

United Nations
**GENERAL
ASSEMBLY**



THIRTY-SECOND SESSION
*Official Records**

THIRD COMMITTEE
14th meeting
held on
Tuesday, 11 October 1977
at 10.30 a.m.
New York

SUPPRESSION
SUMMARY RECORD OF THE 14th MEETING

Chairman: Mrs. MAIR (Jamaica)

CONTENTS

AGENDA ITEM 79: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 74: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

(d) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL (continued)

* This record is subject to correction. Corrections should be incorporated in a copy of the record and should be sent *within one week of the date of publication* to the Chief, Official Records Editing Section, room A-3550.

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

Distr. GENERAL
A/C.3/32/SR.14
13 October 1977

ORIGINAL: ENGLISH

The meeting was called to order at 10.55 a.m.

AGENDA ITEM 79: IMPORTANCE OF THE UNIVERSAL REALIZATION OF THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND OF THE SPEEDY GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES FOR THE EFFECTIVE GUARANTEE AND OBSERVANCE OF HUMAN RIGHTS: REPORT OF THE SECRETARY-GENERAL (continued) (A/32/61, A/32/147 and Add.1 and 2)

1. Mrs. NGUYEN (Viet Nam) thanked all those delegations that had expressed sympathy and friendship for the people of her country. Their near-unanimous solidarity strengthened her delegation's conviction that the cause of the people of Viet Nam in their struggle to achieve independence and freedom was dear to all peoples striving to uphold human rights. She paid a tribute to the untiring efforts of Member States to defend human rights, especially the right to self-determination and independence; those efforts had contributed to the success of the struggle of many oppressed peoples.

2. With the passing of the colonial era, the colonialists no longer claimed that they had a civilizing mission to perform where "backward" peoples were concerned. The forces of imperialism, colonialism and racism now resorted to a new type of language, posing as defenders of human rights generously concerned with the fate and dignity of every individual throughout the world. It was wrong, however, to speak of human rights while at the same time denying the right of peoples. As a result of their sufferings, the oppressed peoples now clearly realized that that cunning claim to defend human rights was simply designed to mask a policy of domination and exploitation of peoples at a time when the forces of independence, democracy and social progress held the upper hand. She therefore commended the General Assembly for having continued to link the protection of human rights with the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

3. In the Middle East, the illegal acts of the Zionists aimed at strengthening their occupation of Arab territories, and their brazen announcements that they would never return those territories or recognize the legitimate national rights of the Palestinian people, had inflamed the situation and constituted a serious obstacle to a peaceful solution. The current situation was largely due to the determined support which imperialism furnished to the Israeli aggressors in order to establish a bastion in that region. Only respect for the national rights of the Palestinian people would bring about peace. The past 30 years had shown that no force could annihilate the resistance of the Palestinian people who were determined to continue their struggle until final victory. Any manoeuvre designed to strengthen the Zionist occupation and to weaken Palestine simply delayed a peaceful solution to the Middle East problem. While Viet Nam advocated a peaceful

(Mrs. Nguyen, Viet Nam)

solution, it considered that, so long as the Israeli aggression continued to be encouraged and the inalienable national rights of the Palestinian people were not fully respected, peace in the Middle East would remain illusory.

4. Throughout their liberation struggle, the Vietnamese people had been deeply grateful to all who had afforded them unconditional support, thereby contributing effectively to victory. Similarly the courageous Palestinian people, represented by the Palestine Liberation Organization, were entitled to expect material, political and moral support commensurate with their legitimate aspirations. Her delegation, for its part, considered that any solution to the Middle East problem must ensure the return by the Zionist forces of aggression of all the occupied territories, respect for the inalienable national rights of the Palestinian people to return to their homes and to establish an independent State in their homeland, and the representation in all negotiations of PLO, the authentic representative of the Palestinian people, on an equal footing with the other parties concerned.

5. Her delegation welcomed the successive victories achieved by the peoples of Zimbabwe, Namibia and South Africa. She paid a tribute to the memory of Steve Biko, the heroic fighter who had been the latest victim of the racists at Soweto, and, through him, to the indomitable peoples of those countries. His death merely heightened the universal indignation directed against racism, apartheid and the increasingly isolated Smith and Vorster régimes.

6. As the Minister for Foreign Affairs of Viet Nam had stated at the Special Conference of Ministers for Foreign Affairs of Non-Aligned Countries held recently at New Delhi, imperialism, rather than openly supporting those régimes, resorted to other manoeuvres in order to undermine the just struggle of the peoples of southern Africa. While advocating non-intervention in the affairs of the African peoples, the imperialists sought to conceal their efforts to combat the cause of freedom and to impede the struggle to emancipate those peoples. Their fallacious claims were merely a repetition of their manoeuvres against the people of Spain during the Spanish Civil War. The events in the Congo in 1960 also constituted a lesson in the history of the national liberation movements, a repetition of which must be avoided.

7. The Socialist Republic of Viet Nam wished to express its admiration for, and its profound solidarity with, the heroic freedom fighters of Zimbabwe, Namibia and South Africa, who were shedding their blood in the cause of national liberation. It would do its utmost, together with all other progressive countries and forces throughout the world, to support that just struggle until final victory was won, and assured all oppressed peoples of its full solidarity with their cause.

/...

8. Ms. RICHTER (Argentina) noted that the continuance of colonialism hindered the development of international economic co-operation and the social, cultural and economic development of dependent peoples and militated against the cause of universal peace. In the process of liberation from colonialism and accompanying discriminatory practices, the General Assembly had repeatedly reaffirmed the inalienable right of peoples to absolute freedom, sovereignty and territorial integrity, in accordance with its historic resolution 1514 (XV) and the purposes and principles of the Charter.

9. Since each case of colonialism presented different characteristics, the final objective of decolonization had required the application of the principles most appropriate to each situation. The International Court of Justice, in stating in its advisory opinion of 16 October 1975 that the law on decolonization was in the process of formation, had noted that the variety of factors to be taken into account had prevented the formulation of a body of rules and practices sufficiently developed to cover all situations. In some cases, the General Assembly had applied the principle of self-determination; in others, it had been necessary to apply different principles in order to achieve most effectively the ultimate objective of decolonization, equality among nations.

10. In certain cases, the change in the demographic composition of Territories occupied by colonial Powers had made it inappropriate to apply the principle of self-determination at the cost of violating justice. When an indigenous people had been uprooted or, worse yet, had disappeared without a trace, only members of the same people were entitled to claim the land which had been theirs. That had been the understanding of the General Assembly in applying the principle of territorial integrity to cases of territorial usurpation. Her delegation endorsed the relationship between, on the one hand, the principle of self-determination and other principles applicable to the decolonization process and, on the other, the full enjoyment of equality of rights between peoples, especially protection against discrimination.

11. Foreign occupation of a territory or part of it, made it necessary for many countries to take precautions to ensure that the racism which usually accompanied colonial practices could not spread. Accordingly, racism, a practice unknown to Argentina, would be incorporated into the Argentine Penal Code as a new type of offence for which severe penalties of imprisonment were proposed. The intention was to reduce the unfavourable influence which the proximity of certain régimes had perpetuated, in the hope that colonialism and all racist and discriminatory practices could soon be eradicated from the international community.

12. Miss DJURIČKOVIĆ (Yugoslavia) said that the continuance of colonialism in all its forms and manifestations was incompatible with the Charter, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples, and posed a serious threat to international peace and security. South Africa, by its aggression against the Namibian people, threatened the independence of neighbouring countries and was a permanent threat to peace in that area. The same applied to the illegal racist minority régime in Southern Rhodesia.

13. In her delegation's opinion, the United Nations should play an even more active role in solving those problems. It should lend effective support and assistance to SWAPO in Namibia and to the Patriotic Front in Zimbabwe, as well as to the front-line countries in their fight to end racism and apartheid in southern Africa. The persistence of minority régimes left the peoples of southern Africa with no alternative but to wage an armed struggle. Her delegation supported all initiatives aimed at providing moral and material assistance to the oppressed peoples of Namibia and Zimbabwe, and considered that international conferences such as those held at Maputo and Lagos were of great importance to that end. Her delegation also welcomed the accession to independence of the people of Djibouti, which was a step forward in the process of decolonization in Africa.

14. Israel's denial of the national rights of the Palestinian people constituted another threat to peace and security. Moreover, its recent acts of colonization infringed United Nations resolutions on Israel's withdrawal from all the territories occupied in 1967. It was her delegation's firm conviction that a peaceful, lasting and just solution of the Middle East problem could be achieved only on the basis of Israel's withdrawal from those territories and the realization of the legitimate national rights of the Palestinian people, including the right to establish its own State.

15. The United Nations should once again categorically demand the elimination of colonialism in all remaining colonial enclaves. The people of every colonial Territory must be given the possibility of realizing its right to self-determination and independence regardless of the size of its territory and the number of its inhabitants.

16. The importance of granting independence to colonial countries and peoples and universal realization of their right to self-determination for the economic emancipation of the developing countries had been reaffirmed in the recently adopted declaration of the Ministers for Foreign Affairs of the States members of the Group of 77. That declaration emphasized that urgent, more vigorous steps remained to be taken, collectively and individually, by all the members of the international community to end without delay colonialism, imperialism, neo-colonialism, interference in internal affairs, apartheid, racial discrimination and all forms of foreign aggression and occupation, which

(Miss Djuričković, Yugoslavia)

constituted major obstacles to the economic emancipation of the developing countries. It also emphasized the duty of all States effectively to support and extend assistance to countries, territories and peoples subjected to, and affected by, those practices so as to restore their national sovereignty, territorial integrity and all other inalienable and fundamental rights, including the right to self-determination, in order to enable them to achieve independence, and to promote development and international co-operation, peace and security.

17. In conclusion, she commended the important work done by the Special Committee against Apartheid and the Special Committee on decolonization, in which her country was taking an active part. Efforts should continue to be exerted within the United Nations for the realization of fundamental human rights, a major objective of the Organization.

18. Mr. AL-HUSSAMY (Syrian Arab Republic), speaking on behalf of the Arab delegations, commended the representative of Viet Nam for the support which she had expressed for the Palestinian people.

19. He noted that, at the time of the adoption of General Assembly resolution 31/34 on the item currently before the Committee, four delegations had cast an opposing vote and a number had abstained. How long would they continue to hinder the Committee's work? The conviction of the oppressed peoples that human rights could not be enjoyed unless fundamental freedoms were guaranteed within the framework of national sovereignty and independence had led his delegation to request that the item should be included in the agenda and dealt with as a matter of priority since it believed that self-determination was a prerequisite for the enjoyment of all other fundamental human rights. The determined opposition shown by the imperialist countries and their supporters to the inclusion of the item had been an indication of their opposition to human rights and of the non-validity of the "civilizing mission" which they had used for so long as a pretext to justify their exploitation and colonization of the peoples of Asia, Africa and Latin America.

20. Those oppressed peoples who had achieved independence had helped in the realization of the principle of universality and justified the confidence of the peoples of the world in the Organization. Their efforts had led the international community to adopt the Proclamation of Teheran in 1968 and had brought about an important change in the work of the Third Committee since the twenty-fifth session by enabling it to consider the humanitarian aspects of the right to self-determination. His delegation welcomed the Committee's achievements in that field but regretted that many delegations of Western countries continued to oppose or have reservations about resolutions adopted under that item. Persistent refusal to recognize those fundamental rights would leave the oppressed peoples with no alternative to armed struggle.

(Mr. Al-Hussamy, Syrian
Arab Republic)

21. The Palestinian people were in the same situation, since they had been expelled from their country, their property and land had been expropriated and they were subject to racial discrimination and oppression. By refusing to countenance their right of self-determination, certain Member States hindered the Committee's work in the field of human rights. They sought to distinguish between the liberation movement in Palestine and those in Namibia and Zimbabwe. Such an attitude was incompatible with the Charter, the Universal Declaration of Human Rights and United Nations resolutions, and encouraged imperialist régimes to continue their oppression, thereby posing a threat to international peace and security. The rights of the Arab peoples could not be guaranteed if the Zionist racist régime prevented the Palestinians from returning to their lands and continued to expel them, establishing settlements on their lands and violating their cultural and religious heritage. Similarly, the rights of the peoples of Africa could not be guaranteed if the Vorster and Smith régimes continued their racist policies, establishing bantustans and subjecting the indigenous population to oppression, imprisonment and torture.

22. The right to self-determination was a political, economic, social and humanitarian right. Other United Nations bodies had succeeded in winning recognition of the political aspect of that right, particularly for the Palestinian and African peoples. The Third Committee should go further in its consideration of the right to self-determination from the humanitarian standpoint. There was no room for divergent views in such matters: efforts should be made to ensure that resolutions were adopted unanimously.

23. Mr. SAMHAN (United Arab Emirates) said that the right of every people to determine its own destiny and its own social, economic and political structure in accordance with its freely expressed wishes was an inalienable right and had been recognized by the international community. The persistent denial of that right therefore constituted a violation of international law. His country fully appreciated the achievements of the United Nations through its various resolutions and other instruments in helping peoples who were still struggling to achieve their freedom, independence and human rights. Even after attaining independence, however, those peoples still had to struggle to maintain an independent economic policy when their interests differed from those of the major economic Powers. His country therefore supported their independence in the broadest sense.

24. His country also provided material and moral support to the African liberation movements and urged that the universally recognized right to self-determination should be reaffirmed everywhere, since it was central to all fundamental human rights.

/...

(Mr. Samhan, United Arab Emirates)

25. It was not enough, however, to denounce the racist régimes which violated that right. Concrete measures also had to be taken. In the case of Namibia, for example, nothing had been achieved. SWAPO must participate in any discussions of the fate of that Territory, because it was the only genuine representative of the people of Namibia. The Vorster régime must also be made to understand that it could no longer rely on foreign assistance in pursuing its racist policy in that area.

26. Similarly, the just rights of the Palestinian people had been recognized by every State but Israel. Those rights were anchored not only in natural law but also in various United Nations resolutions and a number of international instruments. Armed struggle had been forced on the Palestinian people by the intransigence of its enemy and by the long-standing indifference of the international community. The Palestinian people was clearly ready for peace, but without full restoration of its rights a world-wide explosion could occur, and the danger must be recognized in time. International peace required ensuring the right to self-determination of the peoples of Namibia, Zimbabwe and Palestine.

27. Mr. OZADOVSKI (Ukrainian Soviet Socialist Republic) said that the Ukrainian SSR attached special importance to the right to self-determination as an effective guarantee of the observance of human rights and had always been unswerving in its support of that principle. Indeed, the implementation of that right for millions of peoples had been one of the major achievements of the Great October Revolution. In recent years that right had also won important successes in Africa and Asia through the accession of a number of former colonies to independence.

28. The United Nations in particular had made an important contribution to decolonization and should pursue its efforts in that direction. However important such instruments as the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted on the initiative of the Soviet Union, had been in effecting notable progress in the matter of decolonization, the fact remained that approximately 1 per cent of the world's population still suffered under the colonial yoke in Territories which housed strategic military bases serving the global interests of imperialism. The United Nations must therefore continue to work for the implementation by all Powers of its resolutions relating to decolonization and racial discrimination, since only complete elimination of the last vestiges of those scourges, as recently called for at the Twenty-fifth Congress of the Communist Party of the Soviet Union, could put an end to the suffering of millions of people and create the pre-conditions for ensuring their successful development and well-being. One of the fundamental pre-conditions for pursuing the struggle for national and social liberation was the continued reduction of international tension, thereby ensuring international solidarity with and assistance to the peoples struggling for liberation from colonial dependence. The right to self-determination, it must be stressed, was also a fundamental pre-condition for ensuring all human rights, and it was the duty of the United Nations to support the struggle for the implementation of that right both by

(Mr. Ozadovski, Ukrainian SSR)

peaceful means and by armed force. Those who favoured limiting that struggle should appeal not to those who were fighting for national liberation but rather to those in Southern Rhodesia and South Africa who were intensifying their efforts against the peaceful population of the area and violating the sovereignty of their neighbours.

29. Despite their professions to the contrary, it was clear that certain Western countries, as his Government had already noted in document A/32/259, were continuing to protect their privileges in southern Africa and to offer vital economic and military support to the racist régimes they pretended to oppose. Indeed, it was now known that South Africa was on the verge of becoming a nuclear Power, thanks to the help of certain Western States belonging to NATO. A number of recent important international conferences - such as the World Assembly of Builders of Peace, the World Conference for Action Against Apartheid, the First Conference of Heads of State and Government of the OAU and the League of Arab States and the Fourteenth Session of the Heads of State and Government of OAU - had recognized the inalienable right to self-determination of the peoples of southern Africa and supported the use of any methods for achieving it, while at the same time unmasking manoeuvres aimed at creating puppet régimes in that part of the world and condemning political and economic manoeuvres directed by the imperialists against a number of sovereign African States with the aim of political and economic destabilization. Those acts had rightly been branded as a threat to world peace. The conferences had also condemned the similar actions of Israel directed, as noted in document A/32/61, against a number of Arab States and against the people of Palestine.

30. The Ukrainian SSR resolutely supported the peoples of southern Africa and the Palestinians in their struggle for self-determination and believed that the General Assembly, in keeping with its resolution 31/34, must take effective measures to that end. His delegation was prepared to work with all other delegations in preparing such measures. It condemned those who continued to support the racist régimes and would continue its work within the United Nations to assist in the decolonization struggle and to honour its commitments under all the relevant United Nations resolutions.

31. In conclusion, he stressed that his country would favour any solution to the problems of southern Africa that was in keeping with the fundamental interests and aspirations of the African peoples and would reject any neo-colonialist solution. It supported the demands for the immediate and unconditional transfer of power to the majority population in Zimbabwe and an end to the illegal occupation of Namibia. In accordance with its consistent position of principle regarding the right to self-determination, it would support any General Assembly decision aimed at furthering the process of the liberation of peoples from colonialism and racism.

32. Mr. ABDALLAH (Tunisia) emphasized the importance to the African countries of the item under discussion. At the end of the Second World War, all peoples under colonial domination had hoped for the rapid eradication of colonialism, but the latter had been strong enough to resist all attacks. His country, one of the first

/...

(Mr. Abdallah, Tunisia)

to rise against colonialism, had achieved independence after a hard struggle, and it fully understood the sacrifices and suffering of those still fighting to free themselves from foreign domination. Tunisia wished to participate in their struggle by expressing its solidarity and support for their cause. It was sad to note that, more than 30 years after the great crusade for independence, hotbeds of colonialism, racism and racial discrimination persisted and that the United Nations was still thwarted by a network of neo-colonial complicity. Tunisia resolutely supported those who fought against all forms of oppression - colonialism, racial discrimination, apartheid and zionism. That defiance of right and morality must cease. His delegation denounced the support given by certain countries, which widely proclaimed their respect for human rights, to the minority régime in southern Africa and to Israel, in flagrant violation of the right of all peoples to self-determination and independence. The latest victim of that repression was the partisan of non-violence, Steve Biko. The international community must at last intervene to stop the massacre in southern Africa.

33. Israel was no less racist than the Vorster and Smith régimes. It was intolerable that the Palestinian people should be driven from the land of their ancestors for the benefit of intruders who imposed themselves by force. One of the most essential human rights was the right to a homeland, where all other rights could flourish. Israel, the only country in the world that owed its existence to a decision by the United Nations, flouted the very resolution which had created it and which had also recognized the Palestinian people's right to a homeland. It put obstacles in the way of any attempts to establish peace in the Middle East because, in the words of a Zionist writer, it had not been prepared for peace. It was high time that the world realized that the Arabs had been more than patient and that there would be no peace in the Middle East without a just settlement of the Palestinian problem. The importance of the United Nations made it a party to that state of affairs despite itself. It was time for the great Powers at last to shoulder their responsibilities and find a solution.

34. There was, however, a glimmer of hope, and the joint efforts of all countries must continue until peace and justice prevailed throughout the world. It was encouraging to note that world public opinion was becoming increasingly conscious of the struggle being waged by the African and Arab peoples for their freedom, their dignity, their rights and their homelands, and to see the racist régimes becoming more and more isolated. His delegation was ready to share in every effort to eliminate the last vestiges of racism and colonialism.

AGENDA ITEM 74: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued)

(d) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL (continued)
(A/32/187; A/C.3/32/L.6)

35. The CHAIRMAN announced that the Congo and Madagascar had become sponsors of draft resolution A/C.3/32/L.6.

/...

36. Mr. AYENI (Nigeria), speaking on behalf of the sponsors, said that the draft resolution had been revised as follows: the fifth preambular paragraph would end with the word "Lagos" and a new preambular paragraph would be inserted immediately afterwards, reading as follows:

"Takes note of document A/AC.115/L.467, referring to the General Declaration and Programme of Action adopted in Lisbon, June 1977".

37. Mrs. CASTRO de BARISH (Costa Rica) requested a separate vote on the new preambular paragraph. Her delegation had reservations about the reference to a document produced by a non-United Nations conference.

38. The new preambular paragraph was adopted by 65 votes to 9, with 24 abstentions.

39. At the request of the representative of the German Democratic Republic, a vote was taken by roll-call on the draft resolution as a whole, as revised.

40. Iceland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Mozambique, Nepal, Niger, Nigeria, Peru, Philippines, Poland, Qatar, Romania, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Surinam, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Fiji, Finland, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Lesotho, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

41. The draft resolution (A/C.3/32/L.6), as revised, was adopted by 88 votes to none, with 26 abstentions.

42. Mr. NOTHOMB (Belgium), speaking on behalf of the nine States members of the European Economic Community, said that they had abstained on the draft resolution because, as in previous years, they considered that the International Convention on the Suppression and Punishment of the Crime of Apartheid did not make a useful contribution to the measures which the international community should adopt to ensure the speedy elimination of apartheid. Although the members of EEC considered the policy and practice of apartheid to be a flagrant violation of the most elementary human rights, they did not believe in the effectiveness of the Convention under discussion. On the other hand, they firmly believed in the effectiveness of the International Convention on the Elimination of All Forms of Racial Discrimination, which had so far been ratified by nearly 100 States and which specifically condemned apartheid. Their objections to the International Convention on the Suppression and Punishment of the Crime of Apartheid were essentially of a legal character, relating in particular to the right it conferred on a State party to judge acts committed outside its territory by individuals which were not its nationals, even when there was no connexion whatsoever between the alleged offence and the State party in question. The fact that the Convention defined very vaguely the offences to which it referred made the reservations of the EEC countries even stronger. They also had doubts as to the scope of article IX, which conferred responsibilities in connexion with the implementation of the Convention on a United Nations body many of whose members had not ratified it. In any event, the States members of EEC considered that the Convention applied only to the States which had ratified it and to their nationals.

43. The EEC countries also regretted that the sixth preambular paragraph of the draft resolution, as revised, gave equal standing to the results of a private meeting held outside the United Nations system.

44. He wished to make it quite clear that the reservations he had expressed did not relate to the aims of the Convention, but to the methods it proposed for attaining them.

45. Ms. MATTESON (United States of America) endorsed those reservations, and said that her delegation had abstained for reasons which had been stated on previous occasions.

46. Mr. de FARIA (Portugal) said that his country too had abstained because of the same legal reservations it had expressed in previous years.

47. Mr. PIPER (Australia) said that his delegation supported the general principles of the Convention but had constitutional and legal difficulties with the actual text.

48. Mr. GAGLIARDI (Brazil) said that his delegation had voted in favour of the draft resolution because it could not oppose it as a whole, but that it did oppose the sixth preambular paragraph, which mentioned a document containing untrue references to his country.

49. Mr. MACKAY (New Zealand) pointed out that New Zealand had been a sponsor of the draft resolution on the elimination of racial discrimination (A/C.3/32/L.4), which the Committee had adopted without a dissenting vote and which he considered to be a corner-stone in the Organization's effort to eliminate racial discrimination. However, as the New Zealand delegation had explained at the twenty-eighth session, his country had legal difficulties with the Convention on apartheid.

50. Mr. RAKOTONAIVO (Madagascar) said that his country had become a sponsor of the draft resolution because it had always upheld the anti-apartheid cause and had voted in favour of General Assembly resolution 3068 (XXVIII), which reaffirmed the militant solidarity of all peace-loving and justice-loving countries.

51. Mr. DEISS (Austria) said that the Austrian Government had consistently rejected any policy based on human inequality on grounds of race, religion, political beliefs or other motives and therefore firmly rejected all forms of racism and racial discrimination, including the policy of apartheid, which was a particularly odious form of discrimination. Austria was glad to have participated in the Lagos Conference, which had shown the unanimity of the international community in its struggle against that abhorrent form of racism. Austria had ratified the International Convention on the Elimination of All Forms of Racial Discrimination and, according to the Austrian Penal Code, crimes committed by Austrian citizens outside Austrian territory were punishable in the same way as if they had been committed in Austria. Owing to basic legal and constitutional considerations, however, Austria had not supported the adoption of the International Convention on the Suppression and Punishment of the Crime of Apartheid, and his delegation had therefore also had to abstain on draft resolution A/C.3/32/L.6.

52. Mr. SÖYLENEZ (Turkey) said that his delegation had voted in favour of the draft resolution as a matter of principle and because of its Government's well-known stand in the struggle against apartheid. It had also voted in favour of the adoption of the Convention on the Suppression and Punishment of the Crime of Apartheid at the twenty-eighth session, but the Turkish representative in the Third Committee had stated at that time that the Convention posed substantial legal problems and that certain provisions contradicted some national legal systems. His Government's position remained unchanged.

53. Mr. AHMED (Maldives) and Mrs. de BLANCO (Panama) said that they would have voted in favour of the draft resolution if they had been present when the vote was taken.

54. Mr. OTAKA (Japan) explained that, although his Government had consistently opposed the policy of apartheid and faithfully complied with relevant United Nations resolutions, it had abstained on the draft resolution, as on the Convention itself, because some of its provisions were legally unacceptable.

55. Mr. NAIR (Fiji) said that his delegation's abstention in no way reflected a lack of concern about the serious crime of apartheid. His Government hoped to ratify the important Convention as soon as legal impediments had been cleared.

56. Mrs. BARQUERO (Nicaragua) said that although her delegation supported the principles underlying the draft resolution as a whole, it had abstained because it had reservations about the sixth preambular paragraph. It also thought that measures against violations of human rights should be applied universally and not restricted to certain countries

57. Mr. LIVERMORE (Canada) endorsed the statement by the representative of Belgium and said that his delegation had had to abstain because of the same legal objections.

58. Mrs. BEN-AMI (Israel) said that her delegation had also abstained for legal reasons, relating in particular to the sixth preambular paragraph.

The meeting rose at 1 p.m.