

SUMMARY RECORD OF THE 20th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 11.35 a.m.

AGENDA ITEM 67: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (continued) (A/35/371; A/C.3/35/L.3)

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AGENDA ITEM 66: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA (continued) (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7; A/35/419)

AGENDA ITEM 75: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/35/146, A/35/65, A/35/419)

1. Mr. D'ALMEIDA (Togo) said that the questions of the right of peoples to self-determination, and the elimination of racial discrimination assumed great importance at a time of deep concern on the part of the international community about the world economic and political situation.

2. Although 20 years had elapsed since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, South Africa persisted in occupying and illegally administering Namibia and even used the Territory to launch major acts of aggression against neighbouring countries. That situation constituted a serious threat to international peace and security. Togo therefore firmly supported the legitimate struggle of the Namibian people under the leadership of its legitimate representative, SWAPO, and believed that it was the responsibility of the United Nations to put an end to South Africa's illegal occupation of Namibia. It hoped that Namibia would soon achieve real independence on the basis of the United Nations plan for free and democratic elections supervised by the United

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(Mr. D'Almeida, Togo)

Nations in accordance with the relevant resolutions of the Security Council. International pressure on South Africa must be maintained through implementation of the sanctions approved by the Security Council until a final solution was found to the Namibian problem.

3. In the Middle East, the occupation of the Arab territories and Israel's obstinate refusal to accept the rule of tolerance was aggravating the situation. Togo reaffirmed its support for the struggle being waged by the Palestine Liberation Organization for the self-determination of the Palestinians.

4. The existence of racial discrimination, segregation, and apartheid constituted a major obstacle to harmonious relations among States; Togo therefore attached particular importance to the elimination of the monstrous system of apartheid in South Africa and the elimination of all other forms of racial discrimination. Apartheid was a form of State terrorism and a serious and cruel affront to human dignity. His Government had done everything possible to fight that ignominious system. In 1980, in response to the appeal of the Organization of African Unity, Togo had offered a voluntary contribution of \$100,000 to assist the victims of apartheid. It hoped that the international community would participate in the efforts being made to provide a haven for the refugees of apartheid.

5. His delegation disputed the validity of the allegations that the adoption of sanctions against South Africa ran counter to the interests of the black population. It was also pure demagoguery to maintain that by collaborating with the South African régime, it could be brought back to the right track. It was clear that the racist régime of South Africa was maintained only through the political, economic, financial and military support provided by certain major Powers. The apartheid régime must be isolated if it was to be brought to an end, and the right of the majority must be respected in South Africa. The success of the Decade for Action to Combat Racism and Racial Discrimination would depend on the pressure which the international community brought to bear on the apartheid régime in South Africa.

6. Governments should adopt legislative, judicial and administrative measures for the elimination and repression of all forms of racial discrimination. The Togolese Constitution guaranteed the equality of all citizens before the law without distinction as to ethnic background, sex, colour, or religion. His Government's policy contributed actively to the achievement of the objectives of the United Nations by a national policy of promoting respect for human rights and their effective enjoyment by all strata of the population. His delegation reaffirmed its conviction that human rights and the rights of peoples were inalienable and indissociable. It was the effective enjoyment of economic, social and cultural rights which gave meaning to the exercise of civil and political rights. The right to survival and the right not to be exploited were also human rights.

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(Mr. D'Almeida, Togo)

7. His delegation supported the idea of holding the twenty-third session of the Committee on the Elimination of Racial Discrimination in a developing country and hoped that the General Assembly would agree to authorize the financing of such a session.

8. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) expressed sympathy with the people of Algeria in connexion with the recent earthquake.

9. The universal implementation of the right of peoples to self-determination was one of the most important conditions for the independent development and socio-economic progress of the peoples. That right had been reaffirmed most emphatically in the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had marked the beginning of the irreversible course towards the complete elimination of colonialism. The Declaration continued to be a reliable basis for numerous decisions of the United Nations and for other international instruments and was a major stimulus to the national liberation struggles of colonial and dependent peoples.

10. Although dozens of young independent States had been admitted to the United Nations since the adoption of the Declaration, the people of Namibia were still languishing under the colonial yoke, as well as the peoples of many so-called "small Territories". The imperialist countries, including the United Kingdom and the United States, were continuing to deprive the local population of those Territories of the right to dispose of their own natural resources and were using the Territories as military bases in some cases and even as the objects of trade and deals.

11. The situation in Micronesia, which was being occupied by the United States in violation of the United Nations Charter, Security Council decisions and the Declaration was a matter of serious concern. The indigenous inhabitants of the islands of Guam and Diego Garcia were also being deprived of the right to self-determination and American troops, bombers and warships were present in the area. Part of the territory of Cuba, Guantánamo, was still occupied by United States military forces. Although the inalienable right of the people of Puerto Rico to self-determination and independence had recently been reaffirmed by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United States, in defiance of that decision, was continuing to maintain a colonial system in that Territory. Despite the successes of national liberation movements, the struggle for self-determination and independence was not over; it was therefore essential that international efforts should be stepped up for the full and final elimination of the vestiges of colonialism.

12. The year 1980 had been marked by the achievement of independence by the people of Zimbabwe after many years of selfless struggle by the patriotic forces against

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(Mr. Ogurtsov, Byelorussian SSR)

the colonial and racist yoke. That represented a major step towards the realization of one of the most important international goals, namely, the complete liberation of the African continent from the vestiges of colonialism.

13. However, the greater the successes of the national liberation movement, the more embittered the resistance of the racists and of the imperialist Powers which supported them became. A graphic example was the situation in southern Africa. The Western Powers regarded that area not only as a source of enrichment through the exploitation of the indigenous population and its natural resources but also as a strategic bridgehead for aggression not only in the military field, as confirmed by the constant acts of aggression against Angola, but also in the economic field. In the global militaristic plans of the ruling circles of the United States, South Africa was seen as an important link in a network of military bases in the Indian Ocean and the building up of the American rapid deployment forces.

14. In formulating their strategic plans for South Africa, the imperialists were forced to take account of the growth of the international prestige of SWAPO, which was recognized both by the United Nations and by the Organization of African Unity as the sole representative of the Namibian people in its struggle for national liberation. Self-determination for that people was being delayed because the neo-colonialists were trying to set up a puppet régime. They were hastily introducing measures which circumvented the right of the people of Namibia to self-determination and were staking their hopes on puppet figures from the "Turnhalle Democratic Alliance".

15. The 1,300,000 indigenous inhabitants of Namibia lived in a state of mass poverty and cruel exploitation. Like any country with an economy of the classic colonial type, Namibia produced items which it did not consume and consumed items which it did not produce. About 6,000 white farmers owned the best land and the black population was settled in overcrowded tribal reserves like the South African bantustans and prevented from participating in their own social and economic development. The heroic struggle of the Namibian people for national liberation would have ended in victory had it not been for the covert and overt military assistance provided to the racists by the Western Powers and, in the first place, by the United Kingdom, the United States and the international monopolies. That racist policy had extracted a heavy toll in human lives and incalculable suffering from the people of Namibia and the rest of Africa.

16. Since the adoption of Security Council resolution 418 (1977), the Governments of the leading Western countries, including the United Kingdom and the United States, while officially condemning racism, had provided the most varied assistance to the Pretoria régime. The United States representative in the Committee had

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denied any form of military co-operation with the Pretoria régime, yet South Africa regularly received considerable quantities of military technology which had been developed or manufactured in the United States. The Washington Administration allowed United States companies to sell aircraft and aircraft components to South Africa, which were manufactured in the United States and shipped through third countries. South Africa was able to acquire about 150 helicopters and light aircraft a year directly from the United States. Those facts were well documented. It had been revealed in March 1979 that the United States company Control Data Corporation had sold IBM components to the United Kingdom firm International Computers Ltd. for a large-scale computer system, parts of which were to be used by the South African police to ensure compliance with the notorious "pass" law. The recent exposure of the transnational military corporation, Space Research had revealed the ingenuity of business enterprises in providing the Pretoria racists with major consignments of military equipment through third countries.

17. South Africa was receiving assistance from other imperialist States, which supplied it with modern weapons and helped it in developing military technology. Israel, for example, provided South Africa with torpedo boats equipped with "Gabrielle" missiles as well as automatic guns and rifles. The British Imperial Chemical Industries and the Anglo-American Corporation owned the two largest explosives factories and two military equipment factories in Transvaal. The co-operation of Western countries, notably the United States and Israel, with the South African racists in developing nuclear weapons had created a serious threat to the security of African States, particularly in southern Africa, and greatly aggravated the situation in the region.

18. In the Middle East, the Camp David **accords** were being used by Washington to delay a solution of the crisis and enable the Israeli aggressors to continue their territorial expansion. Israel's annexation of the eastern sector of Jerusalem and its declaration that the city was its capital, had been condemned by the Security Council. There was incontrovertible proof that a régime of repression had been established in the Arab territories occupied by Israel characterized by widespread punitive operations. By continuing its occupation of Arab lands, Israel was grossly violating the generally recognized norms of international law and depriving the Arab people of Palestine of its legitimate right to establish its own State. The Byelorussian SSR, like all the countries of the socialist community, firmly supported the just cause of the Arab peoples who were striving to eliminate the consequences of Israeli aggression. It called for a just settlement of the Middle East problem with the participation of all interested parties, including the Palestine Liberation Organization, the immediate and unconditional withdrawal of all Israeli troops from all Arab territories occupied

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in 1967, including the eastern part of Jerusalem, recognition of the inalienable national rights of the Arab people of Palestine, including its right to self-determination and the establishment of its own State, and the guarantee of the independent existence and development of all the States of the region.

19. Delegations from a number of countries had once again attempted to use the forum of the Committee to divert attention from the solution of the urgent problems before it. It was precisely the same countries which were secretly and overtly obstructing the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

20. In response to the hypocritical and slanderous fabrications about the situation in Afghanistan, he wished to stress that the Soviet Union had responded to an appeal for help to the Afghan revolution and had acted on the basis of the Soviet-Afghan agreement on friendship, good-neighbourliness and co-operation and in full accordance with Article 51 of the United Nations Charter. It had taken into account the repeated requests of Afghanistan for assistance in protecting the country from the intrusion of counter-revolutionary forces armed and instigated by Washington, Peking and their minions with the sole aim of suppressing the Afghan revolution. It should also be noted that those who most loudly decried the assistance provided by the Soviet Union to Afghanistan were doing nothing to eliminate the reasons which had forced the Government of Afghanistan to seek that assistance. Neither the United States delegation nor the Chinese delegation had said a word about the atrocities committed by the bands organized, trained, armed and sent to Afghanistan by those countries. He would remind the United States delegation that one of its citizens, the CBS News commentator, Dan Rather, had participated directly in the sadistic murder of three Afghan workers. The Government of Afghanistan had provided incontrovertible proof of his crime and demanded that he be severely punished.

21. The representative of the United Kingdom had attempted to slander other countries by using quotations from classical literature and folklore about deserts and peace. He would remind him that British soldiers in Northern Ireland were creating a desert there, not peace. The National Executive Committee of the Labour Party had been forced to demand a special inquiry into the conditions of prisoners in Northern Ireland jails and a resolution adopted by the Labour Party had once again condemned the brutal repression in Ulster. While proclaiming the need for strict observance of human rights in other countries, the hypocritical British Conservatives preferred to keep silent about the dark deeds they were committing in their own land.

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22. Mrs. de ARANA (Peru) expressed her delegation's sympathy with the people of Algeria, which had been struck by a disastrous earthquake.

23. Most societies totally rejected any form of racial discrimination; there was no practice more hateful than the institutionalized racism inherent in the system of apartheid. The racist régime in southern Africa, in defiance of the will of the international community, was intensifying its brutal measures of exploitation and persecution of the black majority in order to preserve the privileges of the white minority. Her delegation believed that that situation constituted not only a violation of human rights but a serious threat to international peace and security. It noted with great concern the increasing volume of economic and other types of assistance given by some transnational corporations to the racist régime and reiterated its condemnation of the policy of apartheid in all its aspects. Peru had consistently voted in favour of General Assembly anti-apartheid resolutions and acted scrupulously in accordance with those of the Security Council.

24. As a multiracial country, Peru condemned and opposed all segregationist practices and, in its new Constitution, had rejected all forms of imperialism, colonialism, neo-colonialism and racial discrimination. At the international level, Peru had signed and ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention on the Elimination of All Forms of Racial Discrimination. She noted with satisfaction that 107 countries had already acceded to the latter instrument and joined in appealing to countries that were not yet parties to the Convention, to sign or ratify it because its universal application was essential for the achievement of the objectives of the Decade for Action to Combat Racism and Racial Discrimination.

25. In accordance with that position, Peru supported the right of peoples to determine their political situation freely and to shape their economic, social and cultural development in accordance with their own interests. The application of that right was intimately linked to the struggle of peoples against colonialism, racism and apartheid and for political and economic independence and respect for human rights.

26. She reiterated her appreciation for the valuable work done by the Committee on the Elimination of Racial Discrimination; it was playing a highly constructive role in the promotion of the basic objectives of the Convention.

27. Finally, her delegation was particularly gratified to witness the accession to the status of independent and sovereign States of Zimbabwe and Saint Vincent and the Grenadines and their admission to the United Nations.

28. Mr. ROUCOUNAS (Greece) extended his sympathy to the representative of Algeria in connexion with the earthquake which had struck that country.

29. The International Convention on the Elimination of All Forms of Racial Discrimination provided a conceptual framework for action leading to the elimination of racial discrimination since States parties to the Convention were committed to ensure that their policies and their internal legislation were effective in

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(Mr. Roucounas, Greece)

combatting racism. The regional seminar on recourse procedures available to the victims of racial discrimination held in Geneva in 1979 had been particularly important because it had provided an opportunity for an exchange of views concerning the procedures envisaged by various countries in that regard. In order to be able to harmonize action against racism all over the world, it was essential that States which had not yet acceded to the Convention should do so.

30. Greece had submitted its reports regularly to the Committee on the Elimination of Racial Discrimination and it appreciated what the Committee had achieved. Although racial discrimination was quite alien to Greece, the principle of the equality of all persons had been reaffirmed in the new Constitution adopted in 1975. Moreover, Greece had enacted a special law establishing penalties for any person or group of persons who committed actions or engaged in activities that might lead to racial discrimination. His Government was ready to contribute further to the action of the Committee on the Elimination of Racial Discrimination and it endorsed the draft resolution contained in document A/C.3/35/L.7.

31. The world-wide effort to eliminate racism was, however, impeded by the inhuman policy of apartheid pursued by the Pretoria Government. His Government vehemently condemned it and was prepared to help eliminate all such practices and restore fundamental rights in South Africa and in Namibia.

32. The delegation of Greece welcomed the representatives of Zimbabwe and Saint Vincent and the Grenadines, States newly admitted to the United Nations and noted with regret that some people, although they were not directly in a colonial situation, were suffering from the scourge of foreign occupation and being prevented from exercising the right to self-determination, which had become a basic principle of international law. Accordingly, his delegation fully endorsed the draft resolution contained in document A/C.3/35/L.6.

33. Mr. FARAH (Somalia) expressed sympathy to the Government and people of Algeria in connexion with the natural disaster that had befallen that country.

34. It was ironic that in spite of the countless declarations and proclamations which had been adopted on the question of racial discrimination and its elimination the Committee was again discussing the subject. It was time for the Committee to address itself to the real issue, namely, that racial discrimination and apartheid persisted because of a lack of will among certain Member States to adhere to those conventions and declarations. Those States, while professing to abhor apartheid, stubbornly continued to support racist régimes. Inevitably such support was interpreted as signifying approval of racist policies. Notwithstanding the General Assembly resolutions calling for the total isolation of the racist minority régime and Security Council resolution 418 (1977) endorsing a mandatory arms embargo, South Africa was still able to acquire military equipment and technology from outside. It had even been able to acquire nuclear capability because of the collaboration it received from a number of countries and multinational corporations. That situation posed a serious threat to peace and security in Africa and in the world. If racial discrimination and apartheid were to be abolished, such *collaboration must be stopped* and machinery instituted to ensure that all countries

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(Mr. Farah, Somalia)

corporations and individuals enforced the embargo. The report of the United Nations seminar on nuclear collaboration with South Africa and the international seminar on the role of transnational corporations in South Africa, both held in London, in 1979, stressed the need for co-ordinated action to end all nuclear collaboration with South Africa.

35. As had been clearly stated in the declaration adopted by the OAU Council of Ministers at its thirty-fifth ordinary session, such activities by transnational corporations, banks and financial institutions strengthened the military power of the racist régime and undermined international efforts to eradicate apartheid. South Africa's economy was heavily dependent on foreign sources for vital technology, finance, capital and oil. Accordingly, those who were serious about eliminating that obnoxious policy must urge the imposition of total economic sanctions. In the meantime, the struggle of the oppressed people of South Africa should be supported. The victory of the people of Zimbabwe had demonstrated that the forces of justice could always triumph over the forces of injustice and that the liberation of South Africa and Namibia was inevitable.

36. The plight of the Palestinian people was due to Israel's racist and colonialist policies. The Israel authorities seemed determined to increase the number of settlements, thereby dispossessing the Palestinian people. The continued occupation of Arab lands and aggression against Arab States constituted the core of the problem in the Middle East, the most recent example being the attempt to annex the Holy City of Jerusalem, in defiance of world opinion. There was a great similarity between the approach of the racist régime in South Africa and that of Israel, and the mounting evidence of increased contact and co-operation between the two could not be ignored. Both régimes persisted in defying world opinion and many resolutions of the United Nations. There could be no more auspicious time than the year 1980, the twentieth anniversary of the adoption of General Assembly resolution 1514 (XV), to put an end to that defiance. Who could doubt that most of the world's problems resulted from the system of colonialism, where the colonial Power clung to power? Policies based on the denial of self-determination, wherever they were pursued in the world, lay at the root of human oppression and were a threat to world peace.

37. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, Somalia would spare no effort to end racial discrimination and help restore human dignity.

38. Mr. MATELJAK (Yugoslavia) also expressed his condolences to the representative of Algeria in connexion with the recent earthquake.

39. Introducing draft resolution A/C.3/35/L.7, on behalf of the delegations of Bangladesh, Cuba, Egypt, Ghana, Guyana, India, Jamaica, Madagascar, Morocco, Nigeria, Pakistan, Tanzania, Zaire, Zambia, Zimbabwe and his own, he drew attention to a slight amendment in operative paragraph 6. Now that the Decade for Action to Combat Racism and Racial Discrimination was nearing an end and that a second

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(Mr. Mateljak, Yugoslavia)

World Conference to Combat Racism and Racial Discrimination was being planned, it was particularly necessary to step up activities concerning racial discrimination. In that connexion he drew attention to paragraphs 2, 3, 4 and 13. Referring to paragraph 13, he said that the sponsors of the resolution believed that the extra costs involved in holding one session of the Committee on the Elimination of Racial Discrimination in one of the developing countries should be covered from the regular budget earmarked for implementation of the Programme for the Decade. Paragraph 9 was the product of long and painful negotiations and the sponsors believed that it would assist members of the Committee and States parties to avoid situations that might be detrimental to their mutual co-operation. He therefore appealed to members of the Committee not to challenge it. Finally, he expressed the hope that the draft resolution would be adopted by consensus.

40. Mr. VERKERCKE (Belgium), introducing draft resolution A/C.3/35/L.4, pointed out that it was sponsored by States representing all geographical groups. It reflected the views repeatedly expressed during the debate on the status of the International Convention on the Elimination of All Forms of Racial Discrimination. More States had become parties to that Convention, 14 years after it had been opened for signature, than to any other Convention. He hoped that the Committee would have no difficulty in adopting the draft resolution by consensus.

41. Mrs. SANTANDER-DOWNING (Secretary of the Committee) announced that Afghanistan, Mali, Nicaragua, Panama and Yemen had become sponsors of draft resolution A/C.3/35/L.4.

42. Mrs. GUELMAN (Uruguay), speaking also on behalf of the delegation of Ecuador, introduced the amendment to draft resolution A/C.3/35/L.4 contained in document A/C.3/35/L.9. The amendment, which was self-explanatory, was intended to enable the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals claiming to be victims of a violation by a State party of any of the rights set forth in the Convention.

43. Mr. WALKATE (Netherlands) said that his delegation welcomed and supported the amendment. His delegation was aware that several States objected to the reference to individuals because they felt that individuals had no standing under international law. Other States had no such objection and had become parties to the Optional Protocol to the International Covenant on Civil and Political Rights. Of those 23 States, many were parties to the International Convention on the Elimination of all Forms of Racial Discrimination and his delegation hoped that they would study the possibility of making the declaration provided for in article 14 of that Convention so that CERD could begin its work of considering communications from individuals.

44. Mr. NORDENFELT (Sweden) said that his delegation supported the amendment in document A/C.3/35/L.9 and joined the Netherlands in appealing to Member States to make the declaration provided for in article 14 of the Convention. Only three more such declarations were required to enable CERD to consider communications from individuals or groups of individuals.

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45. Mr. VAN BOVEN (Director, Division of Human Rights) said that at the sixth meeting of the Committee, the representative of Argentina had asked two questions to which he wished to reply. Firstly, it was true that under the Programme for the Decade, seminars should be held on an annual basis in a given region. For example, in 1979 a seminar had been held in the ECE region and in 1980 in the ECA region. The 1981 seminar would be held in the ECLA region and some Governments had expressed an interest in hosting it. Negotiations and consultations were currently under way to determine the date and place of the seminar. Decisions would, of course, depend on the programme of meetings on human rights matters and the availability of conference centres. Tentatively, the two dates being considered were June and September. With regard to the subject matter of the seminar, he pointed out that under the Programme for the Decade, legislative bodies had stressed the importance of studying the recourse procedures for victims of discrimination, while the policy organs, including the 1978 Conference, had stressed the rights of indigenous peoples. Consequently, the subject of the seminar would be recourse procedures for victims of discrimination with special reference to the rights of indigenous peoples.

46. Secondly, it had been stated that documentation for the seminar would apparently not be available in time. He did not exclude the possibility that in some instances, for example, lateness of translation, documents did not reach CERD in time. However, he had checked with the Division of Human Rights and had asked whether any complaints had been received from CERD itself. The Division had received no complaints from any member of CERD, so the lateness of documentation was not an established pattern.

47. Ms. RICHTER (Argentina) thanked the Director for replying to questions which she had raised with regard to agenda item 74. She was most grateful for the information about the seminar to be held in Latin America in 1981.

48. There had been a delay in translation of parts of the reports submitted by Argentina to CERD and members of that Committee had received them in Spanish only. Her delegation had been informed that many questions in the annex had not been translated. The problem did not arise for members of CERD but for States parties; the latter were obliged to submit replies a second time because they had not been received by CERD. Her delegation wished to know the date on which the translation of the second part of Argentina's national report would be completed.

49. Mrs. SEMICHI (Algeria) thanked all members of the Committee who had expressed condolences to her delegation and solidarity with the victims of the recent earthquake in Algeria.

The meeting rose at 1.05 p.m.