

SUMMARY RECORD OF THE 15th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 10.50 a.m.

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

1. Mr. NAGY (Hungary) said that two representatives, in discussing agenda item 66, had adopted the rather unusual approach of trying to prove that political and economic relations maintained with the racist régime of South Africa serve to promote the elimination of racism and colonialism. He pointed out that the very title of agenda item 66 made it clear that any kind of political and economic assistance given to racist régimes had adverse consequences for the enjoyment of human rights. It was unambiguously stated in a large number of General Assembly, Security Council and Economic and Social Council resolutions that any kind of assistance given to and any relations maintained with a colonial régime by any country gravely violated fundamental human rights and were detrimental to the most elementary economic, social and other interests of the cruelly oppressed and exploited African peoples. To attempt to draw a distinction between useful and condemnable forms of co-operation was to offer an unconvincing excuse for a deliberate State policy of constant violation of United Nations resolutions on the subject. Co-operation with South Africa was useful only for the international monopolies and the multinational corporations which were pocketing huge profits from the cruel exploitation of the African population and from the pillaging of natural resources that belonged to the peoples of Africa.

(Mr. Nagy, Hungary)

2. He expressed his delegation's appreciation for the work Mr. Ahmed Khalifa, the Special Rapporteur, had done in preparing his revised report (A/CN.4/Sub.2/425).

3. The proclamation of Zimbabwe's independence was a major landmark on the road to the elimination of colonialism and racial oppression and was the result of long years of heroic struggle waged by the people of that country. The Hungarian people and Government welcomed the victory of the patriotic forces in Zimbabwe and were firmly convinced that the victory over the illegal racist minority régime of Salisbury would give fresh momentum to the liberation struggle of the peoples of South Africa and Namibia under the leadership of ANC and SWAPO, their legitimate national liberation organizations. Any political settlement of the question of Namibia must be in conformity with the relevant General Assembly and Security Council resolutions, so as to ensure that it served the genuine interests of the Namibian people.

4. It was outrageous that the assertion of the Palestinian people's right to self-determination was still an unsolved problem. It was clear to everyone that the separate talks at Camp David had led up a blind alley and that a lasting and just settlement could not be reached without the withdrawal of all Israeli troops from the Arab territories occupied in 1967 and recognition of the Palestinian people's inalienable right to self-determination and to the establishment of an independent State. The Government of the Hungarian People's Republic, its entire people and all social organizations resolutely supported the just struggle of the Palestine Liberation Organization, the sole legitimate representative of the Palestinian people, condemned the unlawful decision of Israel declaring Jerusalem to be the capital of that country, and demanded the unconditional withdrawal of Israeli troops from the illegally occupied Arab territories.

5. Mrs. PHIRI (Zambia) said that South Africa's policy of apartheid was an institutionalized form of racism which affected all spheres of South African life and was contrary to the principle of the equality of all members of the human race. The majority of the population of South Africa, belonging to the black and other races, were given second-class status while the minority white population enjoyed special status. The South African régime had taken legislative, administrative, military and other measures to ensure that the indigenous majority population did not exercise its inalienable rights. It had become clear over the years that the major objective of the policy of apartheid was to ensure the continuing subjugation and control of the majority indigenous black population in South Africa by the minority alien white population. South Africa's legislation concerning migratory labour, the creation of bantustans or so-called independent homelands, and a series of other measures must be seen in the light of that objective. The so-called independent homelands were nothing but arid, desolate and economically unviable pieces of land that were incapable of supporting human existence. The Pretoria régime had devised that method as a manoeuvre to contain the legitimate demands of the peace-loving majority black population to participate on an equal basis with all people of other races in South Africa's political system. The bantustans also guaranteed the oppressor white community a source of cheap labour in white-controlled industries, on farms and elsewhere.

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(Mrs. Phiri, Zambia)

6. Many adverse consequences, with broad international ramifications, flowed from the evil policy of apartheid and racism. The oppressed peoples of South Africa had intensified their opposition to the system and moved from non-violent means to violent resistance. The violence perpetrated by the South African régime had bred counter-violence which the South African Government was finding hard to contain.

7. In Namibia, a Territory which South Africa occupied illegally, the people were being subjected to all the evils of apartheid, and they had intensified their resistance against the aggressor. The Pretoria régime had accumulated huge arsenals of war material to be used against the opponents of apartheid and racism not only inside South Africa but also in Namibia and elsewhere, in particular against neighbouring independent African States, and it had been able to do so because of the support and co-operation it received in the military, economic and other sectors from certain Western countries. Those countries were involved in maintaining a system which they professed to oppose and were therefore contributing to the oppression of the black majority in South Africa and Namibia. Fresh evidence of the collaboration between certain Western countries and South Africa in exploiting the black population had been given by several witnesses during the hearings on Namibian uranium conducted by the United Nations Council for Namibia in July 1980. The military, economic, political and other forms of assistance given to the racist régime of South Africa had gravely endangered the peace and stability of the southern African region. The oppressed Africans were being subjected to ruthless torture, detention, murder and every kind of inhuman and degrading treatment, and as a result, several thousand of them had fled from South Africa and Namibia to independent African States or elsewhere. The refugees in neighbouring independent African countries had been subjected to constant bombing raids by the evil forces of Pretoria; thousands of refugees and a number of nationals of host countries had been murdered and their property damaged. By intensifying its unprovoked attacks against Angola, Zambia and other front-line States, South Africa was hoping to eliminate the support given to the oppressed people of Namibia and South Africa. It would not succeed in that effort because free Africa believed in the rightness of the just cause for which the victims of oppression were fighting.

8. In the light of the ever-increasing oppressiveness of the South African racist régime, her delegation endorsed the view that the only guarantee of the fulfilment of the people's human rights in South Africa and Namibia was the inalienable right of the oppressed people to self-determination, independence and sovereignty. Her delegation fully shared the firm position of the United Nations that all States should take measures to isolate the apartheid régime. That was in line with appeals made in South Africa by the national liberation movements and in Namibia, by SWAPO, the sole and authentic representative of the people of that country.

9. The measures to isolate the racist South African régime should include economic sanctions. Her delegation urged all those States which were collaborating with South Africa through heavy investments, loans and other activities to end their collaboration. The assertion that economic sanctions would hurt the oppressed

(Mrs. Phiri, Zambia)

more than the oppressor was erroneous since the billions of dollars invested in the South African economy had not produced any improvement in the economic, political, social and cultural life of the black people. The oppressed people rejected South Africa's claims that it was striving to improve the quality of life of all South Africans. Any cosmetic changes the Pretoria régime professed to make could only help maintain the status quo.

10. The oppressed peoples of South Africa and Namibia needed increased support from the United Nations in their struggle to eliminate an obnoxious system of Government and establish in its place a system that accorded with the principles of justice and equality for all peoples without discrimination. A good lesson should be drawn from Zimbabwe, which had attained its independence and was contributing to the efforts for the maintenance of international peace and security.

11. Her delegation felt that much more remained to be done by the United Nations to achieve the objectives of the Decade for Action to Combat Racism and Racial Discrimination. It supported the draft resolution contained in document A/C.3/35/L.3 and believed that its effective implementation would do much to advance the efforts aimed at giving increased support to the oppressed peoples of the region in order that they might become masters of their own destiny. Oppressed peoples must be allowed to exercise their inalienable right to self-determination and independence, so as to guarantee them the effective enjoyment of human rights.

12. Mrs. RODRIGUEZ-CALDERON (Cuba), after reviewing the history of the decolonization process, said that the recent victory of the people of Zimbabwe, led by the Patriotic Front, had been a further triumph in that process. Nevertheless, colonial domination still persisted in a considerable number of Territories which, despite their peoples' efforts and international action to assist them, had not been able to achieve independence. The principle of self-determination and independence enshrined in General Assembly resolution 1514 (XV) must be implemented. The legitimacy of the struggle of peoples for independence, territorial integrity and freedom from colonial and foreign domination by every means at their disposal, including armed struggle, had been recognized in many United Nations resolutions. It was therefore essential that international efforts in support of the struggle waged by the national liberation movements should be redoubled; that struggle was constantly intensifying, for example, in South Africa and Namibia, where the heroic fighters of SWAPO and the African National Congress were confronted by the violent repression unleashed by the racist South African régime, which was trying to hold back the irreversible process of national liberation of the indigenous peoples.

13. As the national liberation movements intensified their struggle, the opposition of the imperialist Powers to that process also grew, since they wanted to preserve their interests and protect the large profits they obtained from the countries under their domination. The colonial and administering Powers were trying to obstruct the decolonization process through political, economic and

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(Mrs. Rodriguez-Calderon, Cuba)

military manoeuvres, including some which were extremely dangerous not only to the areas in which they were being carried out but also to international peace and security. That applied in particular to the illegal use of subjugated territories as military bases and to military and nuclear collaboration with South Africa.

14. Cuba, in accordance with its policy of support for the peoples struggling for national liberation, had made great efforts to promote the implementation of General Assembly resolution 1514 (XV), especially in its capacity as a member of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. In that connexion, her Government had expressed the view that General Assembly resolution 1514 (XV) must be applied as soon as possible to Belize and a time-table must be established for its rapid accession to independence.

15. Western Sahara, a Territory in which the liberation forces of the POLISARIO Front were continuing their victorious advance, continued to be a source of constant concern to the African peoples and the international community. The Heads of State or Government meeting at Havana for the Sixth Summit Conference of Non-Aligned Countries had expressed their solidarity with the struggle of the Saharan people; President Fidel Castro, in his speech to the Conference, had expressed Cuba's total support for the independence of the Saharan people and congratulated Mauritania on its courageous decision to abandon all territorial claims; that action was an example to be followed in seeking a settlement of the question of Western Sahara.

16. In the Caribbean region, which was subjected to threats of aggression and bellicose campaigns by Cuba's powerful neighbour, the colonial situation of Puerto Rico persisted, and General Assembly resolution 1514 (XV) must be applied to it without delay. In August 1980, the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples had adopted a new resolution reaffirming the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV). At their Sixth Summit Conference, the countries of the non-aligned movement had reaffirmed their solidarity with the struggle of the Puerto Rican people and called upon all countries to make efforts to accelerate the process of decolonization in Puerto Rico. That appeal remained fully valid. Similarly, it was essential to guarantee the self-determination and independence of the colonial countries in the Pacific, against which a process of annexation was being carried out.

17. In the Middle East, the inalienable national rights of the Arab people of Palestine, most particularly its right to self-determination and independence, were being trampled by the Israeli occupiers. Her Government called for an end to that situation, which was in flagrant violation of the principles of the United Nations Charter and resolutions adopted at various international forums on the question.

(Mrs. Rodriguez-Calderon, Cuba)

18. On the question of the use of mercenaries against national liberation movements and against independent and sovereign States, she said that the recruitment, financing, training and transportation of mercenaries was part of the policy of those who were trying to impede the universal process of decolonization and the realization of the right of the colonial countries and peoples to self-determination and independence. Her Government had condemned the use of mercenaries as a crime against peace and international law. The Penal Code of the Republic of Cuba established severe penalties for mercenaries and those who contributed to the hiring of mercenaries. Cuba believed that the legal prohibition of the use of mercenaries should be universal because of the intrinsic nature of that international crime, and it therefore supported the Nigerian proposal for the drafting of an international convention against the recruitment, use, financing and training of mercenaries.

19. Her delegation felt obliged to mention the United States Government's violation of the Cuban people's right to self-determination. The maintenance of the United States naval base at Guantánamo, against the clearly expressed desires of the people and Government of Cuba, the continuation of reconnaissance flights over Cuban territory, and the maintenance of the criminal United States legislation establishing an embargo and an economic blockade were serious violations of the sovereign rights of the Republic of Cuba and a flagrant violation of the rights of the Cuban people, which had never renounced its sovereignty over the territory occupied by the United States naval base or the air space violated by United States SR-71 aircraft, nor its sovereign right to exist and trade freely without restrictive impositions determined by the unjust, immoral and illegal United States legislation.

20. Mrs. TASHIBEKOVA (Union of Soviet Socialist Republics) said that for many years the United Nations had been calling for an end to the political, economic, military and other assistance which the racists of South Africa were continuing to receive from imperialist circles of the West, especially from NATO member countries. That assistance was unquestionably the main reason for the survival of the apartheid régime; it encouraged Pretoria to continue and intensify its criminal policy of cruel oppression of the peoples of South Africa and Namibia and aggressive actions against neighbouring independent African States. The United Nations had quite justifiably declared that the provision of such assistance was complicity in the inhuman practice of racial discrimination, apartheid and colonialism and a hostile act against the oppressed peoples of southern Africa. The revised report of the Special Rapporteur (E/CN.14/Sub.2/425) showed that over 2,500 foreign companies, banks and other organizations conducted business with the South African régime; they included major international corporations and many other firms based in the United Kingdom, the United States, the Federal Republic of Germany, France, Canada and Israel. Some Western countries were continuing to violate the arms embargo against South Africa imposed by the Security Council, and a number of States were continuing to sell South Africa so-called civilian equipment which could be used for military purposes.

21. It was well known that intensive efforts were being made in South Africa to manufacture nuclear weapons with assistance provided by members of NATO and by

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(Mrs. Tashibekova, USSR)

Israel. The imperialist monopolies and the Western countries backing them were increasing their deliveries of strategic materials to South Africa. The unsavoury role played by bank capital from Western countries in supporting the South African régime was also well known. According to the revised report of the Special Rapporteur (E/CN.4/Sub.2/425), banks of the United Kingdom, the United States and the Federal Republic of Germany were most generous in assisting the racists. The plundering of the natural resources of southern Africa and the cruel exploitation of the labour of the non-white population brought enormous profits to Western companies. Western capital in southern Africa was linked with the repressive policy of South Africa and was closely involved with the apartheid régime's military and police apparatus. That had been shown, in particular, by the secret agreement between the South African subsidiary of General Motors, the United States automobile manufacturer, and the Pretoria authorities, which had become a matter of public knowledge, and a similar agreement that Rössing Uranium, 46 per cent of which was held by a United Kingdom company, Rio Tinto Zinc, had concluded with the South African authorities in illegally occupied Namibia. In the event of an emergency, all the resources of such companies would be made available to the racists.

22. Since Zimbabwe's attainment of independence, the Western monopolies had begun to expand their operations in South Africa and Namibia; the hearings on Namibian uranium held in July 1980 by the United Nations Council for Namibia had confirmed the extensive participation of transnational corporations and the Western countries backing them in the plundering of Namibia's natural resources.

23. Those who were refusing to participate in the international boycott and isolation of the South African régime were verbally condemning apartheid but in fact providing every kind of assistance and support to that régime and doing everything possible to keep the world from learning of the enormous damage done to the cause of peace and security and to the guarantee of human rights in the African continent. Apartheid and colonialism would have been obliterated from that continent if it had not been for the assistance and support given by South Africa's Western partners. The Western countries resorted to pretexts and subterfuges of all kinds to justify their policy of complicity with the South African racist régime, alleging that they could not force their companies to break ties with South Africa, referring to "legal difficulties" that prevented them from banning co-operation with the racist régime, or alleging that the measures to isolate and boycott the South African racists envisaged under the United Nations Charter and the Organization's decisions were inappropriate or ineffective. There was no limit to their hypocrisy. As had been stressed by a number of delegations, the sinister alliance between two forms of racism, apartheid and zionism, presented a particular danger. It was therefore hardly surprising that the representative of Israel was resorting to shrill slander against other countries in a vain attempt to

(Mrs. Tashibekova, USSR)

divert the Committee's attention from the co-operation in every sphere between Tel Aviv and Pretoria. The Soviet Union was convinced of the need for strict implementation of the relevant United Nations decisions and the adoption of further steps to secure the full international isolation and boycott of South Africa in accordance with the goals of the Decade for Action to Combat Racism and Racial Discrimination.

24. Her delegation believed that a number of United Nations bodies, including the Committee on the Elimination of Racial Discrimination, had a contribution to make towards attaining those goals. The establishment of a group to consider reports from States Parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid on the implementation of its provisions, in accordance with article IX of the Convention, was another positive factor.

25. In accordance with its position of principle, the Soviet Union had never maintained and did not maintain any relations or ties with the racist régime of Pretoria; it believed that the General Assembly at its current session should take further measures to bring to a speedy end any form of assistance to that régime and ensure its complete isolation and boycott.

26. Mr. CARDWELL (United States of America), speaking on a point of order, said that the statement made by the preceding speaker did not contain any substance that merited the exercise of the right of reply.

27. Ms. AKAMATSU (Japan) expressed her delegation's satisfaction at the fact that both Zimbabwe and Saint Vincent and the Grenadines had gained independence by peaceful means. Zimbabwe, in particular, could provide a valuable example to other peoples struggling for the right to self-determination. Peaceful means should be used to achieve that goal throughout the world.

28. Japan had firmly and steadfastly opposed any form of racism or racial discrimination ever since the time of the League of Nations, and that position was reflected in its Constitution. Her country had faithfully observed the relevant constitutional principles in its own territory, and it was in that spirit that her delegation had participated in United Nations deliberations on questions of racism and racial discrimination.

29. The apartheid policy of the Government of South Africa was institutionalized racial discrimination. A peaceful solution to that problem should be sought through discussions in which members of all racial groups participated, and the international community should exert every possible and practicable means of pressure on South Africa in order to bring about change in that country. Her country was actively co-operating with United Nations efforts aimed at the complete eradication of racial discrimination. It did not maintain diplomatic relations with the Government of South Africa. Furthermore, it had excluded South Africa from its liberalized overseas investment policy and had prohibited direct investment in that country. In accordance with the relevant United Nations resolutions, her Government

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(Ms. Akamatsu, Japan)

had been discouraging Japanese exchange banks and their overseas affiliates from engaging in financial activities in South Africa. Her Government did not engage in any economic co-operation with that country. Moreover, it did not co-operate with South Africa in the military field. It had imposed an arms embargo prior to the adoption of Security Council resolution 418 (1977) on the question of South Africa, and in April 1978, in implementation of that resolution, it had prohibited technical assistance relating to the production of arms in South Africa. Japan continued to provide assistance to the victims of South Africa's apartheid policy and to their liberation movements through annual contributions to the United Nations Educational and Training Programme for Southern Africa, the Trust Fund for South Africa and the Trust Fund for Publicity Against Apartheid. It hoped that the international community would strengthen its assistance to the victims of apartheid and to the refugees flowing into countries bordering on South Africa.

30. Mr. CASCAIS (Portugal) said that racism had always been alien to the Portuguese people, whose culture had been enriched by a fruitful exchange with different peoples in many regions of the globe. Moreover, the principles of non-discrimination laid down in the Charter and in other relevant international instruments of major importance were reflected in his country's laws and practice.

31. The contribution made by the Committee on the Elimination of Racial Discrimination (CERD) to the Decade for Action to Combat Racism and Racial Discrimination had been very positive owing to that Committee's first-hand knowledge of Governments' activities and the problems they encountered in implementing the International Convention on the Elimination of All Forms of Racial Discrimination. Although the proposal that CERD should hold sessions in various regions of the world was useful, the provisions of General Assembly resolution 31/140 on the pattern of conferences should not be exceeded.

32. His country was participating in the activities of the Decade for Action to Combat Racism and Racial Discrimination, and as a result of the adoption of the new Constitution, all manifestations of racism and racial discrimination were prohibited in Portugal. Moreover, Portuguese public opinion was mobilized against the evils of racism.

33. Unfortunately, racism was still practised in various parts of the world, sometimes in very subtle forms. Its institutionalized form, apartheid, deserved the international community's strong condemnation. The Government of South Africa should abide by the rules established in the Charter. His country offered the African countries its firm solidarity in that connexion. However, severance of all links with the Government of South Africa would not bring about the desired solution. Diplomatic and other relations merely represented a realistic acceptance of the fact that the countries of the world were interdependent. With regard to the revised report prepared by Mr. Khalifa, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist régimes in southern Africa

(Mr. Cascais, Portugal)

(E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7), he said that the list of countries and companies trading with South Africa was based on the basic misconception that normal exchange with that country signified approval or support of its racist policies. As an advocate of peaceful change in southern Africa, his country did not agree with that approach. Recent developments in Zimbabwe had proved that peaceful change was possible.

34. His country viewed with concern all situations in which the right to self-determination was denied, as in the case of the Palestinian people. Durable peace could not be achieved in the Middle East without recognition of the right of the Palestinian people to self-determination and of the right of all other countries in the Middle East to exist within secure and internationally recognized boundaries. Furthermore, with regard to the situation that had arisen recently in Afghanistan as a result of invasion by foreign troops, his delegation had strongly supported all the United Nations resolutions calling for the withdrawal of Soviet troops. There were, moreover, other situations in the world in which the right to self-determination was being disregarded. It was the responsibility of the United Nations to continue to mobilize the international community with a view to promoting the rights and principles set forth in the Charter. Since the adoption of General Assembly resolution 1514 (XV) on the Declaration on the Granting of Independence to Colonial Countries and Peoples, many events had led his country to believe in progress towards the achievement of those goals.

35. Mr. VOICU (Romania), referring to agenda item 74, said that the process of liberation of all peoples and all colonial or dependent countries and Territories was one of the salient features of the current era. Full independence and peace were essential in order that the peoples of the world might devote their efforts to economic and social development and benefit from international co-operation. Independence had therefore always been a constant goal of peoples struggling to realize their fundamental right to exist. It was impossible to promote human rights without guaranteeing the exercise of the right of all peoples to independence. The right of peoples to self-determination was inseparable from the right of all citizens to freedom from exploitation and oppression and their right to develop their personality and participate in building their future. The attainment and consolidation of national independence formed part of the endeavour to establish a new international order. Total liquidation of colonialism was an integral part of the universal process of self-affirmation of nations and the struggle waged by progressive forces throughout the world for the full realization of the right of peoples freely to decide their political status and to achieve unimpeded economic and social progress.

36. The nation and the nation-State would have a major role to play for a long time to come. Consolidation of the nation and of independent nation-States was therefore essential. The principle of self-determination formed part of the body of fundamental principles of international law. As his country's President had stressed recently, Romania's international relations were based on the principles of full equality of rights, respect for national independence and sovereignty, non-interference in the internal affairs of States and non-use of force or the *threat of force*.

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(Mr. Voicu, Romania)

37. The United Nations had a great responsibility in the struggle to eliminate the remaining vestiges of colonialism; it should therefore take steps to promote the implementation of its resolutions concerning decolonization and adopt further measures to accelerate that process. His country's position was one of solidarity with peoples struggling against colonialism and neo-colonialism. It was for that reason that Romania provided national liberation movements with every kind of support. It wished to strengthen further its friendship and solidarity with Zimbabwe. It also fully supported the struggle waged by the people of Namibia, under the leadership of the South West Africa People's Organization, for full national independence. It supported the struggle of the peoples of southern Africa to end the policies of apartheid and all racial discrimination and to counter the acts of aggression perpetrated by the South African régime against independent neighbouring countries.

38. The study by Mr. Cristescu, Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, on the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms (E/CN.4/Sub.2/404), whose importance had been stressed in a number of United Nations resolutions, had been completed. It was regrettable that the Secretariat had not yet published that study in accordance with the decision taken by the Economic and Social Council. His delegation hoped that the Secretariat would take the necessary steps to see that the prescribed deadlines set were met.

39. Mrs. SHRESTA (Nepal) expressed the hope that the accession of Zimbabwe to independence would be followed by the early attainment of independence by Namibia. Her Government had always opposed the policies and practices of colonialism and racial discrimination, even though it had never been subjugated by any colonial Power. No form of discrimination should be tolerated or supported by any State, organization or individual. Nepal had always supported United Nations decisions regarding racism and racial discrimination and believed that racial discrimination could be eliminated only by laws and international instruments. Since it was necessary to create a suitable socio-cultural environment, her delegation welcomed the resolution adopted by the Economic and Social Council, at the recommendation of the Commission on Human Rights, on the activities of non-governmental organizations to combat racism and racial discrimination. The role of non-governmental organizations was of vital importance during the current decade.

40. In spite of United Nations efforts to eliminate all forms of racism and racial discrimination, the international community had been unable to eradicate the inhuman practice of racial segregation. Owing to apartheid, a unique system of oppression, the racial situation in southern Africa continued to be one of the greatest challenges confronting the United Nations and all peoples of the region in question. However, it was encouraging to note that the number of States that had signed, ratified or acceded to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the

(Mrs. Shrestha, Nepal)

Suppression and Punishment of the Crime of Apartheid had increased. That increase was an indication of the determination of the vast majority of the world's peoples to abolish all existing forms of racism and racial discrimination. Her country would spare no effort in fulfilling its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

41. The Committee on the Elimination of Racial Discrimination had been doing valuable work. The launching of the Decade for Action to Combat Racism and Racial Discrimination had been a great step forward, and the Programme for Action for the Decade had produced positive results. However, the Decade's ultimate success depended on the extent to which the community of nations could exert pressure on the racist régime of South Africa.

42. Her country was determined to take all possible measures to implement the provisions of the International Convention on the Suppression and Punishment of the Crime of Apartheid and would continue to support appropriate action and actively participate in the work of the Special Committee against Apartheid. Since racial discrimination was a threat to world peace and security, it was imperative that Member States should take effective measures against those engaging in the practice of racism and racial discrimination. Her delegation supported the growing demand of the international community for the strongest possible action, including mandatory economic sanctions against the racist régime of South Africa, with a view to eradicating its system of racism, racial discrimination and apartheid. It appealed to all States to take effective measures at the national and international levels and to co-operate in eradicating that ignoble system.

43. Ms. RADIĆ (Yugoslavia), referring to agenda item 75, said that the question of self-determination was one of the most important issues before the General Assembly. Over the past 20 years her country had strongly supported the speedy implementation of the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples. The liberation of the people of Zimbabwe was a great contribution by the peoples of southern Africa to the liquidation of colonialism, racial discrimination and apartheid. However, it should also be borne in mind that the negotiations that had taken place before Zimbabwe's accession to independence had strengthened the international community's confidence in the effectiveness of a constructive negotiating process in finding a solution to the problems of other peoples.

44. In other parts of the world, there were peoples which had not yet realized their right to self-determination, and the world was witnessing action directed against sovereign and independent countries. Her country opposed any such action and called for respect for the principles of self-determination, independence, non-interference and the sovereignty of all States. The case of Namibia posed a challenge to the conscience of mankind. Security Council resolution 335 (1976), which envisaged the modes and time of Namibia's accession to independence, had been disregarded for almost four years. Moreover, realization of the Palestinian

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(Ms. Radić, Yugoslavia)

people's right to self-determination remained one of the urgent tasks of the United Nations.

45. With regard to the practice of hiring mercenaries, her delegation welcomed inclusion of the question of the drafting of an international convention against the recruitment, use, financing and training of mercenaries in the agenda of the Sixth Committee during the current session.

46. Ms. WELLS (Australia) said it was appropriate that consideration of the question of the elimination of racial discrimination should be focused first and foremost on the situation in South Africa, where the most elementary human rights were violated every day under the system of apartheid. There were hundreds of persons imprisoned in that country for protesting against apartheid, and the basic human rights and freedoms of those not in formal custody were severely curtailed. The Australian Government and people condemned the apartheid policies of the Government of South Africa.

47. It was regrettable that the original consensus on the Decade for Action to Combat All Forms of Racism and Racial Discrimination had not been sustained. However, her country had not been deterred from participating in those aspects of the Decade to which it had originally been committed. Australia had been one of the few countries to respond to the request for information pursuant to paragraph 18 (e) of the Programme for the Decade (E/1980/10). Moreover, various other activities to be undertaken during the Decade commanded her country's respect, particularly the role played by the Ad Hoc Working Group of Experts on South Africa.

48. A significant aspect of the report submitted by the Committee on the Elimination of Racial Discrimination (CERD) (A/35/18) was that Committee's consideration of the contribution it might make during the remainder of the Decade. CERD had already contributed significantly to the stature of the International Convention on the Elimination of All Forms of Racial Discrimination. With regard to the working group set up by the Sub-Commission on Prevention of Discrimination and Protection of Minorities to inquire of Member States why they had not as yet ratified the basic human-rights instruments, her delegation hoped that CERD might be able to suggest ways in which the difficulties that States had in relation to that Convention could be overcome. It also felt that the growing co-operation of CERD with the United Nations Educational, Scientific and Cultural Organization and the International Labour Organisation should be encouraged.

49. It was to be hoped that the revised guidelines for the preparation of reports submitted by States parties could correct the tendency of members of CERD to expect those who had submitted detailed reports to respond to more rigorous questioning than those whose reports glossed over domestic racial discrimination. Moreover, with the revised guidelines, the members of CERD would be in a much better position to undertake studies of particular articles of the International Convention. Her delegation welcomed the intention of CERD to undertake studies on articles 4 and 7 and would welcome similar studies on articles 5 and 6. The

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(Ms. Wells, Australia)

Sub-Commission would no doubt consult CERD where the question of recourse procedures was concerned. Although conciliation procedures were not a substitute for the legal mechanisms required under article 6, they contributed significantly to the resolution of complaints alleging discriminatory practices. A process that included conciliation was often more readily accessible and effective than a process that relied only on legal procedures.

50. With regard to the question of publicity on the activities of CERD, Governments themselves could become more active. Her Government had taken steps to circulate the Racial Discrimination Act very widely. Translations of the Act had been made available in a number of languages, including aboriginal languages.

51. She suggested that, as a matter of course, the annual report of CERD to the General Assembly should include all the general recommendations made by CERD in the past.

52. Unfortunately, racial discrimination existed throughout the world. Her Government was committed to building a multicultural society in which people from all parts of the world could live together in harmony. It was very much aware that the movement and resettlement of peoples could cause those who considered themselves indigenous to a particular area to have special claims. Indigenous peoples were entitled to a basic respect for their culture and their way of life. Her Government was actively supporting the developing sense of international solidarity among indigenous peoples throughout the world by serving as host to the Third General Assembly of the World Council of Indigenous Peoples in 1981. It had provided a grant of \$90,000 to the National Aboriginal Conference to assist in hosting the Assembly.

53. Ms. FAWTHORPE (New Zealand) said that the report of CERD demonstrated the growing co-operation between that body and the Third Committee. New Zealand believed that CERD had proved to be one of the most practical means within the United Nations system for achieving the objectives of the Decade for Action to Combat Racism and Racial Discrimination. It regretted that resolutions on the Decade had not been adopted by consensus following the 1978 World Conference. One of the first prerequisites for the achievement of the Decade's objectives was undoubtedly the provision of a legislative and administrative framework on which to build equality in the fields of education, employment, political participation and all other aspects of life. When equality in all those fields was accepted as the natural state of things, the conditions that bred racial discrimination would be removed. Against that background, her delegation believed that the primary function of CERD was to examine the performance of States parties in implementing at the national level their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination.

54. Those obligations were a form of self-discipline which States accepted in their own best interest. It was tragic that the Government of South Africa had not accepted them. Nobody could fail to recognize that the worst manifestations of racial prejudice and the accompanying exploitation of one race by another was the

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(Ms. Fawthorpe, New Zealand)

apartheid system. As a demonstration of its concern for the plight of those living under that system, New Zealand continued to contribute to the three United Nations trust funds that rendered humanitarian assistance to the victims of South African colonialism and apartheid. New Zealand, with a multiracial population, had gone a long way towards achieving its goal of a multicultural society. It had learned, however, to be wary of complacency because in changing social and economic conditions there was a constant need for vigilance.

55. Her delegation sincerely hoped that the policy to which the new Government of Zimbabwe had pledged itself would demonstrate by its success that there was no necessity for any society, whatever its demographic composition, to build up walls of fear and mistrust between one culture and another, thus denying itself the full talents and potential of its people. Another lesson to be drawn from Zimbabwe's attainment of self-determination, and one which the South African Government should heed in connexion with its illegal occupation of Namibia, was that there was no good reason why the remaining undecided issues in effecting a peaceful transfer of power should not be settled quickly. The South African Government must implement the relevant Security Council resolutions to give the Namibian people independence and the opportunity to enjoy full human rights.

56. The Kampuchean people had for too long been the victim of oppression that had little to do with its own aspirations and wishes. The only possible solution was the negotiation of a political settlement based on the principles contained in the relevant United Nations resolutions. Only then could Kampuchean begin to live productive lives in their own homes.

57. New Zealand saw a unique role for the United Nations in the promotion of an international dialogue without which there would be only limited success in finding solutions to the problems facing everyone, whether at the national or at the international level.

58. Miss NDUKU (Zaire) said it was highly regrettable that the subject of racial discrimination must still be included in the agenda despite the efforts made by the United Nations for its elimination. The white racist minority authorities at Pretoria continued to practise the criminal policy of apartheid, thus flouting the relevant United Nations resolutions and the efforts of the international community. The Republic of Zaire firmly condemned the policy of apartheid and the barbarous acts of aggression perpetrated by South Africa against Angola, Zambia and Mozambique, independent countries which had made great sacrifices for the liberation of the peoples of South Africa and Namibia. Those acts not only were a violation of the territorial integrity of the countries attacked but also contributed to unsettling the peace and security of Africa and the world. The countries which provided assistance to the South African régime bore a similar responsibility for such violations of human rights. They must therefore take the necessary measures to cease providing assistance to South Africa. The process of freedom was irreversible, as had been illustrated by the accession to independence of the fraternal people of Zimbabwe.

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(Miss Nduku, Zaire)

59. Zaire regretted that many countries had not yet become parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid. Zaire had submitted to CERD its second periodic report reviewing the various measures taken for the implementation of the Convention. Most of those measures had been taken prior to 21 April 1976, the date on which Zaire had become a party to the International Convention on the Elimination of All Forms of Racial Discrimination. Lastly, she reaffirmed Zaire's support for the Programme for the Decade and expressed the hope that Governments of Member States would regularly submit reports to the Secretary-General on the actions taken with a view to implementing the Programme.

60. Mrs. BAJPAI (India) said that the item on the elimination of racial discrimination at the current session was particularly noteworthy because of the historic victory of the indomitable people of Zimbabwe. For India, the struggle against racism and racial discrimination had been a matter of particular importance. The Indian national movement had viewed the struggle for independence in India as a part of the broader process of the struggle of colonized peoples for independence and the struggle to eliminate racism and racial discrimination. The international community recognized that the policies of racial discrimination were not matters which fell within the exclusive domestic jurisdiction of States. Although there were racial conflicts in different parts of the world, the situation in South Africa was particularly abhorrent, since there segregation and racial discrimination were institutionalized as State policy. The repugnant apartheid system was a challenge to the conscience of humanity, and there could be no compromise with such a policy.

61. It had been stated during discussions on the items under consideration that the problem of apartheid in South Africa should be resolved through negotiations and through the pressure of international opinion. It had also been stated that the maintenance of economic and commercial links with South Africa was itself an instrument of pressure in bringing about a fundamental change in the policies of South Africa. If indeed that was true, she wondered why there had been so little tangible result. The policy of apartheid had been in existence in South Africa for a century, and if in a hundred years there had been no success in bringing about a fundamental change, she wondered whether the international community could be expected to wait another hundred years. The arguments for peaceful change were specious and totally unacceptable. It should be recognized that the motives of profits and exploitation, not the objective of putting an end to the policy of apartheid, were the real reasons for the maintenance of links with South Africa. As had been revealed at the hearings on Namibian uranium held in July 1980, the illegal exploitation of uranium in Namibia and the clandestine activities of South African and foreign economic interests went even beyond the pursuit of economic benefits. The reason was that under the Draconian laws of South African occupation, it was possible to exploit Namibia's cheap labour without regard to the rights of the people or to the protection of the environment.

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(Mrs. Bajpai, India)

62. India had been one of the first countries to sign the International Convention on the Elimination of All Forms of Racial Discrimination and had maintained a continuous and close working relationship with CERD. She hoped that countries that had not yet signed, ratified or acceded to the Convention would do so at an early date. India also wished to express its appreciation for the contribution made by international organizations, in particular UNESCO and ILO, to the work of CERD. Furthermore, her delegation was happy to note that CERD had received good co-operation from the various countries that had submitted their reports. It also noted, however, that one country, Israel, did not fall into that category. That of course, was no surprise, in the light of Israel's record of repeatedly flouting the wishes of the international community.

63. Her delegation agreed with the suggestion voiced by others that CERD should hold one of its sessions in a developing country. In that connexion, it seemed eminently practical to her delegation that the Committee should agree to the proposal contained in paragraph 7 (c) of document A/35/414. Considering that 1983 would be the last year of the Decade, holding a session of CERD during the second half of 1982 or the first half of 1983 in a developing country would provide a further affirmation of continuing commitment to the objectives of the Decade.

64. Lastly, she said that her delegation had been a sponsor in the Economic and Social Council of the resolution contained in document A/C.3/35/L.3 and hoped that it would be adopted by the General Assembly as recommended.

65. Mrs. MASMOUDI (Tunisia) said that since its independence in 1956, Tunisia, in keeping with the principles of the Charter of the United Nations, had always stood with peoples struggling for their independence. Having itself lived under the colonial yoke for more than 75 years and thus suffered discrimination in all its forms, political, racial, cultural and religious, Tunisia had been among the first countries to ratify the International Convention on the Elimination of All Forms of Racial Discrimination. Tunisia had also ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid. It noted with regret that a large number of States had not yet done so, and her delegation appealed to those States to become parties to the two Conventions and to implement their provisions.

66. The population of Tunisia was characterized by a remarkable homogeneity, which had resulted from the mixing of diverse races and cultures. That homogeneity of language, religion and culture had sheltered independent Tunisia from certain aspects of discrimination. Nevertheless, Tunisia had inscribed in its Constitution and in the different codes which had been promulgated the right of equality of all citizens before the law without distinction as to race, colour, sex or religion. In addition to those measures, Tunisia had undertaken large-scale action to make education widely available to its children and had introduced into its scholastic programmes instruction on the United Nations Charter and the Universal Declaration of Human Rights, as well as courses on the disastrous consequences of racism and racial discrimination.

(Mrs. Masmoudi, Tunisia)

67. Tunisia did not, however, claim that all was perfect at home and that still greater improvements could not be made in order to ensure better social justice and eliminate all discriminatory practices. It was for that reason that it had submitted its reports and replies to questions raised by CERD. The excellent work of CERD should be continued because it helped to maintain fruitful dialogue between the States Parties to the International Convention, a dialogue which generated progress and justice. Her delegation appealed to all States Parties to continue to participate in that dialogue. It favoured holding the twenty-third session of CERD in a developing country and believed that the costs involved should be met within the framework of the activities for the second half of the Decade.

68. Her delegation fully supported the draft resolution submitted by the Economic and Social Council with regard to the implementation of the Programme for the Decade. It believed that a second World Conference in 1983 was particularly necessary, since it would permit a stock-taking of the international situation and would lead to its improvement, as had been the case after other world conferences. Her delegation hoped that that improvement would be decisive. However, the end of the Decade was approaching and the apartheid régime continued to defy the United Nations and the international community, encouraged in that attitude by certain Western countries and by Israel. Guided by their economic interests, those countries were strengthening a régime which threatened international peace and security. Her delegation believed that the Security Council should, as it was authorized to do under the Charter of the United Nations, take the strong measures necessary to make effective the embargo which it had established in 1977.

69. Thanks to the joint action of United Nations bodies, to the struggle of peoples to free themselves from the colonial yoke and from foreign occupation, and to the support given them by friendly countries, there was reason to hope that the world would very soon see the day when the peoples of South Africa and the occupied Arab territories would be able to take control of their own destiny and reconstruct their societies, after long suffering, in dignity.

70. Mr. AMOAH (Ghana) said that despite the tremendous achievements of the United Nations in the area of self-determination since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, racism and racial discrimination persisted in many parts of the world. The assault by the international community on the bastions of racism and apartheid in southern Africa could hardly be called successful, even though the independence of Zimbabwe was a conspicuous landmark in the process of self-determination. South Africa had continued its illegal occupation of Namibia and had always been able to find excuses to frustrate all negotiated arrangements by the United Nations that would enable the people of that Territory to determine their own future.

71. In South Africa itself, every effort was being made to strengthen the apartheid edifice through further resort to repression. While opposition to the racist régime had manifested itself in various forms, all those moves had been

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(Mr. Ansoah, Ghana)

firmly crushed. The racist Government was also attempting through bribery and manipulation to win over some privileged blacks as part of a "civil action" programme to disrupt the resistance of the black majority. In other words, racism and apartheid remained intact in South Africa and Namibia.

72. In the face of the situation prevailing in those two countries, his delegation had to agree that the violations of the right of peoples to self-determination being committed in southern Africa were the most serious and dangerous to the international community. The continued denial of that right constituted an international crime deserving of punishment. It was the inherent right of a people subjected to colonial or alien domination to defend and attain its right to self-determination. Therein lay the basis in international law for the resort to armed struggle, which had been repeatedly approved by the General Assembly as one means of putting an end to colonial occupation and domination. The only thing that could prevent further armed struggle was a genuine and faithful effort on the part of South Africa's friends and trading partners to stop all forms of collaboration with the racist régime and join the international campaign to eliminate the evil system of apartheid.

73. It was unfortunate that the right of the Palestinian people to self-determination had not yet been fully recognized by all States. His Government believed that any negotiation aimed at a settlement of the Middle East problem which ignored the inalienable right of the Palestinian people to self-determination was bound to fail. It therefore hoped that the Palestine Liberation Organization would be given the opportunity to participate in any negotiation for a settlement which sought to ensure the exercise of the right to self-determination for the Palestinian people.

74. His delegation joined the Commission on Human Rights in calling upon the Government of any country whose banks, transnational corporations and other organizations were giving assistance to the colonial and racist régime of South Africa to take effective measures with a view to putting a stop to their reprehensible commercial activities. The evidence against those institutions which collaborated with the racist régime of South Africa provided a prima facie case of the commission of the crime of apartheid within the meaning of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

75. Hardly any progress had been made towards the elimination of racism despite the lofty and noble objectives outlined in the Programme for the Decade. The reasons for that were too well known to need further elaboration. It was, however, gratifying to note that a number of countries and a number of bodies within the United Nations system were making conscientious efforts to implement the Programme. Perhaps it would be appropriate when discussing the draft resolution contained in document A/C.3/35/L.3 to consider the possibility of amending the draft in such a way that the results of the various activities envisaged for the rest of the Decade could be reported to the General Assembly at its future sessions.

76. His delegation continued to be heartened by the increasing number of States

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(Mr. Amoah, Ghana)

Parties to the International Convention on the Elimination of All Forms of Racial Discrimination. His Government appreciated highly the initiatives taken by CERD in giving guidance to States Parties in the preparation of the reports and also in promoting a constructive dialogue with States Parties. The co-operation which CERD received from UNESCO set a good example for other specialized agencies and bodies within the United Nations system.

77. Ghana's position with regard to the mandate of CERD in respect of relations between States Parties and the apartheid régime in South Africa was clear. It had repeatedly articulated the position that not only General Recommendation III of CERD but also article 3 of the Convention gave CERD a mandate to probe relations between States Parties and apartheid South Africa. His delegation fully agreed that the struggle against racial discrimination was bound to be of a political nature. It was therefore inconceivable in such circumstances that CERD should stay aloof from the question of relations between States Parties and the apartheid régime.

78. With regard to future meetings of CERD, his delegation believed that the third alternative contained in paragraph 7 (c) of document A/35/414 appeared to reflect the spirit of the original recommendation made by the World Conference in 1978. It hoped that normal consultations would help to resolve the issue of the financial regulations governing the holding of such conferences.

79. The number of States Parties to the International Convention on the Suppression and Punishment of the Crime of Apartheid was rather disappointing. Ghana continued to hope that Member States which had not yet done so would soon consider becoming parties to the Convention.

80. He commended the initiative of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in setting up a working group on the encouragement of universal acceptance of human-rights instruments. The struggle for the elimination of racism, racial discrimination and apartheid demanded concerted international action. His delegation hoped that every effort would be made by all Member States to achieve that goal.

The meeting rose at 1.35 p.m.