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C. AFRICAN ISSUES IN THE UNITED NATIONS

1. The Rhodesian Question

a. Background of US Concern

At the beginning of the Johnson Administration the constitutional and racial issue in Southern Rhodesia had been taking shape for several years. The United States repeatedly affirmed its determination to oppose a unilateral declaration of independence and the entrenchment of white minority rule there. Nevertheless, in November 1965 the Smith Government issued such a unilateral declaration ("UDI").

US official comment on this gathering storm had begun as early as 1962, and our diplomatic consultations with the British started a year later. At that time, pressure was mounting at the UN on the Rhodesian question. Secretary Rusk met with the British Chargé in Washington and agreed to abstain on the resolution that had been proposed, and to help

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the British lobby against approval.^{1/} These efforts failed to prevent introduction of the resolution, and the British were forced to use their first veto since the 1965 Suez crisis.

b. Efforts to Prevent "UDI"

When it became apparent in the following months that the new Smith regime was determined to achieve Rhodesian independence without granting more than a few limited concessions to the African majority, the Department had formulated its position. A contingency paper of mid-1964 stated, inter alia, that the United States (a) wanted the British to peacefully resolve the issues; (b) hoped for Rhodesian independence with assured eventual majority rule; and (c) opposed UDI by the white minority, to which we would refuse to extend recognition.^{2/} The Consulate General in

^{1/} Memorandum of Conversation, Secretary Rusk, Mr. Greenhill, et al., September 6, 1963 (CONFIDENTIAL).

^{2/} Department of State Contingency Paper, July 2, 1964 (CONFIDENTIAL).

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Salisbury, in a Country Team assessment, urged that we join the British and Northern Rhodesia in a concerted diplomatic effort to bring about a peaceful transition to majority African rule in the territory.^{3/} When British Prime Minister Harold Wilson on October 27 made a public statement warning Prime Minister Smith of the consequences of UDI, the Department followed up next day with a press statement of US support for the British position.

As a taste of the more comprehensive economic restraints we were later to impose, the Rhodesians faced their first US sanctions early in 1965 when we refused to sell them some T-28 military training aircraft. A few days later in an unconnected development, the Smith regime called for national elections on the basis of the 1961 Constitution, which, although approved by the overwhelmingly white electorate, had never been accepted by the African majority. This caused several African states to request a Security Council

3/ From Salisbury, Airgram A-1319, June 30, 1964
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meeting.

In preparing our position at the Security Council, Secretary Rusk authorized our UN Ambassador to state that we "would not recognize UDI." Several US policy statements were made publicly and privately during 1965. During this period we worked through diplomatic channels to bring pressure on the Smith Government, coordinating closely with the British. On October 2, our Consul General in Salisbury called on Smith to express US concern over the critical state of relations between Southern Rhodesia and the United Kingdom.^{4/} President Johnson three days later asked British Prime Minister Wilson to inform Smith, then visiting London, that the United States was determined to oppose UDI.^{5/} Our London Charge d'affaires also gave Smith an oral message stating that we could not condone any settlement unresponsive to the interests and rights of the vast majority of the Rhodesian population. Smith replied that the United States

^{4/} From Salisbury, Telegram 163, October 2, 1965 (CONFIDENTIAL).

^{5/} Department of State Telegram 1788, October 5, 1965 (SECRET-EXDIS).

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did not understand the situation. He said he was trying to work out a solution with the British, but if that failed, UDI would be necessary.^{6/} On October 15, Ambassador Harriman told Rhodesian diplomats that we stood firmly with Britain on this issue; and on the 29th, President Johnson sent Smith a personal message again stressing US support for a solution satisfactory to the entire population.^{7/} Smith replied next day that he appreciated the President's concern and that he planned to do nothing to upset relations with us.^{8/}

Nevertheless, Smith, on the 11th of November, declared Southern Rhodesia independent. That same day, in a statement to the press after a meeting with the President at the Texas

^{6/} Department of State Telegram 1790 to London, October 6, 1965 (CONFIDENTIAL-LIMDIS); London Telegrams 1526, October 7, and 1569, October 9, 1965 (CONFIDENTIAL).

^{7/} Department of State Telegrams 294 and 342 to Salisbury, October 17 and 29, 1965 (CONFIDENTIAL and SECRET/EXDIS respectively).

^{8/} From Salisbury, Telegram 281, October 30, 1965 (SECRET).

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White House, Secretary Rusk deplored the Southern Rhodesian Prime Minister's action and announced that the President had instructed him to inform the British Government the United States did not recognize the rebel regime. He also announced the recall of our Consul General in Salisbury and the closure of the United States Information Office in Salisbury.

c. Initial US Political and Economic Steps

The next day, US Representative Arthur Goldberg told an emergency meeting of the UN Security Council that the United States considered Rhodesia's UDI a shocking event fraught with the gravest of consequences. The United States supported a General Assembly resolution condemning UDI on November 11 and another in the Security Council on November 12.

In the next few days the United States embargoed shipments of all arms and military equipment to Southern Rhodesia, reduced the Consulate General staff and announced a policy of discouraging private American travel to Southern Rhodesia.^{9/}

^{9/} Department of State Noon Press Briefings, November 17 and 20, 1965.

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On November 20, acting on the State Department's recommendation,^{10/} the President directed the Secretary of Agriculture to suspend the 1965 and 1966 sugar quotas for Southern Rhodesia, even though some of the sugar was already on the high seas.^{11/} At this time, Under Secretary Ball personally assumed responsibility for the State Department's role in the Southern Rhodesia crisis.^{12/}

In December, the Department announced US recognition of the British Government's appointment of a new Board of Directors for the Reserve Bank of Rhodesia and placement of Rhodesian assets in the United States under its control.^{13/} In the same month, we asked US oil companies to comply with

^{10/} Read-Bundy Memorandum, November 18, 1965, S/S No. 18598 (CONFIDENTIAL).

^{11/} President's Memorandum to the Secretary of Agriculture, November 20, 1965; Department of State Telegram 481 to Salisbury, November 19, 1965 (CONFIDENTIAL).

^{12/} Ball Memorandum to Assistant Secretary of State G. Mennen Williams, November 21, 1965 (CONFIDENTIAL).

^{13/} Department of State Press Release, December 8, 1965.

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the British oil embargo against Southern Rhodesia.^{14/}

By this time it had become apparent that the Zambian economy was a major factor influencing parties on both sides of the conflict. The Zambian and Rhodesian economies were closely interdependent. While immediate cessation of all trade between the two would have seriously damaged Southern Rhodesia, it would probably have ruined Zambia. At the same time, the British economy depended upon an uninterrupted supply of Zambian copper. It was essential, therefore, to find a means of assuring the supply of oil to Zambian industry and the outflow of copper to the United Kingdom. In view of the UK embargo of oil supplies to Rhodesia, which normally supplied Zambia, and the blocking of rail transport from Zambia, the only immediate way to assure continued movement of these items to and from Zambia was by air. However, the British were prepared to mount an emergency airlift only if the United States would assist.

^{14/} Department of State Circular Telegram 1169, December 17, 1965 (UNCLASSIFIED) and Telegram 1026 to Pretoria, December 22, 1965 (CONFIDENTIAL).

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After several high-level discussions with the British and a bit of arm twisting by the Department on US business firms, we agreed to help the UK, within limits. On December 30, the Department announced a US airlift of petroleum products from Leopoldville to Elizabethville in the Congo, for shipment to Zambia.^{15/} On December 28, the Commerce Department announced US restrictions on the shipment of petroleum products to Southern Rhodesia.

d. Further Sanctions

In January and February of 1966 the Department announced succession of economic measures directed against Rhodesia. US importers were urged not to purchase asbestos, lithium, chromite and tobacco from Rhodesia,^{16/} and near the end of February the United States announced government

^{15/} Department of State Circular Telegram 1239, December 30, 1965 (UNCLASSIFIED).

^{16/} Department of State Press Release No. 4, January 10, 1966, and No. 19, January 28, 1966; Department of State Telegram 2041 to USUN, Paragraph 2, February 25, 1966 (UNCLASSIFIED).

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control of all US exports to Southern Rhodesia.^{17/} In April, we announced support for the Security Council resolution designed to divert ships believed to be carrying oil to Beira, Mozambique, for Rhodesian consumers.

e. Consultations with the British

At about this time, the Department began more frequent high-level consultations with the British Government to increase our coordination of policies. Several meetings were held in Washington February 1-3 between Assistant Secretary of State Williams, Sir Roger Allen, British Deputy Under Secretary of State for Foreign Affairs, and various other officials to discuss the Rhodesian situation in its broadest terms, as well as the side issues of assistance to Zambia and the future of Rhodesia after the end of UDI.^{18/} Assistant Secretary of State Solomon discussed the Rhodesian economic situation with a British Foreign Office official in London

^{17/} Department of State Circular Telegram 1623, February 26, 1966 (UNCLASSIFIED).

^{18/} Memcon, S/S No. 457, February 1966, concerning US-UK talks on Africa (SECRET).

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February 3,^{19/} and on February 23 British Embassy officers in Washington called on Under Secretary Mann. On the latter occasion, the British officials asked what the United States was prepared to do to help maintain the Great North Road. Mann indicated we would be inviting trouble if we agreed to finance operations which the British had already begun.^{20/}

In March, Assistant Secretary Sisco and Ambassador Goldberg held 2-day talks with British Minister of State George Thompson and his staff. The Rhodesian situation was given full exploration, including a discussion of the probability of Chapter VII sanctions. Sisco and Goldberg took the occasion to press the British once again about eliminating shipments to North Vietnam. They emphasized that the Administration was under constant pressure from Congress and some elements of the public to refuse to cooperate with Great Britain on Rhodesia because of British refusal to stop

^{19/} From London, Telegram 3664, February 3, 1966 (CONFIDENTIAL).

^{20/} Department of State Telegram 4911 to London, February 24, 1966 (CONFIDENTIAL).

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UK ships from going to North Vietnam. They pointed out that the critics did not understand the difference between British-owned vessels and those flying the British flag but owned by Chinese Communists from Hong Kong.^{21/}

On April 4, Secretary Rusk discussed Rhodesia with Arnold Smith, Secretary General of the Commonwealth Secretariat, at the latter's request. Smith told the Secretary that the UK attitude in the crisis would depend to a large extent on the attitude of the United States. The Secretary said the United States could not hold the residual responsibility for the West, that we had a great load to bear and that we simply could not take on another burden.^{22/} Later in April, he discussed the situation again with UK Foreign Secretary Stewart during the SEATO Conference in Ankara. Stewart thought that the sanctions were increasingly

^{21/} From London, Telegrams 4187 and 4192, March 5, 1966 (CONFIDENTIAL).

^{22/} Memorandum of Conversation S/S No. 5746, April 4, 1966 (CONFIDENTIAL).

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effective but that more extreme measures might be necessary.^{23/}

On April 25, the Secretary discussed South Africa's attitude on Rhodesia with UK Ambassador Dean, and informed him we were not drawing back our support for the UK in Rhodesia -- we would continue as in the past.^{24/}

On May 10, Ambassador Dean gave Under Secretary Ball copies of an exchange of correspondence between Prime Minister Wilson and Prime Minister Verwoerd of South Africa and thanked Ball for US support of the British approach to Portugal about oil movements through Mozambique.^{25/} On June 10, as a part of comprehensive US-UK discussions, the Secretary discussed the Rhodesian situation with Prime Minister Wilson in London.^{26/} The Prime Minister thought

^{23/} From Ankara, SECTO 12, April 20, 1966 (SECRET-LIMDIS).

^{24/} Memorandum of Conversation, Secretary Rusk and Ambassador Dean, Part 4 of 4, April 25, 1966 (SECRET).

^{25/} Memorandum of Conversation, Part 1 of 2, S/S No. 7855, May 10, 1966 (CONFIDENTIAL); Letter from Dr. Verwoerd to Prime Minister Wilson, April 15, 1966 (SECRET); Letter from Prime Minister Wilson to Dr. Verwoerd, April 18, 1966 (SECRET).

^{26/} Memorandum of Conversation, Part 3 of 3, S/S No. 9509, June 10, 1966 (SECRET-LIMDIS).

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the sanctions were causing severe problems for Smith and hoped this would force Smith into real negotiation. On July 29, however, in a discussion at the White House, including Secretaries Rusk, McNamara and Fowler and British Under Secretary of State for Foreign Affairs Trend, the British expressed the view that the sanctions were having little political effect, although they thought the economic effect was considerable.^{27/}

On September 1, the Secretary expressed the hope to British Embassy Minister Stewart that the Commonwealth Prime Ministers Conference then in progress in London could achieve some useful results regarding Rhodesia.^{28/} As it turned out, the Conference came close to marking the demise of the Commonwealth because Afro-Asian members were furious at the British for not taking drastic action to bring Smith down.

^{27/} Memorandum of Conversation, S/S No. 11842, part 6 and 7, July 29, 1966 (SECRET).

^{28/} Memorandum of Conversation, S/S No. 13719, part 2 of 5, September 1, 1966 (CONFIDENTIAL).

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Prime Minister Wilson managed to salvage the organization by agreeing to ask the Security Council to impose mandatory selective sanctions on Rhodesia. He was also obliged to agree to the majority position that Rhodesia should not be granted independence before majority rule was in force.^{29/} The Department's position on this matter, which was made known to the British on September 8 in response to a British inquiry, was that we did not believe that passage of a limited resolution, i.e., a resolution for mandatory selective sanctions, was a realistic possibility in the Security Council. We thought the ultimate question was whether the British were prepared to see sanctions imposed against South Africa. The Department also reaffirmed its contention that under existing conditions we could not veto a resolution extending sanctions to South Africa.^{30/}

During the following three months the British Government continued its intensive efforts to seek a negotiated settlement, culminating in a meeting between Prime Minister Wilson

^{29/} IO/UNP, Memorandum, Jonathan Dean to Assistant Secretary Sisco, "Significance of Commonwealth Meeting on Rhodesia," September 15, 1966 (CONFIDENTIAL).

^{30/} Department of State Telegram 42780, September 8, 1966 (SECRET).

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and Ian Smith aboard the British warship, HMS Tiger, in the Mediterranean. Throughout this period the Rhodesian situation was a frequent subject of discussion between US and British officials,^{31/} messages were exchanged between the President and Prime Minister Wilson, and at the end of November, large meetings of US and British officials took place in Washington for a broad discussion of the Rhodesian crisis.^{32/} Prime Minister Wilson's final dramatic effort to reach agreement with Smith failed, however, and in early December the British Government made ready to go to the Security Council with a request for sanctions. Ambassador Goldberg informed Foreign Secretary Brown on December 8, before the Security Council meeting took place, that the United States would continue to support the United Kingdom on Rhodesia, but that

^{31/} Memorandum of Conversation, Secretary Rusk with British Ambassador Dean, S/S No. 14750, September 28, 1966 (SECRET); Secretary Rusk with Duncan Sandys, S/S No. 14773, September 29, 1966 (CONFIDENTIAL); Secretary Rusk with Ambassador Dean, S/S No. 15429, October 11, 1966 (SECRET); Under Secretary Ball with Ambassador Dean, S/S No. 16276, October 27, 1966.

^{32/} Department of State Telegram 95917, December 2, 1966 (CONFIDENTIAL).

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we could not take the lead because of the domestic difficulties it would cause.^{33/} During the Council's sessions on December 12, the Ambassador made a statement of strong support for a draft resolution proposed by the British and said that if the Council decided to take Article 41 action, the United States would implement such a decision with the full force of our law.

f. Selective Sanctions

On December 16, the Security Council passed a resolution imposing mandatory selective sanctions against Southern Rhodesia. Ambassador Goldberg explained our position in detail on December 29 in a speech in Washington,^{34/} during which he outlined the Department's policy and legal rationale for supporting the resolution -- positions that have been regularly attacked by certain segments of the Congress and the public throughout the Rhodesian rebellion. The

^{33/} USUN Telegram 3042, December 8, 1966 (SECRET).

^{34/} Department of State Press Release 304, December 29, 1966 (UNCLASSIFIED).

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Ambassador pointed out, inter alia, that Rhodesia was not a "state," that it had not been recognized as such by any government, and that the Security Council action, therefore, did not constitute intervention; rather it was action taken at the request of the United Kingdom, the legitimate authority in the territory of Rhodesia.

US implementation of the Security Council resolution was effected by Presidential Executive Order signed in January 1967.^{35/} As required by the UN Participation Act of 1945, as amended (Public Law 254, 79th Congress), President Johnson informed the President of the Senate and the Speaker of the House of Representatives of the issuance of the Executive Order. This was followed by letters of full explanation from Secretary Rusk.^{36/}

No other major events took place on the Rhodesian scene

^{35/} Executive Order No. 11322, January 5, 1967 (UNCLASSIFIED).

^{36/} Secretary Rusk's letter to Vice President Humphrey, March 27, 1967 (UNCLASSIFIED); Secretary Rusk's letter to House Speaker McCormack, March 27, 1967 (UNCLASSIFIED).

during 1967, but the situation was discussed at a meeting of the National Security Council on January 26.^{37/} Secretary Rusk's brief stated that UDI had put the United States in a most difficult situation and explained that our primary goals were to avoid a race war in Southern Africa while trying to maintain our political influence in Black Africa, and, further, that we agreed with the UK's renunciation of force and would maintain a policy of minimum effective involvement. A further study of the situation, including differing ideas for US policies, was conducted in the Department's Policy Planning Council on March 17.^{38/} Neither meeting was able to devise a policy less objectionable than that already adopted.

During 1967 the British Government continued to seek a basis for further negotiations with Ian Smith, and various

^{37/} Department of State, Bureau of African Affairs, Memorandum to the Secretary of State, January 23, 1967, with attachments (SECRET).

^{38/} Department of State, S/P Memorandum (Mr. Ivy), March 15, 1967, with attachments (SECRET).

British officials discussed the situation with their US counterparts. It became increasingly apparent that Security Council resolution 232 (1966) was not having the desired effect on Rhodesia, either politically or economically. For that reason, much thought was directed toward what further measures might be taken by individual nations or by the United Nations.

g. Comprehensive Sanctions

The next important move was precipitated by the hanging of five African political prisoners, convicted of murder by the Smith regime in March 1968. The Security Council eventually passed a unanimous resolution imposing comprehensive mandatory sanctions on Rhodesia.^{39/}

This resolution followed protracted negotiations by the British Government with other Council members, including the

^{39/} United Nations Security Council Resolution 253 (1968), May 29, 1968 (UNCLASSIFIED).

United States.^{40/} The major difficulty in drawing up a resolution that all Security Council members could support was the considerable pressure from African nations for a resolution demanding the use of force. There were also demands that all states sever all communications links with Southern Rhodesia -- something the United States had not done even in the cases of Communist China and Cuba. Neither we nor the United Kingdom could accept these proposals and, as a means of deflecting this pressure, the British proposed more comprehensive sanctions and a limited travel ban. The Department believed that the course of action contemplated by the United Kingdom would be difficult to implement, and we realized that comprehensive sanctions would be difficult to enforce. There was also some doubt that the more

^{40/} Read-Rostow Memorandum, S/S No. 5569, April 7, 1968, with enclosure (CONFIDENTIAL); Department of State Telegrams 139467, March 30, 1968 (CONFIDENTIAL); 140996, April 3, 1968 (CONFIDENTIAL); 150651, April 20, 1968 (CONFIDENTIAL); 153748, April 26, 1968 (CONFIDENTIAL); 157502, May 2, 1968 (CONFIDENTIAL); Under Secretary Katzenbach Memorandum for the President, May 28, 1968 (CONFIDENTIAL).

comprehensive sanctions would in fact influence the Smith regime to negotiate an acceptable solution, although there were increasing indications that even the limited sanctions program had begun to have an effect.

Despite the disadvantages, the Department concluded that a program of comprehensive mandatory sanctions provided the best course of action under the circumstances and decided to support them actively. We planned a four-pronged approach: (a) to keep the British out in front with the prime responsibility, (b) to support the British proposals for comprehensive mandatory sanctions, (c) to do our best to make the existing sanctions as effective as possible, and (d) to cooperate with the British in making a major effort to organize the strongest possible opposition to calls at the United Nations for force or for broadening the sanctions to include South Africa and Portugal. The Department believed it essential that some limited but reasonably effective steps be taken which would render evasion of sanctions more difficult to conceal.^{41/}

^{41/} Department of State Telegram 133121, March 20, 1968
(CONFIDENTIAL - LIMDIS).

After the resolution was passed, the Department, in coordination with the Departments of Commerce, Treasury, and Transportation, did the necessary preparatory work to give effect in the United States to the resolution. After a fortnight, a memorandum on the subject was forwarded to the White House.^{42/} The new Executive Order was signed by the President in July.^{43/} The Department had already decided to retain our small consular post in Salisbury.^{44/} As its part in implementing the new Executive Order, the Department issued new instructions to all posts concerning the granting of visas to residents of Rhodesia.^{45/}

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- ^{42/} Read-Rostow Memorandum 8582, June 14, 1968 (UNCLASSIFIED); Letter of Under Secretary Katzenbach to Bureau of the Budget, Mr. Zwick, June 14, 1968 (UNCLASSIFIED).
- ^{43/} Executive Order 11419, July 29, 1968 (UNCLASSIFIED).
- ^{44/} IO/AF Memorandum to the Secretary of State, June 10, 1968, S/S No. 8524 (CONFIDENTIAL).
- ^{45/} Department of State Circular Airgram CA-9647, July 25, 1968 (CONFIDENTIAL).

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2. The South West Africa Question

a. Origins in the United Nations

The question of South West Africa has long troubled relations between South Africa and the International community. After having been denied the right to annex South West Africa in 1946, South Africa refused to place the mandated Territory under the UN Trusteeship system. In the view of the great majority of Governments, moreover, South Africa violated the international obligations it assumed under the 1920 Mandate Agreement by introducing apartheid and by refusing to recognize UN supervisory responsibility for the Territory. South African policies, therefore, have kept the question on the agenda of the General Assembly.

The United States and other Western countries discouraged UN action against South Africa between 1960 and 1966, while the case was under adjudication by the International Court of Justice, although we accepted the possibility of action under Article 94 of the Charter to enforce the Court's Judgment. Nevertheless, resolutions of the General Assembly

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during this period grew increasingly critical of South Africa, and since 1963 they have included recommendations for enforcement measures under Chapter VII.

While the African Member States were working for United Nations action against South Africa, Ethiopia and Liberia instituted proceedings before the International Court of Justice on November 4, 1960, alleging South Africa's non-compliance with its international legal obligations under the Mandate Agreement, the Covenant of the League of Nations, and the UN Charter. The United States encouraged recourse to the Court in the belief that a Judgment, even if it were deemed unfavorable by South Africa, was more likely to be implemented by South Africa than a General Assembly resolution.

b. US Policy Prior to the ICJ Judgment

Our policy and diplomatic activity after 1960 aimed at ensuring that neither the United Nations nor South Africa took any action to complicate the judicial proceedings. Additionally, we hoped to ensure that the Judgment, whatever it might be, would be carried out in good faith by all parties

to the dispute.

A major test of US policy came early in 1964, when South Africa's Odendaal Commission recommended that the Territory be developed along frankly segregationist lines. If South Africa proceeded to implement the political provisions of the Odendaal report, a confrontation between it and the United Nations seemed virtually certain.

US Ambassador Joseph C. Satterthwaite and the British Ambassador made parallel representations to the South African Foreign Minister in Cape Town on February 12, 1964, in an effort to persuade South Africa to defer implementation of the report.^{1/}

The National Security Council met on April 24, 1964, to

^{1/} From Cape Town, Telegram 49, February 12, 1964 ~~(CONFIDENTIAL)~~; Department of State memorandum of conversation, "South West Africa", February 13, 1964 ~~(CONFIDENTIAL)~~; and letter from the Deputy Director of the Office of Eastern and Southern African Affairs, Mr. Hooper, to the South African Ambassador, February 13, 1964 ~~(CONFIDENTIAL)~~; from Cape Town, Airgram A-60, "Odendaal Report", March 25, 1964 ~~(CONFIDENTIAL)~~.

consider the developing situation.^{2/} The Council directed the Department of State to continue to make representations and to take other actions according to the South African response to our aide-memoires.^{3/} It also reaffirmed the US embargo on the sale and shipment to South Africa of arms, ammunition, military vehicles, and equipment and materials for their manufacture and maintenance; authorized the suspension of action on applications for loans or investment guarantees involving South Africa; and authorized the construction of stand-by space tracking facilities outside South Africa.

As a result of our representations, in which we explained the political risks involved and the strong possibility of an ICJ injunction, the Government of South Africa issues a White Paper on April 29, 1964 announcing the deferral of the

2/ Memorandum from Assistant Secretary Cleveland and the Legal Adviser, Mr. Chayes, to the Under Secretary of State for Political Affairs, Ambassador Harriman, "South West Africa: The Course of Events in the ICJ and the UN if South Africa Implements the Odendaal Report," March 12, 1964 ~~(CONFIDENTIAL)~~.

3/ National Security Action Memorandum No. 295, "US Policy Toward South Africa", April 24, 1964 ~~(SECRET)~~.

political provisions of the Odendaal report.^{4/}

Thereafter the Department decided to try to enlist the British in a common effort to encourage the South Africans to plan constructively and realistically for the Judgment. After overcoming British reservations about the usefulness of a dialogue prior to the Judgment, it was agreed at our annual bilateral talks in March 1965 that both countries would make early confidential approaches to South Africa.^{5/} Exchanges with South Africa were held intermittently in Washington, London, New York, and Pretoria until the Judgment was handed down in 1966.

Although the Government of South Africa demonstrated that it was willing to act on advice in matters of tactics,

^{4/} Department of State Circular Airgram CA-12041, "South West Africa and the ICJ", May 19, 1964 ~~(CONFIDENTIAL)~~; South African White Paper, "Decisions by the Government on the Recommendations of the Commission of Enquiry into South West Africa Affairs", April 29, 1964 (UNCLASSIFIED).

^{5/} Department of State Telegrams 5508, March 4, 1965 ~~(SECRET)~~ and 114, April 13, 1965 ~~(SECRET)~~; Memorandum from the Director of the Office of UN Political Affairs, Miss Brown, to the Assistant Secretary of State for International Organization Affairs, Mr. Sisco, "South West Africa--Discussion of Contingency Planning on ICJ Judgment on SWA," July 7, 1966 ~~(CONFIDENTIAL)~~.

it gave no indication that it would consider any significant dilution of its control of South West Africa or its long-range plans to entrench apartheid in the Territory.

As the Judgment approached, the Under Secretary of State for Economic Affairs, Ambassador Mann, directed that a contingency paper be prepared on the courses of action available to the Court; the likely reactions of South Africa and other countries; and alternative US tactics.^{6/} This paper served as the basis of a discussion on contingency planning by the National Security Council on July 14, 1966.^{7/} The Council directed the Department of State to prepare a paper on the kinds of sanctions that might be needed to enforce

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- 6/ Memorandum from Assistant Secretary Sisco to Under Secretary Mann, "Contingency Planning on South West Africa," April 25, 1966 (~~CONFIDENTIAL~~).
- 7/ Memorandum from the Assistant Secretary of State for African Affairs, Ambassador Palmer, and the Deputy Assistant Secretary of State for International Organization Affairs, Mr. Buffum, to the Secretary, "Talking Points for NSC Meeting on South West Africa," July 14, 1966 (~~SECRET~~).

the judgment.^{8/}

A few days before the Judgment was handed down, the United States made oral demarches to Ethiopia and Liberia, and handed an aide-memoire to South Africa, asking the three Governments for assurances that they would comply with the Judgment.^{9/}

c. The ICJ Judgment

After five and a half years of litigation, the International Court of Justice handed down a Judgment on July 18, 1966. The nature of the Judgment was quite unexpected.^{10/} The prevailing view, both in the United States

^{8/} Memorandum from the Acting Assistant Secretary of State for African Affairs, Mr. Fredericks, to the Assistant Secretary of State for Economic Affairs, Mr. Solomon, et al., "Possible Measures in Support of an ICJ Judgment on South West Africa," June 3, 1966 (~~CONFIDENTIAL~~).

^{9/} Department of State Telegrams 7135, July 13, 1966 (~~CONFIDENTIAL~~); and 7864, July 14, 1966 (~~CONFIDENTIAL~~); from Pretoria, Telegram 121, July 14, 1966 (~~CONFIDENTIAL~~).

^{10/} Memorandum from Deputy Assistant Secretary Buffum to the Secretary, "Your Luncheon with the President on July 12 - SWAfrica", July 11, 1966 (~~CONFIDENTIAL~~); Department of State Telegram 10040, July 18, 1966 (~~CONFIDENTIAL~~).

and abroad, had been that the Court would rule against South Africa. However, the Judgment was restricted to a narrow jurisdictional issue and did not pass on the merits of the case. The Court ruled that Ethiopia and Liberia lacked sufficient legal interest to secure the relief they sought and the case was dismissed.

The Judgment angered the Africans and added immensely to the pressures on the United States, which since 1960 had been urging the Africans to defer their demands for UN action as long as the case was sub judice.

The repercussions of the Judgment were discussed by the Cabinet on July 26, 1966. The view of Secretary Rusk was that the Judgment was likely to discredit the Court among the Africans and stimulate demands for UN action against South Africa. It was also likely to encourage South Africa to resume implementation of its plans to entrench apartheid in South West Africa.^{11/}

^{11/} Memorandum to the Secretary, "South West Africa", undated ~~(CONFIDENTIAL)~~.

d. US Position on the Judgment

The United States position on the legal implications of the Judgment was given in a Department of State Press Release, dated July 27, 1966.^{12/} The United States took the view that the Judgment denying Ethiopia's and Liberia's legal standing in the case did not in any way diminish the authoritativeness of ICJ Advisory Opinions of 1950, 1955, and 1956, which the Court issued at the request of the General Assembly. These Advisory Opinions established the UN supervisory authority for South West Africa and South Africa's obligations to report to the United Nations and to "promote to the utmost the material and moral well-being and the social progress of the inhabitants."

South Africa's reply to the US aide-memoire of July 15, 1966, took an entirely different view of the legal implications of the Judgment.^{13/} The reply stated that the nature of the

^{12/} Memorandum from Assistant Secretaries Palmer and Sisco and the Deputy Legal Adviser, Mr. Kearney, to the Secretary, "Press Release on ICJ SWA Judgment," July 25, 1966 (~~CONFIDENTIAL~~); Department of State Press Release 176, July 27, 1966 (UNCLASSIFIED).

^{13/} South African aide-memoire, August 17, 1966 (~~CONFIDENTIAL~~).

Judgment "at the very least suggests" that the Advisory Opinion of 1950 was open to question and that parts of the Judgment "strongly suggest" that South Africa was no longer obligated to give an accounting of its administration of South West Africa. South Africa interpreted the Judgment as a rejection of the claims of Ethiopia and Liberia and charged that the US aide-memoire constituted "interference" in South African affairs.

The Assistant Secretary of State for African Affairs, Ambassador Palmer, called in the South African Ambassador on September 21, 1966, to hand over an aide-memoire rejecting the allegation of US interference and characterizing South Africa's interpretation of the Judgment as incorrect. ^{14/}

While it would be difficult to characterize American public opinion on the Judgment, there was considerable sentiment for an active US role in efforts to resolve the problem.

^{14/} Memorandum from Assistant Secretary Palmer to the Under Secretary, "Reply to South African Aide-Memoire of August 17," September 6, 1966 ~~(CONFIDENTIAL)~~; US aide-memoire, September 21, 1966 ~~(CONFIDENTIAL)~~; Department of State Telegram 51780, September 21, 1966 ~~(CONFIDENTIAL)~~

This was typified by a press statement by a group of Republican Congressmen, dated August 3, 1966, and a memorandum to the President from a group of Senators and Congressmen of both parties, dated August 9, 1966, calling for a "strong statement" of US policy on South West Africa, going beyond the Department of State Press Release of July 27, 1966.^{15/}

e. UN Aftermath of the Judgment

With the ICJ dismissal of Ethiopia's and Liberia's case, there was immediate pressure on the 21st General Assembly to take action against South Africa. The pressure eventually took the form of a demand for the termination of South Africa's mandate.

The United States decided to support this step only after considerable intra-Departmental discussion.^{16/} Among

^{15/} Statement to the press by Congressman Mailliard, et al., August 3, 1966 (UNCLASSIFIED); Memorandum from Congressman Brademas, et al. to the President, August 9, 1966 (UNCLASSIFIED).

^{16/} Memorandum from Assistant Secretary Sisco to the Secretary, "South West Africa - Briefing Memorandum for your Meeting with US Delegation at 9:30 a.m., Wednesday, October 5, 1966," October 4, 1966

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the factors militating in favor of our support were South Africa's record in South West Africa and, to a lesser extent, the need to ensure African good-will for US positions on other issues. Against it was the need to avoid giving the mistaken impression that we were committing ourselves to enforcement action. After having ascertained from the Department's Legal Adviser that the General Assembly could, in fact, find that South Africa's mandate was terminated, the Secretary decided to support termination, with the understanding that we would make clear our position on enforcement in an explanation of vote.^{17/}

f. Termination of South Africa's Mandate

The US Permanent Representative to the United Nations, Ambassador Goldberg, outlined the US position in the General Assembly on October 12, 1966. The draft resolution, produced after extensive negotiations in which we were active participants, reflected the language and legal concepts employed by

^{17/} Memorandum from the Deputy Legal Adviser, Mr. Salans, to the Secretary, "Power of the General Assembly to Terminate and Reassign the Mandate for South West Africa", September 1, 1966 ~~(CONFIDENTIAL)~~; USUN Press Release 4955, Corr. 1, October 27, 1966 (UNCLASSIFIED).

the Ambassador. On October 27, 1966, the General Assembly adopted Resolution 2145 (XXI), declaring that South Africa's mandate was terminated, that South Africa had no other right to administer the Territory, and that South West Africa came under the direct responsibility of the United Nations.

In explaining the US vote, the Deputy US Permanent Representative to the United Nations, Ambassador James M. Nabrit, Jr., recalled that Ambassador Goldberg's statement of October 12, 1966, had emphasized that US proposals were designed to be immediately and practically implemented, to be within the capacity of the UN Organization, and to point towards united and peaceful action on behalf of the people of South West Africa. In voting for the resolution, however, we undertook no commitment to action by the Security Council, should the Council later be seized of the matter.

The resolution established an Ad Hoc Committee, composed of fourteen Member States, which was to recommend practical means by which the people of the Territory were to achieve self-determination and independence. The Committee was to

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report to a Special Session of the General Assembly no later than April 1967. The United States agreed to serve on the Ad Hoc Committee; President Johnson appointed the former Attorney General of the United States, William P. Rogers, as US Representative.

The Committee met for the first time on January 17, 1967. In addition to the United States, the membership included Canada, Chile, Czechoslovakia, Ethiopia, Finland, Italy, Japan, Mexico, Nigeria, Pakistan, Senegal, the United Arab Republic, and the Union of Soviet Socialist Republics. (The United Kingdom and France had expressed reservations about the legal bases of Resolution 2145 (XXI) and any enforcement action flowing therefrom and, therefore, declined to serve on the Ad Hoc Committee).

There were fundamental differences among the members on what constituted practical means to lead South West Africa

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to independence. It proved to be impossible to reconcile these differences and the Committee was obliged to submit three separate proposals to the General Assembly: 1) an African proposal calling for the immediate transfer of authority from South Africa to the United Nations and, should South Africa fail to comply, for enforcement action under Chapter VII; 2) a Western proposal calling for the appointment of a Special Representative by the Secretary-General to enter into contact with the Government of South Africa and with representative elements of the people, to make a survey of the human and material resources of the Territory, and to recommend further measures to the 22nd

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- 18/ Memorandum from the Officer-in-Charge of Dependent Areas, Mr. McHenry, to the US Representative on the Ad Hoc Committee, Ambassador Rogers, "Discussions of South West Africa with African Delegations, February 4, 1967 ~~(CONFIDENTIAL)~~"; Memorandum from the Deputy Director of the Office of UN Political Affairs, Mr. Gleysteen, to Assistant Secretary Sisco, "Your 5:00 p.m., Tuesday, March 7, Appointment with South African Ambassador Taswell to Discuss South West Africa", March 7, 1967 ~~(CONFIDENTIAL)~~; Memorandum from Assistant Secretary Sisco to the Secretary, "Our Meeting with You on South West Africa", March 9, 1967 ~~(CONFIDENTIAL)~~.

General Assembly; and 3) a Latin American proposal resembling the African one, except that it made only vague provision for enforcement action.

g. Establishment of the Council for South West Africa

Speaking at the Fifth Special Session of the General Assembly on April 26, 1967, Ambassador Goldberg expressed the hope that the Member States would continue to act with the same near unanimity they had shown in the adoption of Resolution 2145 (XXI). However, the Western proposal for the appointment of a Special Representative was given no serious consideration and the Member States concentrated on reconciling the African and Latin American proposals.^{19/} A joint draft resolution, providing for the establishment of a Council for South West Africa, composed of 11 Member States, was adopted on May 19, 1967. The Resolution (2248 (S-V)) provided that the Council for South West Africa was to enter

^{19/} From USUN, Telegrams 5226, May 9, 1967 (~~CONFIDENTIAL~~); 5250, May 11, 1967 (~~CONFIDENTIAL~~); and 5278, May 12, 1967 (~~CONFIDENTIAL~~); Department of State Telegram 194033, May 13, 1967 (~~CONFIDENTIAL~~).

immediately into contact with the Government of South Africa to facilitate the transfer of the Territory to the United Nations, and that it was to establish itself physically inside South West Africa. The Western countries, including the United States, were joined by the Soviet bloc in abstaining.

The US abstention was based on our belief that the task assigned to the Council for South West Africa was beyond its capacity to achieve. We declined to serve on the Council for the same reason, although at one point some thought was given to the possibility of accepting membership on the Council as a means to ensure African support in the concurrent Security Council debate on the situation in the Middle East.

To avoid any misunderstanding of our reasons for not supporting Resolution 2248 (S-V), Ambassador Goldberg took the floor in the General Assembly on May 19, 1967, to reiterate our full support for Resolution 2145 (XXI), which terminated South Africa's mandate, and for practical means to discharge the United Nations responsibility for South West Africa.

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The Council for South West Africa has enjoyed little, if any, success in achieving its objectives. South Africa has refused to recognize or deal with the Council and remains in full control of the Territory.

h. Trial of 37 South West Africans

Another aspect of the question of consuming interest to the United Nations during 1967 and 1968 was the prosecution of 37 South West Africans. The men were tried in South Africa under an ex post facto law called the Terrorism Act for varying degrees of association with the South West Africa People's Organization or for having engaged in guerrilla activities.

In the US view, the trial was illegal because the Terrorism Act violated the people's elementary legal and human rights, for which the international community is responsible, and because Resolution 2145 (XXI) deprived South Africa of the right to legislate for South West Africa. While explaining that the United States did not intend to imply that the Territory should be without law and order,

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we voted for resolutions in the Special Committee on Colonialism,^{20/} the 22nd General Assembly, and the Security Council which condemned the arrests and trial, and called for the release and repatriation of the South West Africans.

The United States made repeated representations, both oral and written, to the Government of South Africa concerning the trial. Our Ambassador made oral representations at the South African Ministry of Foreign Affairs in Pretoria on September 12 and October 11, 1967, and delivered aide-memoires on December 10, 1967, and April 2, 1968. Under Secretary of State Katzenbach called in the South African Ambassador on February 10, 1968, to deliver an aide-memoire.^{21/} In our representations, we took the position that the trial

^{20/} The Special Committee is officially known as the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

^{21/} Department of State Telegram 85072, December 15, 1967 (~~CONFIDENTIAL~~); US Aide-Memoires, February 10, 1968 (~~CONFIDENTIAL~~) and April 2, 1968 (~~CONFIDENTIAL~~).

was inadmissible, and we requested South Africa to furnish us with full particulars on the arrest, pre-trial treatment, and charges against each of the defendants. South Africa has never made a direct reply to these aide-memoires.

i. Elevation of the Question to the Security Council

A significant outcome of the trial of the 37 South West Africans was to elevate the question of South West Africa, or at least one aspect of it, to the Security Council. In January and March 1968, the Council unanimously adopted resolutions calling upon South Africa to discontinue the illegal trial and to release and repatriate the defendants.

The hard bargaining that preceded the vote on Security Council Resolution 246 (1968) was illustrative of the growing international support for sanctions against South Africa.^{22/} For the first time, the Latin Americans accepted language

^{22/} USUN Telegrams 3738, February 13, 1968 (~~CONFIDENTIAL~~); 3861, February 21, 1968 (~~CONFIDENTIAL~~); 3878, February 21, 1968 (~~SECRET~~); 3904, February 24, 1968 (~~CONFIDENTIAL~~); USUN Press Release USUN-5 (1968), January 25, 1968 (UNCLASSIFIED).

opening the way for sanctions to enforce UN resolutions on South West Africa. They thus joined the Scandinavians in moving closer to the position of the Africans, Asians, and Communists. The United States, with difficulty, was able to secure the removal of references in the draft resolution to Article 25 of the Charter, which would have implied that decisions of a binding nature were being taken, and to Chapter VII measures, i.e., economic sanctions.^{23/} In his explanation of vote, Ambassador Goldberg indicated that our support for the resolution had been made possible by the sponsors' assurances that Resolutions 245 (1968) and 246 (1968) fell within the purview of Chapter VI and that there was neither commitment to nor exclusion of a particular Charter approach in any future consideration of the matter by the Security Council.^{24/}

^{23/} Article 25 (Chapter V) states: "The Members of the UN agree to accept and carry out the decisions of the SC in accordance with the present Charter."

^{24/} Department of State Telegram 129326, March 13, 1968 (~~CONFIDENTIAL~~); USUN Press Release USUN-41 (1968), March 14, 1968 (UNCLASSIFIED).

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South Africa's reply to the Security Council -- "In the interests of all the peoples of South West Africa, convicted terrorists cannot be released nor can their release be discussed" -- meant that, as of late 1968, the Council remained actively seized of the matter.

j. South Africa's Continued Defiance of the United Nations

In addition to its refusal to release and repatriate the 31 convicted South West Africans, South Africa has continued to move large numbers of non-white South West Africans into segregated townships, announced plans to take over nearly all of the important administrative powers now vested in the Territorial Government, and taken the legislative steps necessary to establish several semi-autonomous tribal homelands in the Territory. As evidenced by their statements at the United Nations, most of the Member States view these measures as instances of flagrant disregard for the interests of the people and for United Nations resolutions calling upon South Africa not to alter the status of the Territory.

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A US aide-memoire of May 3, 1968, stated our view that enactment of the bill to establish tribal homelands would be contrary to South Africa's obligations to the people of the Territory and to the international community. In particular, sections of the bill dealing with land allocation and projected tribal institutions would violate these obligations. The United States requested clarification of the nature of the consultations that led up to the bill and urged South Africa, with its own interests in mind, to reconsider this step. Our aide-memoire also noted important inter-relationships between the homelands bill and the Terrorism Act, both of which we saw as the means to maintain "white supremacy" in South West Africa and as derogating from "respect for observance of human rights and fundamental freedoms." (The homelands bill has since been signed into law.)

As the proceedings of the Security Council indicated, we now have little room for maneuver on the question of South West Africa. Although we do not expect decisive developments at the 23rd General Assembly or in the very near

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future in the Security Council, it is increasingly evident that the efforts of the majority of Member States will be directed toward the adoption of measures to force compliance by South Africa and that they will regard our emphasis on practicality and our refusal to commit ourselves on enforcement measures as diversionary tactics, at best.

In an effort to find credible and effective alternatives to sanctions, the Department has been examining a number of affirmative measures.^{25/} However, none of the measures under study is without problems. The Africans continue to be opposed to reinvolvement of the International Court of Justice and, despite US efforts, it does not appear that the Africans or the Government of South Africa will support the appointment of a Special Representative by the Secretary-General, to undertake confidential talks with South Africa,

^{25/} Memorandum from Assistant Secretary Palmer to Assistant Secretary Sisco, "South West Africa," May 24, 1968 (~~CONFIDENTIAL~~); Memorandum from Mr. Jacobs to Mr. McHenry, "Comments on AF's Memorandum of May 24, 1968 on Namibia," August 4, 1968 (~~CONFIDENTIAL~~).

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without attempting to impose unacceptable conditions.^{26/}

Congress will not approve funds for a voluntary contribution to UN programs in Southern Africa.

Meanwhile, the United States remains on record as being prepared to work with other countries to find peaceful and practical means to discharge the UN responsibility for South West Africa.

^{26/} Department of State Telegrams 102225, January 20, 1968 (~~CONFIDENTIAL~~); 139908, April 1, 1968; 142384, April 5, 1968; USUN Telegrams 4421, April 3, 1968; 4537, April 11, 1968; 4570, April 12, 1968; Embassy Cape Town Telegram 977, April 5, 1968 (~~ALL CONFIDENTIAL~~).

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D. U.N. ECONOMIC AND SOCIAL DEVELOPMENT

1. The UN Development Program (UNDP)

a. Background

The United States has long recognized the singular advantages of the United Nations system as a channel for multilateral assistance to the developing countries. Therefore in 1949 as a result of a proposal contained in President Truman's Inaugural Address the United Nations established the Expanded Program for Technical Assistance (EPTA). In 1958, another step was taken to "provide systematic and sustained assistance in fields essential to the integrated technical, economic and social development to less developed countries,"^{1/} with the establishment of the Special Fund, under the able leadership of Mr. Paul Hoffman. Under

^{1/} Paragraph 1.(b) of Part B of GA Resolution 1240 (XIII).

President Johnson, the United States culminated its effort to obtain an organizational reform of the UN's technical assistance machinery. This has enabled the UN to make its development activities more effective and it is anticipated more responsive to the challenges of the future.

In 1961, Harland Cleveland, Assistant Secretary of State for International Organization Affairs, in a statement before the Technical Assistance Committee (TAC) of the Economic and Social Council (ECOSOC) suggested that the time had come "to take a hard look at the successes and failures of the past; to establish a clear sense of direction which could not have existed in the early years of our work; to clarify our objectives; and to devise ways to more effectively mobilize, organize and apply our resources in the future."^{2/} He raised the question of "What is the best relationship between the Expanded Program of Technical Assistance and the Special Fund? Should they be more closely integrated -- or even merged?"^{3/}

^{2/} US Press Release No. 1 of the US Delegation to the Technical Assistance Committee - Geneva June 27, 1961.

^{3/} Ibid.

This statement was based on a position paper^{4/} written in the Department of State, and cleared through an inter-departmental committee, the United Nations Economic Committee (UNEC).

Progress was necessarily slow due to the involvement of many governments and international organizations. From 1961 through 1964 the United States worked hard to achieve the merger of the two programs and the strengthening of this United Nations effort. The years 1963 and 1964 were crucial, as the matter was pursued through the Ad Hoc Committee on Coordination of Technical Assistance Activities (known as the Ad Hoc Committee of 10) set up by the Economic and Social Council for this purpose. Member governments had to be convinced.^{5/} Some of the less developed countries opposed

^{4/} Organization of the United Nations and Other Multilateral Agencies for the Provision of Technical Assistance Questions Relating to the Special Fund and the Expanded Program of Technical Assistance. SD/E/1416.

^{5/} Department of State Circular Airgrams CA-5027 of November, CA-2278 and CA-2290 of June 5, 1964

the idea, fearing they might receive less assistance if the two programs were merged; some of the major contributors also were apprehensive that governments would lose control. The matter was discussed in the Development Assistance Committee of the OECD,^{6/} to which the United States made a detailed submission. Finally, each of the Secretariats of the specialized agencies, as well as their executive boards or governing bodies, had to be persuaded to cooperate. Most of them originally opposed the merger, which would strengthen the central programming authority and thus diminish the influence of the agencies. A special US representative, Mr. Walter Kotschnig, was dispatched to talk personally with the executive heads of the ILO, FAO, WHO and UNESCO to allay their fears and to urge their cooperation.^{7/}

^{6/} Department of State Telegram to Paris, TOCED 566, January 2, 1964 (LIMITED OFFICIAL USE).

^{7/} Memoranda from Mr. Kotschnig to Mr. Cleveland of September 6 and October 2, 1963, "Reorganization of Technical Cooperation Activities--or how to prepare Irish porridge" -- Progress reports (LIMITED OFFICIAL USE).

b. Creation of UNDP

By 1964, on the basis of a report prepared by the Secretary General, the Ad Hoc Committee of 10, by a vote of 6 to 3, with 1 abstention, adopted a report which endorsed and outlined steps to implement the original US proposal^{8/} i.e., that EPTA and the Special Fund be combined into a program to be known as the United Nations Development Program (UNDP). It was understood that the special characteristics and operations of the two programs would be maintained.

All through the debates in the Ad Hoc Committee of 10, the Governing Council of the Special Fund, TAC and the Economic and Social Council (ECOSOC), the Soviet Union, the United Arab Republic and Brazil strenuously opposed these proposals. However, in each body the proposal picked up support from the developing countries. By the time the matter was discussed in ECOSOC only Czechoslovakia, the United Arab Republic and the USSR continued to oppose the proposal. The

^{8/} Memorandum from Mr. Kotschnig to Mr. Cleveland, April 9, 1964.

37th ECOSOC approved the merger by a vote of 15 to 2 with 1 abstention, on November 22, 1965, the General Assembly added its approval by a vote of 98 to 0, with 9 abstentions.

Since the creation of the UNDP on January 1, 1966, the United States has continued to increase its voluntary contributions: \$65 million in 1966, \$70 million in 1967 and \$75 million in 1968, subject to the condition that US contributions should not exceed 40 percent of total government contributions. At the same time, the United States has consistently sought to improve the operations of the UNDP and the related technical cooperation activities of the UN System of organizations.

A central objective of this policy has been to strengthen the role of the UNDP Resident Representative in the field. The Resident Representative advises his host government on priorities and planning. He is also responsible for coordinating UNDP activities and those of the various specialized agencies. These tasks are complex and occasionally made more difficult by some of the specialized agencies which fail to cooperate fully, particularly on projects supported from their

own regular budgets.

At the 39th, 41st and 43rd Sessions of the Economic and Social Council from 1965 to 1967, resolutions were passed which steadily increased the role of the UN Resident Representative and emphasized his central role and responsibilities. The resolution passed at the 43rd Session: (1) suggested that member countries establish or strengthen their own aid coordinating organizations, and (2) called attention to the assistance that the Resident Representative could give to such organizations by coordinating all economic and social assistance coming from the UN system. To this end the resolution affirmed that the Resident Representatives should be informed of the aid activities of the various organizations in the UN system and their contacts with the host governments; it invited the organizations concerned to cooperate wholeheartedly and in particular to consult with the Representatives on the planning and development of projects. In discussing the resolution, a few countries opposed the inclusion of a reference to coordination with bilateral aid programs, but

the United States said that it considered this an important point and that it would continue to coordinate US programs with those of the UN family. The Department of State and AID subsequently instructed our embassies and missions to cooperate with and support the Resident Representative in the role given him by the ECOSOC resolution.^{9/}

For the same reasons, the United States welcomed an October 1966 agreement between the UNDP and the Food and Agriculture Organization (FAO) which made FAO's country representative a member of the Resident Representative's staff. Similar arrangements were made by the United Nations Industrial Development Organization (UNIDO) in 1967.

c. Conclusions

The UNDP is the major and most effective program of the United Nations system of organizations for the promotion of the economic and social development of the developing countries. Since the inception of the two programs through

^{9/} Department of State Circular Airgram CA-3594, November 15, 1967 (LIMITED OFFICIAL USE).

1968 \$1.442 million has been contributed or pledged. As many as 117 countries pledged contributions for the year 1968. There have been many thousands of technical assistance missions completed (experts, fellowships, etc.) and 925 major pre-investment projects approved as of September 1, 1968. Of 37 major projects completed, at a total cost to the UNDP of \$43 million, more than \$1.900 million in development investment has resulted. As the program continues to grow it is hoped that special purpose funds, such as Special Industrial Services (SIS), and the Population Trust Fund will disappear and all activities will be funded from the UNDP.

President Johnson, in a letter to Mr. Paul Hoffman in June 1968 expressed his evaluation of the program as follows "I know the record you and your colleagues are building fully justifies the contribution requested in my 1969 budget."

2. Human Rights

a. Situation in 1963

In November 1963 human rights action in the UN was

centered largely on racial discrimination and the abolition of apartheid in South Africa. While many Delegations recognized the good intentions of the United States, they tended to regard our record as laggard, both on domestic civil rights legislation and in UN votes, with the result that US influence was diminished on many issues quite unrelated to questions of race. Early in October Ambassador Adlai Stevenson announced strong support for completion of the UN Declaration on the Elimination of all forms of Racial Discrimination, then under consideration in the GA. He emphasized US abhorrence of apartheid and segregation, and our determination to establish equal opportunity for all without distinction of race or color. On November 20 the United States joined in the unanimous vote in favor of this Declaration and agreed that the next step should be preparation of an international convention through which the parties could undertake legal obligations regarding the elimination of all forms of racial discrimination.

Early decisions required of the Johnson Administration in the field of human rights accordingly set the pattern for

participation by the United States on highly sensitive questions of race equality. Even though the United States was not then a party to any of the human rights conventions already adopted in the UN system, and even though aspects of the proposed convention exceeded legislation then on US statute books, US Delegations were instructed to press for sound and effective provisions in the expected convention and for vigorous promotion of all other aspects of the UN human rights program.

b. US Leadership in the UN

An important element in the leadership established by US Delegations in the ensuing years was the quality of our representation in human rights meetings: Mrs. Gladys Tillett, who continued as US Representative in the Commission on the Status of Women; Morris Abram, who took over in 1964 as US Representative on the Human Rights Commission; and Clyde Ferguson, elected by that Commission as an expert of the Sub-commission on the Prevention of Discrimination and Protection of Minorities, together with John Carey, whom Dean Ferguson designated as his Alternate. Domestic achievements added

conviction to the US leadership on the international scene: for the status of women, the continuing bodies set up after the 1963 report of President Kennedy's Commission on the Status of Women in the USA; in the field of human rights, the 1964 Civil Rights Act and the 1967 Housing Act; the official investigations of the riots in Watts and of later race outbreaks throughout the country, and the constant and regular reports of the US Commission on Civil Rights.

c. Significant Progress

Among the more significant actions in which the United States exercised leadership was recognition of family planning as a human right. First initiated by the United States delegation in 1965 as an element in the Declaration on the Elimination of Discrimination against Women, for which it was adopted as a "right to educational information", it won unanimous approval in the 1968 Human Rights Conference in Iran, where it was embodied in the "Proclamation of Iran" as a basic right of parents to determine freely and responsibly

the number and the spacing of their children.

In the Human Rights Commission the United States stressed the responsibility of the UN to consider human rights in all aspects, in contrast to the USSR desire to limit the agenda to matters which would not expose communist regimes to criticism. US Representative Morris Abram called for condemnation of violations of human rights "wherever they occur and whatever their nature", thereby opening the way to consider denials of religious freedom and abuse of equal justice along with the problems of apartheid and racial discrimination which he -- like all others -- recognized as important. In his capacity as individual expert on the Subcommission, Clyde Ferguson's insistence on factual evidence and analysis of racial tensions forced re-evaluation of propaganda charges and eventually disarmed critics determined to find cause against the United States.

In the General Assembly the United States, represented by Ambassador Patricia Harris, joined in drafting provisions for creating special machinery to implement the Convention

against Racial Discrimination. The proposal called for a Committee of the parties to consider complaints by one party against another, with an optional clause through which any party desiring to do so might agree to consideration of complaints against it by individuals. The United States voted in plenary for this Convention in 1965, and signed the Convention the following year. The United States gave similar support for implementation provisions in the two UN Covenants on Human Rights.

The adoption of these Conventions added to the pressure for US ratification of human rights conventions. Although some twenty conventions had been adopted by the United Nations and a vast majority of members had become parties to one or more of them, the United States had not ratified any UN human rights convention. A number had been transmitted to the Senate for advice and consent: the Conventions on Genocide and Freedom of Association forwarded by President Truman in 1949; a Supplementary Convention on Slavery and Conventions

on Political Rights of Women and on the Abolition of Forced Labor forwarded by President Kennedy in 1963; and a Convention on Employment Policy forwarded by President Johnson in 1966.

During the hearings on the Bricker amendment in 1953, Secretary Dulles announced a policy of abstention on human rights conventions on the ground that they lay outside the traditional scope of US treaty-making and that international conventions were not essential to, nor the best way of achieving, UN objectives. He suggested delay in any further consideration of the Genocide Convention, then pending in the Foreign Relations Committee, along with the ILO Convention on Freedom of Association.

President Kennedy broke with this policy, first by authorizing US Delegates in the UN to vote for human rights conventions "on their merits" and later by recommending three additional conventions to the Senate for consent to ratification. The Senate, however, took no action during his administration to approve any human rights conventions.

d. The Johnson Administration and Human Rights

The importance of human rights was highlighted still further in 1965, when the UN General Assembly designated 1968 as International Human Rights Year, in recognition of the 20th Anniversary of the Universal Declaration of Human Rights. The GA placed special emphasis on the ratification of human rights conventions listing nine for priority attention. Moreover, the White House Conference for International Cooperation Year, which met in Washington in December 1965, recommended the ratification of several human rights conventions and full US participation in the observance of Human Rights Year.

The recommendation to ratify Human Rights Conventions attracted immediate support from church, labor, women's and civic organizations, many of whom were already on record in favor of ratification. In the Department of State the Bureau of International Organization Affairs joined with the Office of the Legal Adviser for fresh study of the nine conventions

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selected by the GA for priority attention. The Department also undertook consultations with other Executive agencies through the Interdepartmental Committee on Foreign Policy relating to Human Rights, which included the Departments of Labor, Justice, Interior, Health, Education and Welfare, Housing and Urban Development, and the US Commission for Civil Rights. All regarded the Year as an opportunity to push forward with public education and legislative projects. The Civil Rights legislation adopted in 1964 and 1965 was recognized as providing a strong claim to US leadership, in the UN and elsewhere, on behalf of equality and justice for all.

A 1966 study of the record on convention ratifications showed the United States one of only five UN members which had failed to ratify at least one human rights convention, thus placing it in the company of South Africa, Spain, Yemen, and the Maldive Islands. The Bureau of the Budget, which had been requested by President Johnson to follow-up on the recommendations developed during the International Cooperation

Year, shared the common concern to obtain ratification of the conventions.

Members of Congress also recognized the importance of planning for the US observance of Human Rights Year and ratification of appropriate conventions. Early in 1966 Congressman Halpern (R-N.Y.) introduced a bill calling for the establishment of a Presidential Commission to provide national leadership for the observance. Among the functions proposed for the Commission was a study of the human rights and means to advance recognition of human rights achievements in the United States. He was followed by a number of other Congressmen from both parties. An identical bill was introduced in the Senate by Senator Clark (D-Pa.) along with other Senators from both parties. The Department of State responded favorably when asked to comment on these proposals. David Popper, Deputy Assistant Secretary, testified in the August 1966 Hearings before a Sub-Committee of the House Foreign Affairs Committee. As a result, the Committee reported favorably on Bills sponsored by Representatives Fascell and Frelinghuysen.

The Senate adopted a similar bill, but the House failed to act before the 89th Congress adjourned. The Senate again adopted the bill early in the 90th Congress, but it was not considered in the House.

In view of the passage of time and the increasing pressure of public interest, the US National Commission for UNESCO which had long favored US ratification of the Genocide and other Conventions, decided early in 1967 to set up a special committee for Human Rights Year. The Cultural Affairs Bureau in the Department of State (which includes the Secretariat for the National Commission for UNESCO) also designated a Special Assistant to work with the Committee and its Chairman, Mr. Bruno Bitker of Milwaukee. The Committee enlisted the cooperation of the Office of Education and other governmental agencies. It brought together an important group of national citizen organizations which had begun planning together for 1968, (as they had also -- with National Commission help -- for the Tenth and Fifteenth Anniversaries of the Universal Declaration). Some 45 of these organizations joined with the

National Commission in sponsoring a program guide, the You in Human Rights pamphlet, to aid in community action for Human Rights Year. One section of the pamphlet provided full information on the Human Rights Conventions, and urged support especially for those already pending in the Senate.

Early in 1967 the Foreign Relations Committee established an Ad Hoc Subcommittee on Human Rights Conventions composed of Senators Dodd, Chairman (D-Conn.), Clark (D-Pa.), Pell (D-R.I.), Hickenlooper (R-Iowa) and Cooper (R-Ky.). The Subcommittee held hearings February 23 and March 8, 1967, on the three Conventions forwarded by President Kennedy in 1963 -- the Supplementary Slavery Convention, the Convention on the Political Rights of Women, and the Convention concerning the Abolition of Forced Labor. Justice Goldberg, then US Ambassador to the UN, represented the Administration, accompanied by Assistant Secretary of State Sisco, Richard Kearney, Deputy Legal Adviser and others, together with Mrs. Peterson, Assistant Secretary of Labor. They pointed out that US legislation had long been consistent with the obligations set forth in the

conventions, so that no additional legislation would be required. Senator Proxmire, who had spoken daily in the Senate for some months on behalf of the conventions, testified, as did representatives of some 60 or more national organizations and a number of individuals. All the statements presented favored ratification of the three conventions.

The hearings had been well announced and were open to all organizations and individuals who desired to place themselves on record. However, at the request of the American Bar Association, which had not participated in the hearings, the report of the Subcommittee was delayed until representatives of the ABA could testify after its annual convention, where the conventions were to be discussed. A Hearing for the ABA Representatives was then held before the full Foreign Relations Committee September 13. The ABA Representatives reported no objection to ratification of the Supplementary Slavery Convention but recommended that no action be taken at the time on the Forced Labor Convention and that the Convention on the Political Rights of Women be rejected as outside the

usual scope of treaty action. No other witnesses were heard. On October 11, the Foreign Relations Committee reported favorably only on the Supplementary Slavery Convention.

On the same day, the President proclaimed 1968 as Human Rights Year in the United States. His proclamation recalled that much of the leadership for the Universal Declaration of Human Rights came "from a great American, Mrs. Eleanor Roosevelt" who was the first US Representative in the UN Commission on Human Rights. He pointed out that the Declaration established common standards of achievement for all peoples and all nations, which had been incorporated into human rights conventions to be ratified by the individual nations. He continued:

American ratification of these Conventions is long overdue. The principles they embody are part of our own national heritage. The rights and freedoms they proclaim are those which America has defended -- and fights to defend -- around the world.

It is my continuing hope that the United States will ratify these conventions. This would present the world with another testament to our Nation's abiding belief in the

inherent dignity and worth of the individual person. It would speak again of the highest ideals of America.

The Senate considered the report of the Foreign Relations Committee on November 2, 1967 -- the first time the question of US ratification of a UN human rights convention had been considered in that body. Debate was favorable. Senator Proxmire and others expressed disappointment that only the Slavery Convention had been brought forward, urging that the Senate have opportunity to vote also on the Conventions on Political Rights of Women and on the Abolition of Forced Labor. In the vote, 99 Senators were recorded in favor (one was absent), thus providing unanimous advice and consent for US ratification. The President accordingly signed the instrument of ratification November 9, and this was deposited as required with the United Nations.

By this action the United States became the 72nd party to the UN Supplementary Slavery Convention on Abolition of Slavery, which had been prepared by a Special UN Conference in 1956. The Convention repeats the obligation to abolish

chattel slavery stated in the Slavery Convention of 1926, to which the United States was already a party. In addition, it calls for an end to related questions and practices, such as peonage, debt slavery, exploitation of children, and marriage customs which would permit the transfer of a woman to another husband without her consent. Like other human rights conventions, it refers in its preamble to the Universal Declaration of Human Rights adopted in 1948 as a "standard of achievement"; this reference is historical only, and does not endow the Declaration with any additional or legal force. While many supporters had hoped that the first Senate approval of a UN human rights convention might be persuasive for ratification of further conventions, the fact that the United States was already a party to the Slavery Convention of 1926 lessened the importance of the precedent.

Soon thereafter, on January 30, 1968, the President, on his own initiative, established a Presidential Commission for the Observance of Human Rights Year, with staff and administrative services to be provided by the Department of State. In his

Executive Order establishing the Commission, President Johnson again expressed his concern for full US participation:

The Senate has signified that it will enlarge its own important role. It supported our participation in international agreements that further the protection of human rights by consenting to the Supplementary Convention on Slavery on November 2, 1967. In my Proclamation designating Human Rights Year, I declared that ratification of the Human Rights Convention was long overdue. It is my earnest hope that the Senate will complete the tasks before it by ratifying the remaining Human Rights Conventions.

In October, 1968 the Senate gave its advice and consent for US ratification of a second UN human rights convention, the Protocol Relating to the Status of Refugees. This had been prepared in the United Nations in July, 1967, primarily to replace a 1951 Convention which had become out of date. It is designed to assure refugees treatment as favorable as other aliens in a country, and in some cases the same treatment as citizens. President Johnson transmitted the Protocol to the Senate August 1, 1968, with a recommendation for advice and

consent, subject to two reservations which would assure consistency with US laws regarding taxation and social security. The Foreign Relations Committee held hearings September 19-20, and reported favorably on the President's recommendation. On October 4 the Senate voted unanimously, 59 to 0, in favor of the report. On October 15, the President signed the appropriate instrument, in this case as instrument of accession, and this was duly deposited with the United Nations November 1, making the United States a party to the Protocol.

Early in 1968, the United States participated in the UN Conference on Human Rights, which met in Tehran at the invitation of the Shah of Iran. All the Members of the UN and of the Specialized Agencies were invited, and 88 sent Delegations. In accord with his policy of providing strong leadership for human rights in the UN, President Johnson designated Roy Wilkins to head the United States Delegation. In its opening session, the Conference rose in silent tribute to Dr. Martin Luther King, Jr., whose assassination a few weeks earlier had brought mourning throughout the world.

Mr. Wilkins responded to this tribute on behalf of the people of the United States. In a later statement, recognized as setting a pattern for Conference achievement, he called for UN action in greater depth as well as in greater breadth, urging the problem of "unlimited claim to national sovereignty". "I submit" he continued, "that under the United Nations Charter no nation is entitled to wrong its own citizens". The Conference ended with unanimous adoption of a "Proclamation of Tehran" reaffirming the Universal Declaration of Human Rights as a "continuing obligation of the international community", thus adding the voice of many new nations to the 48 early members of the UN which had voted for the Declaration in 1948.

President Johnson sent a message, read in an early Conference session along with greetings from other Heads of State. He said:

Twenty years ago the United Nations adopted the Universal Declaration of Human Rights, a basic statement of common human rights for the whole family of man. Today our Conference -- highlighting the observance of International Human Rights Year --

calls for reassessment and rededication by all of us.

While it will record two decades of substantial progress, it will also reflect an unfinished agenda of goals yet to be reached.

Through our achievements in securing human rights, we share a source of strength. Through our resolve to do more, we are joined as brothers in a relentless quest for freedom, dignity, and justice.

We in the United States are committed by word and will to give reality to rights embedded in our laws. We are struggling -- hourly -- to translate those laws into better, fuller lives.

We pledge ourselves once again to the holy struggle for human dignity. I pray that this Conference will give us new strength to accomplish the tasks that remain.

The work of the President's Commission for the observance of Human Rights Year 1968 continued, focussing attention within the country on the great human rights goals in American tradition, their guarantee in the US Constitution, their increasing implementation through legislation and judicial decision, and the

responsibility of every citizen to respect the equal dignity of all in daily practice.

3. Programs Related to Man's Environment

a. The World Weather Watch

(1) Cooperative Action Proposed

President Kennedy, in an address to the UNGA September 25, 1961, had stated: "We...propose cooperative efforts between all nations in weather prediction and eventually in weather control."

The GA on US initiative adopted Resolution 1721 (XVI) on December 20, 1961, on the peaceful uses of outer space, which referred to the worldwide benefits to be derived from international cooperation in weather research and analysis and recommended that Member States and the World Meteorological Organization (WMO) study measures to advance the state of atmospheric science and technology and to develop existing weather forecasting capabilities.

At WMO's request, the United States and the Soviet Union made available experienced meteorologists to undertake the

study and complete a report for the WMO in response to Resolution 1721. Dr. H. Wexler, then Director of Meteorological Research, US Weather Bureau, and Professor V.A. Bugaev of the Soviet Central Weather Forecasting Institute were designated.

Their report, submitted by the WMO as its first report on the advancement of atmospheric sciences and their application in the light of developments in outer space, outlined the concept of a World Weather Watch which would significantly improve weather forecasting capabilities globally.

The GA considered the report at its 17th session and, again on US initiative, adopted Resolution 1802 (XVII) on December 14, 1962, which recommended that the WMO develop more detailed plans for an expanded program to strengthen meteorological services and research, placing special emphasis on use of meteorological satellites and on expansion of training and educational opportunities in these fields.

The staff of the State Department's Bureau of International Organization Affairs (IO) worked closely with the US Weather

Bureau in the above initiatives and, as a result of wide consultations with other countries, both resolutions were adopted unanimously by the GA.

(2) WMO Fourth Congress in 1963

The IO staff and the US Weather Bureau jointly prepared for the WMO Fourth Congress held in Geneva in April 1963. At this Congress, on US initiative, the World Weather Watch concept was approved, and the WMO was authorized to continue studies on the subject so that the Fifth Congress in 1967 could consider and adopt a World Weather Watch Plan. Member States were asked to collaborate in the preparation of this Plan.

IO and Weather Bureau staffs recommended that the US Government support and contribute to the development of the proposed World Weather Watch Plan.

(3) President Johnson's Statements

President Johnson on June 10, 1964, at Holy Cross College, announced that the United States would move ahead with plans to devise a worldwide weather system -- using

satellites and the facilities of all industrialized countries. The President observed: "The space age has given us unparalleled capacity to predict the course of weather. By working together on a global basis, we can take new strides toward coping with the historic enemies of storm and drought and flood".

In a subsequent statement issued October 23, 1964, the President referred to the significance of the agreement among WMO Member States to accelerate the development of a World Weather System. He asked the Secretary of Commerce to take necessary action to bring Federal departments and agencies concerned with this program into closer consultation and coordination. In response to this directive, the Secretary established a small inter-agency working committee -- The Interagency Committee for International Meteorological Programs (ICIMP) -- on which the Department of State was represented. Its report submitted to the President in January 1966 outlined its findings and recommendations regarding US participation in the proposed international

meteorological program.

On World Meteorological Day, March 23, 1966, President Johnson reaffirmed his pledge at Holy Cross College that this nation would move ahead with plans for a worldwide weather system, in collaboration with other nations. He referred to the WMO as the specialized agency in the UN system through which the World Weather Watch concept was taking shape. He expressed strong US support for international cooperation in this vital field. He asked the Secretary of Commerce, the Directors of the Office of Science and Technology, and the Bureau of the Budget to recommend a plan of action for the US role in the proposed World Weather Watch Plan. Their recommendations were submitted to the President on September 12, 1966, including a recommendation that the President "inform the Congress of the role you are proposing that the United States play in the international meteorological program and invite congressional endorsement of this role, as through enactment of a joint resolution."

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(4) WMO Fifth Congress in 1967

On the opening of the WMO Fifth Congress, April 3, 1967, President Johnson instructed the US Delegation "to pledge the full and continuing participation of the United States" in the World Weather Program about to be launched by the WMO at this Congress.

The IO staff worked closely with Dr. Robert M. White, Administrator of the Environmental Science Services Administration (ESSA), which now includes the US Weather Bureau, in preparation for this Congress. Dr. White chaired the US Delegation.

The World Weather Watch Plan actually adopted by the WMO Fifth Congress in April 1967 was along the lines of US proposals submitted to the WMO. It calls for use of already proven technology, equipment, and procedures during the 1968-71 WMO fiscal period to alleviate the more critical deficiencies in the world weather system. The Plan relies on concerted action by the 130 WMO Members for implementation of designated improvements in observations, data processing, and

communications facilities. Each Member of the WMO is called upon to make the requisite improvements in its own territory. A WMO Voluntary Assistance Program helps developing countries that lack foreign exchange resources to obtain equipment required to implement the World Weather Watch Plan in their territories. This Program was established by the WMO Congress along lines proposed by the United States to avoid duplication with other ongoing multilateral assistance programs.

Increased weather data from underdeveloped countries is required by the United States to improve its own weather forecasting capabilities. At present, observations are deficient or entirely lacking over 80 percent of the earth -- principally in ocean areas and in underdeveloped countries. Present international weather communications are totally inadequate to meet US requirements.

(5) WMO Voluntary Assistance Program (VAP)

The WMO Voluntary Assistance Program is in two parts: (1) a Voluntary Assistance Fund with an annual target of \$1 million, and (2) an Equipment and Services Program with

an annual target of \$4 million.

President Johnson in his Foreign Assistance proposal for FY 1969 to the US Congress included \$2 million for the Voluntary Assistance Program. This would provide a cash contribution of \$400,000 to the Voluntary Assistance Fund based on matching at a 40 percent rate the total unrestricted cash contributions of all WMO Members. The sum also included \$1,600,000 under the Equipment and Services Program for US equipment, US experts, and training in the United States of WMO nominees from underdeveloped countries. (This program will be administered by the Environmental Science Services Administration.)

(6) Congressional Support

The US Congress on May 29, 1968, adopted Senate Concurrent Resolution 67, which recognized the WMO role in the initiation and implementation of the World Weather Watch. It stated that the United States should participate in and give full support to the World Weather Watch; that the President should cooperate with other nations in pursuing the program;

and finally that the President should transmit to the Congress a plan setting forth proposed US participation in international programs on meteorology for the next fiscal year.

The President responded favorably to this resolution in his memorandum of July 5, 1968, to the heads of the various departments and agencies concerned, including the Secretary of State, in which he pledged full US participation in the development of the World Weather Watch through the WMO. He called upon the Secretary of Commerce to continue to coordinate our national efforts in this program and called upon the other participating agencies to cooperate fully with the Secretaries of Commerce and State.

In the Department of State, the IO staff continued to work closely with the Environmental Science Services Administration in follow-up implementation action on the World Weather Watch Plan and the Voluntary Assistance Program adopted by the WMO.

b. The Global Campaign to Eliminate Smallpox

(1) Situation and Background

Smallpox is virtually unknown today in the United States; yet in some areas, mainly in Africa, parts of

Asia and South America, it has remained endemic. Because of its transmissibility, in those places it is a continuing danger both to the local inhabitants and to the rest of the world.

Although the United States is free from smallpox, re-infestation remains a possibility. It has long been recognized that in this age of high speed air transportation an unknown carrier could, for example, board an aircraft in the Middle East and expose literally hundreds of people in the United States before his case was detected and diagnosed. On the other hand, unlike many diseases smallpox lends itself to a successful eradication program through mass inoculations. New types of injector equipment and vaccines for such a program have been developed, simplifying the logistical problems.

As early as 1950 the World Health Organization governing body, the annual World Health Assembly (WHA), recommended more attention be given to the smallpox program and in 1958 the WHO undertook direct assistance to nations in such a campaign. Since financing, in the main, was by voluntary

contributions, progress was limited. To dramatize the program for the World Health Day in 1965 the theme, "Smallpox, Constant Alert", was selected.

The Office of International Health of the Public Health Service, with State Department approval, prepared an Action Memorandum on World Health Day for the President. On May 18, 1965, President Johnson, concurrently with the 18th World Health Assembly, announced an American pledge for support of an international program for the complete eradication of smallpox from the earth within the next decade.

(2) IO Action and Followup

Within the Department of State, the Bureau (IO) was given responsibility for ensuring adequate attention by WHO in the campaign's multilateral aspects. Specific objectives were first to ensure that the Organization did respond and second that stable and adequate financing was available. To accomplish the first, the US Delegate stated at the Assembly that the time had come for WHO action. He introduced a draft resolution which, inter alia, "Declares the worldwide eradication

of smallpox to be the major objective of the Organization." The resolution subsequently passed the Plenary Session.

As a basic step in meeting the problem of financing, on November 24, 1965, Assistant Secretary of State Joseph J. Sisco personally outlined the US position to WHO Director General Candau. The Department then focused its efforts on favorable consideration of financing by the WHO Executive Board, which in the first instance examines and recommends program and budget issues for the WHA. At the 37th Executive Board in January 1966, the Director General said that if, as proposed by the United States, the smallpox campaign were to succeed, it had to be included in the WHO Regular Budget and the proposed regular budget expenditure for 1970 of \$2,415,000. The US Representative to the Board has stated: "It was clear during the review...that there was little enthusiasm among members of the Executive Board as well as in some parts of the Secretariat for priority being given this program...". Certain Executive Board members considered smallpox as only one, and not necessarily the most serious, of the various communicable diseases. Following the debate, the Executive

Board did, however, recommend adoption of the Director General's budget. A motion to limit the budget to \$1 million was narrowly defeated by a vote of 8 (including the United States) to 7.

In this way a turning point had been reached. At the 19th WHA in May 1966, with full US support, the Assembly passed a smallpox resolution, the first operative paragraph of which stated that the program should be financed within the WHO Regular Budget.

The multilateral program aspects of the WHO smallpox eradication program began on January 1, 1967. Subsequent WHA Resolutions, encouraged and endorsed by the United States, have reiterated the Organization's plans to succeed in eradicating smallpox.

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E. THE OUTER SPACE TREATY

1. Background*

The principles of international law embodied in the Outer Space Treaty were elaborated in the United Nations over a period of nearly ten years. The first effort to govern the activities of states in outer space was made on January 14, 1957, when the United States proposed in a General Assembly memorandum on disarmament that all testing of objects propelled through outer space be carried out under international control. In an address to the 14th General Assembly on September 22, 1960, President Eisenhower set forth three principles which were to form the basis of future UN resolutions on space and of the Outer Space Treaty itself. He proposed that:

*See Chapter III, Part E, Section 3h, above, for Soviet-US relations with regard to this treaty.

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E.O. 12356, Sec. 3.4

NLI 90-272

By mg NARA, Date 12-3-90

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1. We agree that celestial bodies are not subject to national appropriation by any claims of sovereignty.
2. We agree that the nations of the world shall not engage in warlike activities on these bodies.
3. We agree, subject to appropriate verification, that no nation will put into orbit or station in outer space weapons of mass destruction...

A turning point in the elaboration of space law occurred in December 1961 when the 16th General Assembly unanimously adopted a major resolution sponsored by the United States and the USSR, dealing with a broad area of outer space activity. This resolution [1721 (XVI)] incorporated a group of outer space proposals which were developed in the State Department during the summer of 1961 for submission at the 16th Session of the UN General Assembly.^{1/} Two principles in this resolution were of particular importance: first, that international law, including the UN

^{1/} Memorandum to the Secretary from Assistant Secretary for International Organization Affairs Harlan Cleveland, No. 18325, November 20, 1961. ~~(CONFIDENTIAL)~~

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Charter, applies to outer space and celestial bodies, and second, that outer space and celestial bodies are free for exploration and use by all states in conformity with international law and are not subject to national appropriation. The principle of the applicability of the UN Charter to outer space was agreed within the US Government by the State and Defense Departments, CIA, and NASA, in 1960 as the legal basis for our SAMOS program.^{2/}

The Legal Subcommittee of the newly-formed UN Outer Space Committee met for the first time in May 1962. At the initial session of the Subcommittee, the Soviet Union tabled a draft "Declaration of Basic Principles" governing the activities of states in outer space. At the same time, the United States introduced proposals for (1) a General Assembly resolution dealing with the problem of the rescue and return of space vehicles and personnel, and (2) the establishment of a panel of legal experts to prepare a draft international agreement on the liability of states for damage caused by

^{2/} State Department Working Paper, Foreign Policy Aspects of Outer Space, April 3, 1961 ~~(CONFIDENTIAL)~~

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space vehicles. The legal "principles" submitted by the USSR would, among other things, have prohibited the use of space for propagating war propaganda and have characterized intelligence gathering satellites as "incompatible with the objectives of mankind in outer space." The draft was considered essentially a political document by the United States and other western countries, and was unacceptable to them. Nevertheless, it was clear that many countries favored the adoption of legal principles relating to space and that a full debate on such principles might occur at the 17th General Assembly in 1962.^{3/}

Partly in order to prevent discussion from centering on the Soviet proposal, the Legal Adviser's Office in the State Department began in the summer of 1962 to develop a set of legal principles for the US Government.

At the same time that work was proceeding on a

^{3/} State Department Circular Airgram CA-5541, November 19, 1962, Subject: 17th General Assembly - Outer Space Item ~~(CONFIDENTIAL)~~.

comprehensive statement of legal principles, the US Government was developing the separate principle that outer space should be reserved for peaceful purposes. This concept was elaborated in a State Department paper on "US Policy on Outer Space" dated October 25, 1962.^{4/} It was stated here that "we should seek to bring about realization and acceptance of the proposition that the antithesis of 'peaceful' is not 'military' but rather 'aggressive.' Many military uses of space and space technology are peaceful... The United States should, therefore, attempt to divert or defeat any United Nations resolutions or other action proposed for the banning of military activities in outer space per se or for defining peaceful activities, explicitly or implicitly, in such a way that they include military activities generally." This marked the beginning of consistent official US opposition to declarations in the UN

^{4/} Department of State Policy Paper submitted under cover of a memorandum to M - Mr. McGhee from ISA - Mr. Rollefson, dated November 6, 1962, Number 4052 ~~(SECRET)~~.

and elsewhere which purported to prohibit or restrict the use of outer space, but which did not constitute negotiated arms control measures.

It was not until late 1963 that progress began to be made towards international agreement on a set of general principles relating to outer space. In July 1963 the USSR agreed with the US position that a declaration of legal principles should be limited to the area where agreement was clearly possible, and expressed its willingness to accept a General Assembly resolution rather than a treaty as the form of the declaration. After two months of negotiation between the United States and USSR,^{5/} the Outer Space Committee convened on November 22 to consider the text of a draft "Declaration of Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space." The Committee submitted the draft declaration to the General

5/ See Position Paper of September 23, 1963, Negotiations with the Soviets on the Legal Problems of Outer Space (~~CONFIDENTIAL~~).

Assembly, which in turn unanimously adopted it as Resolution 1962 (XVIII) on December 13, 1963. Two months earlier, agreement was reached by the United States and USSR, and then embodied in Resolution /1884 (XVIII)7, banning the placing in orbit of nuclear weapons or other weapons of mass destruction.^{6/}

2. Developments Since 1963 Leading to Completion of the Outer Space Treaty

Throughout 1964 and 1965, the major effort of the UN Outer Space Committee in the field of space law was to give concrete expression to three principles which had been set forth in the Declaration of Legal Principles. These were, first, that a state which launches an object into outer space is internationally liable for damage caused by that object; second, that states shall render all possible assistance to astronauts in distress and promptly return them; and third,

^{6/} See Memorandum of January 30, 1964, drafted by G/PM - Raymond L. Garthoff, entitled Considerations Against US Public Announcement of an Anti-Satellite Capability (SECRET).

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that objects launched into outer space shall be returned to the launching state. Although these principles were later incorporated into the Outer Space Treaty, progress in elaborating them into separate agreements was slow, and it was not until December 1967 that an agreement covering assistance to and return of astronauts and space objects was endorsed in the General Assembly. The main obstacle to completion of an assistance and return agreement from 1964 to 1967 was disagreement between the United States and the USSR on two points. During the early stages of the negotiations, the Soviets insisted that astronauts and space objects should only be returned if they had been launched in accordance with the Declaration of Legal Principles. The United States considered that such a treaty would be open to subjective interpretation and was therefore unacceptable.^{7/}

^{7/} See, e.g., Telegram from US Mission to UN to Department of State, No. 17792, September 22, 1965 (~~SECRET~~). NASA disagreement with policy on this issue is outlined in a memorandum of December 6, 1965 from Arnold W. Frutkin, Assistant Administrator for International Affairs, NASA, to Mr. T. H.E. Nesbitt, Officer-in-Charge, Outer Space Affairs, Department of State (~~CONFIDENTIAL~~).

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Later the United States and the USSR differed on the scope of the agreement, the United States believing it should cover the return of both astronauts and space objects while the USSR considered it should be limited to assistance to and return of astronauts. In September 1967 the USSR accepted the US position on both of these points. Three months of bilateral negotiations between the space powers followed, after which the draft agreement was considered in the Legal Subcommittee and, on December 19, endorsed unanimously by the General Assembly. The subject of liability is basically more complex than assistance and return, and negotiations on this topic are still in progress.

3. Negotiation of the Outer Space Treaty

In seven months, between May and December 1966, the UN Outer Space Committee's Legal Subcommittee reached agreement on broad principles for a treaty governing activities in outer space and on celestial bodies. The impetus to these negotiations came from an announcement on May 7 by President Johnson outlining the essential elements

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of a treaty on celestial bodies. On May 11 the United States began consultations with the USSR and other important members of the Outer Space Committee, giving them a 12 point outline of a treaty.^{8/} The Soviets did not respond directly to the 12 points, but instead, on May 31, Foreign Minister Gromyko sent a letter to the Secretary-General outlining Soviet proposals for a space treaty and requesting inclusion of an item in the agenda of the 21st General Assembly. Although the Gromyko letter did not refer to the prior US initiative, there was a large measure of correspondence between the two proposals. The Soviet draft was essentially a composite, almost to the exact language of the two UN resolutions referred to above which (a) stated the legal principles for outer space and (b) called on states to refrain from stationing weapons of mass destruction

^{8/} See "Double Scenario for Negotiating the Celestial Bodies Treaty," May 16, 1966 (~~SECRET~~); and Ambassador Goldbert's letter of May 19, 1966, to Acting Assistant Secretary David H. Popper, commenting on the scenario (~~SECRET~~).

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in orbit around the earth or on celestial bodies. The US draft treaty also built upon these two resolutions, as well as upon the Antarctic Treaty and the Limited Test Ban Treaty. It added new concepts which provided for: (a) total openness, including full access to every area and facility on a celestial body; (b) a prohibition of all weapons tests and military maneuvers on celestial bodies; (c) full scientific freedom to investigate and explore and a requirement that reports be made to the UN Secretary-General; and (d) mutual assistance between astronauts of different states.

During the first negotiating session of the Legal Subcommittee, held in Geneva from July 12 through August 4, agreement was reached on the principal substantive points of the Treaty.^{9/} The most significant of these were (a) the translation into a treaty obligation of the UN resolution banning the placing of weapons of mass destruction

9/ Negotiating instructions to our Delegation were sent by Department telegram 2080 of July 6, 1968 to Geneva (~~CONFIDENTIAL~~).

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in orbit, in outer space or on celestial bodies; (b) an unconditional commitment to assist and return astronauts who land in another state; and (c) the proscription against claims of sovereignty over celestial bodies. At the end of this first meeting two main issues continued to divide the United States and Soviet Union. The United States insisted on the principle of free access to all installations and vehicles on celestial bodies, whereas the USSR sought to qualify the right of access with such concepts as "reciprocity" and agreement on the timing of visits. Secondly, the United States continued to believe that reporting to the UN Secretary-General on space activities should be compulsory, while the USSR insisted that the reporting obligation should be voluntary.^{10/} Of the two issues dividing the United States and USSR, our Embassy in Moscow considered the concept of uninhibited access to be of key importance, both from the point of view of establishing

^{10/} Memorandum for Walt W. Rostow, The White House, from Benjamin Read, Executive Secretary, Department of State, August 10, 1966, on "Negotiation of an Outer Space Treaty" (~~CONFIDENTIAL~~).

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a precedent and of having a meaningful treaty which would not be plagued by accusations of Soviet non-compliance.^{11/} Ambassador Goldberg reported on July 28 that it appeared that the Soviets had decided not to complete the Outer Space Treaty during the Geneva talks, but preferred to reserve it for discussion at the 21st General Assembly.^{12/} The Department responded that while early conclusion of the Treaty would be politically useful, it did not wish to make concessions on the remaining important points unless there were assurances that this would be likely to lead to agreement on the total Treaty.^{13/}

The second and final negotiating session of the Legal Subcommittee took place in September and October in New York and progress was rapid towards conclusion of the Treaty.

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- ^{11/} From Moscow, Telegram 650, August 7, 1966, to Department of State (~~CONFIDENTIAL~~).
- ^{12/} From Geneva, Telegram 496, July 28, 1966, to Department of State (~~CONFIDENTIAL/EXDIS~~).
- ^{13/} Department of State Telegram 18479 to US Mission Geneva, July 29, 1966, ~~CONFIDENTIAL/EXDIS~~).

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The United States put forward a compromise proposal on access to installations on celestial bodies which provided for "reasonable advance notice of a projected visit." On October 4, the Soviets accepted this proposal and, at the same time, made only minor changes in a US proposal for reporting activities on celestial bodies. The USSR also significantly qualified its request for third countries to grant tracking facilities to all parties on an equal basis, by recognizing that tracking station agreements must evolve from bilateral arrangements between the countries concerned.^{14/} On October 21, the last major differences were resolved, and Ambassador Goldberg reported that he and Ambassador Morozov of the USSR had reached agreement in principle on the Outer Space Treaty.^{15/} The Treaty was

^{14/} Memorandum from Acting Assistant Secretary David H. Popper to Acting Secretary dated October 5, 1966, entitled "Latest Developments on Outer Space Treaty" (~~CONFIDENTIAL~~).

^{15/} USUN Telegram 1754, October 21, 1966, to Department of State (~~SECRET/LIMDIS~~).

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endorsed by the General Assembly on December 19, 1966,
opened for signature by the three depositary governments
(UK, USSR and United States) on January 27, 1967, and
entered into force on October 10, 1967.

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