



SUMMARY RECORD OF THE 33rd MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 67: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/C.3/35/L.3, A/C.3/35/L.8/Rev.2, A/C.3/L.10, A/C.3/L.15 and A/C.3/L.18)

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AGENDA ITEM 75: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHTS 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/C.3/35/L.6, A/C.3/35/L.12)

Draft resolution A/C.3/35/L.7

1. Mr. CAHANA (Israel) said that his delegation supported the consensus on draft resolution A/C.3/35/L.7. That support should be understood in the light of his delegation's comments in the debate in the Committee on the need for impartiality on the part of the Committee on the Elimination of Racial Discrimination (CERD). He congratulated both the sponsors of the draft resolution and the delegation of Argentina on the understanding they had reached, as a result of which Argentina had not insisted on its amendment. One could be particularly impressed by the arguments of some of the sponsors against creating a precedent where one experience or one case of difficulty involving CERD and one State Party might have been taken as justifying special mention in a General Assembly resolution.

2. Mr. HAMOUD (Iraq) said that his delegation supported the consensus on draft resolution A/C.3/35/L.7 and was in favour of its contents. It should be noted, however, that the reference in paragraph 9 to the Zionist entity in occupied Palestine did not mean that his delegation recognized that entity.

3. Mrs. MOUTOU DA GRACA (Gabon) said that had her delegation been present during the vote on draft resolutions A/C.3/35/L.3, A/C.3/35/L.4, A/C.3/35/L.5, A/C.3/35/L.8 and A/C.3/35/L.9, it would have voted in favour of all of them.

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4. Mr. MUECHEN (Luxembourg) said that the nine members of the European Economic Commission had been pleased to join in the consensus on draft resolution A/C.3/35/L.7. They did not, however, believe that it was within the competence of CERD or the General Assembly to impose on States obligations that were not in the Convention. All States, not only States Parties, had duties with respect to the Convention.

5. Mr. ABDUL-AZIZ (Libyan Arab Jamahiriya) said that while his delegation was pleased at the adoption of draft resolution A/C.3/35/L.7, that did not mean that it recognized the Zionist entity whose actions were referred to in paragraph 9.

6. Mr. EDIS (United Kingdom), endorsing the statement made by the representative of Luxembourg, said that his delegation understood the reference to "appropriate arrangements" in paragraph 13 of draft resolution A/C.3/35/L.7 in the light of paragraph 6 of A/C.3/35/L.13.

7. The CHAIRMAN said that the Committee had completed its consideration of agenda item 74.

Draft resolution A/C.3/35/L.11

8. Mrs. DOWNING (Secretary of the Committee) announced that Cuba and Viet Nam had become sponsors of draft resolution A/C.3/35/L.11.

9. Mr. FAREED (Pakistan) said that his delegation wished to compliment the Group of African States for submitting draft resolution A/C.3/35/L.11 and would propose that the following phrase should be added at the end of the sixth preambular paragraph: "as well as the Eleventh Islamic Conference of Foreign Ministers held at Islamabad from 17 to 22 May 1980". He expected no difficulty in acceptance of his proposal, since 42 Member States of the United Nations were members of the Islamic Conference.

10. Mr. MAKKI (Oman) supported the proposal of the representative of Pakistan.

11. Mr. DERESSA (Ethiopia) said that on behalf of the Group of African States, he wished to thank those delegations that had joined in sponsoring draft resolution A/C.3/35/L.11. That document was the result of painstaking work and reflected the views of the members of the African Group; he therefore urged the members of the Committee to accept it without further amendment. The Chairman, with the co-operation of members, had been kind enough to extend the deadline for the submission of draft resolutions in order that the African Group might arrive at a consensus on both draft resolution A/C.3/35/L.11 and draft resolution A/C.3/35/L.12. It would be difficult for his delegation and others to accept the amendment proposed by the representative of Pakistan, and he therefore appealed to that representative not to press it.

12. Mrs. WARZAZI (Morocco) said that her delegation too had worked on both draft resolutions and had views similar to those of the representative of Ethiopia. However, she wished to remind that representative that draft resolution

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(Mrs. Warzazi, Morocco)

A/C.3/35/L.11 was not the same as draft resolution A/C.3/35/L.12, and the reference to the Islamic Conference in the former had been proposed specifically because it dealt with human rights. Her delegation could not accept the wording of the sixth preambular paragraph as it stood.

13. Mr. DERESSA (Ethiopia) said that while he appreciated the remarks of the representative of Morocco, he had to maintain his position because the African Group had worked long and hard on the draft and any further amendment would only create difficulties that would impede the work of the Committee. The draft resolution, as it stood, fully reflected the views of Africa and those who supported Africa's cause, and therefore he repeated his appeal to the representative of Pakistan not to press his amendment.

14. Mr. MALUKI (Kenya) said that his delegation too wished to appeal to the representative of Pakistan not to insist on his amendment. Many hours had been spent in preparing the draft to the satisfaction of Africans, and the document now before the Committee was a consensus. The introduction of amendments would only take the Committee back to the problems it had had to face before.

15. Mr. FARAH (Somalia) said that at the level of the Committee, Member States were entitled to propose amendments. The amendment proposed by the representative of Pakistan was part of the original draft, which had also mentioned the Sixth Conference of Heads of State or Government of Non-Aligned Countries. That amendment had at first been agreed on, but during the discussions, the representative of Ethiopia had insisted on its exclusion. His delegation had been willing to be flexible and had been forced to return the draft to the sponsors, who had decided that if the reference to the Islamic Conference was to be excluded, then the same rule should apply to any mention of the Non-Aligned Conference. He, as Chairman of the African Group, had ruled that both references would be excluded, on the understanding that any delegation could bring the matter up in the Committee. If the Pakistani amendment was put to the vote, his delegation would vote in favour.

16. Mr. DERESSA (Ethiopia) said that the statement just made by the representative of Somalia reflected the Somali delegation's position and not that of the African Group. The position of the Group was reflected in draft resolution A/C.3/35/L.11. Recognizing the right of any delegation to propose amendments, his delegation was appealing to the representative of Pakistan not to insist on his. Other delegations had made similar appeals to the representative of Pakistan.

17. Mr. FAREED (Pakistan) thanked the representative of Somalia for explaining the situation. He also appreciated the explanations made by the representatives of Kenya and Ethiopia that since the African Group had agreed on the draft, there should be no amendments. However, he had not heard any substantive reasons why the draft should not be amended in the manner proposed by his delegation. He did not understand why there were objections to mentioning a resolution adopted by a conference of 42 States Members of the United Nations. Accordingly, unless some substantive reason was given, his delegation, which had no intention of impeding the work of the Committee, would be unable to withdraw its proposal.

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18. Mr. AMOAH (Ghana) said that his delegation too wished to appeal to the representative of Pakistan not to insist on his proposal because if it was put to the vote, many Africans would be placed in an embarrassing situation. The Pakistani proposal dealt with a matter which had been brought before OAU, and many OAU members would find it difficult to vote on the draft resolution if that amendment was included.
19. Mr. MBENNA (United Republic of Tanzania) also appealed to the representative of Pakistan not to press his proposal because, as had been explained, the African Group had worked long and hard to arrive at a consensus. If the amendment were to be put to the vote, many Africans would have problems with it, and that would impede the work of the Committee.
20. Mrs. HOUNGAVOU (Benin) said that the draft resolution had been circulated days earlier, and delegations wishing to make amendments had had sufficient time to do so. It was unfortunate that the delegation of Pakistan had not submitted its amendment earlier. The draft had been drawn up as a result of serious efforts, and if the Pakistani amendment was retained, some delegations would have difficulty with it. She therefore appealed to the representative of Pakistan to withdraw his proposal.
21. Mr. FAREED (Pakistan) said that after hearing so many appeals, and fully understanding the difficult work that the African Group had done, he would not at the present stage insist on his proposal, but he reserved the right to introduce it in plenary meeting. The representative of Benin had said that Pakistan should have submitted its amendment earlier; however, his understanding was that it had been agreed that delegations could submit proposals in the Committee if they were not substantive. In any event, in a spirit of co-operation, his delegation would not now insist on its proposal.
22. Mr. LEROTHOLI (Lesotho) said that with regard to the twelfth preambular paragraph of draft resolution A/C.3/35/L.11, which expressed concern at the continuation of trade relations with South Africa, his delegation wished to bring to the attention of the Committee a very pragmatic position taken by the Assembly of Heads of States and Government of OAU, namely, that the intrinsic economic reality of the region prescribed an economic relationship between South Africa on the one hand and certain other States in the region on the other hand which could not conform to the dictates of a breach in economic relationships without serious consequences for those other States. Lesotho, which was one of those States, therefore appealed to the Committee to align itself with that positive attitude taken by the States Members of OAU.
23. However, a far more important issue was raised in paragraph 5, which called for the Security Council urgently to consider complete and mandatory sanctions under Chapter VII of the Charter of the United Nations against the racist régime of South Africa. In keeping with the position it had taken on previous occasions, Lesotho was in agreement with the general thrust of the draft resolution on several issues, but not on paragraph 5, more particularly subparagraphs (c) and (d). If a vote was taken on individual paragraphs, Lesotho would cast a negative vote

(Mr. Lerotholi, Lesotho)

on paragraph 5 alone. However, if there was no vote by paragraphs, it would be compelled to vote against the resolution as a whole because it could not support the recommendations contained in paragraph 5 without seriously prejudicing its own vital interests. The position of his Government on the issue of sanctions against South Africa would be made clear at the appropriate time in plenary meeting.

24. He wished to state for the record that at the 32nd meeting of the Committee Lesotho had voted in favour of the draft resolution contained in document A/C.3/35/L.3 with a reservation on paragraph 13 concerning an oil embargo against South Africa.

25. The CHAIRMAN invited the Committee to vote on draft resolution A/C.3/35/L.11. He asked whether any members wished to explain their vote before the voting took place.

26. Ms. HAFT (United States) said that the United States did not support the economic embargo against South Africa and did not agree that relations with South Africa constituted a hostile act or that those having economic relations with South Africa were therefore accomplices in apartheid. Accordingly, her country was not in favour of a list of organizations dealing with South Africa or giving publicity to the Special Rapporteur's report. For all those reasons, and because it strongly disagreed with nearly every preambular and operative paragraph, her delegation must oppose the draft resolution.

27. Miss LEE (Singapore) said that her delegation was heartened by Zimbabwe's recent achievement of independence but saddened to see the question of racial discrimination and self-determination, particularly in southern Africa, still on the General Assembly's agenda. South Africa had spurned the innumerable resolutions and other efforts by the international community to persuade it to allow the peoples of southern Africa the right to self-determination and full enjoyment of human rights. The international community must continue its condemnation of apartheid and of South Africa's illegal presence in Namibia and bring pressure to bear on South Africa. Her delegation therefore supported draft resolution A/C.3/35/L.11 but had reservations on paragraph 3. As a non-aligned country, Singapore considered it inappropriate to single out countries of one particular military bloc for condemnation; doing so would make her country a partisan in the East-West ideological and military rivalry.

28. Mr. EDIS (United Kingdom) said that although his country did not provide military assistance to South Africa or collaborate in the development of South Africa's nuclear power industry, it could not accept the draft resolution's basic premise that links of any kind with South Africa constituted approval of apartheid. He did not believe that sanctions would have the desired result; the Committee had just heard a statement concerning their likely effects on neighbouring African countries. There were other elements in the draft resolution which were unacceptable: for example, the approval given to the use of force, the inappropriate references to action by the Security Council and the irrelevant and deliberately mischievous references to the North Atlantic Treaty Organization. His delegation would therefore vote against the draft resolution.

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29. Mrs. SHERMAN-PETER (Bahamas) said her delegation was gratified to note that its concern about countries, multinational corporations and organizations which currently maintained relations with South Africa was expressed in draft resolution A/C.3/35/L.11, specifically in paragraph 3. Despite shortcomings of the Special Rapporteur's report and her Government's consequent reservations on a number of paragraphs in the draft resolution, the thrust of the draft resolution was in keeping with the policy of the Bahamas on South Africa and her delegation would therefore vote in favour of it.

30. Mr. LIGAIRI (Fiji) said that his delegation agreed with the general principles of the draft resolution but had serious reservations on some of its paragraphs, both preambular and operative.

31. Mr. CASTRO (Philippines) said that his delegation would abstain on paragraph 3 of the draft resolution because that paragraph specifically condemned a State or certain group of States while not condemning other countries which might likewise be collaborating with the South African régime.

32. Miss KEKEDO (Papua New Guinea) said that her delegation had serious reservations on some of the preambular and operative paragraphs of the draft resolution. It would vote in favour of the draft resolution as a whole but would vote against paragraph 3.

33. Mr. VERKERCKE (Belgium) said that Belgium maintained a strict embargo on the delivery of arms and related material to South Africa and on licences for manufacture, in accordance with resolution 418 (1977) of the Security Council. His Government had also marked its disapproval of apartheid by a number of measures concerning official relations with South Africa, including cultural relations, loans and official credits. However, draft resolution A/C.3/35/L.11 contained a number of paragraphs which were vague and contained unjustified allegations and condemnations, in particular concerning NATO. The draft resolution also included a number of ideas and conclusions contained in the report of the Special Rapporteur which he considered unfounded. For those reasons and because of the content of other paragraphs, both preambular and operative, his delegation would vote against the draft resolution.

34. Mr. MUCORLOR (Liberia) said that although the draft resolution had been submitted by the African Group, his delegation had reservations concerning paragraph 3. It would vote for the draft resolution as a whole but would abstain on paragraph 3.

35. Mr. BERGTHUN (Norway) said that paragraph 3 contained a misleading and biased reference to the North Atlantic Treaty Organization (NATO), of which Norway was a member. He therefore requested a separate vote on that paragraph.

36. At the request of the representative of the United Kingdom, a recorded vote was taken on paragraph 3 of draft resolution A/C.3/35/L.11.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central African Republic, Chad, China, Congo, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Sweden, Turkey, United Kingdom, United States of America.

Abstaining: Austria, Bolivia, Botswana, Burma, Chile, Colombia, Cyprus, Democratic Kampuchea, Fiji, Guatemala, Haiti, Honduras, Japan, Liberia, Malawi, Mexico, Papua New Guinea, Peru, Philippines, Singapore, Spain, Swaziland, Thailand, Uruguay.

37. Paragraph 3 of draft resolution A/C.3/35/L.11 was adopted by 92 votes to 21, with 24 abstentions.

38. Draft resolution A/C.3/35/L.11 was adopted by 114 votes to 12, with 14 abstentions.

39. Mr. DYRLUND (Denmark), speaking on behalf of the delegations of Finland, Iceland, Norway, Sweden and his own country, said that the Nordic Governments agreed with the main thrust of draft resolution A/C.3/35/L.11 but regretted that some of its paragraphs detracted from the original and worthy objectives of the present agenda item. They could not accept paragraphs which contained unjustified accusations against selected countries, nor support recommendations which did not respect the division of competence between the different organs of the United Nations in accordance with the Charter. They deeply regretted the growing tendency to include controversial matters in the resolution on the present agenda item. For all those reasons, the delegations for which he was speaking had abstained.

40. Mr. ERRAZURIZ (Chile) said that his delegation had voted in favour of the draft resolution because it conformed to his country's position concerning military, economic and other aid to colonialist and racist régimes in southern Africa. It had reservations, however, on some of the preambular paragraphs, on paragraph 3 and

(Mr. Errazuriz, Chile)

on some aspects of paragraph 5 because of their exaggerated terms and because they dealt with matters outside the competence of the Committee. He did not believe that maintenance of diplomatic or trade relations with a country implied automatic approval of that country's political system. His country was opposed to all forms of racial discrimination, especially apartheid. However, it opposed selective discrimination directed against specific countries and had abstained in the vote on paragraph 3. It would have abstained if there had been a separate vote on paragraph 5.

41. Mr. CASCAIS (Portugal) said that his delegation's abstention should in no way be construed as a weakening in its well-known position of firm condemnation of apartheid. It could not, however, accept the way in which some of the operative paragraphs were worded and the inclusion of irrelevant matters. His delegation's position had been made clear in his statement during the debate on the present item.

42. Mr. ROUCOUNAS (Greece) said that his delegation had abstained in the vote because, while realizing the need to mobilize international public opinion against racial discrimination, repression and apartheid, it could not associate itself with some of the provisions of draft resolution A/C.3/35/L.11. With regard to paragraph 7, he said that some parts of the revised report of the Special Rapporteur seemed unfounded or lacking in balance. His delegation was strongly opposed to paragraph 3 because of its reference to NATO and had voted against it. It would have voted against paragraph 8 had there been a separate vote.

43. Mr. WALKATE (Netherlands) said that his Government had always favoured a combination of dialogue and pressure to dismantle the system of apartheid and believed that concerted efforts to bring about a change in South Africa were preferable and likely to be more effective. His delegation had voted against draft resolution A/C.3/35/L.11. In the first place, it had always believed that the agenda item, as formulated, was prejudicial to debate in the General Assembly and disagreed with the underlying idea that Western activities in South Africa were ipso facto detrimental to the enjoyment of human rights in that country. Western enterprises could make an important contribution to social change in South Africa by pursuing a non-discriminatory policy wherever possible, both within the enterprises and in contacts with trade unions and other entities. His Government had actively participated in working out a code of conduct for the member States of the European Economic Community with regard to European subsidiaries in South Africa, and it was doing everything possible to ensure observance of that code. Secondly, his Government dissociated itself from the Special Rapporteur's report because it contained dubious information on the activities of Western enterprises, particularly Netherlands companies, in South Africa or the former Southern Rhodesia. Moreover, it was inappropriate to refer to alleged violations of sanctions against Southern Rhodesia, since that country had attained independence and, as Zimbabwe, become a Member of the United Nations. The Special Rapporteur had not made clear the information on which his findings were based, and the Netherlands had received no information which would warrant a conclusion that any of the companies mentioned had violated the sanctions. His delegation also had difficulty with a number of paragraphs, in particular the thirteenth and fourteenth preambular paragraphs and paragraph 3. It dissociated itself from the serious condemnation of certain States

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(Mr. Walkate, Netherlands)

in paragraph 3. The Netherlands had always scrupulously maintained an arms embargo against South Africa, in accordance with resolution 418 (1977) of the Security Council.

44. Paragraph 5 contained a number of points which met with his Government's sympathy. Mandatory sanctions, if truly implemented, could lead to the eradication of policies of structural racial discrimination in South Africa, but his Government could not agree with all the measures mentioned in paragraph 5. The words "effective action" in paragraph 8 could only mean concerted action by a number of countries, whose boycott of South Africa would affect that country materially.

45. Mr. SCOBLE (Australia) said that his delegation had abstained in the vote on draft resolution A/C.3/35/L.11 because of its formulation and the manifold shortcomings of the Special Rapporteur's current report. It had voted against paragraph 3 and would also have voted against paragraph 8 had there been a separate vote.

46. Australia would submit a written response to the Special Rapporteur's report before the thirty-seventh session of the Commission on Human Rights. He believed that there was in fact scope for a careful analytical study of the possible connexions between outside assistance and the suppression of human rights in southern Africa, with a view to establishing precisely what forms of assistance were injurious to the human rights of the majority, in contrast to forms of assistance which were necessary for the continued economic and social well-being of southern Africans. All countries concerned could then isolate, and work effectively for the cessation of, those forms of assistance which perpetuated the curtailment of human rights. The definition of "assistance" in the Special Rapporteur's current report was so broad as to encompass the maintenance of diplomatic relations with South Africa. Furthermore, the report contained a lengthy list of Governments, individuals and institutions, including banks, which were dealing in any way with the authorities in southern Africa, although inexplicably, there was no mention of the socialist countries. The compilation of such lists was shoddy methodology and taking the easy way out, something like arresting everyone at the scene of a crime instead of trying to establish the identity of the principal offenders. He did not accept the idea that all forms of trade, for example, necessarily constituted "assistance" or that the maintenance of diplomatic relations constituted ipso facto approval of the minority régime.

47. He urged the Special Rapporteur to forsake his current preoccupation with lists and tackle the difficult but necessary work of analysing the actual consequences with which the resolution was concerned.

48. Mr. ESCOBAR (Colombia) said that his delegation had voted in favour of draft resolution A/C.3/35/L.11. It had abstained, however, on paragraph 3 because that paragraph contained contradictions and confusions and because its wording was exaggerated. Any condemnation should conform to the normal rules of the international community. His delegation also had minor reservations on other parts of the draft resolution.

49. Miss FAWTHORPE (New Zealand) said that her delegation had abstained in the vote on draft resolution A/C.3/35/L.11. It had voted against paragraph 3 and would have voted against paragraphs 5 and 8 had they been voted on separately. Those paragraphs, as well as other operative paragraphs and some of the preambular paragraphs, gave the draft resolution an unbalanced approach to the problem of withholding support from the Government of South Africa with the objective of weakening its commitment to the policy of apartheid. She regretted that the draft resolution did not deal pragmatically with appropriate and effective measures for improving the situation of the oppressed people of South Africa.

50. Mr. CASTRO (Philippines) said that his delegation had abstained on paragraph 3 but voted in favour of the draft resolution as a whole because it reflected his country's position with regard to 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.

51. Mr. GURAKAN (Turkey) said that while his delegation could accept draft resolution A/C.3/35/L.11 as a whole because it supported the struggle against racism, racial discrimination and apartheid, it could not accept the general reference in paragraph 3 to the North Atlantic Treaty Organization, of which Turkey was a member. Consequently, it had voted against paragraph 3 of the draft resolution.

52. Mr. ZELAYA-BOCKLER (Guatemala) said that his delegation was opposed to apartheid and assistance to Governments which supported the system of apartheid. However, his delegation had abstained in the vote on draft resolution A/C.3/35/L.11 because it could not support a number of assertions, particularly the thirteenth and fourteenth preambular paragraphs, which were unsubstantiated speculations. Indeed, the fourteenth preambular paragraph was an unjustified condemnation. Paragraph 3 levelled charges against a certain country which were based on political ideology rather than reality. His delegation had therefore abstained on draft resolution A/C.3/35/L.11.

53. Mr. DOMINGUEZ PASIER (Spain) regretted that he had been compelled to vote against draft resolution A/C.3/35/L.11 since Spain strongly condemned apartheid. However, his delegation had been unable to accept some of its paragraphs which it considered exaggerated and discriminatory.

54. Miss CASTILLO (Dominican Republic) said that, although her delegation did not fully endorse paragraphs 3, 5 and 8, it had voted in favour of draft resolution A/C.3/35/L.11 because it felt that the Assembly should take a strong stand on discrimination in South Africa.

55. Mr. PHILIPPEAU (Haiti) said that his delegation had abstained in the separate vote on paragraph 3. However, it had voted for draft resolution A/C.3/35/L.11 as a whole because it unreservedly supported the struggle against apartheid.

56. The CHAIRMAN observed that the Committee had completed the voting under item 66.

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57. Mrs. SANTANDIER-DOWNING (Secretary of the Committee) announced that Somalia was an additional co-sponsor of draft resolution A/C.3/35/L.6 and that Cuba and Viet Nam were additional co-sponsors of draft resolution A/C.3/35/L.12. She also stated that, in paragraph 21 of draft resolution A/C.3/35/L.12, the first line should read "Decides to consider this item again at its thirty-sixth session".

Draft resolution A/C.3/35/L.6

58. Mr. RAKOTOZAFY (Madagascar) proposed that the Committee consider draft resolution A/C.3/35/L.12 before A/C.3/35/L.6 under rule 131 of the rules of procedure.

59. Mrs. VARZAZI (Morocco) said that rule 131 was clear in stating that, if the same question was the object of two or more draft resolutions, the resolutions must be voted upon in the order in which they had been submitted.

60. Mr. FAREED (Pakistan) said that since the representative of Madagascar had not offered substantial reasons for taking up draft resolution A/C.3/35/L.12 first, and since the representative of Morocco had clarified the issue in the light of the rules of procedure, he would introduce some changes on behalf of the co-sponsors of draft resolution A/C.3/35/L.6 in a spirit of compromise.

61. He proposed that the phrase "Economic, Social and Cultural Rights and on" should be inserted before the phrase "Civil and Political Rights" in the first preambular paragraph of draft resolution A/C.3/35/L.6. He also proposed that, in the third preambular paragraph, the words "the increasing incidence" be replaced by the word "acts". The first part of the fifth preambular paragraph should read "Noting the relevant resolutions of the thirty-sixth session of the Commission on Human Rights regarding the violation of the right to self-determination". Paragraph 3 should read "Calls upon those States responsible for such acts, pending the cessation of their military intervention and occupation of foreign countries and territories, to cease all acts of repression, discrimination, exploitation and maltreatment of the peoples concerned including innocent men, women and children, particularly the brutal and inhuman methods reportedly employed for the purpose". In paragraph 4, he proposed to replace the phrase "military occupation and intervention in various countries" by the words "aforementioned acts". Finally, paragraph 6 should read "Requests the Secretary-General to report on this issue at the thirty-sixth session of the General Assembly under the item, 'Importance of the universal realization of the right of the people to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights'".

62. The CHAIRMAN drew Pakistan's attention to preambular paragraph 1. Since it was a question of two international Covenants, the word "Covenant" should be plural.

63. Mr. NHAMO (Zimbabwe) said that his delegation would support Madagascar's proposal to give priority to draft resolution A/C.3/35/L.12.

64. Mr. MALUKI (Kenya) said that his delegation would like more time to study the amendments to draft resolution A/C.3/35/L.6, since they appeared to be changes of substance.

65. Mr. GONZALEZ DE LEÓN (Mexico) was in agreement with Pakistan's amendments to draft resolution A/C.3/35/L.6, but would like to suggest several additional amendments in order to improve the text. In paragraph 2, he proposed that the phrase "resulting in" should be replaced by the phrase "since they result in", preceded by a comma. In paragraph 3, he proposed replacing the phrase "pending the cessation of" by the phrase "to cease". In paragraph 4, he suggested changing the phrase "Expresses its deep sympathy and support for the plight" to "Deplores the plight".

66. Mrs. SEMICHI (Algeria) said that her delegation appreciated Pakistan's amendments and revisions, for they had solved some of the problems. However, it still found the draft resolution below its expectations on the subject of colonialism and the right of peoples to self-determination. She proposed that the first preambular paragraph should read: "Reaffirming the importance for the effective guarantee and observance of human rights of the realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples, principles enshrined in the Charter of the United Nations, in the International Covenants on Human Rights, and in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960". She also proposed that paragraph 1 should read "Reaffirms that universal respect for the right of peoples to self-determination and the speedy granting of independence to colonial countries and peoples are the most fundamental conditions for the effective guarantee and observance of human rights and for the preservation and promotion of human rights in various parts of the world". She requested that the amendments she had proposed should be adopted without a vote.

67. The CHAIRMAN invited the Committee to vote on the proposal of Madagascar to give priority to the consideration of draft resolution A/C.3/35/L.12. There was nothing in the rules of procedure to prohibit a delegation from requesting priority for a particular draft resolution and it had been past practice to allow such requests.

68. Mrs. WARZAZI (Morocco) pointed out that, exceptionally, there were two draft resolutions on agenda item 75.

69. The CHAIRMAN said that rule 131 of the rules of procedure clearly stated that "if two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted". He had intended to ask the Committee to consider the two draft resolutions in the order in which they had been submitted but since a proposal had been made by the representative of Madagascar, the Committee would have to vote on it and if it voted for it, its decision would fall within the purview of rule 131 of the rules of procedure.

70. He invited the Committee to proceed to a vote on whether to give priority to draft resolution A/C.3/35/L.12.

71. The Committee decided to give priority to consideration of draft resolution A/C.3/35/L.12 by 61 votes to 46, with 17 abstentions.

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72. Mr. FARAH (Somalia) said that he wished to announce an amendment to paragraph 7 of the operative part of draft resolution A/C.3/35/L.12. Although there had been no time for the African Group to meet to consider the amendment, he understood that it was endorsed by consensus of the Group. It had originally been suggested by the representative of Nigeria.

73. Paragraph 7 would be redrafted to read: "Deplores the practice of using mercenaries against national liberation movements and sovereign States, which constitutes a threat to international peace and co-operation, and calls upon all States to take appropriate measures to prohibit their nationals from serving as mercenaries, bearing in mind the exercise being undertaken in the Sixth Committee with regard to a proposal to draft an international convention against the activities of mercenaries".

74. Mrs. SEMICHI (Algeria) said that her delegation had not been consulted about the amendment to paragraph 7. There had been several meetings of the African Group to consider draft resolution A/C.3/35/L.12 and the original paragraph 7 had been an integral part of the draft resolution. The paragraph had been taken from the previous year's draft resolution on the same item; the situation had not changed, and there was therefore no reason to change the wording.

75. Mr. GONZALEZ de LEÓN (Mexico) said that it was pejorative to refer to the "exercise being undertaken" in the Sixth Committee. It would be better to refer to the work of the General Assembly.

76. Mrs. HOUNGAVOU (Benin) pointed to a contradiction in the statement by the representative of Somalia: he had said that the African Group had not been able to meet to consider the amendment to paragraph 7 of draft resolution A/C.3/35/L.12 and had then referred to a consensus on the paragraph in the African Group. Her country was directly concerned since it had been a victim of the use of mercenaries in 1977; it had also worked closely with the delegation of Nigeria in the Sixth Committee; yet it had not been consulted on the amendment.

77. Mr. GAYAMA (Congo) said that his delegation was in favour of the Somali amendment.

78. Mr. FARAH (Somalia), speaking on a point of order, said that the amendment was not a Somali amendment but an amendment of the African Group which had been suggested by the delegation of Nigeria and had been taken up after extensive consultations which had led to a consensus in the African Group. He was prepared to withdraw the amendment and ask the delegation of Nigeria to submit the amendment on its own behalf.

79. Mr. GAYAMA (Congo) said that he supported the amendment. In the Sixth Committee, which also had an African Group, there had been a consensus that in its draft resolution on agenda item 75, the Committee should take into account the work of the Sixth Committee in formulating an international convention against the activities of mercenaries. Thus the amendment in no way weakened paragraph 7 or minimized the importance all delegations attached to the serious problem of mercenarism.

80. Mr. OYEDLLE (Nigeria) apologized to members of the African Group who, for reasons beyond his delegation's control, had not been consulted about the amendment. His delegation wished formally to submit the amendment. Without departing from the spirit and essence of the paragraph, it had attempted to update it to bring it into line with the efforts currently being made in the Sixth Committee to draft a convention against the activities of mercenaries. In that way, it had hoped to make the paragraph acceptable to the Committee as a whole and to facilitate the work of the Sixth Committee.

81. Mrs. SEMICHI (Algeria), noting that draft resolution A/C.3/35/L.12 had been submitted on behalf of the Member States members of the African Group, asked whether a sponsor of a draft resolution could amend his own draft resolution.

82. The CHAIRMAN said that a sponsor was entitled to offer an amendment to his own draft resolution; if more than one sponsor wished to introduce an amendment, they could do so if they were all in agreement.

83. Mrs. SEMICHI (Algeria) said that although her delegation had been associated with draft resolution A/C.3/35/L.12, it had not been consulted in the African Group about the amendment to paragraph 7 if Nigeria insisted on its amendment, it would not be able to join in the consensus and could not continue to be a sponsor of the draft resolution.

84. Miss SABATIER (Niger) suggested that the meeting should be suspended to enable the African Group to meet.

85. Mrs. SEMICHI (Algeria) suggested that the debate be suspended to enable delegations to consult with their ministries.

86. The CHAIRMAN said that, under the rules of procedure, it was not possible to suspend the debate on a draft resolution. He invited the Committee to take a vote on the proposal to suspend the meeting, under rule 118 of the rules of procedure.

87. The Committee decided to suspend the meeting by 44 votes to 6, with 55 abstentions.

88. The CHAIRMAN said that the African Group would be allowed to meet for half an hour before the 34th meeting began at 6.30 p.m.

The meeting rose at 6 p.m.