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COMMISSION ON HUMAN RIGHTS

Thirty-ninth session

SUMMARY RECORD OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 18 February 1983, at 3 p.m.

<u>Chairman:</u>	Mr. OJUBNU	(Uganda)
later:	Mr. BARAKAT	(Jordan)

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The meeting was called to order at 3.05 p.m.

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS THIRTY-FIFTH SESSION (agenda item 20) (continued) (E/CN.4/1983/4; E/CN.4/Sub.2/1982/20 and Add.1, E/CN.4/Sub.2/1982/29)

1. Mr. HEREDIA PEREZ (Cuba), referring to the discussion which had started concerning the way in which the Sub-Commission should discharge its role, said that on that question his delegation based its views on the Charter of the United Nations. The Sub-Commission's role must be considered in the light of the very purposes of the Charter, and in particular those that were enunciated in articles relating to human rights. In that connection, mention might be made of the Preamble and Articles 1, 55 and 56. For the United Nations, the best way of performing its task was, according to the Charter, co-operation between States; from that standpoint, therefore, his delegation did not favour the use of structures extraneous to governments. The Commission which was composed of representatives of governments, therefore provided the best method of performing the task incumbent on the United Nations in the field of human rights. The Commission was an essential element in the United Nations system, a specialized body composed of representatives of governments elected in the Economic and Social Council.
2. The Sub-Commission, which was composed not of government representatives but of experts, had been established as a subsidiary organ, directed and guided by a superior organ, the Commission. Consequently, the Sub-Commission could not engage in independent activity. Obviously, the experts who sat in it must be independent in the performance of their mandate and must be exposed to no coercion. However, that independence of mind, so to speak, must not be confused with the independence of an organ within the United Nations structure. Within that structure, subsidiary organs were in fact dependent; the Commission itself was dependent on the Economic and Social Council. In that context conflicts had arisen, as was well known; for example, the Sub-Commission had taken initiatives which had not been approved by the Commission or had been within the authority of superior organs. It was therefore for the Commission to define more precisely the Sub-Commission's conduct in that respect.
3. It had been suggested that the Sub-Commission should be renamed. It had been proposed that, instead of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, it should be known as the Sub-Commission on Human Rights. Such a change would imply that the Sub-Commission had exhausted the mandate reflected in its title, namely, the prevention of discrimination and protection of minorities. However, that was not the case. To call it the Sub-Commission on Human Rights would remove the idea of its specialized nature. It did not seem desirable that the experts who made up the Sub-Commission should deal with all human rights; it would be preferable for them to keep to the area in which they specialized.
4. Referring to General Assembly resolution 32/130 in connection with government participation in the Sub-Commission's work, he said that the work of governments must admittedly be performed within the context of the Commission, but governments also had an opportunity to state their position before the Sub-Commission. In that connection, he drew attention to rule 69, paragraph 1, of the rules of procedure of the functional commissions of the Economic and Social Council, which indicated that the Commission could invite "any Member of the United Nations that is not a

member of the commission, and any other State, to participate in its deliberations on any matter of particular concern to that State". If it was thus possible to hear the views of States which were not members, there was all the more reason for not preventing a member State from participating in the consideration of any question of concern to it. Paragraph 2 of the same rule stipulated that "A subsidiary organ of the Commission shall invite any State that is not one of its own members to participate in its deliberations on any matter of particular concern to that State", and paragraph 3 added that "A State thus invited shall not have the right to vote, but may submit proposals which may be put to the vote on request of any member of the commission or of the subsidiary organ concerned". That question of the participation of governments in the work of the Sub-Commission, in the conditions provided for in the rules of procedure, should be given careful attention. To limit the participation of governments and to take no account of their views could harm the work of the Sub-Commission.

5. Generally speaking, one must not lose sight of the fact that the Sub-Commission was an organ which had been established to assist the Commission; it must work towards that objective, and when it did not do so steps must be taken to remedy the situation. At present, the work done by the Sub-Commission was probably too broad, despite the acknowledged competence of its experts. However, that work should not be criticized systematically; the Sub-Commission could certainly rectify its own shortcomings. The fruitful work which it had already done gave the assurance that it would continue and improve that work.

6. Mr. BCZOVIC (Yugoslavia) paid tribute to the Sub-Commission for its contribution to the promotion and observance of human rights. As the representative of Senegal had stated, it was an organ for the initiation, study and suggestion of action which must effectively complement the work of the Commission. In that connection, it was regrettable that the Commission should have devoted only three meetings to the voluminous report of the Sub-Commission (E/CN.4/1983/4); the Commission had thus been unable to derive maximum benefit from the ideas put forward by the Sub-Commission and from the studies prepared by its members. In addition, the Commission had been unable to strengthen its contacts with the Sub-Commission in order to assist it in performing its tasks and selecting the subjects of its studies and thus ensure that the work done was fully consistent with actual needs.

7. The approach which the Commission had again adopted at the current session created a certain malaise within the Sub-Commission, whose members had the impression that their work was not fully appreciated and had even voiced certain criticisms. The situation thus created had emerged as a threat to the functioning of the two organs. The Commission, while declaring itself satisfied with the valuable contribution of the Sub-Commission, had invited the latter, in resolution 17 (XXXVII), to take note of the observations and suggestions made at its thirty-seventh session. Furthermore, it had requested the Sub-Commission to bear in mind the tasks which it had assigned to the Sub-Commission at its fifth session and in its resolution 8 (XXIII); it had also requested the Sub-Commission to bear in mind the relevant resolutions of the Economic and Social Council.

8. To that invitation the Sub-Commission had responded in an unexpected and provocative manner; by way of protest it had included on its agenda a new item entitled "Review of the status and activities of the Sub-Commission and its relationship with the Commission on Human Rights and other United Nations bodies". He himself had been surprised by the turn which the discussion had taken in the Sub-Commission and by certain disrespectful implications vis-à-vis the Commission and its members. At its thirty-eighth session, the Commission had again considered that question, in a spirit of understanding. In that connection, he referred to the moderate and carefully argued statement made at that session by the representative of Brazil, who had accurately reflected the Commission's views. The Sub-Commission had made no change in its methods of work, contrary to what it had been asked, but it had had the sense to adopt a position which was unlikely to give rise to confrontation.

9. The Commission had not so far devoted to the work of the Sub-Commission the attention it deserved. But that was partly the fault of the Sub-Commission itself, which should request the Commission to include on its agenda only subjects which constituted an adequate basis for action; then the Commission could not and would not evade its duty to discuss, advise and, if necessary, act.

10. Referring to three major questions on which comments had been made in the current debate, he considered, firstly, that the Sub-Commission had devoted too much attention to a possible change in its official name. His delegation could support such a change provided that the Sub-Commission's status remained the same, namely that of a subsidiary expert organ of the Commission. In the light of that status, the name proposed by the Australian delegation did not seem acceptable in the immediate future. Secondly, many speakers had expressed the view that in the Sub-Commission observers spoke too frequently. That was not entirely the fault of the observers themselves, for if the Sub-Commission complied more fully with its mandate and status as an expert body, that question would not arise. Thirdly, an important question had been raised concerning alternates. He was not sure that it was always necessary to appoint an alternate or that the absence of one of its members necessarily prevented the Sub-Commission from working. But if it was felt that that was the case, then an election would have to be held. As to the use of alternates who were members of permanent missions in Geneva or New York, he would remind the Commission of a proverb: "All roosters were chicks once".

11. A change in the Sub-Commission's status and its relations with the Commission was not necessary; rather, what was needed was an effort to achieve co-ordination so as to eliminate duplication, define the responsibilities and role of each organ, and establish an efficient division of labour. In that respect any confrontation must be avoided and, rather than adopting substantive resolutions on the question at the current session, it would be better to include on the agenda for the following session a separate item relating to the division of labour between the two organs and the co-ordination of their programmes and agendas.

12. Mr. WIESNER (Observer for Austria) said that under a number of international instruments on human rights the parties were required to submit reports. The reporting system had been discussed at length in the Committee on the Elimination of Racial Discrimination and the Human Rights Committee, which had acknowledged the burden that reporting obligations under international instruments imposed on States parties. That burden was all the heavier if the State party concerned had only limited technical and administrative resources and if the official language of the State was not an official language of the United Nations.

13. Nevertheless, his Government was convinced that the value of those instruments was largely dependent upon the fulfilment of that obligation by States. It noted with concern that many periodic reports, and in some cases even initial reports, were not submitted promptly. The defaulting States thus risked being accused of a breach of international law.

14. His country, which was a party to four such international instruments, was affected by the difficulties he had mentioned. For that reason his delegation would like to make the following informal proposal. In preparing the reports in question, the Austrian authorities had found that quite a number of their observations had to be repeated, regardless of the instrument in question. For example, they had to refer to the Constitution, which formed the basis for all Government actions vis-à-vis the individual. It was therefore necessary to standardize the reporting systems concerning human rights. The standardization of questionnaires might in the long run be a useful step towards the universal implementation of the instruments in question. In replying to standardized questionnaires, States parties would be able to refer to their other reports. That would alleviate the burden on States and, furthermore, such a system, would oblige the various bodies charged with the implementation of the international human rights instruments to take into account the deliberations and decisions of the other competent bodies. That concern was in fact not a new one, and the United Nations - in particular the bodies to which he had referred - and States parties had been devoting attention to it for some time already.

15. His delegation was fully aware that, from a legal standpoint, the proper forum for dealing with that issue would be the Third Committee of the General Assembly, because the organs to which States parties were obliged to report were subordinate to that Committee. However, that Committee would not be able to deal with the issue unless preparatory work was carried out in other forums. The Sub-Commission, in close co-operation with the Centre for Human Rights, might therefore look into it and make specific proposals, which would then be considered by the Economic and Social Council and subsequently the General Assembly. It must also be remembered that the reports required under the international instruments were not the only ones which Governments were supposed to submit to the United Nations. In passing, he wished to remark that the reports of the Sub-Commission should be more brief.

16. The main purpose of his proposal was to alleviate the burden on the developing countries and, in the long run, to strengthen the system for the protection of human rights.

17. Mr. FRAMBACH (Observer for the German Democratic Republic), referring to the contribution which the Sub-Commission had made in the struggle against massive violations of human rights, noted with astonishment that it had increasingly departed from its mandate, loosened its links with the Commission, applied selective working methods and sought to place itself on an equal footing with organs composed of sovereign States.

18. It was true that the Commission should not request the Sub-Commission to undertake studies on too many different subjects and that it should concentrate on priority areas of co-operation among States. Having said that, however, his delegation could not agree to the Sub-Commission's unauthorized practice of giving certain studies precedence over others, which were delayed or received no consideration whatsoever.

19. None of the criteria set forth in Commission resolution 1982/22 had been taken into account in Sub-Commission resolution 1982/27 concerning the mandate for a High Commissioner for Human Rights. The result was, not a first study as requested, but a proposal which had been approved by only 10 members of the Sub-Commission and did not reflect the weighty objections raised by a number of experts. In the opinion of his delegation, the purpose of that proposal was for a hypothetical High Commissioner to be assigned functions for which no mandate had been foreseen in the Charter and which would permit direct interference in the internal affairs of States. He would revert to that question during consideration of agenda item 11, but would remark at present that the Sub-Commission's proposal ran counter to Article 55 of the Charter, together with Article 2, paragraph 7, and that it did not take account of General Assembly resolution 32/130.

20. In addition, his delegation took exception to Sub-Commission resolution 1982/10, whose authors had taken insufficient account of existing documents and the positions already adopted and expressed by States concerning crime prevention and the treatment of offenders. Moreover, certain provisions of that resolution amounted to an infringement of the prerogatives of States. In that connection, he recalled General Assembly resolution 32/60, which reaffirmed "the right of each State to formulate and implement its national policies and programmes in the field of crime prevention and control in accordance with its own needs and priorities". It was thus for each State to decide, for example, whether the names of prisoners would or would not be made public (see in that connection Sub-Commission resolution 10, paragraph 2). The Sub-Commission could not stimulate States to collaborate with it if such basic principles went unheeded.

21. Mr. Barakat (Jordan) took the Chair.

22. Mr. SAKER (Observer for the Syrian Arab Republic) considered that the Sub-Commission's excellent report clearly illustrated the efforts it had made to defend human rights and that the views expressed therein should be given attention by the Commission.

23. The Report on Slavery (see documents E/CN.4/Sub.2/1982/20 and Add.1) contained information and recommendations of great importance, but the causes of economic slavery might have been analysed more thoroughly and solutions proposed. Slavery had deep roots in inequality between States and even within States, and that situation made it necessary to establish a new international economic order and to strengthen democratic institutions (parliament, freedom of the press, independence of the judicial authorities).

24. He welcomed the programme of action to combat violations of human rights through the exploitation of child labour (E/CN.4/Sub.2/1982/29) proposed by Mr. Bouhdiba.

25. Some delegations, arguing that the Commission displayed insufficient interest in the reports of the Sub-Commission, seemed to be trying to separate the latter organ from the Commission and to link it with the Economic and Social Council. His delegation did not share their views, but considered that the Sub-Commission should remain faithful to the mandate conferred on it by the Commission and should study all questions entrusted to it by the Commission and the General Assembly. It should also ensure that its agenda did not duplicate that of the Commission.

26. In the opinion of his delegation, it was for the regular members of the Sub-Commission to appoint their own alternates, some of whom were already making a valuable contribution to the Commission's work. Before becoming regular members, some members of the Sub-Commission had been alternates, which had given them a certain amount of experience of the questions dealt with. In conclusion, he expressed the hope that, as far as possible, the Sub-Commission would be able to adopt its resolutions by consensus.

27. Mr. INAN (Observer for Turkey) emphasized that the Sub-Commission, which was an expert and independent body, had been conceived in the hope that it would be able to discuss human rights questions free from any political consideration. The Commission had a responsibility to preserve its identity.

28. It was no secret that the Sub-Commission was suffering from certain deficiencies. It was the task of the Commission to remedy them, while the Sub-Commission should resist any temptation to detach itself from the Commission, its parent body. The Sub-Commission should not be overburdened with tasks that did not specifically concern human rights issues or were already being taken up by other United Nations bodies. The Sub-Commission should, of course, be prevented from duplicating its own work. In view of its limited resources, its work should be confined to practical contemporary issues rather than historical or theoretical research.

29. It was essential that members and their alternates should have the necessary expert and independent qualities. It would therefore be very useful if alternates were elected by the same procedure as members.

30. With regard to the procedure provided for under Economic and Social Council resolution 1503 (XIVIII), the Commission should bear in mind the criteria on the basis of which the Sub-Commission was supposed to operate. The Sub-Commission's own resolution 1 (XXIV) set out in very specific terms the conditions on which communications should be admitted. Strict implementation of that resolution would facilitate its task. If it failed to adhere to that resolution, it would lose much of its credibility.

31. The Sub-Commission must not, of course, be subjected to government influence, but that did not mean that it must not extend equitable treatment to government observers when their country was involved.

32. Mr. FEUREN (Indian Law Resource Center) urged the Commission to approve Sub-Commission resolution 1982/31, which requested the establishment of a fund for the purpose of allowing representatives of indigenous peoples to come to Geneva to participate in the work of the Working Group on Indigenous Populations. The visit by a representative of his organization to indigenous leaders in Latin America, including Guatemala, had confirmed that representatives of indigenous peoples faced almost insurmountable economic hardships which prevented them from travelling to Geneva to participate in the work of the Group. At the same time, the indigenous leaders had expressed a strong desire to travel to Geneva to tell the world about the continuous violations of their fundamental rights. The concerns of the indigenous peoples could be properly expressed only by their own representatives.

33. He pointed out that he had spoken on behalf of the Indian Law Resource Center. Other representatives of that organization would not be able to come to Geneva until later.

34. Mr. KNIGHT (Baha'i International Community) said that his organization welcomed the results of the first session of the Working Group on Indigenous Populations since it was very interested in the progress of the Sub-Commission's work in that area. It believed in the oneness of mankind and recognized all people as valued members of society who must all play an important part in building world order. Moreover, it was qualified to contribute to the work of the Sub-Commission in that area, because there were more than 1,900 tribes and ethnic groups represented within it. Consequently, it warmly welcomed the Sub-Commission's recommendation that a fund should be established for the purpose of allowing representatives of indigenous populations to participate in the work of the Working Group.

35. With respect to Sub-Commission resolution 1982/28 concerning discrimination on grounds of religion or belief, the goal of the Baha'i Faith was to bring about the unity of mankind, one of its main principles being the unity and oneness of religion. The basic spiritual teachings of all religions were in essence the same, their differences being connected with the situation in the world at the time of each revelation.

36. The Baha'i International Community welcomed the adoption by the General Assembly of resolution 37/187 and hoped that the Commission would take further steps as requested by the Assembly. The inclusion in its agenda of item 25 was an important step. It was regrettable that current cases of religious persecution lent urgency to the work of the international community in that area.

37. The question of the human rights situation in Iran formed the subject of Sub-Commission resolution 1982/25. At an earlier meeting, the Community had been compelled to appeal to the Commission to request the Iranian authorities to commute the death sentences passed on 22 Baha'is. The Government of Iran had continually stated, particularly at the most recent session of the General Assembly, that nobody was persecuted in Iran for being a Baha'i and that nobody was convicted and executed unless he had committed criminal acts. Nevertheless, scores of official documents clearly showed that Baha'is were persecuted and executed solely because of their allegiance to their faith, and the report submitted by the Secretary-General to the Commission (E/CN.4/1517) referred to some of those documents. By way of example, he would quote a passage from a death sentence passed by the Revolutionary Court of Shiraz, the same Court that had just condemned to death 22 more Baha'is. The passage stated that the accused was "one of the active members of the misguided Baha'i group who openly confessed his membership in the administration since the year 1976". He urgently appealed once again to the Commission to intervene in favour of the 22 condemned Baha'is, who might be executed at any moment.

38. Mrs. DUNBAR (Afro-Asian Peoples' Solidarity Organization) said that AAPSO had been greatly distressed at the information supplied to the Working Group on Indigenous Populations. It revealed a number of particularly serious problems which, in her opinion, should be considered as a separate item of the Commission's agenda. Her organization had been appalled to learn the extent to which transnational corporations had penetrated Indian lands in the Americas without the consent of the peoples concerned but often with the open complicity of Governments. It deplored the fact that the Government of the United States had not responded to the Indian demands under ratified bilateral treaties between that Government and Indian nations and communities. It also regretted the extreme suffering that the dictatorships continued to inflict on the Indian minorities in Chile, El Salvador and Paraguay.

39. Nevertheless, it was the case of Guatemala which gave most cause for concern since a veritable genocide was being carried out against the indigenous populations of Guatemala and El Salvador by the action of regular army units and paramilitary groups in the pay of the Governments. In view of the seriousness of the accusations, the Working Group had decided to transmit to the Sub-Commission a draft resolution prepared by the International Indian Treaty Council which reflected the concern expressed by observers concerning the genocide of the indigenous peoples in Guatemala (see E/CN.4/Sub.2/1982/33). Subsequently, even greater abuses had been reported and investigations carried out by numerous observers, particularly by the National Council of Churches of the United States in November 1982, demonstrated that the programme of genocide that had begun in Guatemala in 1954 was continuing under the Rios Montt regime and was levelled at whole villages and regions, and not merely individuals. The communitarian aspects of the Indian way of life were used as a pretext to involve them in "anti-communist" sweeps. If the Guatemalan regime succeeded in its genocidal programme, other Governments might follow its example; for that reason the case of Guatemala was an extremely serious one which should be viewed as a grave threat to all the indigenous populations of the world. The time had therefore come for the Commission to take stronger initiatives, while the Working Group continued to carry out its information role.

40. Mr. IBARRA (International Indian Treaty Council) said that 1982 had been an important year for the Indian peoples since it had been marked by the first session of the Working Group on Indigenous Populations. In that connection, his organization noted that, in its resolution 1982/31, the Sub-Commission had emphasized the importance of the participation of indigenous peoples in the Group's sessions. Moreover, in its resolution 1982/29, the Sub-Commission had invited Mr. Martínez Cobo, Special Rapporteur for the study on discrimination against indigenous populations, to submit his conclusions and recommendations to the Sub-Commission at its thirty-sixth session. That study would contribute to the defence of the rights of the indigenous peoples and would constitute an intellectual basis for the preparation of an international instrument concerning those peoples.

41. All those initiatives were the most important ones taken by the United Nations to guarantee the physical and cultural survival of the indigenous groups at a time when their very existence was at stake and when those groups were claiming the right to exist as specific entities and to take charge of their own destinies.

42. The International Indian Treaty Council thus urged the Commission to approve resolution 1982/31 submitted by the Sub-Commission.

43. Mr. NCHAMA (International Movement for Fraternal Union among Races and Peoples) said he wished to comment, on behalf of his organization, on some aspects of the Sub-Commission's report, beginning with resolution 1982/7 concerning a study on the right to adequate food. The dramatic problem of hunger had a direct impact on the southern hemisphere, and more particularly Africa where drought and desertification were aggravating an already difficult situation. Sub-Commission resolution 1982/12 concerning the rights of persons subjected to any form of detention or imprisonment would, if approved by the Commission, help to alleviate a phenomenon which was assuming alarming proportions throughout the world, that of disappearances, which particularly affected the peoples living under the rule of oblivious dictators. To

avoid the worst, the non-governmental organizations had taken numerous initiatives, including the organization in Peru, in November 1982, of the third Congress of Relatives of Detainees and Disappeared Persons, which had adopted a convention on enforced disappearances.

44. In connection with the study entrusted to Mrs. Questiaux on the implications for human rights situations known as states of siege or emergency (resolution 1982/32), his organization noted that, although some rights could legitimately be suspended to defend the higher interests of the nation, there were some countries in which the state of "emergency" was a permanent feature, Equatorial Guinea since 1969 being a case in point. Mr. Whitaker's report on slavery - all of whose recommendations were endorsed by his organization - was of particular interest to Africa and Africans. Africa, which had been proportionately more populated in the sixteenth century than at the current time, had for three centuries been subjected to what were in fact slavery-like practices, a real genocide which was the major cause of the continent's current instability. Moreover, a form of slavery was still being practised in Africa by dictators in power in, for instance, Equatorial Guinea and Malawi.

45. In conclusion, his organization wished to state that it endorsed the idea of a study on female sexual mutilation in Africa (Sub-Commission resolution 1982/15, para. 17). In connection with the study on discrimination against indigenous peoples, it called upon the international community to recognize the right of those peoples to be different and their right to respect for their cultural traditions.

46. Mrs. de CONTRERAS (Observer for Guatemala), speaking in exercise of the right of reply, said it was regrettable that certain groups persisted in defaming the Government of her country. It was paradoxical that the current Government of Guatemala should be accused of genocide when it was the only Government in the history of the country (none of the Governments in power from 1944 to 1954 had concerned itself with the problem) to take a genuine interest in the indigenous population, which represented 70 per cent of the total population of Guatemala. The Government was well aware of the problems and needs of those people, who occupied a priority place in its plans, and was determined that that sector of the population should share in the benefits of progress and development. Consequently, her Government was more interested than anyone else in having a special rapporteur appointed as soon as possible so as to avoid any further false accusations of the kind made in the Commission by groups controlled by interests they dared not acknowledge.

47. Mr. MAHALLATI (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that the representative of the Baha'i political group had once again accused Iran of being intolerant towards it. As all delegations knew, there were many religious minorities and political groups in the Islamic Republic of Iran, including Christians, Jews, Zoroastrians, Sikhs, Assyrians, Armenians, Ismaelites, Marxists, socialists and so forth. If his country had displayed intolerance against political and religious groups, it was surprising that they too had not come to make complaints to the Commission. That fact clearly revealed that the allegations of the Baha'is were a pretext to enable that non-governmental organization to wage a propaganda campaign against his country. The contribution of that non-governmental organization to the various activities of the Commission, which was absolutely nil, was a confirmation of that assertion.

His delegation wished to state once again that nobody, whether Muslim or non-Muslim, was exempted from the application of the laws concerning espionage, terrorism, drug-trafficking and other inhuman activities; on the other hand, faith and belief were not subjected to any persecution in Iran.

48. Mr. SASSOUNIAN (International Federation of Human Rights) said that the Federation supported the comments of the delegations of Canada and the Netherlands concerning draft resolution 1982/2, submitted by the Sub-Commission, with respect to the appointment of a special rapporteur to revise and update the study on the question of the prevention and punishment of the crime of genocide. The draft resolution had in fact been unanimously approved by the Sub-Commission. The Federation thought it necessary to revise and update the report on genocide, which had remained pending since 1979, when it had last been discussed by the Commission. The Federation suggested that, when appointed, the new special rapporteur, should take account in his work of the discussions that had been held on the report on genocide (E/CN.4/Sub.2/416) and the document that had been submitted by the Federation (E/CN.4/NGO/237) during the Commission's debate on the subject at its thirty-fifth session.

49. Mr. CHOWDHURY (Bangladesh), speaking as Chairman of the Sub-Commission at its thirty-fifth session, thanked delegations for the observations and comments they had made on the work of the Sub-Commission and assured them that they would be transmitted to its members. With regard to the proposals that had been made, including the proposal to amend the Sub-Commission's title, he wished to point out that the most important consideration was still the work actually carried out by that body. In that connection, it was noteworthy that the Commission had frequently expressed its appreciation of the studies prepared by the Sub-Commission. Lastly, in view of the fact that some delegations felt that the Sub-Commission might sometimes go beyond the area of its competence, he wished to assure them that it would continue to work within the limits of its terms of reference.

50. The CHAIRMAN declared closed the general debate on agenda item 20.

CONSIDERATION AND ADOPTION OF DRAFT RESOLUTIONS ON THE FOLLOWING ITEMS:

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (E/CN.4/1983/L.19/Rev.1, L.20, L.24 and Corr.1)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO COLONIAL AND RACIST REGIMES IN SOUTHERN AFRICA (agenda item 7) (E/CN.4/1983/L.21, L.26)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (E/CN.4/1983/L.22)

IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 18 (b)) (E/CN.4/1983/L.23, L.25)

51. Mr. CHIKETA (Zimbabwe) introduced, on behalf of the sponsors, draft resolution E/CN.4/1983/L.19/Rev.1, which he read out. By adopting that draft resolution, which was the result of consultations among the delegations, the Commission would both notify the defenders of apartheid in South Africa that it unequivocally condemned that practice and show that it was not insensitive to the fate of the millions of victims of apartheid, who were of concern to all mankind.

52. Draft resolution E/CN.4/1983/L.20, concerning Namibia, was virtually identical with the resolutions that had been adopted on the same subject in previous years. In submitting the draft resolution on behalf of its sponsors, he wished to emphasize that the right of peoples to self-determination was an unconditional right. Since the States members of the Commission were independent, they could hardly refuse to allow the people of Namibia to exercise their own right of self-determination. Moreover, it had been unequivocally established that the presence of South Africa in that Territory was quite illegal.

53. He next introduced, on behalf of the sponsors, draft resolution E/CN.4/1983/L.21, concerning the adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa. By adopting that draft resolution, the Commission would reaffirm its support for the independent States of southern Africa which were trying to establish a free society and to be less closely dependent on South Africa in economic terms. It would also warn South Africa that the economic and military assistance it was receiving from certain countries did not authorize it to attack the neighbouring States.

54. Lastly, on behalf of the sponsors, which had been joined by India, he introduced draft resolution E/CN.4/1983/L.23 concerning the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. Operative paragraph 4, which had been revised by the sponsors, should read:

"4. Requests the Economic and Social Council Preparatory Sub-Committee of the Second World Conference to consider recommending to the Second World Conference the inclusion in the programme of activities to be undertaken at the end of the Decade, of a study of ways and means to ensure the full and universal implementation of United States resolutions and decisions on racism, racial discrimination and apartheid".

55. Mr. ELEBE (Zaire) speaking on behalf of the sponsors, which had been joined by India, introduced draft resolution E/CN.4/1983/L.22 concerning the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid, which he read out. The draft resolution was fully in keeping with the Convention. Since the United Nations in general and the Commission in particular had adopted numerous resolutions condemning the apartheid system, it was essential that all Member States should ratify the Convention and implement its provisions. He hoped that the draft resolution could be adopted without a vote.

56. Mr. SOFFER (Observer for Israel) said that his delegation rejected the groundless aspersions cast on Israel in draft resolution E/CN.4/1983/L.21. It was well known that Israel was absolutely opposed to all forms of racial discrimination, including apartheid, because it was a multiracial society and by virtue of the teachings of the Jewish faith. The rejection of racism was a crucial principle that should not be contaminated by political machinations. The Commission must avoid being manipulated by those who used any pretext to further their anti-Israel warfare. The reference to Israel in the preamble to the draft resolution formed part of that warfare. Those who alleged that there was nuclear collaboration between Israel and South Africa had produced no evidence whatsoever and it was particularly outrageous for Israel, and only Israel, to be singled out by name in that connection.

57. His Government had always complied with Security Council resolution 418 (1977), as it had recalled in a note verbale of 4 September 1979 addressed to the Vice-Chairman of the Security Council and in a letter of 23 June 1980 addressed to the Security Council Committee established by Council resolution 421 (1977).
58. The Governments which were incessantly striving to besmirch the image of Israel in their frenzied campaign to amass as many anti-Israel resolutions as possible in United Nations forums were the very ones that most fiercely persecuted their own racial and religious minorities. Israel was once again being subjected to a slanderous accusation which was completely divorced from reality, which reflected monumental hypocrisy and which was aimed at increasing hostility towards his country. Was the Commission repeatedly going to sanction that campaign of hatred and lies? Were the hard facts to be ignored simply because they were an inconvenience to those attempting to exploit agenda items for selfish political motives?
59. The Commission should not allow artificial diatribes to block its constructive actions. The singling-out of Israel in the preamble to draft resolution E/CN.4/1983/L.21 was nothing but a cynical manoeuvre which should be unreservedly rejected. The moral stature of the Commission was at stake
60. Mr. BEAULNE (Canada), speaking on behalf of the five members of the Western contact group on Namibia, said in connection with draft resolution E/CN.4/1983/L.20 that the independence of Namibia at the earliest possible moment, in accordance with Security Council resolution 435 (1978), was an objective shared by all members of the Commission. Canada and its partners in the contact group were convinced that only a negotiated settlement accepted by the people of Namibia, the neighbouring States and the United Nations could make that goal a reality. So as not to compromise their role as negotiators, the members of the contact group preferred, as in the past, to abstain on that draft resolution. Their abstention was purely procedural and did not imply any position on the merits of the draft resolution.
61. Mr. CARRIER (Canada) said that draft resolution E/CN.4/1983/L.19/Rev.1 contained some intemperate language which his delegation rejected. Nevertheless, in order to demonstrate its opposition to the policy of apartheid, his delegation would vote in favour of the draft resolution. The report of the Group of Experts on southern Africa (E/CN.4/1983/10) recalled, even if it had become abundantly clear to everyone except the South African Government, that apartheid trampled underfoot the fundamental rights of a whole people. Nevertheless, despite the humiliating situation to which the black population continued to be subjected, it seemed excessive to speak of "genocide" in connection with the situation in South Africa.
62. Mr. SCHIFTER (United States of America) said that, in the course of the general debate, he had already made clear his Government's opposition to apartheid and its policy of "constructive engagement" in southern Africa. During the preceding week, his delegation had held consultations with delegations in the African Group in an endeavour to reach agreement on a draft resolution focused on the policy of apartheid and not on issues on which there was no unanimous agreement in the Commission. In his delegation's view, one of those issues fell within the jurisdiction of other United Nations bodies, such as the Security Council. Another was related to certain fundamental principles of the Charter. The results of those negotiations were encouraging and it should be possible to reach a consensus before long.

63. With respect to draft resolution E/CN.4/1983/L.19/Rev.1, his delegation could not endorse the notion, implicitly expressed in operative paragraph 5 (c), that violence and armed combat were legitimate ways of achieving a political goal. Similarly, it could not agree that the Government of a State Member of the United Nations should be described as illegitimate or that the Commission should involve itself in issues which were clearly within the jurisdiction of the Security Council.

64. His delegation accordingly requested a separate vote on paragraphs 5 (c) and 12 of draft resolution E/CN.4/1983/L.19/Rev.1. It would vote against those parts of the text and would then be prepared to join the consensus on the draft resolution as a whole.

Draft resolution E/CN.4/1983/L.19/Rev.1

65. The CHAIRMAN announced that Gambia, Pakistan, the Syrian Arab Republic and Viet Nam had joined the sponsors of draft resolution E/CN.4/1983/L.19/Rev.1. He invited the Commission to vote on operative paragraph 5 (c) of the draft resolution.

66. At the request of the representative of Zimbabwe, a vote was taken by roll-call on paragraph 5 (c).

67. Australia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, Gambia, Ghana, India, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

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

68. Paragraph 5 (c) of draft resolution E/CN.4/1983/L.19/Rev.1 was adopted by 33 votes to 1, with 8 abstentions.

69. The CHAIRMAN invited the Commission to vote on operative paragraph 12 of draft resolution E/CN.4/1983/L.19/Rev.1.

70. At the request of the representative of Zimbabwe, a vote was taken by roll-call on paragraph 12.

71. The Libyan Arab Jamahiriya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Canada.

72. Paragraph 12 of draft resolution E/CN.4/1983/L.19/Rev.1 was adopted by 40 votes to 1, with 1 abstention.

73. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1983/L.19/Rev.1 as a whole.

74. At the request of the representative of Zimbabwe, a vote was taken by roll-call on the draft resolution as a whole.

75. Bangladesh, having been drawn by a lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Germany, Federal Republic of, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

Abstaining: None.

76. Draft resolution E/CN.4/1983/L.19/Rev.1 was adopted by 42 votes to none.

Draft resolution E/CN.4/1983/L.20.

77. Mr. SEBAZUNGU (Rwanda) announced that his delegation wished to become a sponsor of draft resolution E/CN.4/1983/L.20.

78. The CHAIRMAN invited the Commission to vote on draft resolution E/CN.4/1983/L.20.

79. At the request of the representative of Zimbabwe, a vote was taken by roll-call on draft resolution E/CN.4/1983/L.20.

80. Cuba, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, Gambia, Ghana, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

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

81. Draft resolution E/CN.4/1983/L.20 was adopted by 37 votes to none, with 5 abstentions.

Draft resolution E/CN.4/1983/L.21

82. Mr. BEAULNE (Canada), speaking in explanation of vote before the vote, said that his delegation would abstain in the vote on the draft resolution concerning the report on the adverse consequences for the enjoyment of human rights of assistance given to colonial and racist regimes in southern Africa. While the Canadian Government certainly did not encourage economic links with South Africa and had taken specific measures to discontinue all official trade links, it nevertheless had serious reservations about Mr. Khalifa's report, which listed names of companies without taking account of their nationality, origin, administrative set-up or turnover, the goods which they produced or the nature of their operations. That simple list, which included the names of companies that had ceased to exist several years previously, was meaningless unless it was placed in an up-to-date and complete statistical context. Otherwise, it served merely to spread slanderous innuendoes and unfounded insinuations. Moreover, the Special Rapporteur omitted to shed any light, as called for in his mandate, on the adverse consequences that any trade with South Africa might have upon the apartheid regime, on the basis of an assumption which he had not taken the trouble to justify.

83. His delegation requested a separate vote on the eighth and ninth preambular paragraphs of draft resolution L.21.

84. The CHAIRMAN announced that Gambia, Pakistan, Viet Nam, the Syrian Arab Republic and Somalia had joined the sponsors of the draft resolution.

85. The CHAIRMAN invited the Commission to vote on the eighth preambular paragraph of draft resolution E/CN.4/1983/L.21.

86. At the request of the representative of Zimbabwe, a vote was taken by roll-call on the eighth preambular paragraph of draft resolution E/CN.4/1983/L.21.

87. Mozambique, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zaire, Zimbabwe.

Against: Australia, Canada, Costa Rica, France, Germany, Federal Republic of, Ireland, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Brazil, Fiji, Finland, Japan, Philippines, Uruguay.

88. The eighth preambular paragraph of draft resolution E/CN.4/1983/L.21 was adopted by 26 votes to 10, with 6 abstentions.

89. The CHAIRMAN invited the Commission to vote on the ninth preambular paragraph of the draft resolution.

90. At the request of the representative of Zimbabwe, a vote was taken by roll-call on the ninth preambular paragraph.

91. Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bulgaria, China, Colombia, Cuba, Cyprus, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Yugoslavia, Zimbabwe.

Against: Australia, Canada, Costa Rica, France, Germany, Federal Republic of, Italy, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, Fiji, Finland, Ireland, Japan, Philippines, Uruguay, Zaire.

92. The ninth preambular paragraph of draft resolution E/CN.4/1983/L.21 was adopted by 24 votes to 9, with 9 abstentions.

93. The CHAIRMAN invited the Commission to vote on the draft resolution as a whole.

94. At the request of the representative of Zimbabwe, a vote was taken by roll-call on draft resolution E/CN.4/1983/L.21.

95. The United Kingdom of Great Britain and Northern Ireland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

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

Abstaining: Australia, Canada, Finland, Ireland, Italy, Japan, Netherlands, Philippines.

96. Draft resolution E/CN.4/1983/L.21 was adopted by 30 votes to 4, with 8 abstentions.

Draft resolution E/CN.4/1983/L.22

97. The CHAIRMAN announced that Gambia, Viet Nam and the Syrian Arab Republic had joined the sponsors of draft resolution E/CN.4/1983/L.22. He invited the Commission to vote on the draft resolution.

98. At the request of the representative of the United Republic of Tanzania, a vote was taken by roll-call on draft resolution E/CN.4/1983/L.22.

99. Bangladesh, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Bangladesh, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Gambia, Ghana, India, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: United States of America.

Abstaining: Australia, Canada, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Netherlands, United Kingdom of Great Britain and Northern Ireland.

100. Draft resolution E/CN.4/1983/L.22 was adopted by 31 votes to 1, with 10 abstentions.

Draft resolution E/CN.4/1983/L.23

101. The CHAIRMAN announced that the following countries had joined the sponsors of the draft resolution: Gambia, Nicaragua, Pakistan, Somalia, Syrian Arab Republic, Venezuela and Viet Nam.

102. Mr. SCHIFTER (United States of America) said that, in the light of General Assembly resolution 3379 (XXX), his delegation would not participate in the vote on the draft resolution.

103. The CHAIRMAN invited the Commission to vote on the draft resolution.

104. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/1983/L.23.

105. The Ukrainian Soviet Socialist Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Bangladesh, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Fiji, Finland, France, Gambia, Ghana, Germany, Federal Republic of, India, Ireland, Italy, Japan, Jordan, Libyan Arab Jamahiriya, Mexico, Mozambique, Netherlands, Nicaragua, Pakistan, Philippines, Poland, Rwanda, Senegal, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Yugoslavia, Zaire, Zimbabwe.

Against: None.

Abstaining: None.

106. Draft resolution E/CN.4/1983/L.23 was adopted by 41 votes to none.

107. Mr. CALERO RODRIGUES (Brazil) said that his delegation had a number of reservations regarding certain parts and wordings of the draft resolutions submitted under items 6, 7, 16 and 18, although it had voted in favour of them. Its reservations concerned in particular draft resolution E/CN.4/1983/L.21 and paragraph 5 of draft resolution E/CN.4/1983/L.22.

108. Mr. WALKATE (Netherlands) said that his delegation had abstained in the separate vote on paragraph 5 (c) of draft resolution E/CN.4/1983/L.19/Rev.1 because the expression "freedom fighters" implied that the situation in South Africa was a colonial situation, which was not the case. His delegation had voted in favour of the draft resolution as a whole, despite having serious doubts about the usefulness of the international penal tribunal referred to in paragraph 18. It also doubted the usefulness of organizing a seminar in 1984 to consider the most effective means of reinforcing the Commission's efforts to eliminate apartheid, racism and racial discrimination (para. 19), since such an event would fall shortly after the Second World Conference to Combat Racism and Racial Discrimination, scheduled for August 1983.

109. His delegation had voted in favour of draft resolution E/CN.4/1983/L.20 in spite of its reservations about paragraph 3, in which the Commission "calls on South Africa to comply without further delay with all resolutions on Namibia adopted by the Security Council and the Commission". The Commission's resolutions did not have the mandatory force of Security Council resolutions. His delegation had similar reservations about paragraph 5 of that draft resolution. South Africa had not acceded to Additional Protocol I to the Geneva Convention of 12 August 1949.

110. Viscount COLVILLE OF CULROSS (United Kingdom) said that his delegation's views on draft resolutions L.21 and L.22 were too well known to need reiterating. His delegation had voted in favour of draft resolution L.19/Rev.1 to indicate its disapproval of South Africa's persistent violations of human rights and to mark its appreciation of the laudable efforts of the sponsors of the draft resolution. Nevertheless, his delegation had serious reservations about certain parts of that text, particularly paragraph 5. It was regrettable that the sponsors had not been prepared to accept his proposal to place paragraph 5 (a) elsewhere in the text. His own delegation, like many others, did not consider judicial executions to constitute in themselves violations of human rights. Moreover, he could find nothing in the Working Group's report to justify the conclusion that there were "alarming increases" in the number of executions. His delegation endorsed the general thrust of paragraph 5 (c), but regretted that the sponsors of the text had been unwilling to replace the expression "freedom fighters" by a more neutral expression. Accordingly, his delegation had abstained in the vote on that subparagraph.

111. If his delegation understood correctly the reason for the inclusion of paragraph 11, the word "demands" would appear quite inappropriate, since accession to the ILO Convention in question was optional.

112. His delegation welcomed the amendment to paragraph 4 of draft resolution L.23, as a result of which the Commission did not appear to be giving an order to the Economic and Social Council Preparatory Sub-Committee of the Second World Conference, but was simply suggesting a course of action. The Sub-Committee would present its views to the Council, which would in turn transmit its recommendations to the World Conference. The fact that his delegation endorsed the paragraph as revised did not mean, however, that its position had changed with regard to the resolutions mentioned therein or the mandates of the various United Nations bodies.

113. Miss CARTA (France) said the reason why her delegation had voted in favour of draft resolution L.19/Rev.1 was to indicate its disapproval of the practices which were rightly condemned in that text. Nevertheless, her delegation had reservations of a legal nature about the reference to genocide contained in paragraph 13 of draft resolution L.19 and paragraph 14 of draft resolution E/CN.4/1983/L.19/Rev.1.

114. Her delegation had voted in favour of draft resolution L.23, but wished to state clearly that, in its opinion, the study of ways and means to ensure the implementation of United Nations resolutions on apartheid, racism and racial discrimination referred to in paragraph 4 of the draft resolution should in no way call into question the legal nature of the texts adopted by United Nations bodies and, in particular, their binding or non-binding force.

115. Mr. SOLEY SOLER (Costa Rica) said that his delegation had supported the efforts of the Canadian delegation to secure the deletion of the eighth and ninth preambular paragraphs from draft resolution L.21. Although those two paragraphs had been retained, his delegation had voted in favour of the draft resolution as a whole.

116. Mr. BEHRENDs (Federal Republic of Germany) said that his delegation had voted against draft resolution L.21 because it contained a number of unacceptable elements. While his Government rejected the policy of apartheid practised by South Africa and believed that no effort should be spared to bring about a peaceful change in the situation in favour of the oppressed minority in that country, it could not endorse what was stated in the text in question about the nature of the relations between certain countries and South Africa. Nor could it endorse the content of Mr. Khalifa's report, or the assumptions on which it was based. A mere list of companies was questionable from both the factual and methodological points of view.

117. His delegation paid tribute to the sponsors of draft resolution L.19/Rev.1 for having taken account of the views and suggestions of other delegations, thus enabling his own delegation to vote in favour of the text, despite its remaining reservations about paragraphs 14 and 18. It was his delegation's understanding that the cost of organizing the conferences, seminars, symposia and other events referred to in paragraphs 19 and 20 of the resolution would be met from the United Nations regular budget.

118. His delegation welcomed the unanimous adoption of draft resolution L.23, which had been made possible by the revision of paragraph 4. His delegation still had difficulty in agreeing to the paragraph in question. Nevertheless the adoption of the resolution was highly encouraging.

The meeting rose at 6.50 p.m.