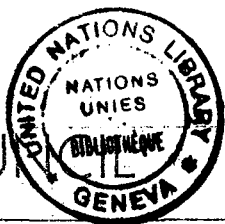
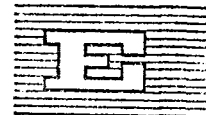


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COMMISSION ON HUMAN RIGHTS

Thirty-fifth session

SUMMARY RECORD OF THE 1504th MEETING

held at the Palais des Nations, Geneva,
on Friday, 2 March 1979, at 4 p.m.

Chairman: Mr. BEAULNE (Canada)

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the session.

GE.79-11165

The meeting was called to order at 4.15 p.m.

STATEMENT BY THE UNDER-SECRETARY-GENERAL FOR POLITICAL AND GENERAL ASSEMBLY AFFAIRS

1. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs), after greeting the Commission on behalf of the Secretary-General, said the fact that the Commission on Human Rights was the only functional commission of the Economic and Social Council specifically mentioned in Article 68 of the Charter served as clear evidence of its importance in the United Nations system. Although there were now many other important human rights organs, the Commission remained the policy-making organ of the United Nations in that area and had to provide leadership, initiative and guidance to the United Nations system in giving concrete realization to the instruments comprising the International Bill of Rights. It was indeed noteworthy that the Commission's activities had evolved from exclusive standard-setting to some responsibilities in implementing human rights and in seeking to prevent and suppress violations.

2. The Commission was now once again engaged in considering the further promotion and protection of human rights and various ways of making their enjoyment more effective, and 1979 might well be a watershed year in that regard, in view of a number of resolutions adopted by the General Assembly at its thirty-second and thirty-third sessions which set significant and difficult challenges to the Commission's imagination and resourcefulness. On the other hand, as the Secretary-General had most pertinently pointed out in his Human Rights Day statement in 1978, in the final analysis headway could be made only with the political will and active co-operation of the Member States, whose commitment was basic to the world-wide promotion and protection of human rights through the rule of law promised by the Declaration. In that connexion, the recent visit of the Ad Hoc Working Group to Chile might be regarded as a historic event which gave grounds for hope, setting a splendid example of how United Nations concern could be manifested practically and productively in a specific national context. Another source of encouragement was the present world-wide scope of the Commission's scrutiny of violations of human rights: just as human rights were universal, so must the Commission's concern be universal.

3. Recent events had demonstrated the productive form of interaction and collaboration that could exist between the Commission and the Secretary-General, who was pursuing complementary activities for the promotion and protection of human rights by virtue of his authority under the Charter and never hesitated to engage that authority and the prestige of his office on his own initiative if he believed that doing so would help to advance human rights in a particular case. Indeed, he engaged in such activities more often than was usually realized. The Secretary-General had made it clear in his public statements, particularly in his reports on the work of the Organization, why he considered that such efforts should usually and most productively be conducted on a confidential basis; that point deserved emphasis because there might occasionally be questions as to why the Secretary-General did not always keep the Commission completely informed about

the specifics of a given case at a given time. It must be borne in mind that the activities concerned were of a highly sensitive nature because, in one way or another, they inevitably raised the problem of the sovereign rights of a Member State. It should therefore be stressed, as the Secretary-General did in making individual appeals, that his work in that area was conducted on an exclusively humanitarian basis and without any intention of interfering in the internal affairs of Members. Accordingly, a parallel area of activity was going on with the Commission's own work, in the form of appeals for clemency, for information on missing persons, for family reunification, for the release of political prisoners and the like. It was often because of fruitful interaction as a result of the standards the Commission had set, of its debates and of the priorities it gave to all kinds of violations of human rights that the Secretary-General's own good offices often met with success.

4. There could be no doubt that the Commission's activities had expanded substantially in the past few years, owing to the entry into force of the international covenants on human rights and the International Convention on the Suppression and Punishment of the Crime of Apartheid, the increasing number of ratifications of, and accessions to, those instruments, and the practically twofold increase in the number of new organs and subsidiary bodies to be serviced. While those new responsibilities were welcome and should be accepted eagerly, they imposed a serious strain on the existing resources of the Secretariat, especially of the staff of the Division of Human Rights. Personally, he was convinced that there was no element of the Secretariat more dedicated, more experienced, more objective and more committed to the cause they were serving than the staff of that Division, and although he was fully aware of the budgetary restraints on the Organization and was not competent to say where additional support should be sought, he believed the increased responsibilities assigned to the Division would require an increase in resources if it was to continue to produce the kind of results that were expected of it.

5. In recent years the Commission had encouraged action to promote and protect human rights not only at the international level but also at the regional and national levels, in pursuance of General Assembly resolution 32/130. It could also contribute to reinforcing the indivisibility and interdependence of all human rights - economic, social and cultural as well as civil and political. It was indeed important to establish a two-way link between the United Nations and individuals and groups throughout the world, and action should be further encouraged at the regional and national levels in order to complement United Nations activities at the international level.

6. The Commission might wish to consider measures to stimulate the dissemination of information on human rights. Indeed, to reach the minds and hearts of the peoples of the world, it was important that they should be informed of the standards drawn up by the United Nations, so that they might claim respect for such standards in their various countries.

7. Another matter of concern was that one of the basic defects of the existing system was the difficulty experienced by the Commission in responding to important human rights developments which might take place between its annual sessions. Although he preferred not to suggest any specific proposal in that regard, he would urge the Commission to agree during the current session on a way of responding rapidly and effectively if a pressing need arose for United Nations action in human rights matters between regular sessions. Just as threats to international peace and security knew no calendar, so might gross violations of human rights occur at any time, and the Commission's inability to respond merely because of the conference schedule would leave one of the very important potentials of the institution unutilized.

8. In conclusion, the Commission's decisions would of course reflect the totality of the positions held by its member Governments, but he would submit that in the Commission on Human Rights the mathematical formula "the sum is equal to the whole of its parts" was not entirely applicable and that the sum total of the Commission's work was greater than the whole of its parts. How else could the 50,000 appeals addressed to it every year be explained, or the fact that that figure was constantly growing? So, despite a natural tendency towards discouragement at the slow rate of progress, it must be constantly borne in mind that in the Commission, above all, there was an obligation higher than that of attaining immediate tactical or national objectives: the obligation to serve humanity.

9. The CHAIRMAN thanked the Under-Secretary-General and said he welcomed the Secretary-General's expression of continued willingness to co-operate with the Commission to the fullest extent possible. The Secretary-General had again been instrumental in the implementation of many decisions taken at the preceding session, and without his support it would have been impossible to achieve some of the results in which the Commission took pride. He (the Chairman) expressed profound thanks for the Secretary-General's renewed promise of co-operation and support. The presence of the Under-Secretary-General for Political and General Assembly Affairs opened up new prospects with regard to such co-operation.

10. Mr. DAVIS (Australia) said he also welcomed the presence of the Under-Secretary-General which clearly reflected the interest that the Secretary-General took in the Commission's work. He requested that Mr. Buffum's statement should be reproduced in extenso for future reference. He hoped that the Secretary-General would give the greatest possible attention to the needs with regard to staffing and resources that were expressed in the Commission.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS (agenda item 8) (continued) (E/CN.4/L.1429 and L.1435)

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/L.1427)

11. The CHAIRMAN said that the draft resolutions concerning agenda items 8 and 21 (E/CN.4/L.1427, L.1429 and L.1435) would be introduced and then put to the vote.

12. Mr. MBOUJ (Senegal), speaking on behalf of the sponsors, introduced draft resolution E/CN.4/L.1429 relating to agenda item 8. He drew attention to the references, in the second and third preambular paragraphs, to Commission resolutions 2 (XXXI) and 4 (XXXIII), and read out passages of those resolutions. He announced that, following consultations, it had been decided to revise the fourth preambular paragraph to read:

"Noting with interest article 3 of the UNESCO Declaration on Race and Racial Prejudice, which proclaims that the right to full development implies equal access to the means of personal and collective advancement and fulfilment, in a climate of respect for the values of civilizations and cultures, both national and world-wide".

As to the operative part, he considered that the wording was sufficiently explicit and read out the most important passages. He concluded by expressing the hope that the text would be adopted by consensus.

13. Mr. HEREDIA PEREZ (Cuba) introduced, on behalf of the sponsors, draft resolution E/CN.4/L.1435 which also related to agenda item 8. The preamble expressed ideas which were already recognized and which were guidelines for the activities of the organs concerned with human rights. He read out the extracts from Article 1, paragraph 3, of the Charter and article 25 of the Universal Declaration of Human Rights which were quoted in the second and third preambular paragraphs. General Assembly resolutions 3201 (S-VI) on the Declaration on the Establishment of a New International Economic Order and 3281 (XXIX) on the Charter of Economic Rights and Duties of States also enunciated development objectives which were being pursued by United Nations bodies. In addition, reference was made to the declaration made by the Ministers for Foreign Affairs of the non-aligned countries in Lima in 1975 and in Belgrade in 1978, which had highlighted the need for the establishment of the new international economic order. For its part, the Commission, in resolution 4 (XXXIII), had defined the guidelines for its work in that field. Lastly, the sponsors had referred to General Assembly resolution 32/130, in which the Assembly emphasized that the establishment of the new international economic order was essential.

14. The operative part first reaffirmed the right to development, which had already been recognized in United Nations and UNESCO texts; in paragraph 2, that right was linked to the concept of national sovereignty. Paragraph 3 listed the impediments constituted by certain urgent problems. Paragraph 4 emphasized the efforts needed to give all human beings an adequate standard of living. Paragraph 5 drew attention to human rights questions which were reflected in trade policies with the intention of perpetuating the existing structure of world trade. In paragraph 6, States were called upon to take prompt and effective measures to remove all obstacles to the full realization of economic, social and cultural rights. Paragraph 7 provided that the concepts contained in the draft resolution should serve as a guide in the Commission's future work. In paragraph 8, it was recommended that a seminar should be held fairly soon to make a study of the effects of the international economic order on development and human rights - a study which would supplement the studies undertaken by other bodies.

15. Mr. FISCHER (Federal Republic of Germany), speaking on behalf of the sponsors, introduced draft resolution E/CN.4/L.1427 relating to agenda item 21. He pointed out that footnote 1/ on page 1 of the draft resolution should read "E/CN.4/1329".

16. In his opinion, it was only normal that the Commission should consider questions raised by the implementation of the international covenants on human rights: the General Assembly had already expressed an opinion on that matter in resolution 33/51, which was in fact the starting-point of draft resolution E/CN.4/L.1427. The entry into force of the procedure concerning communications from Governments under article 41 of the International Covenant on Civil and Political Rights, mentioned in the second preambular paragraph, constituted a new development. The sponsors had also drawn attention to the overlapping of the activities of the Commission, the Human Rights Committee and the Economic and Social Council. In resolutions 1988 (LX) and 1978/20, the Council had specified that the Commission should give priority attention to the reports submitted by States which were not yet parties to the Covenants. In view of the optional character of the Protocol and article 41, States were called upon only to consider acceding to those texts, but a more urgent appeal was made for the ratification of the Covenants themselves.

17. The sponsors had also considered it important that the Secretariat should lend assistance in the implementation of the Covenants: at the request of several delegations, they had, in operative paragraph 8, reproduced the wording of General Assembly resolution 33/51. He expressed the hope that the draft resolution would be adopted by consensus.

18. Mr. SANON (Deputy Director, Division of Human Rights) outlined the possible financial implications of the draft resolutions which had been introduced. Draft resolutions E/CN.4/L.1427 and L.1429 would not involve any additional expenditure, but draft resolution E/CN.4/L.1435, on the other hand, would involve additional expenditure since operative paragraph 8 recommended that a seminar should be held in 1980. Assuming that that seminar was of two weeks' duration and was attended by 32 participants, the following expenditure would be incurred: \$103,900 on travel and subsistence costs, \$49,280 on conference services costs, and \$126,650 on documentation before, during and after the seminar. The total cost would thus be \$279,830.

19. The CHAIRMAN invited the Commission to take a decision on draft resolution E/CN.4/L.1429. If there was no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.

Draft resolution E/CN.4/L.1429 was adopted by consensus.

20. The CHAIRMAN invited the Commission to take a decision on draft resolution E/CN.4/L.1435. The Canadian delegation had requested separate votes on operative paragraphs 5 and 7.
21. Paragraph 5 of draft resolution E/CN.4/L.1435 was adopted by 22 votes to 7, with 2 abstentions.
22. Paragraph 7 of draft resolution E/CN.4/L.1435 was adopted by 23 votes to 7, with 1 abstention.
23. Draft resolution E/CN.4/L.1435 as a whole was adopted by 23 votes to 1, with 7 abstentions.
24. The CHAIRMAN invited the Commission to take a decision on draft resolution E/CN.4/L.1427. If there was no objection, he would take it that the Commission wished to adopt the draft resolution by consensus.
25. Draft resolution E/CN.4/L.1427 was adopted by consensus.
26. Mrs. MATTESON (United States of America) said that her delegation had joined the consensus by which draft resolution E/CN.4/L.1429 had been adopted because it strongly supported some elements, such as paragraph 3, in which the Preparatory Committee for the New International Development Strategy was invited to pay due attention to the integration of human rights in the development process, and paragraph 4, which emphasized the importance of basing the new international economic order on respect for human rights. Those paragraphs reflected the fact that the Charter of the United Nations imposed on States the obligation, individually and collectively, to promote both economic development and respect for all the rights recognized in the Universal Declaration of Human Rights and in the covenants on human rights. The same paragraphs also reflected certain parts of the Secretary-General's report (E/CN.4/1334), which her delegation considered an important contribution to the Commission's work. She was pleased that that report had attached importance to the physical, moral, intellectual and cultural development of the human person, and to the concept of participation.
27. However, certain aspects of the Secretary-General's report were unacceptable. The content of the right to development as described therein was vague. The contentions that the industrialized States had an obligation to make reparations to former colonies or that disarmament was a prerequisite for development were not given balanced treatment. She drew the Commission's attention to an article by Mr. R.N. Cooper, published in the spring 1977 edition of the review Foreign policy, which reflected the views of the United States on that question. In the Secretary-General's report, rights and obligations had been extrapolated from bases composed for the most part of non-binding, and in some cases controversial, recommendations by the General Assembly, such as those adopted at the sixth special session or the Charter of Economic Rights and Duties of States. Those controversial resolutions could not form the basis for legitimate international rights. For that reason, her delegation had reservations concerning paragraph 5 of draft resolution E/CN.4/L.1429. Her Government strongly supported international development efforts but recognized no legal duty to give aid.
28. Her delegation was pleased that draft resolution E/CN.4/L.1429 which had just been adopted invited Governments to submit comments on the Secretary-General's study (E/CN.4/1334).

29. Mr. FISCHER (Federal Republic of Germany) said that his delegation had participated in the consensus on draft resolution E/CN.4/L.1429 because that text confirmed the principles of the Universal Declaration of Human Rights and those of the covenants on human rights. On the other hand, it had been unable to endorse draft resolution E/CN.4/L.1435, paragraph 5 of which was not consistent with paragraph 4 and did not take account of efforts to promote human rights. It was not possible to take that text as a basis for future work, whereas draft resolution E/CN.4/L.1429 gave the Commission time to study further the Secretary-General's important report (E/CN.4/1334) and to obtain the views of Governments on the question before taking other decisions.

30. Mr. LIVERMORE (Canada) said that his delegation fully supported the provisions of draft resolution E/CN.4/L.1429, and in particular the provision relating to the report of the Secretary-General on the right to development (E/CN.4/1334). However, it opposed certain provisions of draft resolution E/CN.4/L.1435, and in particular paragraph 7, by which it would not consider itself bound. It also opposed paragraph 5, which used unfortunate phraseology and was in direct contradiction with the thrust of the other draft resolution adopted under agenda item 8. His delegation had therefore voted against paragraphs 5 and 7 of draft resolution E/CN.4/L.1435 and abstained in the vote on the text as a whole.

31. Mr. DAVIS (Australia) said that his delegation had joined the consensus in favour of draft resolution E/CN.4/L.1429 for a number of reasons. Firstly, it was worded in such a way as to suggest a need for an evolutionary approach to the concept of the right to development, an approach which his delegation supported. Paragraphs 4 and 5 seemed to indicate that the concept of development still faced difficulties of precise definition. Secondly, it was pleased to note that in paragraph 3 the reference to "the integration of human rights in the development process" implied that all human rights should be taken into account in the development process.

32. However, while it supported the general thrust of paragraph 6, it wished to make the point that it saw the duties arising from any right to development as arising first at the national level. It would not wish to see emphasis placed only on obstacles of an international nature. His delegation had some reservations about the right to development, since it was not yet convinced that it existed as a legal right recognized by international law or that it created specific and corresponding obligations. His delegation also questioned whether the right to development could be regarded as a human right analogous to those recognized in the Universal Declaration of Human Rights, the Charter of the United Nations, the covenants on human rights and other relevant instruments. One of the problems was that it was difficult to define precisely the concept of "development". He stressed the need for more time to consider the matter further. Notwithstanding those reservations, his delegation had found the draft resolution to be balanced and had been able to support it.

33. For a number of reasons, his delegation had been obliged to abstain in the vote on draft resolution E/CN.4/L.1435. That text was based on the unacceptable premise that there now existed a right to development recognized in international law. In his report (E/CN.4/1334), the Secretary-General had emphasized the importance of the realization of economic as well as political rights, but that emphasis was not reflected in the draft resolution. His delegation had voted against paragraph 5 because it found

the meaning of that provision difficult to understand, and against paragraph 7 because it did not wish the Commission's work to be guided by a resolution which it did not support. Moreover, it considered that the draft resolution had placed too much emphasis on alleged international obstacles to the full enjoyment of economic, social and cultural rights. Lastly, it was unable to endorse the reference in the fifth preambular paragraph to the meeting held in Belgrade in 1978.

34. Mr. RODRIGUES (Brazil) said that, while he had joined the consensus by which draft resolution E/CN.4/L.1429 had been adopted, he still had some misgivings and doubts, particularly with regard to the report of the Secretary-General (E/CN.4/1334), which merited more careful study than could be given by the Commission at the current session and which, like the UNESCO report, did not fully satisfy his delegation. In addition, he wondered whether it would serve any useful purpose to carry out a study of the regional and national dimensions of the right to development without having examined in detail all the ideas expressed in the report of the Secretary-General and the UNESCO report.

35. Miss ABELE-EMICH (Austria) said that her delegation had joined the consensus on draft resolution E/CN.4/L.1429, but not without some misgivings concerning the report of the Secretary-General (E/CN.4/1334) and not without noting that the right to development had not yet been defined.

36. It regretted that it had been obliged to vote against paragraphs 5 and 7, and against draft resolution E/CN.4/L.1435 as a whole. It considered that the principles invoked in that text and the references to the various international instruments relating to human rights resulted in wording which was unbalanced and too vague to serve as a guide for the future work of the Commission.

37. Mr. RWAMIBANGO (Burundi) said he regretted that he had been absent at the time of the vote on draft resolution E/CN.4/L.1435. He would like his delegation to be regarded as having voted in favour of the resolution, of which it was a sponsor.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 6) (continued) (E/CN.4/L.1432)

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) (continued) (E/CN.4/L.1433)

IMPLEMENTATION OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID (agenda item 16) (continued) (E/CN.4/L.1434)

STUDY IN COLLABORATION WITH THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF WAYS AND MEANS OF ENSURING THE IMPLEMENTATION OF UNITED NATIONS RESOLUTIONS BEARING ON APARTHEID, RACISM AND RACIAL DISCRIMINATION (agenda item 20 (a)) (continued)

IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (agenda item 20 (b)) (continued) (E/CN.4/L.1436 and L.1438)

38. Mr. M'BAYE (Senegal), introducing on behalf of the sponsors draft resolution E/CN.4/L.1432 relating to agenda item 6, said that the preamble had been taken from Commission resolution 6 (XXXIII). Operative paragraphs 3, 4 and 5 concerned the special situation of Namibia. In paragraph 3, without losing sight of

Security Council resolution 435 (1978) concerning the right to self-determination of the Namibian people or the position recently adopted by the South African Government with regard to that resolution, the sponsors had considered it their duty to stress once again the consequences of the increased South African military presence in Namibia, as it had appeared to the Group of Experts. Paragraph 4 reaffirmed the right of the peoples of Namibia and Zimbabwe to self-determination and made it clear that in the case of Namibia that right could be exercised only in accordance with the directives of the competent organs of the United Nations. In paragraph 5, the words "any persons who have been guilty" should be amended to read "any persons suspected of having been guilty". In paragraph 7, the recommendations of the Symposium held at Maseru (Lesotho) had been reproduced to the extent that they were directly related to the work of the Commission. Paragraph 8 related, in general, to the struggle against racism and racial discrimination, and indicated a number of ways and means that might be used in that struggle. Under the terms of that paragraph, the Commission would recommend that a study be made of the South African Government's legitimacy and that all appropriate conclusions of law and of fact should subsequently be drawn from that study. In paragraph 9, the words "Adopts all the conclusions" should be replaced by "Adopts, in general, the conclusions ...". In paragraph 10, the Commission would condemn the assistance which helped to perpetuate the situation in Namibia, Zimbabwe and South Africa. In paragraph 11, it would demand the release of political prisoners in South Africa and, pending their release, protection for them in accordance with the applicable provisions of the Third Geneva Convention relative to the Treatment of Prisoners of War. In paragraph 12, Member States would be requested to strengthen their assistance to the neighbouring countries of Zimbabwe which, having to confront aggression, were compelled to divert resources from development to defence. In addition, the United Nations High Commissioner for Refugees would be requested to evaluate the situation of the refugees from Zimbabwe and to take adequate measures of assistance and protection on their behalf. Paragraph 13 comprised an appeal to States to assist SWAPO, the sole legitimate representative of the Namibian people. Paragraph 14 related to the new composition of the Ad Hoc Working Group of Experts, with the replacement of Mr. Ali - to whom he wished to pay a tribute for his contribution - by Mr. Reddy, a recognized expert. Under paragraph 15, the Ad Hoc Working Group of Experts would be requested to continue its work and, in particular, to carry out a study on the action taken to implement its recommendations, with a view to improving the assessment of the impact of that action. In paragraph 16 the Ad Hoc Working Group of Experts would be requested to submit its report to the Commission if possible at the thirty-sixth session but not later than the thirty-seventh session. Under the terms of paragraph 17, it would be requested to bring to the attention of the Chairman of the Commission, in the meantime, any particularly serious violations of human rights, so that he might, within the context of his responsibilities, take whatever action he deemed appropriate.

39. The sponsors requested that the vote on the draft resolution should be taken by roll-call.

40. Mr. AYENI (Nigeria), introducing on behalf of the sponsors of draft resolution E/CN.4/L.1433 relating to agenda item 7, announced that Pakistan had become a sponsor.

41. The sponsors, noting the deterioration in the situation in Namibia, Zimbabwe and South Africa, firmly believed that Mr. Khalifa should be encouraged to continue to update his study, which had in fact received overwhelming support from the Commission, the Economic and Social Council and the General Assembly. He hoped that the Commission would be able to adopt the draft resolution by consensus.

42. Introducing on behalf of the sponsors draft resolution E/CN.4/L.1434 relating to agenda item 16, he announced that Poland had become a sponsor. The sponsors had revised their text by adding a new paragraph 6, which read:

"6. Calls upon competent United Nations organs to provide to the Commission through the Secretary-General, information relevant to the periodic compilation of the list of individuals, organizations, institutions and representatives of States alleged to be responsible for crimes enumerated in Article II of the Convention as well as those against whom legal proceedings have been undertaken by States parties to the Convention".

The following paragraphs had been renumbered accordingly. In addition, some amendments of a drafting nature should be made: in the first preambular paragraph and in operative paragraph 1, the words "Article IV" should be replaced by the words "Article VII", and in the first line of operative paragraph 5, the words "to the Convention" should be inserted after the words "States parties".

43. The crime of apartheid continued to exist, encouraged by certain white minority and racist circles to the detriment of the indigenous peoples, even though the General Assembly had adopted, in resolution 3068 (XXVIII), the International Convention on the Suppression and Punishment of the Crime of Apartheid. Noting that only about 50 States were parties to the Convention, the sponsors of the draft resolution had considered it useful to appeal to those which had not yet acceded to it to do so without delay. They hoped that the draft resolution would be adopted by consensus.

44. Mr. EL-SHAFEI (Egypt), introducing on behalf of the sponsors draft resolution E/CN.4/L.1436 relating to agenda item 20 (b), said that its purpose was to reaffirm the crucial role of the Commission in the implementation of the many recommendations which the World Conference to Combat Racism and Racial Discrimination and the General Assembly at its thirty-third session had adopted under the Programme for the Decade to Combat Racism and Racial Discrimination.

45. Mr. EL-FATTAL (Syrian Arab Republic), introducing on behalf of the sponsors the amendments to draft resolution E/CN.4/L.1436 proposed in document E/CN.4/L.1438, said that the first amendment sought only to promote the study of the social, economic, cultural and political causes of racism and racial discrimination, and the second to bring the wording of operative paragraph 2 into line with that of the annex to General Assembly resolution 3057 (XXVIII) relating to the Decade for Action to Combat Racism and Racial Discrimination.

46. Referring to the draft resolution contained in document E/CN.4/L.1433, he proposed that, in operative paragraph 2, the words "whose military, economic and other forms of assistance" should be replaced by "whose military, economic, financial and other forms of assistance, including nuclear aid", so as to assist the Special Rapporteur in his task by making it more specific. He hoped that the sponsors would accept that amendment.

47. Mr. EL-SHAFEI (Egypt) said that his delegation had no objection to the amendments to draft resolution E/CN.4/L.1436 proposed in document E/CN.4/L.1438. However, with regard to the first amendment, he proposed that in the second line the words "non-respect of territorial integrity" should be inserted after the words "self-determination", and that in the fourth line the words "are root causes" should be replaced by "are among roots".

48. Mr. EL-FATTAL (Syrian Arab Republic) considered that the first amendment which had just been proposed by the representative of Egypt was constructive. However, he would prefer the replacement of the words "non-respect of territorial integrity" by the words "violation of the territorial integrity of States".

49. Mr. CHARRY SAMPER (Colombia) said that he wished to make a clarification with regard to resolution E/CN.4/L.1435, which had been adopted at the current meeting. His delegation, after abstaining in the vote on operative paragraph 5, which it regarded as ambiguous, had voted in favour of the resolution as a whole on the understanding that its provisions should not divert the Commission from its fundamental mission - the defence of human rights - and that no country would be able to invoke the existence of a revolutionary situation, a de facto situation or a state of underdevelopment, regardless of the degree of underdevelopment in order to justify the violation of human rights.

The meeting rose at 6.25 p.m.