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New York

SUMMARY RECORD OF THE 24th MEETING

Chairman: Mr. CALERO RODRIGUES (Brazil)

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 75: 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) (A/C.3/37/L.15)

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1. The CHAIRMAN suggested that the Committee should consider the draft resolutions agenda item by agenda item.

2. It was so decided.

Draft resolution A/C.3/37/L.15

3. Mr. MASSOT (Brazil) said that in keeping with the clearly stated position of his Government in matters concerning apartheid and racial discrimination, his delegation had supported General Assembly resolution 35/32. Draft resolution A/C.3/37/L.15 was a follow-up of that resolution, and the position of his delegation remained unchanged.

4. However, Brazil had reservations about the sixth preambular paragraph and about paragraphs 7 and 10 of the draft resolution under consideration. At the thirty-eighth session of the Commission on Human Rights a publication entitled "Investment in Apartheid", issued by the International Confederation of Free Trade Unions and containing a list of companies with investments in South Africa, had been circulated. That list had included two companies that were allegedly Brazilian: International Basic Economic Corporation and Delmada Farms Ltd.

(Mr. Massot, Brazil)

Neither of those countries was Brazilian, and on 25 February 1982, during the consideration of the draft resolution relating to Mr. Khalifa's report (E/CN.4/SUB.2/1982/10) at the thirty-eighth session of the Commission on Human Rights, the representative of Brazil had clearly stated that International Basic Economic Corporation was a foreign company which invested capital abroad and that there had been no trace of Delmada Farms in the official registration of Brazilian companies or transnational companies operating in Brazil. It had also been stated that all Brazilian investments abroad were controlled by the Central Bank of Brazil, which issued in each case a certificate of authorization of remittance (CAR), no such certificates having been issued for any investment whatsoever in South Africa.

5. On 23 August, during the 11th meeting of the twenty-fifth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, Mr. Khalifa's report, containing the aforementioned two companies, had been circulated. The observer for Brazil had then expressed surprise at the fact that the previous Brazilian statement had not been taken into consideration either by the Special Rapporteur or by the Division of Human Rights. In reply to the observer's statement, Mr. Khalifa had declared that he had read the statement of the representative of Brazil in the relevant summary record and regretted that he had forgotten to mention it in his report. He had added that in such cases it would be useful if representatives could notify the Special Rapporteur to ensure that the matter was duly rectified.

6. Notwithstanding that information and remarks, and notwithstanding the fact that the earlier statements had been made either to the Special Rapporteur himself or in the presence of the representative of the Division of Human Rights, the report had been reintroduced and circulated in the Third Committee with the same serious inaccuracy, despite the explanations of the Special Rapporteur. Accordingly, he now reaffirmed categorically the statements already made in the Commission on Human Rights and in its Sub-Commission that the two companies listed as Brazilian in document E/CN.4/Sub.2/1982/10 were not Brazilian companies and that there were no Brazilian investments in South Africa. He hoped that the necessary measures would be taken to correct that unfortunate mistake, which, in the opinion of his delegation, could jeopardize the credibility of the entire report.

7. For those reasons, his delegation had reservations concerning the sixth preambular paragraph and paragraphs 7 and 10 of draft resolution A/C.3/37/L.15. Nevertheless, Brazil's clear commitment to the main thrust of the draft was much stronger than any doubts it might have concerning the accuracy of Mr. Khalifa's latest report. Brazil's eventual support for the draft must be seen in that context.

8. Mr. BEIN (Israel) said that one would have to be very naive or inexperienced to be concerned about, or regard as serious, formulations such as that which appeared in paragraph 3 of draft resolution A/C.3/37/L.15. The efforts of some countries to single out Israel made a farce of that draft resolution which referred to collaboration of "certain Western countries, Israel and other States". Was

(Mr. Bein, Israel)

Israel not a Western country? The wording of the draft seemed yet another proof that some of its initiators seriously denied Israel the right of existence as a country or a State.

9. Some delegations might think that such an absurd wording did indeed advance the cause of some Arab States and their allies in the struggle against Israel. It seemed, however, that at least some of the sponsors, as well as other well-meaning delegations, failed to recognize the extent to which their friendships were being used for a cause which was the antithesis of the purported goals of their countries and of the Third Committee. The aim of the draft resolution was the elimination of racial discrimination, not of Israel. Constantly singling out Israel was indeed discriminatory. Such formulations did not harm his country, but they certainly did render a disservice to the genuine cause all wished to further. There might have been some success in furthering that cause if the Committee's draft resolutions had not been contaminated by cynicism and destructive designs, which actually deprived such drafts of moral, legal and even pragmatic value.

10. As his delegation had repeatedly stated in the Committee, in the General Assembly and to the Republic of South Africa, the Government of Israel totally rejected apartheid and flatly denied the repeated fabricated accusations regarding its relations with South Africa. It was self-evident that although a draft had been submitted in the name of the African Group, it actually had been initiated by only some members of the African Group, whose countries were all in the northern part of Africa and were also members of the Arab League. Member States of that League not only denied the right of self-determination to those national minorities living in their territory, but wished to deny that right to the State of Israel as well. Those who for years had been exploiting poverty, famine and the economic, social and cultural hardships which went hand-in-hand with development and those who for years had been abusing the poor and the illiterate, merely for their own political ends, now accused Israel of racial discrimination. One could hardly regard that as positive, useful and constructive.

11. The draft resolution expressed "grave concern over Israeli policy". He wished to assure all members of the Committee that there was grave concern in Israel, and in many other countries, over the policies of some sponsors of the draft resolution. His delegation would, of course, vote against draft resolution A/C.3/37/L.15.

12. Miss CAMPBELL (Canada) said it appeared that paragraph 9 of the draft resolution under consideration had financial implications, but no document on financial implications had been issued.

13. Mrs. DOWNING (Secretary of the Committee) said that the draft resolution had no financial implications. The Secretary-General intended to absorb the cost involved in the implementation of paragraph 9 of the draft resolution under the United Nations regular budget.

14. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had reservations about paragraph 3 because the unilateral reference to any one State or group of countries turned that resolution into a document without balance, moral authority or seriousness. However, her delegation would vote in favour of the draft resolution despite its shortcomings.

15. Mr. ASANTE (Ghana) said the representative of Israel had stated that the draft resolution had been inspired by delegations other than those of the African Group. As a member of the African Group, he could state categorically that the draft resolution had been inspired and sponsored by delegations of the African Group as a reflection of their and the international community's legitimate concern for dealing effectively with the system of apartheid.

Draft resolutions A/C.3/37/L.3 and A/C.3/37/L.4

16. The CHAIRMAN drew attention to draft resolutions A/C.3/37/L.3 and A/C.3/37/L.4 and to the financial implications of those resolutions, stated in documents A/C.3/37/L.8 and A/C.3/37/L.10 respectively. It was his understanding that consultations with respect to draft resolution A/C.3/37/L.4 were continuing, and he therefore suggested that its consideration should be postponed for the time being.

17. It was so decided.

18. Mr. DYRLUND (Denmark), speaking on behalf of the 10 member States of the European Economic Community, said that the Ten had voiced their condemnation of apartheid and all forms of racial discrimination in all United Nations forums and wished to reaffirm that condemnation today. Their rejection of racism was based on their strong commitment to the basic belief that all human beings were born free and equal in dignity and rights, a concept embodied in article 1 of the Universal Declaration of Human Rights.

19. Racial discrimination had been unequivocally rejected and condemned by the Governments of the Ten. Against that background, they had given their support to the United Nations in its endeavours to eradicate racial discrimination in all its forms and to promote better understanding between races. The Ten attached particular importance to measures designed to educate the public continuously and systematically in the spirit of respect for human rights, and especially those designed against all policies, practices and manifestations of racism and racial discrimination. They had appropriate national legislation and supported other suitable measures to prohibit and bring an end to racial discrimination.

20. The apartheid policies of the Government of South Africa were particularly objectionable because they represented an institutionalized and systematic practice of racism and racial discrimination. The latest reports before the United Nations gave evidence of continuing repression in South Africa - physical repression, detention without trial, torture of political prisoners and detainees, mass removals of populations from their traditional homes, persecution of students and arrests of trade union leaders. The Ten deeply deplored that situation and

(Mr. Dyrlund, Denmark)

remained convinced of the urgent need to meet the political as well as the social and economic aspirations of all South Africans. An early abolition of the apartheid system was essential. The European Community's Code of Conduct was an important means of introducing the principle of non-discrimination to the system now prevailing in South Africa and of improving the working conditions and living standards of the majority of its population. The Ten were continuing their efforts to improve further the effectiveness of the Code. Unfortunately, draft resolution A/C.3/37/L.3 included a number of provisions which they regarded as inappropriate in the context of the Decade for Action to Combat Racism and Racial Discrimination. The Ten also believed that the United Nations had the obligation, above all, to encourage peaceful solutions to all problems, including the achievement of the aims of the Decade. Accordingly, the Ten regretfully found themselves unable to support draft resolution A/C.3/37/L.3.

Draft resolutions A/C.3/37/L.9 and A/C.3/37/L.11

21. Mr. DYRLUND (Denmark), speaking on behalf of the Ten member States of the European Community on draft resolution A/C.3/37/L.11, said that the Ten strongly supported the principle of self-determination, which was enshrined in the United Nations Charter and the International Covenants on Human Rights. However, they were unable to support draft resolution A/C.3/37/L.11. There were several elements in that draft resolution which the Ten found unacceptable or difficult. They wished to reaffirm that the United Nations should, above all, encourage peaceful solutions, and they did not accept the idea that maintaining relations with a State was equivalent to approval or encouragement of the policies of its Government.

22. With regard to the situation in Lebanon, it was the view of the Ten that the establishment of a durable peace in that country required the complete and the prompt withdrawal of Israeli forces from its territory as well as the departure of all foreign forces other than those which might be authorized by the Government of Lebanon. Lastly, the member States of the European Community found it strange to have a resolution on self-determination which referred to certain particular situations but failed to mention such flagrant violations of that right as were occurring in Afghanistan, Kampuchea and other parts of the world.

Draft resolutions A/C.3/37/L.13/Rev.1 and A/C.3/37/L.14

23. Mr. ZUCCONI (Italy), introducing draft resolution A/C.3/37/L.13/Rev.1, said that the purpose of the revision of the text was to submit a new paragraph 3 in an attempt to achieve co-ordination in the timing of the submission of reports under the various human rights instruments. As reworded, the draft of the new paragraph 3 was self-explanatory.

24. He announced that Fiji and the United Kingdom had become sponsors of the draft resolution.

25. The CHAIRMAN said that draft resolution A/C.3/37/L.14 had financial implications which were stated in document A/C.3/34/L.18.

26. Mr. COHEN (Israel) said that on introducing draft resolution A/C.3/37/L.14, the representative of Yugoslavia, in explaining the need to insert paragraph 7, had stated that the Committee on the Elimination of Racial Discrimination, after considering the reports submitted by 40 countries, had seen fit to criticize only one, that of Israel. That was indeed true: Israel was constantly being singled out. Although the Committee as a whole had not criticized Israel, some of its members had indeed chosen, in line with a long and dismal tradition, once again to single out Israel. One could hardly believe that there were no other countries among those 40 in which the situation regarding the implementation of the provisions of the Convention might at least have caused some concern and that all those countries maintained the highest standards regarding the principles of human rights and equality among races. Yet the Committee was now about to adopt a resolution "expressing concern" over a policy which was unknown in Israel but was virtually the norm in the very homes of all its sponsors. He wondered whether it was a coincidence that not one free democratic country could be found among those sponsors, or that two of the sponsors had "forgotten" to submit their reports for almost seven and eight years. Among those guardians of the "basic principles and objectives of the Convention" were two countries that had never even taken the trouble to accede to that Convention. Perhaps they were not in any position to present an acceptable report, or perhaps they did not have a racial situation to report about, having expelled most inhabitants of a race different than from that of their majorities.

27. Paragraph 7 of draft resolution A/C.3/37/L.14 was a clear example of hypocrisy, based on nothing but falsifications and the introduction of pure politics into what had been created as an instrument for the enhancement of human rights. His delegation therefore called on all those delegations genuinely concerned about the sorry state of human rights in large parts of the world not to limit their expressions on the draft resolution to reservations and abstentions but to vote against that ill-conceived paragraph and for the elimination of racial discrimination.

Draft resolution A/C.3/37/L.7

28. The CHAIRMAN drew attention to draft resolution A/C.3/37/L.7 and the amendments thereto contained in document A/C.3/37/L.17.

29. Mrs. GUELMAN (Uruguay), introducing the amendments contained in document A/C.3/37/L.17, said that it had become a tradition within the Third Committee to add a new preambular paragraph welcoming the increase in the number of declarations made under article 14 of the Convention on the Elimination of All Forms of Racial Discrimination. The operative paragraph called upon States Parties to the Convention to consider the possibility of making the declaration provided for in article 14 of the Convention. Without the entry into force of that article, individuals could not state that they had been victims of racial discrimination.

30. The CHAIRMAN asked whether the sponsors of draft resolution A/C.3/37/L.7 accepted the proposed amendments.

31. Mr. MASSOT (Brazil) said that the sponsors of the draft resolution under consideration did not accept the amendments proposed by the representative of Uruguay.

32. The CHAIRMAN said that the proposed amendments would therefore be voted on separately.

Draft resolution A/C.3/37/L.12

33. Mr. ONUBU (Nigeria) proposed two amendments to the draft resolution. The first was the addition of a new preambular paragraph after the fourth preambular paragraph, to read as follows:

"Gravely concerned over the extensive torture and ill-treatment of political prisoners and trade unionists detained by the racist régime of South Africa, leading to the deaths in detention of Neil Aggett, Tshifiwa Mufhe and Ernest Moabi Dipale,".

The second was the addition of a new operative paragraph to be inserted between paragraphs 11 and 12:

"Invites the Special Committee against Apartheid and the Centre Against Apartheid to publicize the above-mentioned list and related particulars as widely as possible;".

34. Mr. SCHLEGAL (German Democratic Republic), replying to a question from the Chairman, said that his delegation, as a sponsor of the draft resolution, welcomed the amendments, which were in keeping with the content and spirit of the draft resolution and strengthened it.

35. After a discussion concerning the wording of the new preambular paragraph, the Chairman suggested that the following text should be accepted:

"Gravely concerned over the widespread torture and ill-treatment of political prisoners and trade unionists detained by the racist régime of South Africa, leading to the deaths in detention of many prisoners, including Neil Aggett, Tshifiwa Mufhe and Ernest Moabi Dipale,".

36. It was so decided.

37. The CHAIRMAN announced that delegations would be given the opportunity to explain their votes on the draft resolutions before the voting on each. If they preferred to explain their votes after the voting, they would be given only one opportunity to do so, after the voting on all the resolutions.

38. Mrs. QOANE (Lesotho) said that, while she did not object to the general content of draft resolution A/C.3/37/L.15 and would vote for it, she wished to express a reservation with respect to paragraph 5, especially subparagraphs (c) and (d), and with respect to paragraph 12. The position of her Government in that connection had often been expressed and was well known.

39. Mr. MALINGA (Swaziland) said that he agreed with the main thrust of the draft resolution but, because of the geographical position of his country, found it difficult to accept paragraphs 5 (c) and (d) and paragraph 12.

40. Mr. GONZÁLEZ de LEÓN (Mexico) said that he wished to clarify the status of the draft resolution, which he understood to be one sponsored jointly by the States of the African Group. While he did not wish to limit the right of those States to express their views, he questioned the appropriateness of having a group sponsor a draft resolution when there was no consensus, that is, when some sponsors could accept only part of the draft resolution. He suggested that in future, where a consensus on a draft resolution could not be reached it should be sponsored by individual countries and not by a group.

41. The CHAIRMAN explained that Guinea did not have the right to speak in explanation of its vote, since its name appeared on the draft resolution; however, since the names of the other African States comprising the African Group did not appear, they were entitled to explain their votes.

42. Mrs. WARZAZI (Morocco), speaking on a point of order, said that some delegations might have been mistaken in thinking that a consensus meant a unanimous vote. She suggested that those delegations of the African Group wishing to explain their votes might do so after the voting, rather than before, so that their reservations would be clearly expressed in the report.

43. The CHAIRMAN said that he did not agree with the delegation of Morocco and he could not make a distinction between explanations of vote before and after the voting.

44. Mr. ASANTE (Ghana), speaking on a point of order, suggested, with all due respect for the rulings of the Chairman, that rule 128 of the rules of procedure should be strictly applied in the present case. Since the draft resolution under consideration had been proposed by the African Group and the members of that Group were clearly identifiable, they should not be allowed, in accordance with rule 128, to explain their votes on their own proposal.

45. The CHAIRMAN said that, in his view, the sponsor of the draft resolution was Guinea, and all other States should be allowed to explain their votes. He wished to avoid a long procedural discussion, if possible.

46. Mr. ASANTE (Ghana) stated that he objected to allowing any member of the African Group to explain its vote.

47. The CHAIRMAN said that he had made a ruling and invited delegations to vote on that ruling.

48. Mr. DERESSA (Ethiopia) appealed to all delegations not to pursue the course of challenging the ruling of the Chairman. He asked the delegations to consider the situation objectively. The three members of the African Group which had spoken or wished to speak had never in the past concealed their views, which resulted from their particular geopolitical situation in Africa.

49. The CHAIRMAN asked whether the delegation of Botswana still wished to take the floor.

50. Mrs. LEGWAILA (Botswana) said that she did not object to waiting until after the voting to explain her delegation's vote.

51. Mr. GONZÁLEZ de LEÓN (Mexico) requested a clarification in order to guide the future positions of his delegation. The Chairman had said that the sponsor of the draft resolution under consideration was not the African Group but Guinea. However, since the circulation of the draft resolution, delegations had believed that it had been sponsored by the entire African Group, not merely by some members of the African Group or by Guinea alone. If the resolution had been submitted by the Group, it could be assumed that the States members of that Group were all sponsors and that rule 128 should therefore be applied.

52. The CHAIRMAN said that draft resolution A/C.3/37/L.15 had been sponsored by Guinea, on behalf of the African Group. The individual names of the States of the African Group were not listed as sponsors of the draft resolution, and reference to the African Group was simply made in a foot-note. Consequently, it was his view that every delegation except that of Guinea had the right to speak.

53. Mr. O'DONOVAN (Ireland) pointed out that past Chairmen of the Committee had consistently followed that logic.

54. Mr. DERESSA (Ethiopia) said that draft resolutions on matters of extreme importance to Africa were traditionally introduced in the name of the African Group. That had been the case with draft resolution A/C.3/37/L.15. The three or four African delegations that had asked to explain their vote on that draft resolution were not questioning the validity of that fact but simply wished to indicate that their difficulty lay in actually voting for it, rather than in supporting it in principle.

55. Mrs. SANGARE-KABA (Guinea), speaking as Chairman of the African Group, noted that those African delegations that wished to explain their vote had been part of the Group consensus on the draft resolution, disagreeing only with paragraph 5.

56. The CHAIRMAN said that while he had been concerned with the technical question of Guinea's sponsorship of the draft resolution, he was not questioning the African Group's united support for it.

57. Mrs. DOWNING (Secretary of the Committee) drew attention to an editorial amendment of paragraph 9 of the English text, which consisted of changing the phrase "the essential computer services for the more detailed updating of his list" to read "the computer services essential for the more detailed updating of his list".

58. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/37/L.15, as amended by the Secretary of the Committee.

59. The draft resolution, as amended by the Secretary of the Committee, was adopted by 113 votes to 10, with 15 abstentions.

60. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/37/L.3, with the financial implications stated in A/C.3/37/L.8.

61. The draft resolution, together with its financial implications, was adopted by 113 votes to 19, with 5 abstentions.

62. Mrs. DOWNING (Secretary of the Committee) said that the Secretariat had received notification that Costa Rica and Qatar wished to be included among the sponsors of draft resolution A/C.3/37/L.9.

63. Draft resolution A/C.3/37/L.9 was adopted without a vote.

Draft resolution A/C.3/37/L.11

64. Mrs. DOWNING (Secretary of the Committee) said that in paragraph 4 of the French text, the spelling of the word "prévue" should be changed to read "prévu".

65. Mr. GOMEZ MARTINEZ (Colombia) pointed out that there was a discrepancy between the English and Spanish texts in paragraph 23. Accordingly, his delegation would regard the Spanish text as the valid one.

66. Mrs. DOWNING (Secretary of the Committee) observed that the discrepancy in question was the result of a technical error that would be corrected when the text of the draft resolution was reproduced again.

67. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/37/L.11.

68. Draft resolution A/C.3/37/L.11 was adopted by 110 votes to 17, with 7 abstentions.*

69. Mr. TARASYUK (Ukrainian Soviet Socialist Republic) said that his delegation's vote had not been recorded by the voting machine.

Draft resolution A/C.3/37/L.13/Rev.1

70. Mrs. DOWNING (Secretary of the Committee) said that the Secretariat had received notification that Fiji and the United Kingdom wished to be included among the sponsors of draft resolution A/C.3/37/L.13/Rev.1.

71. Mr. ZUCCONI (Italy) proposed that the draft resolution should be adopted without a vote.

72. The CHAIRMAN said that if there was no objection, he would take it that the Committee wished to adopt the draft resolution without a vote.

* See para. 69 below.

73. Draft resolution A/C.3/37/L.13/Rev.1 was adopted without a vote.

Draft resolution A/C.3/37/L.14

74. Mr. WALKATE (Netherlands), speaking in explanation of vote before the vote, said that his delegation would vote in favour of draft resolution A/C.3/37/L.14 only after having given ample consideration to all its elements and despite the fact that it could not subscribe to all of them. His delegation attached great importance to the Convention on the Elimination of Racial Discrimination and the work of the Committee on the Elimination of Racial Discrimination. The common practice of confining the consultations on proposed draft resolutions to selected delegations was regrettable in that it had barred other interested delegations from making a contribution and had led to the introduction of controversial elements into the draft resolution on CERD, which would clearly prevent many countries from supporting it. In future, delegations which planned to sponsor draft resolutions should endeavour to keep them uncontroversial, so that they might be adopted without a vote.

75. His delegation had reservations with regard to paragraphs 7 and 12 of the draft resolution, as they dealt with issues that not only were outside the scope of the Convention but also were being discussed by other bodies.

76. Mr. THWAITES (Australia) said that his delegation would abstain in the vote on draft resolution A/C.3/37/L.14. While it had the highest regard for the work of CERD, it believed that certain elements of the draft resolution were designed to distort the Committee's mandate and interpret its work in contentious and potentially damaging ways.

77. His delegation had voted in favour of General Assembly resolution 36/12, despite its doubts about the inclusion of elements not directly based on the Convention. However, the present draft resolution went so far as to invite the General Assembly, whose membership included many States not Parties to the Convention, to pass judgement on the policies of a State Party with reference to that Convention. Such action was inequitable and improper. While his delegation did not dispute the right of Member States to have their views reflected in appropriate General Assembly resolutions, it objected most strongly to the misleading manner in which the CERD report had been used, the draft resolution's unfair treatment of an individual State Party and the introduction of controversial issues into a draft resolution which should be limited to the principles and provisions of the Convention.

78. Mr. STEVENS (Belgium) said that his delegation would abstain in the vote on the draft resolution. While his delegation had often reaffirmed its position on the elimination of racial discrimination of policies of apartheid, it had difficulty in accepting the present draft resolution because of paragraphs 3, 7 and 12. Paragraph 7 was the most important, since it incorrectly reflected the work of CERD and would legally compromise the control inherent in the Convention. The implication that zionism was equivalent to racism was also unacceptable to his delegation.

79. Mr. BOUFFANDEAU (France) said that his delegation would vote in favour of the draft resolution as an expression of the esteem in which it held the mission of CERD and the way in which it fulfilled that mission. Moreover, support of the draft resolution would demonstrate both his delegation's support for the Convention, which was the international community's most effective instrument in the struggle against racial discrimination, and its commitment to that struggle. However, while the text of the draft resolution as a whole took into account the necessary cohesion of the international community, it had overlooked the concerns of those who saw in it a move to extend the Committee's terms of reference. That concern was based on the assumption that an international authority seldom became more effective by overstepping the limits of its competence; in addition, the term "racism" lost its real significance when used inappropriately, thereby becoming a divisive factor rather than a mobilizing cause.

80. Paragraph 7 was particularly open to discussion, since it dealt with a political problem that did not fall within the mandate of CERD.

81. Mr. ZUCCONI (Italy), stressing the importance which his delegation attached to the Convention and the work of CERD, said that he would vote in favour of the draft resolution. However, it should be recalled that the Convention was a legal instrument; to consider it a political instrument would be to misuse it. He feared that States which had not acceded to the Convention might be discouraged from doing so if they thought that they might subsequently be exposed to political attack.

82. The relationship of CERD to the General Assembly was defined in article 9 of the Convention. While the General Assembly might make general observations it should refrain from passing judgement on individual countries, since such action jeopardized the Convention. The work of States Parties to eliminate racial discrimination was monitored by CERD and not by the Third Committee.

83. While his delegation agreed with some of the opinions contained in the draft resolution, it felt that they should be expressed in other ways. He supported the proposal made earlier by the representative of the Netherlands to consider the report of CERD in a cluster with other items, such as other human-rights instruments. He questioned the advisability of holding a session of CERD at Manila, in view of the financial implications that would entail.

84. Mrs. ROSER (Federal Republic of Germany) said that her delegation had voted in favour of General Assembly resolution 36/12, concerning the report of the Committee on the Elimination of Racial Discrimination, only with great difficulty and with reservations relating to some of its contents. Having hoped that the sponsors would take account of the views of all delegations, it had been disappointed to see that the same elements that had caused such difficulties at the thirty-sixth session were retained in draft resolution A/C.3/37/L.14, particularly in paragraphs 3, 7 and 12. With great regret, therefore, her delegation would have to abstain in the vote on the draft resolution.

(Mrs. Roser, Federal Republic of Germany)

85. The Federal Republic of Germany was committed to the fight against racial discrimination and felt that the prohibition of racial discrimination was a fundamental condition for guaranteeing human rights. That was why her country had ratified the Convention in 1969 and considered it to be a very important contribution to the elimination of racial discrimination. Emphasizing that the Committee on the Elimination of Racial Discrimination had to consider on an equal basis the reports of all States Parties to the Convention, she saw that it was not the task of the Third Committee to direct its work to particular situations.

86. With regard to paragraph 3 of the draft resolution, she said that its delegation had repeatedly condemned apartheid and voiced her concern over the situation in Namibia. It must, however, insist on the division of the responsibilities between the General Assembly and the Security Council. She also felt that paragraphs 5 and 7 of the draft resolution distorted the work of CERD. As for paragraph 12, neither the Third Committee nor the Committee on the Elimination of Racial Discrimination could extend the obligations contained in the Convention or impose obligations not derived from the Convention. The Convention was the only basis for the work of CERD.

87. In conclusion, she said it was strange that the draft resolution did not mention General Recommendation VI of CERD concerning outstanding reports of seven States Parties. She hoped that at the thirty-eighth session of the General Assembly, the sponsors of the draft resolution on the same subject would pay careful attention to the difficulties caused by the present draft and take due account of them.

88. Miss CAMPBELL (Canada) regretted that it would not be possible to adopt the draft resolution on the report of the Committee on the Elimination of Racial Discrimination by consensus. Her delegation would abstain in the vote, since paragraph 7 contained certain controversial political references which singled out a particular State and exposed that State to criticism from States not Parties to the Convention. Furthermore, paragraph 7 did not reflect the report of CERD. The General Assembly was not the proper forum for raising objections about alleged violations of the Convention. She therefore hoped that in future the Committee could return to a balanced consideration of the report of CERD, which would be possible only if the discussion remained free of contentious political issues.

89. Mr. FURSLAND (United Kingdom) said that his delegation would abstain in the vote in draft resolution A/C.3/37/L.14. It had voted in favour of General Assembly resolution 36/12 only with serious reservations and great difficulties. At the current session his delegation had hoped that the sponsors would take account of the views of all regional groups, so that the draft resolution could be adopted by consensus. It had therefore been deeply disappointed to note that the draft resolution not only contained all the controversial elements of resolution 36/12 but furthermore, in paragraph 7, added a new element which caused even greater difficulties. His delegation felt that it was inappropriate to introduce such an element into the resolution concerning a treaty body. While it was true that some members of CERD had been critical of Israel, CERD as a body had expressed no views on the subject. Therefore the draft before the Committee did not reflect the

(Mr. Fursland, United Kingdom)

position of CERD, but made an additional comment on the situation in one Member State which had submitted a report under the Convention. CERD's mandate derived from the Convention, not from the General Assembly, and it was necessary to protect and respect its independence and allow it to work within that mandate, particularly as many Members of the General Assembly were not Parties to the Convention. Since it helped CERD's standing to have its work approved by all States Parties to the Convention, CERD itself would be the loser from the introduction of such controversial elements. As a firm supporter of the Committee, his delegation greatly regretted such a result.

90. Ms. FAWTHORPE (New Zealand) said that her delegation would abstain on draft resolution A/C.3/37/L.14. Her country, as a State Party, attached great importance to the Convention and to the work of CERD. It also considered it important that the resolution on the CERD report should represent a consensus of views and should not be a vehicle for political statements. At the thirty-sixth session of the General Assembly, her delegation had expressed concern about resolution 36/12, in view of the tendency to highlight specific situations. In the present draft resolution, that tendency had increased with the introduction of the wording of paragraph 7. The purpose of the Convention was to combat all forms of racial discrimination. Her delegation was therefore troubled by the selectivity apparent in paragraph 7, especially as the views in that paragraph had not been endorsed by CERD itself.

91. Ms. FRANCO (Portugal) said that her delegation had difficulties with the draft resolution and was concerned about the introduction of political elements which were not within the legal scope of the Convention. While recognizing the importance of the problems involved, her delegation felt that they could be raised elsewhere. It could not see how the introduction of such political elements could help the implementation of the Convention or the work of CERD. As a new State Party to the Convention, her country wished to commence its dialogue with CERD in a positive frame of mind. Therefore it would support the draft resolution, but only with strong reservations concerning paragraphs 3, 7 and 12.

92. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation would support draft resolution A/C.3/37/L.15. However, as a Party to the Convention, it accepted the definition of racism contained in article 1 of that document and no other; therefore it could not agree with paragraph 7 of the draft resolution. It shared the views of other delegations, notably those of France and Italy, that that paragraph did not reflect the mandate or the objectives of CERD in considering reports from States Parties, nor help to give a clear idea of the seriousness of CERD's work. Her delegation wanted the greatest possible support from the international community for the Convention and for CERD, in order to increase their effectiveness. In conclusion, she said that paragraphs 3 and 12 of the draft could more appropriately be placed in draft resolution A/C.3/37/L.12, dealing with the International Convention on the Suppression and Punishment of the Crime of Apartheid.

93. Ms. RASI (Finland), speaking on behalf of the Nordic countries, said that the Governments and peoples of those countries had consistently rejected all forms of racial discrimination and had ratified the Convention. They strongly supported CERD's role in encouraging Governments to adopt the necessary legislative, administrative and other measures and in monitoring the implementation of the Convention. Therefore it was with great regret that because of several reservations they had with regard to the draft resolution, the Nordic countries would abstain in the vote on it.

94. The Nordic Governments could not agree with the tendency of several paragraphs to emphasize the implementation of the Convention at the international level. The Convention was the only legal and acceptable basis of CERD's work, and neither the General Assembly nor the Third Committee could impose on States Parties any obligations which had not been accepted through ratification or make decisions concerning the work of CERD. With regard to paragraph 3, she stressed the importance of the division of competence between the General Assembly and the Security Council. As for paragraph 7, the Nordic Governments could not agree that Israel's policy was in defiance of the basic principles and objectives of the Convention. Furthermore, it was not appropriate to single out the situations in which CERD itself had not been able to reach a unanimous view. In conclusion, she stressed that all decisions concerning meetings of Committees away from their regular locations must be made in accordance with General Assembly resolution 31/140.

95. The CHAIRMAN said that Cyprus and Cape Verde had become sponsors of draft resolution A/C.3/37/L.14.

96. A recorded vote was taken on paragraph 7.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Haiti, Iceland, Ireland, Israel, Luxembourg, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Bahamas, Barbados, Bolivia, Burma, Chile, Colombia, Costa Rica, Fiji, France, Italy, Ivory Coast, Jamaica, Japan, Malawi, Netherlands, Papua New Guinea, Portugal, Trinidad and Tobago, Uruguay, Zaire.

97. The Committee decided by 98 votes to 16, with 20 abstentions, to retain paragraph 7.

98. A recorded vote was taken on paragraph 12.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Haiti, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

99. The Committee decided by 111 votes to none, with 23 abstentions, to retain paragraph 12.

100. A recorded vote was taken on draft resolution A/C.3/37/L.14 as a whole.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Australia, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Luxembourg, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland.

101. Draft resolution A/C.3/37/L.14 was adopted by 123 votes to 2, with 13 abstentions.

Draft resolution A/C.3/37/L.7

102. The CHAIRMAN informed the Committee that Zaire had become a sponsor of draft resolution A/C.3/37/L.7.

103. He announced that a vote had been requested on the amendment to draft resolution A/C.3/37/L.7 contained in A/C.3/37/L.17.

104. The draft amendment contained in document A/C.3/37/L.17 was adopted by 75 votes to 1, with 47 abstentions.

105. Mr. GOMES (Guinea-Bissau) said that his delegation had been recorded as casting the only vote against the draft amendment, although in fact it had wished to abstain.

106. Mrs. SANGARA-KABA (Guinea) said that although the voting machine indicated that her delegation had voted in favour of the draft amendment, it had not in fact participated in the vote.

107. Mr. STEVENS (Belgium) suggested that since no delegation had intended to vote against the draft amendment, the draft resolution contained in document A/C.3/37/L.7 could be adopted without a vote.

108. Draft resolution A/C.3/37/L.7, as amended, was adopted without a vote.

Draft resolution A/C.3/37/L.12

109. The CHAIRMAN informed the Committee that Afghanistan, Algeria, Benin, Bulgaria, Cape Verde, Congo, Guinea-Bissau, Guyana, Hungary, Iraq, the Libyan Arab Jamahiriya, Madagascar, Mozambique, Rwanda, Uganda and Zimbabwe had joined the sponsors of draft resolution A/C.3/37/L.12.

110. A recorded vote was taken on draft resolution A/C.3/37/L.12.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

111. Draft resolution A/C.3/37/L.12, as orally amended, was adopted by 112 votes to 1, with 22 abstentions.

112. The CHAIRMAN announced that delegations would have an opportunity to explain their votes on all the draft resolutions at the following meeting.

The meeting rose at 6.15 p.m.