired. Competition between Qatari and Saudi clients has rendered the political opposition toothless, perceived on the ground as a vassal of foreign powers. Meanwhile throughout 2012 and 2013, the proliferation of upstart rebel groups bred competition for funding. Some of Qatar's clients became key brigades — groups such as Liwa al-Tawhid, whose leader unified rebels in a fractious fight to control Aleppo. Others like Hossam's, however, simply folded or lingered weakly, focusing on their own ideals and goals.

In other words, there was no one winner. Qatar and other international powers haphazardly backed dozens of different brigades and let them fight it out for who could secure a greater share of the funding. They had few incentives to cooperate on operations, let alone strategy. Nor did their various backers have any incentive to push them together, since this might erode their own influence over the rebels.

Qatar's bidding system for support also quickly incentivized corruption, as middlemen began to exaggerate their abilities and contacts on the ground to donors in Doha. "Often, groups would submit maybe 3,000 names, but in reality there would be only 300 or 400 people," says Hossam, the restaurant owner. "The extra money goes in the wrong way. They would do the same thing with operations. If the actual needs were $1 million, maybe they say $5 million. Then the other $4 million disappears."

The disarray helped push fighters increasingly toward some of the groups that seemed to have a stronger command of their funding and their goals — groups such as al-Nusra Front and eventually the Islamic State, which split from the al Qaeda affiliate in early 2014. The last year has

December 2013, for example, former Deir Ezzor Free Syrian Army commander Saddam al-Jamal announced in a video that he was joining the Islamic State because "as days passed, we realized that [the FSA] was a project that was funded by foreign countries, especially Qatar," he said.

It's unlikely that the Qatari government — or any Gulf state — ever backed the Islamic State, an organization that today has in its cross-hairs all of the U.S.-allied monarchies of the Arabian Peninsula, and vice versa. But as in Jamal's case, some of the individuals who benefited from Qatari funds did go on to join more radical brigades, taking their experience and arms with them.

"Qatar developed early on relations with rebel groups that later radicalized and joined the Salafi-jihadi universe, including Nusra and possibly [the Islamic State]," explains Emile Hokayem, senior fellow for Middle East security at the International Institute for Strategic Studies. "The evolving nature of the Syrian rebellion created often unintended and problematic if at times beneficial entanglements."

Even as the Syrian opposition gravitated toward the extreme, Qatar argued in late 2012 that the world should worry about radicals later. "I am very much against excluding anyone at this stage, or bracketing them as terrorists, or bracketing them as al Qaeda," Khalid bin Mohammad Al Attiyah, then minister of state for foreign affairs, argued at a security conference in December of that year.

That sentiment was reiterated by Emir Tamim in his interview with CNN last week, arguing that it would be a "big mistake" to lump together all Islamist-leaning groups in Syria as extremists. Indeed, in all its recent statements rejecting extremism, Doha has mentioned the Islamic State but never al-Nusra Front by name.

Elzein, of the Al Jazeera Center for Studies, defends Qatar's support for Islamists across the Middle East. He describes the spat between Doha and the other Gulf monarchies as a competition "between powers for the status quo and for change, where Qatar sided itself with change in the region."

"Qatar's foreign policy generated a lot of controversy, but perhaps that was part of its very nature," he says. "When you try something new in a region known to be very conservative, it's bound to bring that kind of criticism and misperception."

And indeed, Qatar is far from the only Gulf country whose role in Syria and elsewhere has had negative repercussions. Saudi Arabia has also backed individuals and disparate rebel groups in Syria, and the UAE has sided with specific militias in Libya. In Egypt, a government strongly backed by both countries has overseen mass human rights abuses as it cracks down against the Muslim Brotherhood.

But it's still hard to see what Qatar has changed for the better. Although its intentions to help the Syrian people were almost certainly genuine, a combination of haphazard methods and support for ideological proxies helped push the opposition toward both radicalization and disarray.

Qatar had such freedom to run its network for the last three years because Washington was looking the other way. In fact, in 2011, the United States gave Doha de facto free rein to do what it wasn't willing to in the Middle East: intervene.

Libya was a case in point. When U.S. President Barack Obama's administration began building a coalition for airstrikes in the spring of 2011, it took an approach later coined "leading from behind": France and Britain took the lead in implementing the no-fly zone, while Qatar's and the United Arab Emirates' involvement demonstrated Arab support. When Doha stepped forward to help organize the rebels, they were broadly welcomed, former U.S. officials said in interviews with FP.

The same was true in Syria. Despite reticence among certain camps of the U.S. government, particularly those who had worked on Libya, it was still the least-worst option: Qatar, an ally of the United States, could help provide a regional solution to a conflict the White House had no interest in getting entangled in. Washington simply asked Doha not to send anti-aircraft and anti-tank missiles to the rebels, which it occasionally did anyway.

On top of the political convenience was the logistical ease of working with the Qataris. Doha makes decisions quickly — and is willing to take risks. While the Saudis moved slowly getting arms into Syria, the Qataris sent planes to move an estimated 3,500 tons of military equipment in 2012 and 2013, reportedly with the CIA's backing. "Their interagency process has about three people in it," said one former U.S. official.

The same upsides meant that Washington turned to Doha when it sought to make contact with the Afghan Taliban in 2011 and 2012. The goal was to help smooth the exit of NATO troops from Afghanistan with a political solution. In on-and-off contacts, always made indirectly through the Qataris, the Taliban agreed to negotiate — but first they wanted an office. In June 2013, they got it: a large villa in the embassy district of Doha near a crowded traffic circle known as Rainbow Roundabout.

But Qatar's advantages soon turned into liabilities. As Doha moved from crisis to crisis, the Qataris showed little ability to choose reliable proxies or to control them once resources had been pumped in. "My view is that Qatari policymaking was a bit amateur. When they got in, they showed no staying power," the ex-U.S. official said.

In the Taliban case, Doha proved unable or unwilling to stop the Afghan militants from audaciously raising their flag over their new Qatari villa — an act of diplomatic symbolism that infuriated Kabul and scuppered talks before they began. All that could be salvaged from the process, it became clear a year later, was a prisoner exchange that traded U.S. Sgt. Bowe Bergdahl

for five top Taliban commanders being held in Guantánamo Bay. Qatar gave its assurances that the five operatives would be under close watch in Doha — but given the country's history, that doesn't necessarily mean they won't influence the Afghan battlefield.

In Syria, meanwhile, it wasn't until the Islamic State gained prominence that Washington sat up and took notice. In March, David S. Cohen, the Treasury Department's undersecretary for terrorism and financial intelligence, took the unprecedented step of calling out the Qataris in public for a "permissive terrorist financing environment." Such stark criticism, counterterrorism experts say, is usually left for closed-door conversations. A public airing likely indicated Doha wasn't responsive to Washington's private requests.

This summer, the conflict between Israel and Hamas also shone fresh light on Qatar's links to extremists in Palestine. Hamas leader Khaled Meshaal has been based in Doha since breaking with the Syrian regime in 2012, and Qatar has worked to rehabilitate the group politically and financially ever since. In October of that year, Qatar's emir visited the Gaza Strip himself, pledging $400 million in aid.

Before and during the latest Gaza war, fellow Gulf states began to lobby in Washington to get tough with Qatar. In 2013, the UAE spent $14 million — more than any other country — on lobbying in Washington, according to data compiled by the Sunlight Foundation. The Camstoll Group, which has been linked to recent media coverage, has held a contract since 2012 that disclosure documents indicate can represent fees of up to $400,000 a month. In the first half of 2013, it earned $4.3 million for activities that disclosure documents describe as advising on matters of "illicit financial activities." (Disclosure: Foreign Policy's PeaceGame program, presented in conjunction with the U.S. Institute of Peace, is underwritten in part by a grant from the UAE Embassy. All FP editorial content, however, is entirely independent.)

Heads have begun to in Washington. In a Sept. 9 hearing in the U.S. House of Representatives, witnesses and congressmen suggested measures that would dramatically recast the relationship between Washington and Doha. In testimony, Jonathan Schanzer, vice president for research at the Foundation for Defense of Democracies, proposed measures that could "send shock waves through the Qatari financial system": designating charities and individuals in Qatar, putting a hold on an $11 billion arms deal, and even opening an assessment into the cost of moving the U.S. military base away from the emirate.

"Excellent ideas," hearing chairman Rep. Ted Poe (R-Texas) said in reply to the witnesses. "We ought to take them all and implement as many as we can."

The U.S. Treasury Department is also stepping up efforts to crack down on al Qaeda and Islamic State funds; on Sept. 24, it designated several individuals with links to Qatar. In addition to a Qatari national alleged to have moved funds from Gulf donors to Afghanistan, the designations include Tariq Bin-Al-Tahar Bin Al Falih Al-Awni Al-Harzi, who gathered support from Qatar, including by arranging for the Islamic State "to receive approximately $2 million from a Qatar-

based [Islamic State] financial facilitator, who required that Al-Harzi use the funds for military operations only," the designation says.

Doha's pushback in reply is just the latest iteration of a long-running bidding war among Gulf states for Washington's favor. Qatar has increased its visibility in Washington in recent years, holding active contracts with lobbying groups Patton Boggs, Barbour Griffith and Rogers, and BGR Government Affairs. With its vast philanthropic arms, it has sponsored everything from student exchange programs to the congressional charity baseball game. Since the global financial crisis, various Qatari investment funds have also invested in property in Washington, Chicago, and elsewhere.

Qatar's money runs even more obliquely as well, through the dozens of consultants, businessmen, and former officials whom it has hired at one point or another. Take the Soufan Group, for example, a well-regarded consultancy on counterterrorism and intelligence. Its founder, Ali Soufan, is also executive director of the Qatar International Academy for Security Studies (QIASS) in Doha, a government-funded center that offers several-week courses to government and military employees. Several other Soufan Group employees are also listed as employees there — an affiliation they rarely disclose in U.S. media interviews. Reached by telephone, Lila Ghosh, communications specialist at the group, told FP that the firm did not do any work on behalf of Qatar within the United States.

QIASS also appears to have given former Obama White House spokesman Robert Gibbs's new PR group, the Incite Agency, one of its first jobs. Just weeks after it opened, Incite handled RSVPs for an event co-hosted by the Soufan Group and QIASS on "countering violent extremism." The Incite Agency did not return repeated calls from FP seeking to clarify its relationship with QIASS.

But the biggest reason that Qatar is likely to remain in good favor with Washington isn't money or influence, but necessity. As the United States ramps up a coalition against the Islamic State militants, it will need first and foremost its air base in Qatar, which is serving as the command center for operations — and then once again, the cover of Arab support.

With Syria and Iraq in chaos, both countries are now populated by a range of extremist actors whom Washington won't want to negotiate with. Doha's up for that job. Most recently, Qatar was called in to help negotiate the release of 45 U.N. peacekeepers taken captive by al-Nusra Front — and on Sept. 12 it announced that it had successfully won the soldiers' release. Qatar insists that a ransom was not paid; perhaps the network of Doha-based funders gave the government a certain leverage over the group. Or it just may be that the al Qaeda affiliate wants something even more valuable.

"I think what Qatar can give them is legitimacy," suggests Krieg. In al-Nusra Front's official demands regarding the peacekeeper hostages, for example, it had asked to be taken off the U.N. sanctions list. "Nusra wants to be seen as a legitimate partner against [the Islamic State]; Qatar might be able to offer them a platform in the future," Krieg says.

That's essentially what Qatar has long offered its friends: a platform, with access to money, media, and political capital. Washington has so far played along, but the question is whether the United States is actually getting played.

TAGS: AL QAEDA, ARAB WORLD, FINANCE, FOREIGN AID, MIDDLE EAST, REPORT, SYRIA, TALIBAN, VOICE

VIEW COMMENTS

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"Al-Nusra Leader Jolani Announces Split from al-Qaeda",
Al Jazeera, 29 July 2016

https://www.aljazeera.com/news/2016/07/al-nusra-leader-jolani-announces-split-al-qaeda-160728163725624.html

NEWS / MIDDLE EAST

Al-Nusra leader Jolani announces split from al-Qaeda

Al Jazeera obtains exclusive video of Abu Mohammed al-Jolani, saying group's name has changed to Jabhat Fath al Sham.

29 Jul 2016

Al Jazeera has obtained exclusive video of the former leader of al-Nusra Front confirming the Syria-based armed group's split from al-Qaeda.

Abu Mohammed al-Jolani appeared in camera for the first time to announce his group's name has also changed to Jabhat Fath al Sham, or The Front for liberation of al Sham.

"We declare the complete cancellation of all operations under the name of Jabhat al-Nusra, and the formation of a new group operating under the name 'Jabhat Fath al-Sham', noting that this new organisation has no affiliation to any external entity," Jolani said.

The release of the video on Thursday followed earlier reports that the leader of al-Qaeda had approved the split, so the Nusra forces could concentrate on their fight against the Syrian government and other rebel groups.

'We look at it with relief'

Al-Nusra first surfaced on the internet in early 2012 to claim responsibility for suicide bombings in Aleppo and Damascus.

Annex 84

"Billion Dollar Ransom": Did Qatar Pay Record Sum?", *BBC*, 17 July 2018

https://www.bbc.co.uk/news/world-middle-east-44660369

AD

'Billion dollar ransom': Did Qatar pay record sum?

By Paul Wood
BBC News, Doha

17 July 2018

Qatar crisis

On the morning of 16 December 2015 Qatar's ruling family got bad news: 28 members of a royal hunting party had been kidnapped in Iraq.

A list of the hostages was given to Sheikh Mohammed bin Abdulrahman al-Thani, who was about to become Qatar's foreign minister. He realised that it included two of his own relatives.

"Jassim is my cousin and Khaled is my aunt's husband," he texted Qatar's ambassador to Iraq, Zayed al-Khayareen. "May God protect you: once you receive any news, update me immediately."

The two men would spend the next 16 months consumed by the hostage crisis.

In one version of events, they would pay more than a billion dollars to free the men. The money would go to groups and individuals labelled "terrorists" by the US: Kataib Hezbollah in Iraq, which killed American troops with roadside bombs; General Qasem Soleimani, leader of the Iranian Revolutionary Guards' Quds Force and personally subject to US and EU sanctions; and Hayat Tahrir al-Sham, once known as al-Nusra Front, when it was an al-Qaeda affiliate in Syria.

In another version of events - Qatar's own - no money was paid to "terrorists", only to the Iraqi state.

In this version, the money still sits in the Central Bank of Iraq's vault in Baghdad, though all the hostages are home. The tortuous story of the negotiations emerges, line by line, in texts and voicemails sent between the foreign minister and the ambassador.

These were obtained by a government hostile to Qatar and passed to the BBC.

So, did Qatar pay the biggest ransom in history?

- **Qatari hunting party freed in Iraq**
- **Why Qatar is the focus of terrorism claims**

Sheikh Mohammed is a former economist and a distant relative of the emir. He was not well known before he was promoted to foreign minister at the relatively young age of 35.

EPA

At the time of the kidnapping, the ambassador Zayed al-Khayareen was in his 50s, and was said to have held the rank of colonel in Qatari intelligence. He was Qatar's first envoy to Iraq in 27 years, but this was not an important post.

The crisis was his chance to improve his position.

The hostages had gone to Iraq to hunt with falcons. They were warned - implored - not to go. But falconry is the sport of kings in the Gulf and there were flocks of the falcons' prey, the Houbara bustard, in the empty expanse of southern Iraq.

The hunters' camp was overrun by pick-up trucks mounted with heavy machine guns in the early hours of the morning.

A former hostage told the New York Times they thought it was "Isis", the Sunni jihadist group Islamic State. But then one of the kidnappers used a Shia insult to Sunnis.

GETTY IMAGES

For many agonising weeks, the Qatari government heard nothing. But in March 2016, things started to move. Officials learned that the kidnappers were from Kataib Hezbollah (the Party of God Brigades), an Iraqi Shia militia supported by Iran.

The group wanted money. Ambassador Khayareen texted Sheikh Mohammed: "I told them, 'Give us back 14 of our people... and we will give you half of the amount.'" The "amount" is not clear in the phone records at this stage.

Five days later, the group offered to release three hostages. "They want a gesture of goodwill from us as well," the ambassador wrote. "This is a good sign... that they are in a hurry and want to end everything soon."

Two days later the ambassador was in the Green Zone in Baghdad, a walled off and heavily guarded part of the city where the Iraqi government and foreign embassies are located.

Iraq in March is already hot. The atmosphere in the Green Zone would have seemed especially stifling: supporters of the Shia cleric Moqtada Sadr were at the gates, protesting about corruption. The staff of some embassies had fled, the ambassador reported. This provided a tense backdrop to the negotiations.

Mr Khayareen waited. But there was no sign of the promised release. He wrote: "This is the third time that I come to Baghdad for the hostages' case and I have never felt frustrated like this time. I've never felt this stressed. I don't want to leave without the hostages. :(:("

The kidnappers turned up, not with hostages but with a USB memory stick containing a video of a solitary captive.

"What guarantee do we have that the rest are with them?" Sheikh Mohammed asked the ambassador. "Delete the video from your phone... Make sure it doesn't leak, to anyone."

Mr Khayareen agreed, saying: "We don't want their families to watch the video and get emotionally affected."

The hostages had been split up - the royals were put in a windowless basement; their friends, the other non-royals, and the non-Qataris in the party, were taken elsewhere and given better treatment and food.

A Qatari official told me that the royals were moved around, sometimes every two to three days, but always kept somewhere underground. They had only a single Koran to read between them.

For almost the entire 16 months they spent in captivity, they had no idea what was happening in the outside world.

If money was the answer to this problem, at least the Qataris had it. But the texts and voicemails show that the kidnappers added to their demands, changing them, going backwards and forwards: Qatar should leave the Saudi-led coalition battling Shia rebels in Yemen. Qatar should secure the release of Iranian soldiers held prisoner by rebels in Syria.

Then it was money again. And as well as the main ransom, the militia commanders wanted side payments for themselves.

As one session of talks ended, a Kataib Hezbollah negotiator, Abu Mohammed, apparently took the ambassador aside and asked for $10m (£7.6m) for himself.

"Abu Mohammed asked, 'What's in it for me? Frankly I want 10'," the ambassador said in a voicemail.

"I told him, 'Ten? I am not giving you 10. Only if you get my guys done 100%...'

"To motivate him, I also told him that I am willing to buy him an apartment in Lebanon."

The ambassador used two Iraqi mediators, both Sunnis. They visited the Qatari foreign minister, asking in advance for "gifts": $150,000 in cash and five Rolex watches, "two of the most expensive kind, three of regular quality". It's not clear if these gifts were for the mediators themselves or were to grease the kidnappers' palms as the talks continued.

In April 2016, the phone records were peppered with a new name: Qasem Soleimani, Kataib Hezbollah's Iranian patron.

AFP/GETTY

By now, the ransom demand appears to have reached the astonishing sum of $1bn. Even so, the kidnappers held out for more. The ambassador texted the foreign minister: "Soleimani met with the kidnappers yesterday and pressured them to take the $1b. They didn't respond because of their financial condition... Soleimani will go back."

The ambassador texted again that the Iranian general was "very upset" with the kidnappers. "They want to exhaust us and force us to accept their demands immediately. We need to stay calm and not to rush." But, he told Sheikh Mohammed, "You need to be ready with $$$$." The minister replied: "God helps!"

Months passed. Then in November 2016, a new element entered the negotiations. Gen Soleimani wanted Qatar to help implement the so-called "four towns agreement" in Syria.

At the time, two Sunni towns held by the rebels were surrounded by the Syrian government, which is supported by Iran. Meanwhile, two Shia towns loyal to the government were also under siege by Salafist rebels, who were apparently supported by Qatar. (The rebels were said to include members of the former al-Nusra Front.) Under the agreement, the sieges of the four towns would be lifted and their populations evacuated.

According to the ambassador, Gen Soleimani told Kataib Hezbollah that if Shia were saved because of the four towns agreement, it would be "shameful" to demand personal bribes.

"Hezbollah Lebanon, and Kataib Hezbollah Iraq, all want money and this is their chance," the ambassador texted the foreign minister. "They are using this situation to benefit... especially

that they know that it's nearly the end... All of them are thieves."

The last mention in the exchanges of a $1bn ransom is in January 2017, along with another figure - $150m.

The government that gave us this material - which is hostile to Qatar - believes the discussions between Sheikh Mohammed and Mr Khayareen were about $1bn in ransom plus $150m in side payments, or "kickbacks". But the texts are ambiguous. It could be that the four towns deal was what was required to free the hostages, plus $150m in personal payments to the kidnappers.

Qatari officials accept that the texts and voicemails are genuine, though they believe they have been edited "very selectively" to give a misleading impression.

The transcripts were leaked, to the Washington Post, in April 2018. Our sources waited until officials in Doha issued denials. Then they sought to embarrass Qatar by releasing the original audio recordings.

Qatar is under economic blockade by some of its neighbours - Saudi Arabia, the United Arab Emirates, Bahrain and Egypt. This regional dispute has produced an intensive, and expensive, campaign of hacking, leaking and briefings in Washington and London.

The hostage crisis was brought to an end in April 2017. A Qatar Airways plane flew to Baghdad to deliver money and bring the hostages back. This was confirmed by Qatari officials, though Qatar Airways itself declined to comment.

EPA

Qatar is in a legal dispute with its neighbours about overflight rights. The question of whether the emirate's national carrier was used to make payments to "terrorists" will have a bearing on the case - one reason, presumably, why we were leaked this material.

Who would get the cash flown into Baghdad - and how much was there? Our original source - the government opposed to Qatar - maintains that it was more than $1bn, plus $150m in kickbacks, much of it destined for Kataib Hezbollah.

Qatari officials confirm that a large sum in cash was sent - but they say it was for the Iraqi government, not terrorists. The payments were for "economic development" and "security co-operation". "We wanted to make the Iraqi government fully responsible for the hostages' safety," the officials say.

The Qataris thought they had made a deal with the Iraqi interior minister. He was waiting at the airport when the plane landed with its cargo of cash in black duffel bags. Then armed men swept in, wearing military uniforms without insignia.

"We still don't know who they were," a Qatari official told me. "The interior minister was pushed out." This could only be a move by the Iraqi Prime Minister, Haider al-Abadi, they reasoned. The Qatari prime minister frantically called Mr Abadi. He did not pick up.

REUTERS

Mr Abadi later held a news conference, saying that he had taken control of the cash.

Although the money had been seized, the hostage release went ahead anyway, tied to implementation of the "four towns agreement".

In the texts, a Qatari intelligence officer, Jassim Bin Fahad Al Thani - presumably a member of the royal family - was present on the ground.

First, "46 buses" took people from the two Sunni towns in Syria. "We took out 5,000 people over two days," Jassim Bin Fahad texted. "Now we are taking 3,000... We don't want any bombings."

A few days later, the Shia towns were evacuated. Sheikh Mohammed sent a text that "3,000 [Shia] are being held in exchange location... when we have seen our people, I will let the buses move."

The ambassador replied that the other side was worried. "They are panicking. They said that if the sun rises [without the Shia leaving] they will take our people back."

On 21 April 2017, the Qatari hostages were released. All were "fine", the ambassador reported, but "they lost almost half of their weight". The ambassador arranged for the plane taking them home to have "biryani and kabsa, white rice and sauté... Not for me. The guys are missing this food."

Sixteen months after they were taken, television pictures showed the hostages, gaunt but smiling, on the tarmac at Doha airport.

The sources for the texts and voicemails - officials from a government hostile to Qatar - say the material shows that "Qatar sent money to terrorists".

Shortly after the money was flown to Baghdad, Saudi Arabia, the United Arab Emirates, Bahrain and Egypt began their economic blockade of Qatar. They still accuse Qatar of having a "long history" of financing "terrorism".

REUTERS

The anti-Qatar sources point to one voicemail from Ambassador Khayareen. In it, he describes telling a Kataib Hezbollah leader: "You should trust Qatar, you know what Qatar did, what His Highness the Emir's father did... He did many things, this and that, and paid 50 million, and provided infrastructure for the south, and he was the first one who visited."

Our sources maintain that this shows an historic payment, under the old emir, of $50m to Kataib Hezbollah.

Qatari officials say it shows support for Shia in general.

Whether the blockade of Qatar continues will depend on who wins the argument over "terrorist financing".

Partly, this is a fight over whom to believe about how a kidnapping in the Iraqi desert was ended. Qatari officials say the money they flew to Baghdad remains in a vault in the Iraqi central bank "on deposit".

Their opponents say that the Iraqi government inserted itself into the hostage deal and distributed the money.

For the time being, the mystery over whether Qatar did make the biggest ransom payment in history remains unsolved.

Update 17 July 2018: Since the article was published, a Qatari official told the BBC the payment of $50m by the Qatari emir's father was for humanitarian aid. The official said: "Qatar has a history of providing humanitarian aid for people in need regardless of religion or race. Whether they were Sunni or Shia did not factor into the decisions."

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Patrick Cockburn, "Iraq Considers Next Move After Intercepting 'World's Largest" Ransom for Kidnapped Qataris'", *Independent*, 26 April 2017

https://www.independent.co.uk/news/world/middle-east/qatari-royals-kidnapped-iraq-ransom-half-billion-shia-militia-syria-saudi-hunters-baghdad-a7703946.html

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Iraq considers next move after intercepting 'world's largest' ransom for kidnapped Qataris

Exclusive: Prime Minister's leaked memo reveals Baghdad's anger as Qataris try to pay militias $500m in cash seized at Baghdad airport

Patrick Cockburn | @indyworld | Wednesday 26 April 2017 21:43 | | 11 comments

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The Independent

INDEPENDENT

Baghdad airport, Baghdad, Iraq *(Rex)*

Officials at Baghdad International Airport became suspicious earlier this month when their X-ray machines could not see into 23 large bags unloaded from a Qatari plane, producing only a black image because the contents were wrapped in a special material impenetrable to detecting devices. They were further amazed when they opened the bags to discover that they contained hundreds of millions of dollars and euros in cash worth a total of $500m (£389m), says an Iraqi source.

It is now clear that the money was ransom for 24 Qataris, several of them leading members of the Qatari royal al-Thani family, and two Saudis who had been hunting with falcons with official permission in supposedly safe southern Iraq when they were kidnapped 16 months ago by a Shia militia task force. A deal to get them released has been complicated by negotiations involving Qatar and Iran as well as Shia and Sunni militias over the simultaneous evacuation of people long besieged in four towns, two Shia and two Sunni, in northern and southern Syria respectively.

The extraordinary story of the $500m ransom - perhaps the biggest ransom ever in history – and the release of the Qatari royalty is revealed in a confidential document sent by Iraqi Prime Minister Haider al-Abadi and obtained exclusively by *The Independent*. In a special report dated 22

April, six days after the episode at the airport, he gives senior members of his ruling Dawa Party a detail account of actions by his government, Qatar and other players inside and outside Iraq though the precise identity of several is left vague.

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Bombing hits buses carrying evacuated Syrian civilians

Mr Abadi says that Qatar had requested the Iraqi government for permission to land an aircraft at Baghdad International Airport on 15 April on the understanding that it would take on board freed members of the kidnapped hunting party. But he says the airport officials were "surprised that there were 23 large heavy bags that appeared without prior notice or approval". When these were put in the X-ray machine "the image appeared black", which meant that whatever was inside was wrapped in a special impenetrable material.

Those on board the plane included the Qatari ambassador to Iraq and a special envoy from the Qatari Emir Tamim bin Hamad al-Thani, but they had not asked for the bags to be given diplomatic immunity. They apparently had not done so because they believed that the kidnappers or their emissaries had their own people at the airport who would take charge of the money.

World news in pictures Show all 50

Mr Abadi says that even before opening the bags Iraqi officials had become convinced, through overhearing the conversation of the Qataris, that they contained money. What they did not know was how much, so when they finally searched them and counted the cash they were astonished to

discover that the amount totalled "hundreds of millions of dollars and euros". By then the Iraqi government had been told, presumably by the Qataris, that the cash was a ransom payment. But its officials still confiscated it since their government had not been informed about what was going on and they were chary of seeing such a large sum paid to a militia that would inevitably be empowered by a massive cash injection. "Hundreds of millions for armed groups? Is this acceptable?" Mr Abadi asked later at a press conference.

The militia widely reported to have carried out the original kidnapping of the hunting party in Iraq's southern Muthanna proince in December 2015 was the powerful Iranian-supported movement known as Ketaeb Hezbollah, which is distinct from Lebanese Hezbollah. But all Iraqi and Syrian militias both Shia and Sunni have links, often undeclared and unprovable but well known to most Iraqis and Syrians, to local politicians, political parties and foreign states. Sometimes, the militias are simple proxies of others but usually the relationship is more complex with a degree of mutual dependence.

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Police officer killed and dozens injured in Baghdad clashes

Mr Abadi hints at this when he mentions in his report that, as news of the confiscation of the money at the airport spread in Baghdad, "third parties intervened strongly, some from the highest levels" and others threatened to use armed force. The Qatari envoy and the Qatari ambassador who had arrived on the plane had a bitter dispute over what had gone wrong. What is not clear is why the kidnappers released their hostages on 21 April, though they had not yet received the ransom, unless they were confident that once it was in Baghdad airport it was as good as in their hands or replacement funds had been sent by Qatar. Mr Abadi says that the Qataris had been led to believe that "the sponsors of the kidnappers" had effective control of the airport and of the security forces there.

A second strong reason for the freeing of the hostages going ahead is that their release was part of a regional deal involving Qatar, Iran, Jabhat al-Nusra, formerly the al-Qaeda representative in Syria, as well as various Shia militias. This relates to the fate of two Shia towns, Fua and Kefraya, with a combined population of 40,000, that have long been under siege by Sunni Arab militia forces including al-Nusra in Idlib province in northern Syria, and two Sunni towns, Madaya and Zabadani west of Damascus, that are besieged by pro-Syrian government forces including Lebanese Hezbollah. Under an agreement all four towns were to see simultaneous and linked evacuations as a result of stop-go negotiations that have been going on for several years. On the day of the hunters' release last Friday, an Iraqi source told AFP "the Qataris are now in Haider al-Abadi's office following a deal between Jabhat al-Nusra and the kidnappers."

The release of the hostages had earlier been stalled when busses carrying Shia evacuees from Fua and Kefraya were attacked on 15 April by a suicide bomber in a vehicle, which exploded, killing 126 people, including 68 children and wounding a further 300. This was the same day that the Qatari plane landed in Baghdad. Given that all militias in Syria and Iraq are highly criminalised, the money would presumably have to be shared out among all of those involved as well as with some of their outside sponsors.

Mr Abadi is clearly angry at the way in which Iraq has been caught up in the complicated manoeuvres of foreign powers like Qatar, Iran, Lebanese Hezbollah and a variety of Iraqi and Syrian private armies. He says that "allowing [the Qataris] to deliver big money to armed groups in Iraq, and perhaps also to terrorist groups is to fuel the war."

The affair has not ended since the Iraqi government now has half a billion dollars whom very violent paramilitary groups and their sponsors were expecting to be paid to them. These are often described as militias, though in fact they are heavily-equipped private armies who pose as community defenders, but are frequently guns-for-hire for foreign states and for their own enrichment. They will not resign themselves easily to the loss of the contents of the 23 bags confiscated at Baghdad airport.

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https://www.washingtonpost.com/world/national-security/hacked-messages-show-qatar-appearing-to-pay-hundreds-of-millions-to-free-hostages/2018/04/27/46759ce2-3f41-11e8-974f-aacd97698cef_story.html?utm_term=.1300fb488380

The Washington Post

National Security

Hacked messages show Qatar appearing to pay hundreds of millions to free hostages

By Joby Warrick
April 28, 2018

One morning last April, in the 16th month of a grueling hostage negotiation, a top Qatari diplomat sent a text message to his boss to complain about a brazen robbery being perpetrated against his own country.

Qatar had entered secret talks to free 25 of its citizens from kidnappers in Iraq, yet the bargaining had turned into a kind of group shakedown, the official said, with a half-dozen militias and foreign governments jostling to squeeze cash from the wealthy Persian Gulf state.

“The Syrians, Hezbollah-Lebanon, Kata’ib Hezbollah, Iraq — all want money, and this is their chance,” Zayed bin Saeed al-Khayareen, Qatar’s ambassador to Iraq and chief negotiator in the hostage affair, wrote in the message. “All of them are thieves.”

And yet, the Qataris were willing to pay, and pay they did, confidential documents confirm.

In the April text message and in scores of other private exchanges spanning 1½ years, Qatari officials fret and grouse, but then they appear to consent to payments totaling at least $275 million to free nine members of the royal family and 16 other Qatari nationals kidnapped during a hunting trip in southern Iraq, according to copies of the intercepted communications obtained by The Washington Post.

The secret records reveal for the first time that the payment plan allocated an additional $150 million in cash for individuals and groups acting as intermediaries, although they have long been regarded by U.S. officials as sponsors of international terrorism. These include Iran’s Islamic Revolutionary Guard Corps and Kata’ib Hezbollah, an Iraqi paramilitary group linked to numerous lethal attacks on American troops during the Iraq War, the records show.

The payments were part of a larger deal that would involve the Iranian, Iraqi and Turkish governments as well as Lebanon’s Hezbollah militia and at least two Syrian opposition groups, including al-Nusra Front, the notorious Sunni rebel faction linked to al-Qaeda. The total sum demanded for the return of the hostages at times climbed as high as $1 billion, although it is not clear from the documents exactly how much money ultimately changed hands.

Qatar, which acknowledged receiving help from multiple countries in securing the hostages’ release last year, has consistently denied reports that it paid terrorist organizations as part of the deal. In a letter last month denouncing a published account of the events in the New York Times, Qatar’s ambassador to the United States asserted flatly that “Qatar did not pay a ransom.”

“The idea that Qatar would undertake activities that support terrorism is false,” the ambassador, Sheikh Meshal bin Hamad al-Thani, wrote. The letter does not deny that Qatar paid money to end the crisis, but it suggests that the recipients were government officials, citing vaguely a Qatari initiative with Iraq to “strengthen bilateral relations and ensure the safe release of the abductees.”

But the conversations and text messages obtained by The Post paint a more complex portrait. They show senior Qatari diplomats appearing to sign off on a series of side payments ranging from $5 million to $50 million to Iranian and Iraqi officials and paramilitary leaders, with $25 million earmarked for a Kata’ib Hezbollah boss and $50 million set aside for “Qassem,” an apparent reference to Qassem Soleimani, the leader of Iran’s Islamic Revolutionary Guard Corps and a key participant in the hostage deal.

“You will get your money after we take our people,” Khayareen writes in an April 2017 text message, recounting his conversation with a top official of Kata’ib Hezbollah.

The text exchanges are part of a trove of private communications about the hostage ordeal that were surreptitiously recorded by a foreign government and provided to The Post. The intercepted communications also include cellphone conversations and voice-mail messages in Arabic that were played for Post reporters for authentication purposes, on the condition that the name of the foreign government that provided the materials not be revealed.

Qatari officials declined to comment on specific issues raised in the text exchanges. But one senior Middle Eastern official knowledgeable about the communications said the sums mentioned in the texts referred to proposals that were floated by negotiators but ultimately rejected. The official, speaking on the condition of anonymity to discuss a diplomatically sensitive subject, also asserted that some of the texts appeared to have been edited or repackaged to give a misleading impression, but he did not offer specifics. The official did not dispute reports that hundreds of millions of dollars of Qatar’s money were flown to Baghdad in April 2017, just days before the release of the hostages. Iraqi officials confiscated the cash, which has not been returned.

Other governments, including some in the West, have paid ransoms to known terrorist organizations to win the release of kidnapped citizens. For example, France and Spain paid cash to kidnappers — either directly or through state-owned companies — to free French and Spanish nationals captured by the Islamic State or al-Qaeda affiliates in separate incidents between 2010 and 2014.

But Qatar’s bargaining with militants over the hostage affair would become a flash point in a larger feud between the country and its Arab neighbors, some of which have repeatedly criticized Qatari leaders over what they say are the country’s cordial ties with Iran and support for the Muslim Brotherhood and other groups identified with political Islam. Weeks after the hostages were freed, Saudi Arabia and the United Arab Emirates joined three other Arab states in severing relations with Qatar, triggering a diplomatic crisis that quickly escalated into a virtual blockade on shipping and air travel into and out of Qatar.

The rift has occasionally prompted the Trump administration to take sides. Last June, President Trump voiced support for the embargo and blasted Qatar as a “funder of terrorism at a very high level.” But Trump lavished praise on Qatar’s emir, Sheikh Tamim bin Hamad al-Thani, when he visited Washington this month, calling him a “big advocate” for combating terrorism financing.

An ancient pastime

It started with a simple hunting trip, albeit one that was marred from the outset by bad luck and questionable decisions about the excursion’s timing and locale.

Iraq in late 2015 was an extraordinarily dangerous place. A third of the country was occupied by the Islamic State, while elsewhere, bands of Kurdish and Shiite militiamen roamed towns and villages as Iraqi leaders mobilized for an all-out assault against the Islamist extremists. Yet, in November 2015, a large party of Qataris entered southern Iraq’s Muthanna province to enjoy a pastime favored by well-to-do Arabs since antiquity: using trained falcons to hunt a desert game bird called the houbara bustard.

The outing was nearing its end on Dec. 15, 2015, when heavily armed fighters rolled into the foreigners’ camp in trucks. Twenty-eight members of the hunting party — 25 Qataris, two Saudis and a Pakistani — were taken hostage, the starting point in a confusing, politically charged drama that lasted just over 16 months.

Who, exactly, was behind the kidnapping was initially unclear, but Qatari officials quickly came to suspect that Iraqis had leaked information about the hunting party to the kidnappers. The Qatari hunters had given the precise coordinates of their camp to Iraq’s Interior Ministry as part of their permit application, and Iraqi government employees had made a surprise visit to the camp just hours before the men were captured, according to the senior Middle Eastern official familiar with the events.

In any case, Qatari officials quickly sought help from the Iraqi government and Iraqi Shiite leaders in initiating contact with the kidnappers.

Qatar soon learned that the hostages were being held by Kata’ib al-Imam Ali, an obscure Iraqi Shiite militant group affiliated with Kata’ib Hezbollah. Both organizations receive funding and weapons from Iran, and the latter is officially designated by the United States a foreign terrorist group. Kata’ib Hezbollah was linked to scores of roadside bomb and sniper attacks against U.S. personnel in Iraq in the last decade, and since 2013, it has waged war against the Islamic State in Iraq, while also joining other Shiite militias in defending embattled dictator Bashar al-Assad inside Syria.

In response to the kidnappings, Qatar set up a crisis team that included Khayareen and Foreign Minister Mohammed bin Abdulrahman al-Thani, as well as Hamad bin Khalifa al-Attiyah, a personal adviser to the emir. Once it became clear that the captors were an Iranian-backed militia group, the officials began working through an array of influential intermediaries to gain the hostages’ freedom.

Of the complex deal that ultimately emerged, key elements have been documented by other publications. The Guardian and the Financial Times last year described how the release of Qatar's hostages became tied to an Iranian-engineered plan, supported by Turkey and Lebanon's Hezbollah, to evacuate four Syrian villages — two Sunni and two Shiite — that had been under siege for months by different militant groups. Last month, an article in the New York Times Magazine recounted the seizure of $360 million in Qatari cash — money apparently intended in part to pay off the Syrian fighters and implement the evacuations — by Iraqi officials at Baghdad's international airport as the hostage-release plan was being implemented.

But what was unknown until now was that key conversations about the hostage affair were monitored by outsiders.

In the recorded communications between diplomats and mediators, Qatari officials complain about the prospect of paying millions of dollars to reward violent organizations that engage in kidnapping. But then they are seen to approve a plan to do exactly that.

Confusing demands

At the outset, Qatari diplomats appeared to struggle to understand what the kidnappers wanted. After a perplexing silence in the early weeks of the ordeal, Kata'ib Hezbollah officials spoke directly to Khayareen to discuss the possibility of releasing two of the captives, while also issuing confusing demands.

Khayareen, recounting the phone conversations with Kata'ib Hezbollah's negotiator, told Qatar's foreign minister that the militants asked him to "bring the money" in exchange for the two hostages. But later, through an Iraqi intermediary, the kidnappers asked for other concessions that appeared intended to benefit Iran: Qatar's complete withdrawal from the Saudi-led coalition fighting Shiite Houthi rebels in Yemen, and a promise to release Iranian soldiers held by Qatari-backed Sunni rebels in Syria.

"Your requests are not logical at all," the kidnappers were told, Khayareen wrote in a March 2016 text.

But soon afterward, money becomes a primary focus. In the text exchanges and phone conversations, Qatari officials initially discuss a payment of $150 million to Kata'ib Hezbollah if all the hostages are released, with an additional fee of $10 million to an Iraqi mediator for the group identified as Abu Mohammed al-Sa'adi. It was the first of many discussions of possible side payments for militia officials and mediators, some of whom demanded additional money from the Qataris while simultaneously asking for discretion so that their militia brethren would not discover that they were receiving bonuses.

"Al-Sa'adi asked me, 'What's in it for me?' " Khayareen told the Qatari foreign minister in a voice-mail message played for The Post. "The man told me frankly, 'I want ten [million dollars]. I told him, 'Ten? I am not giving you ten. Only in one case: If you get my guys done, 100 percent, I will give you the $150 [million] and then I will give you the ten."

As the dickering continued through the spring of 2016, wildly differing figures were thrown around as the cast of interlocutors grew to include Soleimani and other senior Iranian officials. In May, Khayareen tells his boss that negotiators have arrived at a figure of $275 million, with the transaction set to take place in Iraq's Sulaymaniyah province. At several points, the figure $1 billion is suggested as the price of a comprehensive deal involving the Iranians and the four-village evacuation plan. Soleimani had been seeking to implement the village plan for nearly two years, and Iranian officials apparently viewed the Qatari hostages as leverage, since Qatari-backed rebel groups were besieging two Shiite villages and their cooperation was essential to making the plan work.

"Qassem was pressuring the kidnappers and is very upset with them," Khayareen says in an April 2016 text message. Later, his texts describe trips by Soleimani to meet with the Kata'ib group in Iraq, as well as meetings between Qatari negotiators and representatives of the Islamic Revolutionary Guard Corps and the office of Iran's supreme leader, Ayatollah Ali Khamenei.

In May 2016, Qatar appears to balk at the Iranian plan, sending word through an intermediary that the fate of the Syrian villages was a United Nations affair, and Qatari officials "don't cooperate or open a channel" with terrorist groups. At several points, the messages reflect Qatari anxiety over the safety of the hostages, the escalating demands for payments and the political pressure placed on Doha to use its wealth to end the ordeal.

The negotiations dragged on fruitlessly for months until late 2016, when the militants finally appear to have grown weary of talking.

"The Kata'ib told the [mediator] that they are fed up with the case and want any solution to end it, so [they] get some money out of it," Khayareen writes in November of that year. "It seems that the group is bankrupt."

By April 2017, after additional meetings with Iranians, the outlines of a comprehensive deal are in place. In a carefully choreographed chain of events, buses arrive at the four Syrian villages to begin the evacuations, and the Qatari hostages are taken to Baghdad and released. Senior Qatari officials are present to help oversee both events, the documents show.

How much money the Qataris ultimately doled out to close the deal is not spelled out in the documents obtained by The Post. But the Qataris in the intercepted communications are explicit about the amounts earmarked for individuals who assisted in delivering the hostages. Just days after the captives' release, on April 25, 2017, Khayareen picks up his cellphone once more to give Qatar's foreign minister the breakdown. He lists five recipients who would divvy up $150 million in Qatari cash:

"Qassem, 50. Sulaymaniyah [provincial government official who facilitated the negotiations], 50. Abu Hussain, leader of Kata'ib, 25. Banhai [Iranian official involved in the talks], 20."

The final person on the list is Abu Mohammed al-Sa'adi, the negotiator for Kata'ib Hezbollah who had asked for an extra $10 million. He is rewarded with $5 million.

Khayareen follows up with a seven-second voice-mail message to his boss confirming that all the payments have been made.

“They are done and distributed,” he is heard to say.

Azhar AlFadl Miranda contributed to this report.

1 Comment

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Joby Warrick joined The Washington Post’s National staff in 1996. He has covered national security, the environment and the Middle East and writes about terrorism. He is the author of two books, including 2015’s “Black Flags: The Rise of ISIS," which was awarded a 2016 Pulitzer Prize for nonfiction. Follow

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Qatar asks citizens to leave UAE within 14 days: embassy

1 MIN READ

A sign indicating a route to Qatar embassy is seen in Manama, Bahrain, June 5, 2017. REUTERS/Hamad I Mohammed

DUBAI (Reuters) - Qatar on Monday asked citizens to leave the United Arab Emirates within 14 days to comply with a decision by Abu Dhabi to

sever ties with Doha, the Qatari embassy in Abu Dhabi said on social media.

"Qatari citizens must leave the UAE within 14 days, in accordance with the statement issued by the concerned Emirati parties," the embassy tweeted.

Those who cannot travel directly to Doha should go through Kuwait or Oman, it said.

Reporting by Omar Fahmy Writing by Sami Aboudi; Editing by Louise Ireland

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