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held on

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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 39th MEETING

Chairman: Mr. von KYAW (Federal Republic of Germany)

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The meeting was called to order at 11 a.m.

AGENDA ITEM 70: 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 (A/31/221; A/C.3/31/L.16/Rev.1) (continued)

1. The CHAIRMAN announced that Sierra Leone wished to join the list of sponsors of draft resolution A/C.3/31/L.16/Rev.1. In that connexion, he recalled that the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly, in its conclusions annexed to the rules of procedure, had drawn attention to the practice whereby the sponsors of a proposal decided whether other delegations could become sponsors. In the present case, however, if he heard no objection he would take it that the sponsors so decided.

2. It was so decided.

3. Mr. DIOM (Senegal) pointed out that his delegation, a sponsor of draft resolution A/C.3/31/L.16/Rev.1, had not been consulted with regard to the Nigerian oral amendment to paragraph 8. It deeply regretted that it would therefore have to withdraw its sponsorship of the draft resolution. Not only had the wrong procedure been followed in introducing the amendment, but also the amendment constituted a far-reaching modification of paragraph 8. Since the draft resolution had been under consideration by delegations for at least two weeks, delegations wishing to introduce an amendment had had plenty of time to consult the sponsors before doing so.

4. The sponsors had felt that the use of the veto should not impede the implementation of decisions which the General Assembly took in support of the oppressed peoples of South Africa. In paragraph 8, the sponsors would therefore have the Assembly invite the Economic and Social Council to submit a report on the consequences of such a use of the veto.

5. The CHAIRMAN said that Senegal's withdrawal of sponsorship would be reflected in the Committee's report to the plenary Assembly. He then invited explanations of vote before the vote on draft resolution A/C.3/31/L.16/Rev.1.

6. Mr. LAMB (Australia) said that his delegation had done what it could to see produced a draft resolution under the item which concentrated on eliminating the kinds of assistance that enabled the southern African régimes to pursue policies by which human rights were systematically violated. To that end, it had maintained close contact with the sponsors of draft resolution A/C.3/31/L.16/Rev.1 and had volunteered to participate in formulating a resolution which would isolate those régimes, would identify the problem evident from the title of the item and could be implemented in the interests of the oppressed peoples in the area.

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(Mr. Lamb, Australia)

7. To his delegation's deep regret, the draft resolution failed to meet those objectives: it would prove incapable of implementation, not only because of the extravagantly wide net that it cast but also because the wording merely confirmed the lack of realism with which the topic had been approached at the current session; furthermore, it would do little to bring pressure to bear on the southern African régimes in question and would serve only to antagonize those countries best in a position to bring about peaceful change.

8. Over the past few years, Australia had been able to support resolutions under the item. In the present instance, however, it would abstain. Certain paragraphs gave his delegation great cause for concern. Paragraph 3, for reasons which appeared to be based solely on ideological criteria, singled out six States for special condemnation. His delegation could not condone or support that form of selectivity - one which reflected a major weakness of the Special Rapporteur's report (E/CN.4/Sub.2/371). His delegation was also gravely concerned at the consequences likely to flow from the improper task allocated to the Commission on Human Rights by paragraph 8. An invitation to the Economic and Social Council and the Commission on Human Rights to examine the question of the consequences of the use of the veto could serve no useful purpose.

9. His delegation emphasized that it was abstaining not in a negative spirit, but rather to show its intention of pursuing the cause of human rights in southern Africa without being distracted by such counterproductive exercises as the one in question.

10. Mr. de FARIA (Portugal) emphasized that no one could question the deep sincerity and determination with which Portugal, since 1974, had sought to put into practice the universally accepted principles of self-determination, independence, the elimination of racial discrimination and apartheid and opposition to the southern African racist régimes. The current map of Africa bore eloquent testimony to that fact.

11. Consequently, Portugal agreed with what constituted - or should constitute - the intentions and objectives of the sponsors of draft resolution A/C.3/31/L.16/Rev.1. However, the draft resolution departed so much from the role assigned to the Third Committee, from the rules which it was required to follow and from certain principles without respect for which any international action in the field of human rights was ineffective, that the principal aim of the sponsors was seriously affected.

12. Certain main ideas emerged from the draft resolution. The first two, reflected in paragraphs 1 and 2 respectively, were entirely acceptable. The third idea, set forth in paragraphs 3 and 4 and in the seventh and ninth preambular paragraphs, concerned the actions of States and foreign economic interests which collaborated with the racist régimes of southern Africa, actions which constituted the major factor in the strengthening of those régimes, violating the Charter and seriously affecting the human rights of the peoples of southern Africa;

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(Mr. de Faria, Portugal)

consequently, such collaboration must be strongly condemned. While his delegation shared that idea, it felt that paragraph 4 was too hasty in reaffirming that all States which gave assistance to the racist and colonial régimes were "accomplices in the inhuman practices of apartheid". The fourth idea, embodied in paragraph 3 and in the eighth preambular paragraph, which named certain States as the principal guilty parties, constituted a grave accusation which it was not for the Third Committee to make. Even those organs competent in the matter could never draw conclusions on the basis of a mere preliminary report, however honest and competent its author. The fifth idea, which underlay paragraph 5, concerned collaboration in the military and nuclear fields which constituted a threat to peace and security; the invitation to the Security Council to impose an embargo was therefore a logical step to which no objection could be made. The sixth idea, embodied in paragraphs 6 and 7, concerning the observance of sanctions against Southern Rhodesia and assistance to the liberation movements, was equally unobjectionable. The seventh idea, set forth in paragraph 8 and in the eighth preambular paragraph, had the effect of calling into question the right of veto. In other words, it called into question the nature and method of functioning of a United Nations organ - a matter that was entirely outside the competence of the Third Committee, the Economic and Social Council and the Commission on Human Rights. Consequently, such a provision was unacceptable to his delegation. The eighth idea, set forth in paragraphs 9, 10 and 11, was an idea which should have been taken up first - the idea whereby the competent organs should study the question in greater depth. That was an excellent idea which his delegation fully supported.

13. The representative of Nigeria, in introducing the draft resolution, had said that the sponsors had not touched upon the question in its legal and political aspects but had confined themselves exclusively to its human rights aspect. Yet the fact was that the draft included views, appeals and decisions which were not within its competence and which related to matters that were indeed political and legal. Such encroachment on the fields of competence of other bodies would detract from the Committee's prestige and authority. In other words, it would do a disservice to the causes which the Committee strove to defend, including the need to put an end to illegal collaboration with the racist régimes, a cause for which Portugal had done so much during the past two years.

14. For all those reasons, his delegation would abstain in the vote on the draft resolution.

15. Mr. MYERSON (United States of America) said that his delegation would vote against the draft resolution, and hoped that, in view of the manifest imperfections of the text, others too would refuse to support it. His delegation believed that the recent debate and the draft resolution on the item constituted an exercise which for some represented total hypocrisy and for others, misguided effort. The United States did not accept the premise that diplomatic and commercial

(Mr. Myerson, United States)

relations were the equivalent of assistance which fostered racist policies. It rejected the biased conclusions in the Special Rapporteur's report (E/CN.4/Sub.2/371), and had difficulty understanding why that report had selected certain countries for criticism and omitted mention of so many others which maintained trade or economic relations with South Africa. Further, the resolution made an unacceptable attack on the legal right of the permanent members of the Security Council to exercise the veto. The debate and the draft resolution would make no positive contribution to the future of the peoples of South Africa. The United States was committed to prompt establishment of majority rule in southern Africa, and had made concrete proposals in that direction. Its efforts to assist in the search for peaceful and equitable solutions were a matter of public knowledge. Its support for the principle of self-determination and its opposition to the entirely reprehensible practice of apartheid had been made clear on numerous occasions during the current session, and spoke for themselves.

16. Mr. QUARLES van UFFORD (Netherlands), speaking on behalf of the nine members of the European Communities, said that they intended to vote against draft resolution A/C.3/31/L.16/Rev.1. The main reason for their negative vote lay in paragraph 3. They took the view that the condemnation contained in that paragraph was the result of an unsubstantiated, unwarranted interpretation of the facts, and even went far beyond what could reasonably be deduced from the Special Rapporteur's preliminary report (E/CN.4/Sub.2/371). They also rejected the proposition that relations were to be equated with assistance, collaboration or complicity.

17. The delegations of the Nine wished to stress the need to reconsider the increasing use of sharp and harsh language in draft resolutions. No real purpose was served by resorting time and time again to such excesses in the drafting of texts. Frequent repetition of a particular word or phrase made it less convincing, and the true meaning and significance of the pertinent resolutions was devalued.

18. Furthermore, the Nine could not support paragraph 8, despite the oral amendment introduced at the 38th meeting by the representative of Nigeria on behalf of the sponsors.

19. Several of the nine delegations, including his own, reserved the right to present, after the vote, additional reasons for their positions.

20. Miss GELBER (Canada) said that her country utterly rejected South Africa's policy of apartheid, and had given tangible evidence of its support for the majority people of South Africa. In another forum of the Assembly, her delegation had recently enumerated some of those measures of support, and had pointed out that Canadians were appalled by the various aspects of the apartheid system which denied to the vast majority of the South African people their basic rights. Canadians had contempt for the policies of a Government which denied to the vast majority of its

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(Miss Gelber, Canada)

workers, solely on grounds of race, the opportunity to advance in accordance with their capabilities. The Canadian Government had urged the South African minority to accept the fact that fundamental change in South Africa was crucial. The time remaining for effective peaceful change was growing shorter day by day.

21. It should therefore be clear that her delegation's reasons for not supporting the draft resolution flowed solely from the nature of the draft itself. It was a strange compendium of paragraphs drawn from resolutions adopted elsewhere on the same subjects, and her delegation found it difficult to understand why it was before the Committee. Canada's reservations on the wording of a number of paragraphs had already been made known in relation to other resolutions on that specific subject.

22. Her delegation had strong reservations on the provisions of paragraphs 3, 5 and 8. Paragraph 3 put on the same basis three separate and extremely important subjects, namely, the question of military sales to, and co-operation with, South Africa; that of nuclear exchanges and co-operation; and that of economic contacts. In the case of military sales and co-operation, Canada's position was clear: it whole-heartedly supported a total embargo on all forms of military sales and co-operation with South Africa. The Canadian Government had scrupulously enforced an arms embargo since 1963, and had extended it to spare parts in 1970 in accordance with Security Council resolutions. It believed that other States should consider themselves obliged to take similar steps. Normal economic relations with South Africa were quite another question. Her Government was prepared to enter into commercial relations with all countries without regard to their internal political practices, with the exception of the illegal Government of Rhodesia, against which mandatory sanctions had been imposed by the Security Council. Dozens of United Nations Member States followed policies similar to Canada's.

23. Paragraph 3, apart from confusing those three separate questions, strongly condemned six States without specifying which of the above-mentioned activities each of the States engaged in, and to what degree. Indeed, certain of those States had taken strong measures to implement the arms embargo and had refrained from nuclear co-operation of any kind with South Africa. Canada did not believe that the Committee should be asked to support such sweeping and confused generalizations as those made in the draft resolution.

24. It was precisely because of the importance that Canadians attached to the enjoyment of human rights that her delegation would have no choice but to abstain, since the draft resolution did not seem to have human rights as its central concern.

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25. Miss LIAK (Singapore) said that her country stood for racial justice and for the dignity of all human beings regardless of colour, creed or race. It totally rejected the system of apartheid and fully supported the struggle of the Africans against it. Their cause was just and deserved the support of all peoples and nations. In common with Jawaharlal Nehru, the late Prime Minister of India, her country believed that a just cause must be pursued by just means. Unfortunately, some of the provisions of the draft resolution did not meet the high standards of objectivity and balance which the anti-apartheid cause deserved. Her delegation would vote for the draft resolution out of solidarity with the Africans, but it had strong reservations about the eighth paragraph of the preamble and operative paragraphs 3, 4 and 8.

26. Mr. ABE (Japan) said that his delegation had already made it clear at the Committee's 29th meeting that it was concerned at the violation of human rights in southern Africa and had faithfully complied with all the United Nations resolutions and recommendations aimed at putting a stop to the suppression of human rights in that area. Nevertheless, his delegation had difficulty in accepting the draft resolution, particularly paragraph 3, which condemned a number of States, including his own, for what it termed collaboration with the racist régimes of southern Africa. Such allegations made no positive contribution to the fight against the violations of human rights in southern Africa and, furthermore, if the Committee's deliberations degenerated into exchanges of mutual accusations, that could only benefit the racist régimes. The allegation in paragraph 3 that Japan was collaborating with those régimes was totally groundless. It had enforced the arms embargo against southern Africa and although normal trade was maintained, it did not permit direct investment in southern Africa by Japanese nationals or enterprises. It had applied the mandatory economic sanctions against Southern Rhodesia in accordance with the resolutions of the Security Council. Lastly, he could not agree that normal trade constituted assistance to or collaboration with the racist régimes in southern Africa. Therefore, to his regret, he would have to vote against the draft resolution.

27. Mr. NAIR (Fiji) said his delegation had difficulty in supporting the draft resolution because the language used in some of the paragraphs was unhelpful. It had been saddened by the veto exercised by the three Powers in the Security Council because it did not believe that the issue at stake merited such heavy-handed treatment. At the same time, it regretted to note the harsh language of the draft resolution. It understood the feelings of bitterness and revulsion which had provoked such language but nothing would be lost if the point was made in a calm and dignified way and with greater fairness and objectivity. Nevertheless, his delegation would vote for the draft resolution as a whole because it believed strongly in its general aim, but if there were separate votes, it would be unable to vote for paragraphs 3 and 8.

28. Mr. SHINVA (Sri Lanka) said his delegation would vote for the draft resolution but he wished to make it clear that it did not regard trading with South Africa as collaboration with the racist régime. With regard to paragraph 3, he noted the statement made by the representative of Japan at the 29th meeting. The Japanese

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(Mr. Shinva, Sri Lanka)

representative had stated, first, that Japan had complied with all the United Nations resolutions and recommendations aimed at putting a stop to the brutal suppression of human rights in southern Africa, and secondly, that it had strictly forbidden the export of military equipment to South Africa. Regarding the report of the Special Rapporteur, the Japanese representative had offered to supply the Special Rapporteur with a corrected text of the paragraphs in his report relating to Japan which contained misquotations and out-of-date statistics.

29. Mr. SOYLEMEZ (Turkey) said that his delegation had voted in favour of similar draft resolutions related to the present item. In doing so, it had been guided by its policy of supporting the struggle of colonial peoples for self-determination and independence because it firmly believed that the universal realization of the right to self-determination was of the utmost importance for the effective guarantee and observance of human rights. It was therefore unequivocally opposed to any move that might prejudice the rights and interests of the indigenous peoples of southern Africa or impede their efforts to emancipate themselves from colonial oppression and apartheid. The sponsors of the draft resolution had undoubtedly been motivated by those very concerns but his delegation could not support the draft because it contained controversial elements and unnecessarily strong language. Furthermore, certain paragraphs raised serious legal problems relating to the terms of reference of the Third Committee. Therefore, while supporting its basic principles and purposes, his delegation would be compelled to abstain in the vote of the draft resolution.

30. Mr. GUNA KASEM (Thailand) said that his delegation fully supported the struggle of the Africans against South Africa's policy of apartheid and it would therefore vote for the draft resolution. Unfortunately, several paragraphs contained all-encompassing generalities and sweeping statements which were out of place in such a text. If separate votes were taken on paragraphs 3 and 8, he would be unable to vote for them.

31. Mrs. WARZAZI (Morocco) said that her delegation would have preferred a more suitable wording for the draft resolution. The tone and language of some of the paragraphs was such that her delegation would be obliged to abstain on them if they were put to a separate vote. It would, however, vote for the resolution as a whole because it sympathized with the sufferings of the inhabitants of southern Africa and shared the concern of other delegations regarding the violations of human rights in that area. Nevertheless, paragraph 8 seemed to be pointless. It was inappropriate for the Committee to concern itself with matters that did not lie within its mandate. It would never be in order for the Third Committee to judge the action of Member States in a superior United Nations body.

32. Mr. CHAVEZ (Grenada) said that his country strongly condemned racism and all forms of racial discrimination. In Grenada, the relations between the races were happy and harmonious and there never would be any racial discrimination or racial violence. It condemned the sale of arms which strengthened the position of the oppressors but it maintained diplomatic and commercial relations with South Africa. The establishment of such relations did not mean that Grenada approved of South

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(Mr. Chavez, Grenada)

Africa's internal policy but it created a favourable atmosphere for trade and for the observance of human rights. As a Member State of the United Nations, Grenada could not support paragraph 8 of the draft resolution, which was contrary to the Charter and raised legal questions that made it unacceptable to his delegation. In connexion with paragraph 3, he said that Grenada did not believe in the selective condemnation of States; all States that were guilty of certain actions should be condemned, not only a few. Furthermore, trading with South Africa did not mean that its trading partners supported its policies. History had shown that the imposition of economic sanctions placed additional burdens on the people and contributed little to improving the observance of human rights. He understood the justifiable feelings of outrage which had prompted the sponsors to use the wording that appeared in the draft resolution but they had overlooked the fact that the text would have more authority if the wording was acceptable to more countries. His delegation would abstain in the vote.

33. Mr. NDOM MOUNGUEN (United Republic of Cameroon) said that, as a sponsor of the draft resolution, his delegation had participated in the drafting. However, the oral amendment to paragraph 8 regarding the use of the veto introduced by Nigeria at the previous meeting had completely changed the view of his delegation on that paragraph, on which it now had serious reservations. For that reason, it felt obliged to withdraw its sponsorship of the draft resolution. However, out of a feeling of solidarity with the sponsors, his delegation would vote for it.

34. Miss SHANKAR (Iran) said that her delegation, which had never hesitated to voice its deep disapproval of racist and colonialist régimes, shared the indignation of the international community at the abhorrent policy of apartheid and wished to co-operate in the complete eradication of that evil. However, her delegation was not always sure that the means chosen to attain the common goal were the right ones. It had doubts about the scope and real effectiveness of some of the paragraphs of the draft resolution. The tone of the draft resolution was unfortunate and the reference in the seventh paragraph of the preamble to "additional evidence" contained in the report of the Special Rapporteur when that report was still in a preliminary form was misplaced. Neither the tone nor that reference could be considered positive or constructive or a help towards eliminating apartheid. Her delegation therefore felt obliged to abstain on the draft resolution.

35. Mr. ISINALIEV (Union of Soviet Socialist Republics) said that the Soviet Union's position with respect to all forms of racism and colonialism and the continued support given them by transnational corporations and certain NATO countries was well known, and would have inclined it to vote for draft resolution A/C.3/31/L.16/Rev.1. It agreed that all forms of assistance to and co-operation with racist régimes constituted violations of human rights and threats to peace and security, and it shared the concern that three permanent members of the Security Council were preventing it from taking effective measures against the South African régime.

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(Mr. Isinaliev, USSR)

36. However, operative paragraph 8 in its current wording ~~was inconsistent with~~ the other provisions of the resolution. First of all, an invitation to the Economic and Social Council and the Commission on Human Rights to examine the consequences of the use of the veto on the enjoyment of human rights by the oppressed people of southern Africa could be construed as implying that those consequences had previously been unknown and that the question had to be studied. Such an invitation would only weaken the position of those who advocated the adoption of immediate and effective measures against the racist régimes. Secondly, it was essential to keep in mind that operative paragraph 8 could be used to undermine the principle of unanimity of the permanent members of the Security Council. That principle, which was firmly anchored in the United Nations Charter, played an extremely important role in deciding questions of international peace and security and the Soviet Union was firmly opposed to any attempts to revise it.

37. Mr. DABO (Guinea), speaking on a point of order, asked whether the Soviet representative was aware of the fact that Nigeria had amended operative paragraph 8 to read "the use of the veto by the above-mentioned three permanent members" and whether he had taken that into consideration.

38. Mr. ISINALIEV (Union of Soviet Socialist Republics) replied that he had taken that amendment into account. He went on to point out that the principle of unanimity had prevented the Security Council from being misused to jeopardize international peace and security and that the Soviet Union had repeatedly used its power as a permanent member to support national liberation movements. The Soviet delegation in the Security Council had frequently condemned the use of the veto to block measures aimed at combating the racist régimes of southern Africa by certain Western Powers. The principle of unanimity itself must be maintained because of its constructive role in preserving peace and security in a world where States belonging to different social and economic systems existed side by side. The inclusion of operative paragraph 8 therefore obliged the Soviet delegation to abstain in the vote on the draft resolution.

39. Mr. MONG (Papua New Guinea) said that his delegation endorsed the aims of the draft resolution and had in the past voted for milder versions of it. It could not, however, support the present one because it contained language which was inconsistent with its own purposes. His delegation would therefore abstain in the vote.

40. Mr. LOVO CASTELLAR (El Salvador) said that his delegation would vote for the draft resolution out of solidarity with the peoples of southern Africa but in spite of reservations with respect to operative paragraph 3.

41. Miss FAROUK (Tunisia) said that apartheid was intolerable and that the struggle against it would continue until victory. Her delegation endorsed the principles

(Miss Farouk, Tunisia)

set forth in the draft resolution and would therefore vote for it. It recognized, however, that its wording, especially in operative paragraph 3, was not always consistent with its objective of rallying the international community in support of a common goal.

42. Miss DUBRA (Uruguay) said that her delegation would vote for the draft resolution in spite of certain reservations. The maintenance of trade relations referred to in the preamble in no way implied de jure support of the southern African régimes. In operative paragraph 8, the invitation to the Economic and Social Council to examine the question of the consequences of the use of the veto, and the reference to the three permanent members of the Security Council, were not very helpful. Her delegation would not vote for those paragraphs if they were put to separate votes.

43. Mr. DIEZ (Chile) said that his delegation would vote for the draft resolution in spite of reservations with respect to the eighth preambular paragraph and operative paragraphs 5 and 8, which were based on juridical considerations relating to the functions of the Security Council and the use of the veto. It also had reservations with respect to operative paragraphs 3 and 4 because it could not accept the discrimination implied in singling out certain States and because it rejected the notion that all trade with southern African régimes implied complicity with their policies. It would, nevertheless, vote for the resolution because of its general content and Chile's solidarity with the victims of racism, and because of its conviction that operative paragraph 1 was crucial. It also was concerned that abstentions might be regarded as weakness on the part of the United Nations with respect to apartheid.

44. At the request of the representative of Nigeria, a vote was taken by roll-call on draft resolution A/C.3/31/L.16/Rev.1.

45. Kuwait, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Mozambique, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Surinam, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Afghanistan, Albania, Algeria, Argentina, Bahrain, Barbados, Benin, Bolivia, Botswana, Brazil, Burma, Burundi, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Kenya.

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- Against: Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America, Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Israel, Italy, Japan.
- Abstaining: Malawi, Mongolia, New Zealand, Nicaragua, Norway, Papua New Guinea, Poland, Portugal, Spain, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Australia, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Central African Republic, Costa Rica, Czechoslovakia, Dominican Republic, Finland, German Democratic Republic, Greece, Grenada, Guatemala, Honduras, Hungary, Iceland, Iran.

46. Draft resolution A/C.3/31/L.16/Rev.1 was adopted by 87 votes to 12, with 31 abstentions.

47. The CHAIRMAN invited those delegations that wished to do so to speak in explanation of their votes.

48. Mr. HENRIKSEN (Norway) said that his Government had consistently supported measures to aid the peoples of southern Africa in their struggle against racial discrimination and that it accordingly agreed with the general thrust and the main objectives of the resolution. It had reservations, however, with regard to the content and the wording of some of its paragraphs, especially operative paragraph 3. To condemn policies of explicitly named countries when there were in some of the cases no hard facts on which to base such a judgement was a matter of grave concern. His delegation had therefore been unable to vote for the resolution but had chosen to abstain in order to stress its sympathy and support for the just and legitimate struggle of the peoples of southern Africa.

49. Mr. FAURIS (France) said that his delegation had waited to explain its vote in order to avoid all controversy and to confine itself to the strictly legal aspect of the draft resolution. The text was politically motivated and was unacceptable because it discriminated against certain Member States. The representative of France in the Commission on Human Rights had voted against the Commission's resolution 6 (XXXII) referred to in the second preambular paragraph of the draft resolution, mainly because its sponsors had disregarded the reservations stated by France following the adoption by the General Assembly of resolution 3383 (XXX). France had indicated at that time its opposition to the premise that the maintenance of diplomatic, commercial or other relations with a Member State necessarily made it an accomplice in the internal policies of such a State. The wording of the seventh preambular paragraph not only restated that premise but transformed it into a major factor in the internal situation in southern Africa on the basis of the provisional Special Rapporteur's report. That paragraph could also be construed to imply some ideological affinity between France and the allegedly fascist Pretoria régime.

(Mr. Fauris, France)

50. The seventh, ninth and tenth preambular paragraphs also disregarded France's objection, expressed in the Commission on Human Rights, to the arbitrary misuse of the word "assistance", which for it implied co-operation for the attainment of shared political or ideological goals. Normal diplomatic or commercial relations could not be called "assistance" in that sense.

51. France had also abstained because it disapproved of the procedure of appointing a Special Rapporteur. Whatever the Rapporteur's qualifications and concern for objectivity, he had been bound by the essentially political nature of the study assigned to him by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which had thereby exceeded its legal, social and cultural mandate and turned an investigator into a judge. The entire preamble was thus based on a violation of procedure. Moreover, the sources of information on which the reference to the trade with South Africa of six Member States was based were not identified. The use of the veto was a legitimate right and Member States should not be reproached for exercising it. The Commission on Human Rights, as a subsidiary organ of the Economic and Social Council, could not properly be invited to examine the question of the consequences of the use of the veto. That was a dangerous precedent and would only serve to create conflict. France would have greatly preferred a text aimed at a peaceful evolution towards the free expression of the will of the peoples of southern Africa through universal suffrage, as the only way to spare them from violence and suffering.

52. For all those reasons, his delegation had been obliged to vote against the draft resolution.

53. Mr. MAGNUSSON (Iceland) said that his delegation had always sympathized with the peoples of southern Africa and that it agreed with the essentials of the draft resolution but regretted that it had had to abstain in the vote because of the unfortunate wording of some of its paragraphs.

54. Lady GAITSHELL (United Kingdom) said that no one in the Committee should question her country's categorical rejection of apartheid and its firm intention to work for the establishment of human rights in southern Africa. However, the arguments contained in the draft resolution and in the Special Rapporteur's report were fallacious and the language intemperate and tendentious, making it wholly unacceptable. The references to specific States in operative paragraph 3 was an attempt to find scapegoats. Those States, including the United Kingdom, were acting properly under the Charter and it was improper to invite the Economic and Social Council to examine their use of the veto.

55. Mr. PEDERSON (Denmark) said that Denmark strongly supported the oppressed peoples of southern Africa in their struggle to achieve human rights but unfortunately it had not been able to support the draft resolution because of the unqualified and unconditional condemnation of certain countries contained in operative paragraph 3. Such a paragraph could only be interpreted as reflecting the policy of confrontation which his country had repeatedly urged should be avoided. Such a provision was self-defeating because its inclusion prevented the achievement of the common goal of a clear and unambiguous rejection of apartheid by the entire international community.

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56. Mr. DABO (Guinea), speaking in exercise of the right of reply, stated that since other representatives had been given the floor to explain why they had withdrawn their sponsorship of the draft resolution, he also wished to speak to explain why he had continued to sponsor it. First of all, he failed to understand the Soviet representative's point with respect to the principle of unanimity. That principle was not a magic formula and five Powers had no right to block the efforts of his own country and others in the struggle against apartheid. Furthermore, the arguments presented by certain representatives that trade with South Africa might somehow be conducive to peace was wholly inconsistent with the past behaviour of those Powers in such matters as economic assistance to Greece under the régime of the colonels, the admission of Portugal under Salazar to the Common Market and United Kingdom relations with Spain after the Second World War. It was time for them to make up their minds.

57. As to the sincerity with which Portugal had applied self-determination in Africa, the decolonized countries had no grounds for gratitude to Portugal for its generosity. It had been forced to decolonize its possessions by the liberation movements.

58. The CHAIRMAN drew attention to rule 128 of the rules of procedure of the General Assembly to the effect that the Chairman should not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment.

The meeting rose at 1.10 p.m.