

GENERAL
ASSEMBLY

THIRTY-NINTH SESSION

Official Records*



THIRD COMMITTEE

35th meeting

held on

Friday, 9 November 1984

at 4 p.m.

New York

DEC 3 1984

SUMMARY RECORD OF THE 35th MEETING

Chairman: Mr. MADAR (Somalia)

later: Mrs. TIRONA (Philippines)

CONTENTS

AGENDA ITEM 84: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued)

AGENDA ITEM 86: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 87: 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: REPORTS OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 88: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

EXPLANATIONS OF VOTE ON THE DRAFT RESOLUTIONS ADOPTED UNDER ITEMS 84, 86, 87 AND 88

AGENDA ITEM 85: INTERNATIONAL YOUTH YEAR: PARTICIPATION, DEVELOPMENT, PEACE: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 89: POLICIES AND PROGRAMMES RELATING TO YOUTH: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 90: QUESTION OF AGING: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 91: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING DISABLED PERSONS: REPORT OF THE SECRETARY-GENERAL (continued)

Organization of work

*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL
A/C.3/39/SR.35
19 November 1984
ENGLISH
ORIGINAL: FRENCH

The meeting was called to order at 4.15 p.m.

AGENDA ITEM 84: ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE RACIST AND COLONIALIST REGIME OF SOUTH AFRICA (continued)

AGENDA ITEM 86: IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE SECOND DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 87: 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: REPORTS OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 88: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)
(A/C.3/39/L.9)

Draft resolution A/C.3/39/L.9 (continued)

1. Mr. MATELJAK (Yugoslavia), speaking on behalf of the sponsors of draft resolution A/C.3/39/L.9, said that, following consultations, it had been decided to delete the amendments made at the previous meeting to paragraphs 2 and 4 and to revert, for those two provisions, to the original wording. The amendments to paragraphs 6, 11 and 15 would be retained. Any misunderstanding should thus have been cleared up, so that a decision could be taken immediately on the draft resolution.

2. Mr. WAKE (United States of America), speaking in explanation of vote before the vote, said he regretted that the sponsors had withdrawn their revised versions of paragraphs 2 and 4 of the draft resolution. Indeed, the formula proposed, which was in line with the text of the resolution which the General Assembly had adopted by consensus at the thirty-eighth session, would have permitted the Committee to adopt draft resolution A/C.3/39/L.9 without a vote. Some States had, however, wished to revert to a formulation defining apartheid as a crime against humanity. That legal definition which the General Assembly had adopted in the context of the International Convention on the Suppression and Punishment of the Crime of Apartheid had no place in a draft resolution which dealt with the report of the Committee on the Elimination of Racial Discrimination. The retention of that legal definition in the draft resolution was controversial and was unacceptable to his delegation, which, to its great regret, would be obliged to vote against the draft.

3. The CHAIRMAN said that, in accordance with the wishes of some delegations, separate recorded votes would be taken on paragraphs 2, and 3 and on the last part of paragraph 12 beginning with the words "including information on ...".

4. A recorded vote was taken on paragraph 2 as worded in draft resolution A/C.3/39/L.9.

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

Against: United States of America.

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

5. Paragraph 2 of draft resolution A/C.3/39/L.9 was adopted by 115 votes to 1, with 20 abstentions.

6. A recorded vote was taken on paragraph 3 as worded in draft resolution A/C.3/39/L.9.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho,

Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, 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 Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

Abstaining: Canada, France, Germany, Federal Republic of, Italy, United Kingdom of Great Britain and Northern Ireland, United States of America.

7. Paragraph 3 of draft resolution A/C.3/39/L.9 was adopted by 130 votes to none, with 6 abstentions.

8. A recorded vote was taken on the last part of paragraph 12 beginning with the words "including information on ..." as contained in draft resolution A/C.3/39/L.9.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), 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, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, 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 Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None.

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

9. The last phrase of paragraph 12 beginning with the words "including information on ...", of draft resolution A/C.3/39/L.9 was adopted by 116 votes to none, with 20 abstentions.

10. Mr. THWAITES (Australia), explaining his vote before the vote on draft resolution A/C.3/39/L.9 as a whole, said that he would vote in favour of the draft but deeply regretted that the sponsors had withdrawn the amendment made to paragraph 2. While the situation in South Africa was deplorable, it would have been more judicious to draw attention to it elsewhere than in a resolution on the report of the Committee on the Elimination of Racial Discrimination. It would be advisable in future to ensure that resolutions on that subject were drafted in such a way that States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, belonging to all regional groups, were in a position to sponsor them. Australia, a party to the Convention, was gratified that draft resolution A/C.3/39/L.9 emphasized the need for all States parties to co-operate with the Committee and provide it, in their reports, with full information on the demographic composition of their population. He hoped that delegations that had supported paragraph 12 intended to follow the guidelines of the Committee in that regard.

11. Mr. MINTSA-ZUE-ONDO (Gabon) said that his delegation would have voted in favour of paragraph 3 had it known exactly which paragraph had been put to the vote.

12. Mr. SEYNI (Niger) said that apartheid was clearly a "crime against humanity", according to the definition adopted by the General Assembly 10 years before. That formulation had been reaffirmed in the text of draft resolution A/C.3/39/L.9 and his delegation was therefore in a position to sponsor the draft.

13. A recorded vote was taken on draft resolution A/C.3/39/L.9 as a whole.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives,

/...

Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: United States of America.

Abstaining: None.

14. Draft resolution A/C.3/39/L.9 as a whole was adopted by 137 votes to 1.

EXPLANATIONS OF VOTE ON THE DRAFT RESOLUTIONS ADOPTED UNDER ITEMS 84, 86, 87 and 88.

15. Mr. JATIVA (Ecuador) said that his delegation had voted in favour of draft resolution A/C.3/39/L.9, although it felt that certain paragraphs were tendentious, biased and improperly worded.

16. Ms. FRANCO (Portugal) said that she welcomed the adoption of draft resolution A/C.3/39/L.17 without a vote, but wished to indicate that Portugal's support at the Second World Conference in Geneva for the Declaration and the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination had been subject to certain reservations which were set out in the report of the Conference (A/CONF.119/26) and which remained valid. She thanked the African delegations for having formulated a text which had helped to restore to some extent the international community's consensus concerning the struggle against racism and racial discrimination.

17. Mr. de la SABLIERE (France) said that he had joined in the consensus on draft resolution A/C.3/39/L.17, but regretted the reference in the seventh preambular paragraph to the Declaration adopted at the Second World Conference, which France had refused to endorse. The words "must be combated by all available means" at the end of paragraph 1 should be interpreted as referring exclusively to means which were recognized under international law and in the Charter. His delegation had already expressed its reservations concerning the final line of paragraph 2, the wording of which it regarded as ambiguous. While it was appropriate to be especially concerned about victims of apartheid, which was a unique case of institutionalized racism, there was no need to single out other problems, since discrimination was universal. With regard to paragraph 6, he recalled the reservations expressed by France concerning certain passages in the Programme of Action for the Second Decade which were set out in the report of the second World Conference. Finally, some of the instructions given to the Committee on the Elimination of Racial Discrimination in paragraph 5 were incompatible with the Committee's mandate, which had been established through a convention and could not be expanded by a General Assembly resolution.

18. Mr. ZURITA (Spain) said that Spain categorically rejected racism, racial discrimination and apartheid; he therefore regretted having been forced to vote against draft resolution A/C.3/39/L.7. In contrast to the provisions of the ninth preambular paragraph, Spain did not see trade with South Africa as an obstacle to the liquidation of apartheid, and it had reservations concerning paragraph 3: totally isolating a country was not the best way of inducing a Government to respect human rights. Moreover, the accuracy of the statement in paragraph 4 that any assistance to South Africa was a form of complicity with the apartheid system or with the acts of aggression that régime was committing against the liberation movements and neighbouring States had never been demonstrated. Although it was useful to analyse the impact on the exercise of human rights of co-operation between transnational corporations and the South African racist régime, that analysis should not consist merely in the publication of a list of the corporations concerned. Lastly, his delegation had been forced to abstain during the vote on draft resolution A/C.3/39/L.3 because it could not endorse paragraphs 2 and 18. The isolation of South Africa might have an impact on the well-being of the South African people diametrically opposed to what was intended, and recourse to armed struggle was not a legitimate means of resolving international conflicts.

19. Mr. TRISTANY (Argentina) said that, as in 1983, his delegation had supported the draft resolution on political, military, economic and other forms of assistance given to South Africa (A/C.3/39/L.7). Aerolineas Argentinas had erroneously been included in the list of enterprises collaborating with South Africa, although it had stopped its flights to South Africa in 1981, and he requested that that error should be rectified. His delegation had endorsed draft resolution A/C.3/39/L.3, although it took issues with the wording of some paragraphs.

20. Mr. BORCHARD (Federal Republic of Germany) said that his delegation welcomed the adoption of draft resolution A/C.3/39/L.17 by consensus, because it would now be possible to build upon that consensus and the atmosphere of confidence to organize the implementation, by all countries, of the draft plan of activities for the period 1985-1989 in pursuance of General Assembly resolution 38/14. Although the wording of the draft resolution, on the whole, was balanced, his delegation had some reservations. First, the words "by all available means" at the end of paragraph 1 should be interpreted as referring only to the means authorized by the Charter: his delegation could not accept an implicit endorsement of armed struggle in General Assembly resolutions. Second, his delegation would have preferred paragraph 2 not to have singled out specific situations other than that of South Africa, because racial discrimination could be found, unfortunately, throughout the world. Third, paragraph 5 gave a distorted picture of the mandate and work of the Committee on the Elimination of Racial Discrimination. Finally, referring to paragraph 8 (c), he said that the status of being a migrant worker was not ipso facto proof of racial discrimination.

21. Mr. NGUYEN LUONG (Viet Nam) said that his delegation had joined in the consensus on draft resolution A/C.3/39/L.4, whose contents were in full agreement with the position of the Vietnamese Government. The draft resolution took a clear stand against the schemes and manoeuvres of the imperialist, colonialists and hegemonistic Powers designed to maintain racist, militaristic and dictatorial régimes. As it had already indicated before the Commission on Human Rights and the Economic and Social Council, Viet Nam continued to oppose all attempts to use United Nations forums to interfere in the internal affairs of sovereign States.

22. Mrs. O'FLAHERTY (Ireland), speaking on behalf of the States members of the European Economic Community (EEC), said that they had been unable to support draft resolution A/C.3/39/L.7, concerning item 84, because the reports of the Special Rapporteur to which it referred were not, in their opinion, a useful basis for debating the issue in question. The guidance given to the Special Rapporteur in paragraph 9 did not correspond to the title of the item, and the text contained other elements which the members of EEC found difficult to accept.

23. The members of EEC had abstained in the voting on draft resolution A/C.3/39/L.5, concerning item 88 (c) because of the reservations which they had expressed concerning the International Convention on the Suppression and Punishment of the Crime of Apartheid, which was defective on a number of legal grounds. Those reservations related not to the objectives of the Convention but only to the methods envisaged for achieving them. Any steps taken in pursuance of the Convention applied only to the States parties.

24. The EEC member States had endorsed draft resolution A/C.3/39/L.9, concerning item 88 (a), despite certain reservations relating, inter alia, to paragraphs 2 and 12. In their view, it was not for the Third Committee to direct the work of the Committee on the Elimination of Racial Discrimination, which was an independent body established by a specific international convention and must not be induced to exceed its mandate by adopting positions or undertaking work not directly linked to the struggle to eliminate racial discrimination.

25. Mrs. ZOGRAFOU (Greece) said that her country's position concerning the exercise of the right to self-determination which must be guaranteed to peoples under foreign occupation or domination was well known. However, her delegation had been obliged to abstain in the vote on draft resolution A/C.3/39/L.3 because it could not support the wording of paragraph 18.

26. Mr. PERUGINI (Italy) said that Italy, which had always condemned racism and racial discrimination, had joined in the consensus on draft resolution A/C.3/39/L.17 despite the difficulty it had in supporting the wording of paragraphs 1, 2, 5 and 6. He reiterated the reservations expressed by Italy at the Second World Conference to Combat Racism and Racial Discrimination and pointed out that it was not for the General Assembly to ask the Committee on the Elimination of Racial Discrimination to engage in activities not covered by its terms of reference.

27. Mr. WAKE (United States of America) said that his delegation had not participated in the adoption by consensus of draft resolution A/C.3/39/L.17 because, although it had fully supported the initial objective of the first Decade for Action to Combat Racism and Racial Discrimination proclaimed in 1973, the United States had withdrawn its participation in the activities to be carried out during the Decade since the adoption in 1975 of General Assembly resolution 3379 (XXX) equating zionism with racism and, for the same reason, the United States did not participate in the activities planned for the Second Decade either. His country was still just as opposed to all forms of racism and racial discrimination, and in particular to the apartneid régime in South Africa. It also continued to work assiduously to promote the independence of Namibia in accordance with Security Council resolution 435 (1978). Its vote on some of the draft resolutions submitted under the agenda items under consideration was explained by the wording of some of their provisions.

28. Mr. MASSOT (Brazil) said that his delegation had voted in favour of draft resolution A/C.3/39/L.3 because it strongly supported its general purpose. However, with regard to paragraph 5, he referred the members of the Committee to the comments made by Brazil at the International Conference in Support of the Struggle of the Namibian People for Independence concerning certain paragraphs of the final document adopted at that Conference on the one hand, and the explanation of vote given by Brazil after the adoption by consensus of the Geneva Declaration on Palestine and the Programme of Action for the Achievement of Palestinian Rights on the other; all those comments were still valid. As for paragraph 17 of draft resolution A/C.3/39/L.3, as Brazil had not been invited to the Vienna International Conference on the Alliance between South Africa and Israel, and did not know the content of the discussions held at the Conference or the contents of its final document, he would have abstained if a separate vote had been taken on that paragraph.

29. His delegation had voted in favour of draft resolution A/C.3/39/L.7 because it supported the substance of the report of the Special Rapporteur on the adverse consequences of assistance given to the racist régime of South Africa (A/CN.4/Sub.2/1984/8 and Add.1 and 2). However, for the reasons he had given in his statement on agenda item 84, he could not fully support the sixth preambular paragraph or operative paragraphs 7 and 11; he thought that the report contained inaccuracies with regard to Brazil and should be further improved in general.

30. Mr. HAMER (Netherlands) said he was pleased that draft resolution A/C.3/39/L.17 had been adopted by consensus. However, he wished to clarify his delegation's position on two particular points: first, the last words of operative paragraph 1, "by all available means" could be interpreted only to mean those means that could be used in accordance with the Charter and therefore excluded recourse to armed struggle; secondly, paragraph 2 referred both to racism and to occupied territories; that should not be taken to imply that racism was practised in occupied territories and territories under alien domination.

31. Mrs. BORGES (Uruguay) said that her delegation had voted in favour of draft resolution A/C.3/39/L.7 because it was strongly opposed to any policy of apartheid, but had some reservations on certain operative paragraphs. With regard to paragraph 3, she pointed out that the fact of maintaining diplomatic relations with a particular country did not imply support for its policy; Uruguay maintained relations with the most varied types of political régime. Her delegation interpreted paragraph 5 as by no means affecting the exclusive competence of the Security Council with respect to the application of the measures provided for in Chapter VII of the Charter. With regard to paragraph 12, the position of the Uruguayan Government was that any politicization of economic agencies must be avoided.

32. With a view to helping to promote the right of peoples to exercise their right to self-determination, her delegation had also supported draft resolution A/C.3/39/L.3. It had reservations, however, on several operative paragraphs: on paragraph 2, because it mentioned armed struggle, which was contrary to the principles and purposes of the Charter; on paragraph 18, because it was biased as

(Mrs. Borges, Uruguay)

was paragraph 3 of draft resolution A/C.3/39/L.7; on paragraphs 27 and 28, because the wording should have been more careful and taken into account all the sources of conflict in the Middle East as well as the need for withdrawal of all foreign forces from Lebanon; lastly, on paragraph 30, because the Palestinian people would choose its own representatives when freely exercising its right to self-determination.

33. Her delegation had voted for draft resolution A/C.3/39/L.5 because it supported the struggle for elimination of racial discrimination. However, it had serious legal difficulties in ratifying the International Convention on the Suppression and Punishment of the Crime of Apartheid and also had some reservations about the jurisdiction of States parties concerning acts committed outside their territory by persons who were not nationals of such States; the vagueness of the definition of the crime of apartheid and the granting of powers for the purpose of applying the Convention, to a United Nations body, namely the Commission on Human Rights, which included many States that had not acceded to the Convention.

34. Mrs. Tirona (Philippines) took the Chair.

35. Mr. RATHORE (India) said that, although India had not opposed the adoption of draft resolution A/C.3/39/L.4 without a vote, it maintained the position it had outlined in the declaration it had made concerning article 1 of the International Covenants on Human Rights and its position with regard to the relevant resolutions adopted by the Commission on Human Rights.

36. Mr. BAYONA MEDIA (Peru) said that his delegation had voted for draft resolution A/C.3/39/L.3 because it was convinced that it could contribute to the universal realization of the right to self-determination. However, with regard to paragraph 2, only peaceful means of struggling for independence which were in accordance with the Charter were legitimate; the text would therefore have been better if a more suitable wording had been used.

37. Mr. CARRIER (Canada) said that his delegation had voted against draft resolution A/C.3/39/L.7 because the report of the Special Rapporteur on the consequences of assistance given to South Africa referred to in the draft covered only western organizations, was often inaccurate or out of date, and strayed too far from the topic it was supposed to deal with.

38. His delegation was delighted that draft resolution A/C.3/39/L.17 had been adopted by consensus. Without necessarily agreeing with all the activities planned for the Second Decade to Combat Racism and Racial Discrimination, it was nevertheless pleased to note that the scope of the draft was broad enough to cover the interests of all the countries represented in the Committee.

39. Draft resolution A/C.3/39/L.3 contained excessive and polemical language and presented a biased view of various international situations, and the Canadian delegation had therefore voted against it.

(Mr. Carrier, Canada)

40. As for draft resolution A/C.3/39/L.5, Canada had neither signed nor ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid, and his delegation had therefore again abstained from voting.

41. Referring to draft resolution A/C.3/39/L.9, he said that Canada was a strong supporter of the Committee on the Elimination of Racial Discrimination and had therefore voted in favour of the draft resolution despite its reservations concerning paragraphs 2, 3 and 12 on which it has abstained. It was most regrettable that the attempts to achieve a compromise on paragraph 2 had failed.

42. Mr. SALAND (Sweden), speaking on behalf of the Nordic countries, recalled that those countries had for a long time strongly supported the efforts of the international community to eliminate colonialism, apartheid and racial discrimination in southern Africa. They were therefore in agreement with the main thrust of resolution A/C.3/38/L.7, just adopted. However, the text departed from its objectives in several respects. The Nordic countries could not accept certain paragraphs which contained unjustified accusations against selected countries or support recommendations which did not respect the division of competence between the different organs of the United Nations, as provided in the Charter. They noted with great regret the continued tendency to employ controversial formulations. For all those reasons, the Nordic countries had abstained from voting on draft resolution A/C.3/39/L.7.

43. Mr. MORAGA (Chile) said that his delegation had voted in favour of draft resolution A/C.3/39/L.7, although it had some reservations on its express references to a Member State which were not conducive to achievement of the objective sought. His delegation also had reservations on draft resolution A/C.3/39/L.3, which had been adopted with its support. In particular, it objected to the text's inclusion of armed struggle as a means of struggling for independence while it failed to mention well-known situations such as those prevailing in Afghanistan and Kampuchea, which detracted from its objectivity.

44. With reference to draft resolutions A/C.3/39/L.5, L.8 and L.9, he reaffirmed Chile's firm opposition to all forms of racial discrimination and in particular to South Africa's policy of apartheid.

45. Mr. RUIZ CABANAS (Mexico) said that although his delegation had voted for draft resolution A/C.3/39/L.3, it had some reservations concerning the text and, in particular, operative paragraph 17, because Mexico had not attended the Vienna International Conference on the Alliance between South Africa and Israel, mentioned in that paragraph.

46. Mr. NG (Singapore) said that Singapore, as a multiracial country, had always opposed discrimination and always supported the measures taken by the United Nations to eliminate that evil. His delegation had therefore voted for all the draft resolutions, although it had reservations about operative paragraphs 17, 18 and 27 of draft resolution A/C.3/39/L.3 and operative paragraph 3 of draft resolution A/C.3/39/L.7, feeling that it would have been better to refrain from selectively condemning certain countries which those paragraphs mentioned by name.

/...

47. Mr. GONTURK (Turkey) said that while his delegation had voted in favour of draft resolutions A/C.3/39/L.3, A/C.3/39/L.7 and A/C.3/39/L.5 in order to demonstrate its opposition to apartheid and its support for the struggle of the peoples for independence and self-determination, it wished to reserve its position on some paragraphs in each of those drafts. In draft resolution A/C.3/39/L.7, it deplored the selective reference to "major Western ... trading partners" of South Africa in the ninth preambular paragraph. Similarly, it regretted that "Western countries" were expressly condemned in operative paragraph 18 of draft resolution A/C.3/39/L.3. Lastly, it had been unable to support draft resolution A/C.3/39/L.5 without reservations because the International Convention on the Suppression and Punishment of the Crime of Apartheid presented some substantial legal difficulties for his Government.

48. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that he was taking the floor not because he had any reservations on the draft resolutions which the Committee had just adopted but to explain how the texts, which had considerable political importance, should be interpreted. It was because of that importance that the Soviet Union had subscribed to all the texts without the slightest reservation. Apartheid was an extremely serious international crime against humanity and was thus condemned by the overwhelming majority of States. Nevertheless, there was still a group of States in the General Assembly which, on various pretexts, had expressed reservations, in particular on draft resolution A/C.3/39/L.17, under cover of which they thought they could continue to support the apartheid régime. That was why it was necessary for the General Assembly to reaffirm once again, as it did in operative paragraph 4 of draft resolution A/C.3/39/L.7, that States which gave assistance to the racist régime of South Africa became its accomplices. It was hardly surprising that the sponsors of draft resolution A/C.3/39/L.17 had had considerable difficulty in drafting a text capable of commanding a consensus. And after a consensus had been achieved, the same States which were South Africa's accomplices had insisted once again on expressing their reservations and putting forward their tendentious interpretations. As far as his delegation was concerned, the legitimacy of the struggle of peoples for their independence, reaffirmed in operative paragraph 2 of draft resolution A/C.3/39/L.3, was beyond all doubt and it was obvious that, since the apartheid régime was based on considerable military power, armed struggle had to be included among the forms of liberation struggle which the people still subjugated by that régime were authorized to pursue. That was also the reason why the General Assembly was right to stress again, in its decisions, the need to put an end to the assistance, in particular military assistance, which the apartheid régime received from its accomplices. In the Soviet Union's view, moreover, it went without saying that the entire United Nations system should be mobilized to ensure the implementation of the resolutions just adopted in connection with the Second Decade to Combat Racism and Racial Discrimination, in particular draft resolution A/C.3/39/L.17, especially since those decisions merely supplemented those which had been adopted in connection with the First Decade and which had not been carried out. Those decisions, which should be taken literally, clearly included the effective withdrawal of all occupation forces from all territories still occupied.

49. Mrs. UMAÑA (Colombia) said that her delegation had voted in favour of draft resolution A/C.3/39/L.3 because the Colombian Government had always followed a policy of defending the right of peoples to self-determination and because it believed that dialogue was a better means of resolving problems than violence, physical or verbal.

50. Mrs. YAMAZAKI (Japan) recalled that Japan had always clearly condemned racism in all its forms, in particular apartheid. Its opposition had been expressed by a number of concrete measures. However, the delegation of Japan had felt obliged to abstain in the vote on draft resolution A/C.3/39/L.5, because certain provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid seemed to it too ambiguous. As for draft resolution A/C.3/39/L.7, her delegation had doubts about the methods adopted in the preparation of the report of the Special Rapporteur on the consequences of assistance to the South African régime and about the usefulness of that report. Those reservations applied more particularly to paragraphs 10 and 14 of draft resolution L.7. Her delegation had voted in favour of draft resolution A/C.3/39/L.9 as a whole, in order to express its opposition to apartheid, but wished to point out that, in its opinion, paragraph 2 had no legal value. Her delegation had joined in the consensus on draft resolution A/C.3/39/L.17 in order to express its firm support for the Second Decade to Combat Racism and Racial Discrimination. Her delegation was pleased that the member of the African Group had been able to produce a text acceptable to all. Her delegation had, however, certain reservations to make on some points in the Secretary-General's report on the Programme of Action for the Second Decade (A/39/167/Add.1 and Add.2). It should be borne in mind that financial constraints were at that moment weighing heavily on many Member States and that consequently efforts should be concentrated on the most fruitful activities, as the Secretary-General himself had advised in his report.

51. Mr. FURSLAND (United Kingdom) said that the United Kingdom had joined the consensus on draft resolution A/C.3/39/L.17 in order to enable the plan of activities for the Second Decade to Combat Racism and Racial Discrimination to benefit from the widest possible measure of agreement. His delegation had, however, certain reservations about that draft resolution, which would come as no surprise to anyone. At the Second World Conference to Combat Racism and Racial Discrimination in August 1983, it had already made clear the difficulties it had with the Declaration and Programme of Action adopted at that Conference and referred to in preambular paragraph 7 of draft resolution L.17. Those difficulties applied to the foreign and domestic policy of the United Kingdom. For example, the Government of the United Kingdom was not in a position to prescribe policies for the mass media and school curricula, as provided for in the Programme of Action.

52. As for operative paragraph 1 of draft resolution L.17, his delegation considered that the phrase "by all available means" could not extend to measures which lay within the competence of the Security Council rather than the General Assembly; neither, in its opinion, could that phrase embrace other means such as armed struggle.

(Mr. Fursland, United Kingdom)

53. With reference to operative paragraphs 2 and 7 of draft resolution L.17, his delegation reiterated that racism and racial discrimination were universal problems, which needed to be dealt with on a universal basis. South Africa was a special case in that its apartheid policies represented a uniquely obnoxious example of institutionalized racism. However, the United Kingdom did not approve of singling out any particular situations, or types of situation, for special attention within the context of the Second Decade to Combat Racism, as operative paragraph 2 sought to do. His delegation interpreted the last phrase of that paragraph as applying to all occupied territories and all territories under alien domination, without distinction. Targeting efforts against certain types of racism, as provided for in operative paragraphs 2 and 7, might be to the detriment of international efforts to eliminate racism on a world-wide basis.

54. Finally, with regard to operative paragraph 6, his delegation understood that that paragraph provided for the Secretary-General to implement the activities outlined in documents A/39/167 and A/39/167/Add.2, as amended by the Secretariat prior to the adoption of that resolution (A/C.3/39/SR.34), with the financial implications for those activities cited in document A/39/167/Add.1. His delegation hoped that the activities envisaged would be implemented within existing resources through redeployment, and that the Secretariat would be in a position to confirm to the Fifth Committee that that was the intention.

55. Mr. RUSI (Finland), speaking on behalf of the Nordic countries, stated that those countries had always condemned racial discrimination and were parties to the International Convention on the Elimination of All Forms of Racial Discrimination. That was why they had voted for draft resolution A/C.3/39/L.9, although they had reservations about paragraphs 2 and 12. In their opinion, neither the General Assembly nor the Committee on the Elimination of Racial Discrimination could impose on Member States or on States parties to the Convention obligations clearly beyond the mandate of the Convention. They regretted that the Third Committee had not been able to approve draft resolution L.9 by consensus.

56. Mr. CERMAK (Austria) said that his delegation, though fully supporting the right to self-determination of peoples and categorically opposing racial discrimination, had been obliged to abstain in the vote on draft resolution A/C.3/39/L.3 because in paragraph 2 it legitimized "all means" of struggle for independence. It had similarly been obliged to abstain in the vote on draft resolution A/C.3/39/L.5 because it could not endorse measures prejudicial to the rights of the individual. Austria was not a party to the International Convention on the Suppression and Punishment of the Crime of Apartheid. His delegation regretted that draft resolution A/C.3/39/L.9 had not been adopted by consensus. It expressed reservations about paragraphs 2 and 12 of the draft resolution, and had abstained in the separate vote on those two paragraphs because, in its opinion, those provisions went further than allowed for by the Convention itself and by the mandate of the Committee on the Elimination of Racial Discrimination.

57. Mr. DE LA MAZA (Dominican Republic) stated that his delegation had approved all draft resolutions on which the Committee had voted at the current and previous sessions because, in its view, the question of self-determination was of capital importance. It nevertheless expressed its reservations about draft resolutions A/C.3/39/L.3 and L.7.

58. Mr. SY (Mauritania) said that his delegation was pleased that the amendments to paragraphs 2 and 4 of draft resolution A/C.3/39/L.9 had eventually been suppressed. In its view, apartheid was quite plainly, as the General Assembly had declared, a crime against humanity on a par with the crimes committed by the Nazis. The Namibian people, victim of a Nazi régime, was slowly dying. Mauritania had voted for draft resolution L.9 and regretted that certain countries which solemnly preached the defence of human rights, had seen fit to vote against it.
59. Mr. NGO PIN (Democratic Kampuchea) said that he had voted for draft resolution A/C.3/39/L.5 because it perfectly expressed the views of Democratic Kampuchea, particularly in paragraph 4, which stated that South Africa should be vigorously condemned for its pursuit of the policy of apartheid and its continued illegal occupation of Namibia. It was astonishing that Viet Nam had been one of the sponsors of that draft resolution, which logic would seem to demand it should spurn, since it continued illegally to occupy Democratic Kampuchea, exactly as South Africa continued illegally to occupy Namibia.
60. His delegation had also fully endorsed draft resolution A/C.3/39/L.4 on the universal realization of the right of peoples to self-determination, because it was a balanced and realistic document, especially as regards its request in paragraph 5 to the Commission on Human Rights to continue to monitor violations of the right of self-determination following an intervention, aggression or foreign military occupation. The remarks by the delegation of Viet Nam, which had sought to justify the maintenance of its illegal presence in Democratic Kampuchea, had come as no surprise.
61. Mr. CHIKETA (Zimbabwe) said that he was not opposed to the adoption of draft resolution A/C.3/39/L.4 without a vote but thought that some of its provisions were not entirely well-balanced. In particular, the draft did not take into account infiltrations by mercenaries or economic pressure. Such pressure prevented peoples from exercising their right to self-determination and represented a form of aggression which should be condemned as a violation of the Charter just like all the other types of aggression mentioned in the draft resolution. Accordingly, he called upon the sponsors to supplement the draft to that effect.
62. Mr. SUFOTT (Israel) was happy for the sponsors of draft resolution A/C.3/39/L.17 in that they had succeeded in having it adopted by consensus. However, because of the abuses which the first Decade for Action to Combat Racism and Racial Discrimination had unfortunately generated, if draft resolution A/C.3/39/L.17 had been put to a vote, his delegation would have voted against it. He expressed the hope that, in interpreting the draft resolution, the Soviet delegation would extend its definition of racism to include anti-Semitism.
63. Mr. PASTOR (Honduras) said that his delegation had abstained in the vote on draft resolutions A/C.3/39/L.3 and L.7, because they contained not only positive elements but also negative elements and because they were too selective in the choice of examples. In particular, it was regrettable that the use of force had been included among the legitimate means of struggling to achieve national liberation. On the other hand, his delegation endorsed draft resolutions A/C.3/39/L.4, L.5, L.8, L.9 and L.17.

64. Mr. OGURTSOV (Byelorussian Soviet Socialist Republic) said that he had voted without the slightest reservation in favour of draft resolutions A/C.3/39/L.7, L.3, L.5 and L.9, which dealt with a number of questions related to the struggle to combat racism and racial discrimination and which reflected the international community's concern about the fact that racism and apartheid had still not disappeared. In particular, his country had given its full support to draft resolution A/C.3/39/L.7, which clearly indicated that any manifestation of co-operation with South Africa was tantamount to being an accomplice in the inhuman policy of racial discrimination practised by that country. He also wished to thank the representative of Yugoslavia for finally having restored the original text of draft resolution A/C.3/39/L.9. The vote on that text had shown who were the real partisans of the right to self-determination and the struggle against apartheid and who were those content with verbal assurances in that regard.

65. Mr. RIACHE (Algeria) said that he had voted in favour of paragraph 12 of draft resolution A/C.3/39/L.9, in which the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination were invited to provide the Committee on the Elimination of Racial Discrimination with information on the implementation of the Convention, because, in his opinion, that provision was important. However, the same provision called upon the States parties to the Convention to include information on "the demographic composition of their population". His delegation had reservations about that particular point. Indeed, no such request was contained in the Convention; it was merely a recommendation which the Committee on the Elimination of Racial Discrimination had addressed to States parties in 1973. Furthermore, his country had informed that Committee of the fact that, during the two population censuses held in Algeria since independence, the persons questioned had never been asked to give any indication about the colour of their skin. Algeria therefore did not have that type of information, which, in his opinion, did not serve any practical purpose. Moreover, that provision was contrary to Islamic ethics whereby there was no distinction between men on the basis of race.

66. U MYA THAN (Burma) indicated that, at the previous meeting, he had voted in favour of draft resolution A/C.3/39/L.3 but that the electronic voting apparatus had not functioned properly. The results of the recorded vote should therefore be corrected in that regard.

67. The CHAIRMAN said that the Committee had thus concluded its consideration of agenda items 84, 86, 87 and 88.

AGENDA ITEM 85: INTERNATIONAL YOUTH YEAR: PARTICIPATION, DEVELOPMENT, PEACE:
REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 89: POLICIES AND PROGRAMMES RELATING TO YOUTH: REPORT OF THE
SECRETARY-GENERAL (continued)

AGENDA ITEM 90: QUESTION OF AGING: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 91: IMPLEMENTATION OF THE WORLD PROGRAMME OF ACTION CONCERNING
DISABLED PERSONS: REPORT OF THE SECRETARY-GENERAL (continued)

Organization of work

68. The CHAIRMAN announced that some delegations had requested a postponement of the consideration of the draft resolutions submitted on a number of social questions, namely, agenda item 85 (A/C.3/39/L.6, L.12, L.15), agenda item 89 (A/C.3/39/L.11), agenda item 90 (A/C.3/39/L.13) and agenda item 91 (A/C.3/39/L.14 and L.22). Perhaps the Committee could take up those draft resolutions during the week of 12 to 16 November.

69. Mr. VOICU (Romania) said that he would prefer it if, at its next meeting, on Monday, 12 November, the Committee could take a decision on those drafts as a matter of priority.

70. Mr. TROUVEROY (Belgium), whose delegation was a sponsor of draft resolution A/C.3/39/L.14, pointed out that the statement of the financial implications of that draft resolution (A/C.3/39/L.22) had just been distributed. With a view to reaching a consensus, it would therefore be useful to defer consideration of draft resolution A/C.3/39/L.14 until after Monday, 12 November.

71. Mr. VOICU (Romania) said that he had no objection to deferring consideration of draft resolution A/C.3/39/L.14 but felt that, on Monday, 12 November, priority should be given to the consideration of draft resolutions A/C.3/39/L.6, L.12 and L.13.

72. Mr. LEE (Canada) said that it would be better to postpone consideration of all the draft resolutions until after Monday, 12 November since there were still difficulties to be resolved in connection with other drafts. For example, the Committee still did not have before it the information mentioned in paragraph 25 of document A/C.3/39/L.15, which contained the statement of the programme budget implications of draft resolution A/C.3/39/L.6 and, without that information, the Committee could not take a decision on the draft resolution.

73. Mr. VOICU (Romania) pointed out that the Committee was considerably behind schedule in its consideration of that group of draft resolutions. If it could not consider them on Monday, 12 November, the Committee should agree to take a decision on them by Tuesday, 13 November, at the latest.

74. Miss JONES (United States of America) said that, as a sponsor of draft resolution A/C.3/39/L.6, her delegation supported the postponement requested by the representatives of Belgium and Canada, since document A/C.3/39/L.15 was erroneous and had to be revised and therefore could not be considered to be a true statement of the programme budget implications of draft resolution A/C.3/39/L.6.

75. Mrs. YAMAZAKI (Japan) shared the view expressed by the representative of the United States.

76. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that the Committee could rapidly take a decision on draft resolution A/C.3/39/L.6, which had already been discussed, even without the statement of financial implications. However, it was true that, with regard to draft resolution A/C.3/39/L.14, more time would be needed to examine the statement of financial implications contained in document A/C.3/39/L.22.

77. The CHAIRMAN suggested that the Committee should decide to defer its consideration of draft resolutions A/C.3/39/L.6, L.11, L.12, L.13 and L.14 until Tuesday, 13 November, after the general debate on agenda item 102.

78. It was so decided.

The meeting rose at 6.25 p.m.