One of the principal purposes of the United Nations, as proclaimed in the Charter, is to "achieve international cooperation . . . in promoting and encouraging respect for human rights and fundamental freedoms for all without discrimination as to race, sex, language, or religion" [Article 1 (3)]. The Charter directs the Economic and Social Council to establish a commission on human rights (Article 68), and authorizes the Council and the General Assembly to initiate studies and reports, make recommendations, and draft conventions in keeping with this purpose (Articles 13 and 62).

At its first session in 1946 the Commission on Human Rights outlined a threefold program: the adoption of a declaration of human rights, with mainly moral status; a legally-binding covenant on human rights, and measures to implement the covenant.

The Universal Declaration of Human Rights was adopted by the General Assembly on December 10, 1948, but the forging of a covenant to give it legal force, which was to follow soon thereafter, proved exceedingly difficult and has still not been completed. In 1951 the General Assembly divided the rights, initially intended for inclusion in one overall covenant, into two categories, each to be incorporated in a separate covenant with separate measures of implementation: "civil and political rights," which are amenable to supervision and legal enforcement, and "economic, social, and cultural rights," which can be more readily implemented by long-range planning and education than by immediate measures. Since 1955, the Assembly's Third Committee, responsible for social, humanitarian, and cultural matters, has been engaged in an article-by-article review of the drafts of the two covenants. By 1963 it had reviewed and approved most of their substantive articles and was set to begin the crucial task of achieving agreement on implementation. However, it was compelled to defer this step, in 1964, because of the UN's financial crisis and, in 1965, because priority had to be given to other projects.

In the meantime, the United Nations made considerable progress in the development of principles or standards, by conventions and declarations, on particular rights or categories of rights. These dealt with such matters as the abolition of slavery, forced labor, and genocide; elimination of discrimination in employment and occupation, and in education; political equality for women; equal remuneration for men and women for work of equal value; freedom of association.

The United Nations engaged in a range of other human-rights tasks, in-
cluding programs of study, reporting, and “advisory services,” such as regional intergovernmental seminars and fellowships, and educational programs. Among its concerns, in 1965, were drafting a Declaration and Convention on the Elimination of All Forms of Religious Intolerance; the question of the applicability of statutes of limitations to the prosecution of war criminals and persons who committed crimes against humanity, and the implementation of human rights through a United Nations High Commissioner for Human Rights or other appropriate international machinery.

**Racial Discrimination**

Racial discrimination has been given attention by various UN bodies—the General Assembly, the Economic and Social Council (ECOSOC) and its functional commissions, and the specialized agencies. It has been the subject of studies, resolutions, reports, declarations, and conventions. It has been considered for years in relation to a situation in a particular country (e.g., apartheid in South Africa); as an aspect of a general problem (e.g., studies of discrimination on various grounds in education and employment), and across-the-board, when ECOSOC, in July 1965, mandated the Subcommission on the Prevention of Discrimination and the Protection of Minorities to make a special study of racial discrimination in the political, economic, social, and cultural spheres, and, of course, when the General Assembly, on December 7, 1962, had requested the Human Rights Commission to prepare a declaration and convention on the elimination of racial discrimination.

**Declaration and Convention on the Elimination of All Forms of Racial Discrimination**

A draft declaration formulated by the Commission on Human Rights was unanimously approved by the Assembly on November 20, 1963. Encompassing a wider field than its title indicated, it condemned discrimination not only for reasons of race but also of color or ethnic origin, as an offense to human dignity and a denial of the principles of the UN Charter. The declaration provided that no state, institution, group, or individual “shall make any discrimination on such grounds” and that preventive efforts shall be undertaken, “especially in the fields of civil rights, access to citizenship, education, religion, employment, occupation and housing,” and in “teaching, education and information.” Condemning “all propaganda and organizations” based on ideas or theories of racial or ethnic superiority, it provided that “all incitement to or acts of violence, whether by individuals or organizations, against any race . . . shall be considered an offense against society and punishable under law,” and called upon all states to “outlaw organizations which promote or incite to racial discrimination.”

In January 1964 the Sub-Commission on Discrimination and Minorities began to draft for the commission a convention giving legal force to the principles of the declaration. It drew up a preamble and ten substantive articles which the commission reviewed in detail at its session in spring 1965.
Following vigorous controversy over certain provisions, especially Article 4 prohibiting "organizations" and "organized propaganda activities" which "promote and incite" racial discrimination, the draft and revisions were transmitted to the General Assembly.

At the Assembly's 20th session in autumn 1965, the Third Committee amended and strengthened the commission's draft and, on December 14, 1965, approved the entire convention comprising a preamble, seven operative articles, and nine articles of implementation—the latter based on a compromise text sponsored by Ghana, Mauritania, and the Philippines. The convention was adopted by the Plenary on December 22 by a vote of 104 to 0, with 12 nations absent. It is to come into force after ratification by 27 states.

**Provisions of Convention**

Article 1 defines "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." At the same time it provides that special measures of a temporary nature, intended to raise disadvantaged racial or ethnic groups to a level of equality, shall not be deemed racial discrimination.

Article 2 requires states parties to adopt policies aimed at eliminating racial discrimination, such as ensuring that no racial discrimination is practiced by any national and local public authorities and institutions; eliminating all laws and regulations which might create or perpetuate discrimination, and prohibiting by law or otherwise discrimination by persons, groups, or organizations.

Article 3 condemns "racial segregation and apartheid" and calls for measures to prevent, prohibit, and eradicate all such practices in territories under the jurisdiction of states parties.

Article 4, more emphatic in language than the draft transmitted by the commission, obligates the states parties to adopt immediate measures against "all incitement to, or acts of," racial discrimination and punish by law the dissemination of ideas "based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence, or incitement to such acts," and the financial or other support of racist activities. It obligates states to "prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination."

Article 5 lists among the rights all persons are to enjoy without discrimination: equal treatment before courts and other legal tribunals; security of person; political equality, including the right to vote and stand for election, and all civil rights, such as freedom of movement and residence, right to nationality and to free choice of spouse, and freedom of thought, conscience, religion, and expression.

Article 6 provides for "protection and remedies through competent na-
tional tribunals and other state institutions against any acts of racial discrimina-

tion.”

Article 7 requires the adoption of measures, “particularly in the fields of
teaching, education, culture and information,” to combat prejudices which
lead to racial discrimination, and to promote “understanding, tolerance and
friendship” among nations and racial or ethnic groups.

Articles 8-16 provide for the creation of machinery to implement the

convention. This includes a committee of 18 experts, elected for four-year
terms from a list of persons nominated by the states parties, to which the
latter are required to submit periodic reports on any “legislative, judicial,
administrative, or other measures” they may have adopted to prevent viola-
tion of the convention. The committee is empowered to “make suggestions
and general recommendations” on the basis of information received.

Any state party has the right to submit through the committee a complaint
against another state party, which if not satisfactorily adjusted within six
months, must be submitted to an ad hoc conciliation commission, appointed
by the committee chairman for further study and recommendations.

Perhaps the most important implementation provision of the convention
is one permitting states parties, by special declaration, to recognize the com-
mittee’s competence to receive complaints from individuals or groups of
individuals claiming to be victims of a convention violation. This procedure,
which becomes operative only after ten states have submitted such declara-
tions, may be applied only after the petitioner has first unsuccessfully sought
redress of grievances in his own country.

The convention provides also that all unresolved disputes over the inter-
pretation or application of its provisions are to be referred for decision to
the International Court of Justice.

Debate on Convention

The convention was adopted unanimously despite sharp differences on
certain issues; both Western and Communist states yielded on particular
points in recognition of strong Afro-Asian commitment to it. There was
strong disagreement on measures to deal with racist propaganda and organi-
izations (Article 4): The United States and other Western states stressed the
importance of safeguarding freedom of speech, expression, and association,
against the insistence of the Communist and African states on language
banning “all dissemination of ideas based on racial superiority or hatred,”
as well as organizations and propaganda promoting and inciting racial dis-


and Article 5 include guarantees of freedom of speech and association. Accordingly, he stated:

It is the view of the United States . . . that Article 4 does not obligate a state to take action that would prohibit its citizens from freely and fully expressing their views on any subject no matter how obnoxious they may be or whether they are in accordance with government policy or not. We believe that a government should only act . . . if the dissemination of obnoxious ideas is accompanied by or threatens imminently to promote the illegal act of racial discrimination. Under our system of government, moreover, there must be an imminent danger of illegal action before speech becomes unlawful . . . It is our view that organizations cannot be declared illegal if they merely attempt to win acceptance of their belief by speech alone. However, if such organizations go beyond advocacy of their views and engage, or attempt to engage, in the illegal act of racial discrimination itself, they come within the purview of the Convention.

Another sharp controversy arose over a United States-Brazilian proposal to include in the convention a condemnation of antisemitism. This was a continuation, in an exacerbated form, of a controversy that had started and ended inconclusively in the Commission on Human Rights, in spring 1964.

In the commission, the United States delegate had proposed an amendment calling for adoption of the following article:

States Parties condemn antisemitism and shall take action as appropriate for its speedy eradication in the territories subject to their jurisdiction.

The Soviet delegate, viewing the proposal as related to current charges of antisemitic policies and practices in his country but finding it inconvenient to oppose it as such, resorted to a ruse to compel the United States to withdraw its amendment. He introduced a sub-amendment which proposed to condemn “Nazism, including all its new manifestations (neo-Nazism), genocide, antisemitism and other manifestations of atrocious racist ideas and practices.” His assumption was that certain delegates, including the British, French, and Austrian, who had earlier opposed mention in the convention’s preamble of a specific racist movement or ideology (i.e., Nazism), would surely oppose the inclusion of the more ambiguous and controversial term “neo-Nazism,” and would therefore agree to eliminate all references to specific ideologies or movements, including “antisemitism.”

In the debate, which became very bitter at times, the Lebanese delegate—in what was, in effect, a threat that United States insistence on its amendment would lead to a proposal by the Arab delegates in the Assembly of a specific reference to Zionism—“reserved the right to accept the insertion of other examples (i.e., of discriminatory ideologies or movements) in the Third Committee.”

The commission declined to take a vote on either the United States or Soviet proposal, and transmitted both without recommendation to the Assembly. In autumn 1965, in the Third Committee of the Assembly, the United States, joined this time by Brazil, reintroduced its earlier amendment. Thereupon the Soviet delegate, undoubtedly in consultation with representatives of the Arab states, reintroduced his sub-amendment in a revised version, con-
demanding “antisemitism, Zionism, Nazism, neo-Nazism and all other forms of the policy and ideology of colonialism, national and race hatred and exclusiveness,” and calling for the speedy eradication of these “inhumane ideas and practices.”

In the debate that followed, though virtually none questioned the propriety of singling out apartheid for specific mention (in Article 3), the general sentiment was against a special reference to antisemitism. The attitude of some was based on ideological or political prejudice, while that of others derived from a reluctance to support proposals to which influential or powerful groups of states were hostile. Undoubtedly, a great many sincerely believed that it was inadvisable to cite specific cases or examples in a general convention, and preferred to overlook the inconsistency of endorsing the article which singled out apartheid. Presumably this inconsistency derived from the feeling that apartheid was a serious current problem, which antisemitism was not; that it was the official policy of a government, which today, antisemitism was not, and from a general deference to African concerns. The controversy was finally settled by the adoption (by the overwhelming vote of 80 for, 7 against, with 8 abstentions) of a Greco-Hungarian resolution calling for the elimination of all references to specific racist ideologies.* (The understanding was that this did not include apartheid.) In the extensive period of explanations of vote, in which most delegates were heard, those who supported the resolution justified their position on various grounds: that specific references would promote inter-state conflict, and would lessen the scope and timelessness of the document; that, since no listing could be complete, it would be unfair to cite only antisemitism and not other racist ideologies, and that “antisemitism” is a term without precise legal meaning. The Arab delegates used the opportunity to attack Zionism, charging that the move to condemn antisemitism was politically motivated and designed to fan the flames of the cold war, to promote sympathy for Israel, and to agitate for the emigration of Jews from the Soviet Union to Israel.

The few supporters of the Brazil-United States amendment stated that the singling out of antisemitism was warranted because of the long history and special nature of this phenomenon. The Israeli and the United States delegates included in their statements charges of Soviet antisemitism, thus, incidentally, confirming in the minds of some delegates the suspicion that the Soviet Union was the main target of the amendment.

Notwithstanding the amendment’s defeat, nearly all delegates affirmed their countries’ rejection of all discrimination, including antisemitism. Many, the Arabs among them, boasted of their countries’ records of equal treat-

* A condemnation of antisemitism, later included in the Draft Convention on the Elimination of All Forms of Religious Intolerance, was adopted by the Commission on Human Rights in the spring of 1966. It remained to be seen whether this action by the Western-oriented commission would be upheld in a review of and vote on the document by the General Assembly, with its preponderantly Afro-Asian, Arab, and Communist membership.
ment of Jewish citizens. The Arab delegates stated that, while their countries abhorred Zionism, they did not practice antisemitism—which was a Western-Christian phenomenon.

Several delegates stated for the record their view that the general terms of the convention, covering ethnic as well as racial discrimination, encompassed all discriminatory ideologies and movements, including antisemitism. The United States delegate placed special emphasis on this understanding, while adding that specific mention of antisemitism would have strengthened the condemnation implicit in the convention.

The convention's implementation measures, the most far-reaching ever included in a UN human rights convention, reflected the influence of the Afro-Asian states. (The Communist states were traditionally reluctant to endorse meaningful implementation measures and, with some exceptions, the Western states were conservative-minded on this issue.) Leadership was exercised by Ghana, which, having first introduced a modest proposal, strengthened it to incorporate features of a more far-reaching Philippine proposal. A historic innovation was the recognition of the right of individuals or private groups to petition an international committee, although the right was circumscribed by certain restrictions—i.e., it can be exercised only if the states involved declare their willingness to accede to such petitioning; victims of a violation must personally file petitions, and no third party may intervene on their behalf.

DRAFT DECLARATION AND DRAFT CONVENTION ON THE ELIMINATION OF ALL FORMS OF RELIGIOUS INTOLERANCE

Declaration

When, on December 7, 1962, the Human Rights Commission was requested by the General Assembly to prepare instruments on racial discrimination, it was also given the mandate to draft a Declaration and Convention on the Elimination of All Forms of Religious Intolerance. In spring 1964, a working group, designated by the commission, produced a report based on a draft declaration prepared earlier by the Sub-Commission on Discrimination and Minorities. This group approved the first six articles in the subcommission's text and transmitted to the commission without recommendation (due to lack of time) other draft articles proposed by various of its members.

One of the disputed questions concerned the definition of "religion or belief" in the declaration. The working group agreed that the individual's right to adhere to any religion as well as to any nonreligious belief should be protected. However, several members felt it was not sufficiently clear that "religion or belief" encompassed also nonreligious beliefs, particularly "atheism," and proposed that the declaration make this explicit. Since others felt that the meaning of these words was well understood and required no further
elucidation, the working group could not resolve this question and trans-
mitt to the commission several alternative definitions, suggested by Austria,
the Ukrainian SSR, and the United Kingdom.

The working group, however, did agree in the main on the terms of the
following articles:

1. **Article 1**, guaranteeing to everyone the “right of freedom of thought, con-
science and religion,” including “freedom to adhere or not to adhere to any
religion or belief and to change his religion . . . without coercion.”

2. **Article 2**, condemning discrimination on the ground of religion or belief
as a violation of the UN Charter and the Universal Declaration of Human
Rights, and as an obstacle to friendly and peaceful relations among nations.

3. **Article 3**, proscribing discrimination by any “State, institution, group or
individual” against any individual or group in the enjoyment of human
rights and fundamental freedoms, and establishing “the right to effective
remedial relief by the competent national tribunals” for violation of the
rights set forth in the Declaration.

4. **Article 4**, requesting all states to take effective measures for the prevention
and elimination of discrimination based on religion or belief, “in all fields
of civil, political, economic, social and cultural life.”

5. **Article 5**, recognizing the right of parents or legal guardians to decide the
religion or belief in which their children should be reared. The working
group suggested certain alternative language applicable to children without
parents.

6. **Article 6**, guaranteeing the equal right of all individuals and groups to
manifest their religion, publicly and privately, by worship and assembly; by
teaching and learning; by establishing and maintaining institutions for wor-
ship and assembly, education and social welfare, and by observing the rites
and customs of their religion or belief.

Among the other articles proposed to the working group, which it was
unable to discuss but noted in its report, was one submitted by the Ukrainian
SSR, affirming the principle of the separation of the church from the state
and “the school from the Church” and one, by the Soviet Union, suggesting
the insertion in the preamble of words affirming “that freedom of atheistic
belief is of the utmost importance to those who profess them.” A third pro-
posal, by the United States, intended, in part, to deal with the situation in
Communist countries, contained four new articles guaranteeing the right to
observe ritual, dietary, and other practices; produce or import all articles
necessary for these practices; observe holy days; receive legal protection for
places of worship and burial places; “organize and maintain local, regional,
national and international associations,” and communicate with or visit other
individuals or groups of the same faith at home and abroad.

**Convention**

The completion of the declaration, scheduled for the commission’s 1965
session, was temporarily set aside when it received from the sub-commission
a preliminary draft of a convention on the subject, including provisions for "additional measures of implementation.”

The sub-committee had begun its consideration of the convention on the basis of three texts, proposed respectively by the British (Peter Calvocoressi), United States (Morris B. Abram), and Indian (Arcot Krishnaswami) members. A fourth text was submitted later by the Soviet member.

In the opening debate on these texts, the members expounded their general philosophies on the subject, and, in doing so, indicated the positions they were likely to take on particular issues. The Indian, for example, interpreted the use of the term “intolerance” rather than “discrimination” in the convention title as intended to prevent not only unequal treatment of religions, but also hostile action directed equally against all. He also felt that the practice of religious tolerance did not require formal separation of church and state. The Polish member, in contrast, urged that the convention incorporate, as universally applicable, the principle of separation of church and state. He also advocated that, in view of the diversity of existing religions and cultures, the convention avoid detail and restrict itself to statements of broad principle.

The Italian denied that economic, social, or other differences among nations constituted impenetrable barriers against developing international standards with regard to religious tolerance. The need for an adequate “limitations” provision, recognizing the right of the state to restrict religious freedom in the interest of public order, health or morals, was stressed by the Soviet member. The Philippine member proposed that the measures of implementation include the right of individual petition. Following the general debate, the authors of the several drafts met informally and prepared a joint text.

During the debate on the joint text the Mexican member’s suggestion that the term “discrimination on the ground of religion or belief,” be limited to apply only to rights guaranteed by national constitutions and legislation rather than by international instruments, was rejected on the ground that conventions would be unnecessary if their only purpose was to ensure respect for national constitutions.

The sharply disputed question of the right of parents in relation to the religion or belief of their children, especially in cases of deceased or missing parents, was resolved by a tentative compromise article, which many of the members found unsatisfactory and which was likely to be revised by the commission. It recognized the prior right of parents to choose the religion or belief of their children. In the case of children without parents, the latter’s “expressed or presumed wishes shall be duly taken into account” or, if the child has reached a sufficient degree of understanding, his wishes shall be taken into account. In both cases “the best interests of the child, as determined by the competent authorities, shall be the guiding principle.”

At issue in the drafting of this article were divergent attitudes on whether emphasis should be placed on the right of parents to determine their children’s religious upbringing or on the right of the children to make their own
decision, especially in cases of children without parents. Back of this issue were conflicting views on the role of the state authorities in such cases, or even in cases of living parents who allegedly imposed harmful religious ideas or practices on their children.

Perhaps most significant was the reaction to the article relating to the "freedom to manifest" one's religion or belief. The proposal of the Soviet, Polish, and Mexican members that the article be limited to "simply a general statement of the fundamental principles of freedom of conscience and religion," was rejected by the majority, which preferred a detailed specification of the right.

The sub-commission approved (with no negative vote, but with the abstention of the United States member) a provision requiring states to prohibit "any incitement to hatred or acts of violence against any religion or belief or its adherents. . . ."

On the question of implementation, the sub-commission followed the precedent established in the Convention on the Elimination of All Forms of Racial Discrimination. It approved an article requiring states parties to submit reports on legislative and other measures adopted by them to give effect to the convention. However, owing to the lack of time, it adopted no recommendation concerning "additional measures of implementation," but transmitted to the commission as an expression of its "general views," the text of a preliminary draft of such measures.

The commission, at its 1965 session, reviewed the draft convention (approved in the sub-commission by a vote of seven in favor, none against, with the Mexican, Soviet, and Polish members abstaining), but found time to approve only the preamble and three of the thirteen articles. Of the adopted provisions,

**Article 1** defined "religion or belief" to include "theistic, non-theistic and atheistic beliefs," and "discrimination on the ground of religion or belief" to mean any discrimination which has "the purpose or effect" of impairing the enjoyment "on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural, or any other field of public life." It stipulated further that neither the "establishment of a religion" nor the "separation of Church from State" shall "by itself" be considered religious intolerance or discrimination.

**Article 2** recognized the individual's religion or belief to be "a matter for his own conscience" and obligated states parties to "promote and implement policies which are designed to protect freedom of thought, conscience, religion or belief, to secure religious tolerance and to eliminate all discrimination on the ground of religion or belief."

**Article 3** defined "the right of freedom of thought, conscience, religion or belief," to include: equality in the freedom "to adhere or not to adhere to" or "to change" one's religion or belief; to manifest one's religion or belief "either alone or in community with others, and in public or in private," and
"to express opinions on questions concerning a religion or belief." It also obligated states parties to ensure for all under their jurisdiction:

(a) freedom to worship, to hold assemblies . . . and to establish and maintain places of worship or assembly . . . ;

(b) freedom to teach, to disseminate and to learn his religion or belief and its sacred languages or traditions, to write, print and publish religious books and texts, and to train personnel intending to devote themselves to its practices or observances;

(c) freedom to practice his religion or belief by establishing and maintaining charitable and educational institutions and by expressing in public life the implications of religion or belief;

(d) freedom to observe the rituals, dietary and other practices of his religion or belief and to produce, or if necessary import, the objects, foods, and other articles and facilities customarily used in its observance and practices;

(e) freedom to make pilgrimages and other journeys in connection with his religion or belief, whether inside or outside his country;

(f) equal legal protection for the places of worship or assembly, the rites, ceremonies and activities, and the places of disposal of the dead associated with his religion or belief;

(g) freedom to organize and maintain local, regional, national, and international associations in connection with his religion or belief, to participate in their activities, and to communicate with his co-religionists and co-believers;

(h) freedom from compulsion to take an oath of a religious nature.

On approving these articles, the commission resolved to give absolute priority at its next session to the task of completing the convention.

WAR CRIMES, CRIMES AGAINST HUMANITY, GENOCIDE

On the initiative of Poland, the "question of the punishment of war criminals and persons who have committed crimes against humanity" was placed on the agenda of the Commission on Human Rights for the spring of 1965. Poland was motivated by the international controversy, then under way, over the reported intention of the Federal Republic of Germany to cease prosecution of Nazi criminals. It submitted a draft resolution expressing concern that, "in accordance with the laws of some countries the statute of limitations on the prosecution of the gravest Nazi crimes may be applied in the very near future" even though "a great number of Nazi war criminals . . . have not as yet been discovered and justly punished by competent courts of law." The resolution urged all states to continue their efforts to apprehend and punish those "guilty of war crimes and crimes against humanity committed during the Second World War" and to enact "measures to prevent termination of the legal prosecution of these crimes." The resolution accordingly proposed that the commission prepare an international convention to assure the nonapplication of a statute of limitations to crimes of this nature.
The members agreed that the commission was competent to consider this question. In explaining their views, they cited relevant international declarations and instruments, including the charters of the international military tribunals of Nuremberg and Tokyo, the Genocide Convention, and the 1946 General Assembly resolution on the "extradition and punishment of war criminals." Alluding to West Germany, the Polish, Soviet, and Ukrainian members urged the commission to call attention to the failure of some countries to prosecute war criminals despite the demand of world opinion and the requirements of international law. However, other members, while recognizing the importance of the issue, urged that the discussion be free from political propaganda. They agreed that, while the failure of states to act should be pointed out, note should also be taken of positive efforts.

Some members stressed the need for international cooperation to ensure the detection as well as the extradition of war criminals, and criticized dismissals of cases and the unjustifiably light sentences and acquittals, often based on the dubious argument that the crimes were committed under compulsion of superior orders. Others, however, defended the sincere intent of the prosecuting authorities who were at times impeded by insufficient evidence. In this connection the United States member urged governments with Nazi records in their possession to make them available to the prosecuting authorities of other countries, and pointed to the failure of certain unnamed states (a reference to the Soviet Union) to do so, even upon request.

While several members thought that the question had lost its urgency in view of the recent abolition of the period of limitations in some countries (i.e., Austria and France) and the imminent extension of the period of limitations in another (i.e., West Germany), most wanted the commission to consider the total problem of the moral and legal validity of such statutes. Accordingly, on April 9, 1965, the commission adopted a resolution expressing concern lest anyone guilty of war crimes or crimes against humanity, "wherever he may be detected," escape justice. It noted that further steps were necessary to make prosecution of these crimes possible, and asserted that the United Nations must study "possible ways and means of establishing the principle that there is no period of limitation for such crimes in international law." The resolution requested further that ECOSOC urge all states to continue their efforts in tracing, apprehending and punishing the criminals, "in particular, by making available any documents in their possession relating to such crimes," and that the secretary-general of the United Nations prepare a "study of the problems raised in international law by war crimes and crimes against humanity, and by priority, a study of legal procedures to ensure that no period of limitation shall apply to such crimes."
UN HIGH COMMISSIONER FOR HUMAN RIGHTS

A proposal for the appointment of a UN High Commissioner for Human Rights to increase the effectiveness of the human rights commitment in the United Nations Charter received a great deal of public and official attention during the period under review. It had been publicly proposed in the United States by Jacob Blaustein in a Dag Hammarskjold Memorial Lecture on December 4, 1963. Mr. Blaustein recommended that the Commissioner be empowered to advise and assist states and UN bodies concerned with human rights; review reports on human rights, and make available his good offices in human rights disputes. The proposal received wide support from international nongovernmental organizations concerned with human rights.

Following a tentative effort in the Commission on Human Rights in spring 1965, the proposal was introduced in the General Assembly by Costa Rica. After a brief exchange of views in the General Assembly's Third Committee, in which the United States, the United Kingdom, and other delegates made supporting statements, a resolution was adopted on December 13, 1965 (by a vote of 67-0 with 10 abstentions), requesting the Human Rights Commission, at its coming session, to study all aspects of the proposal and to report back to the General Assembly.

UNITED STATES AND HUMAN RIGHTS CONVENTIONS

American policy in the human rights field had been guided by Secretary of State John Foster Dulles's declaration in 1953 that the United States would not become a party to any convention in the human-rights field, but rather favored an approach of non-binding declarations and educational methods. A move to bring about a modification of this policy was initiated by President John F. Kennedy in July 1963, when he recommended to the Senate the ratification of three conventions: the UN Supplementary Convention on the Abolition of Slavery, the UN Convention on the Political Rights of Women, and the International Labor Organization Convention on the Abolition of Forced Labor, which had already been ratified by a large number of other nations.

Although the President did not refer to the Genocide Convention, it had remained on the agenda of the Senate Foreign Relations Committee since 1949, when President Harry S. Truman had originally transmitted it with his recommendation for ratification. In more recent years leading members of both the Kennedy and Johnson administrations made public statements supporting ratification of this convention, but there was no new formal request for such action.

By the end of 1965, the Senate had shown no indication of intending to move on any of the human rights conventions pending before it—even though
sentiment in support of ratification had increased since President Kennedy's recommendation.

An impressive and widely-attended White House Conference on International Cooperation was held from November 28 to December 1, 1965, as the culminating event in United States observance of International Cooperation Year. The panel on human rights, one of thirty in different areas of international cooperation which met at the conference under the aegis of the National Citizens' Commission for International Cooperation, endorsed the recommendation by the commission's Human Rights Committee that the United States promptly ratify the four human rights conventions now pending before the Senate Foreign Relations Committee, as well as three others in the field of discrimination.

The panel also endorsed recommendations that the United States exercise leadership in the preparation and adoption of conventions and declarations on human rights in process; that it support proposals for the establishment of appropriate United Nations machinery for the international protection of human rights, as for example, a United Nations High Commissioner for Human Rights, and that it broaden its participation in regional efforts (e.g., of the Organization of American States) to increase protection of human rights.

SIDNEY LISKOWSKY