



Chairman: Mrs. Helvi SIPILÄ (Finland).

AGENDA ITEM 54

Elimination of all forms of racial discrimination (*continued*) (A/8367 and Corr.1 and 2 and Add.1 and 2, A/8403, chap. XVII, sects. B and F; A/8418, A/8439, A/C.3/L.1871 to 1875):

- (a) International Year for Action to Combat Racism and Racial Discrimination: report of the Secretary-General;
- (b) Report of the Committee on the Elimination of Racial Discrimination;
- (c) Status of the International Convention on the Elimination of All Forms of Racial Discrimination: report of the Secretary-General

CONSIDERATION OF DRAFT RESOLUTIONS
(*continued*)

1. Mr. MOHAMMED (Nigeria) said that the time allowed for the sponsors of the draft resolution in document A/C.3/L.1874 to consider and try to incorporate the various modifications suggested had not been sufficient. He therefore proposed that the meeting should be adjourned at 5 o'clock so that the sponsors could continue their negotiations.

2. Many delegations felt that a vote at the present meeting would be premature and he understood that it would cause difficulties for delegations which were still awaiting instructions from their Governments. He accordingly suggested that none of the draft resolutions should be voted on at the present meeting.

3. He appealed to the sponsors of draft resolution A/C.3/L.1872 to allow draft resolution A/C.3/L.1874 to be put to the vote first, as it was longer, more comprehensive and more complicated, and called for wider and more decisive action. He noted in that connexion that some delegations had sponsored both draft resolutions. The procedure he was suggesting might save prolonged negotiations between both sets of sponsors.

4. Miss LIM (Malaysia) said that her delegation supported draft resolution A/C.3/L.1874 because of its outright condemnation of *apartheid* and of the countries which supported and encouraged South Africa by maintaining relations with it. Malaysia had been one of the first to sever relations with South Africa after the adoption of General Assembly resolution 1761 (XVII) and to refuse to trade with South Africa. The people of Malaysia were at one with the oppressed people of South Africa and her Government fully supported the efforts of the Organization of African Unity to root out the evil of *apartheid*.

5. Her delegation supported the idea of a convention on the suppression and punishment of the crime of *apartheid* as proposed in draft resolution A/C.3/L.1871. It agreed, however, with other delegations that the text in question was not strong enough in respect of enforcement measures and it therefore supported draft resolution A/C.3/L.1875, which proposed that the matter should be referred to the Commission on Human Rights and the Economic and Social Council.

6. She understood the Nigerian representative's concern over the possibility of conflict between draft resolutions A/C.3/L.1872 and A/C.3/L.1874 but thought that the question of priority need not arise, for the two draft resolutions were not mutually exclusive. Indeed, she endorsed the statement made by the representative of Senegal at the previous meeting explaining that they were complementary.

7. Her delegation considered that other forms of racial discrimination were just as abhorrent and degrading to human dignity as was *apartheid*. They had subtle and ingenious manifestations and were often harder to identify and to combat, but they were just as evil as *apartheid* and warranted the same attention. Her delegation supported draft resolution A/C.3/L.1872, particularly operative paragraphs 5, 6 and 7, because it was concerned with those less obvious forms of racial discrimination.

8. Her delegation also supported draft resolution A/C.3/L.1873.

9. Mr. RIOS (Panama) endorsed the views of the Nigerian representative. Draft resolution A/C.3/L.1874 was very important, especially section II, paragraphs 3 and 4, and section III, paragraphs 4 and 5, which involved Government commitments. Delegations could not vote until they had received instructions from their Governments. He supported the Nigerian proposal concerning voting and hoped that no draft resolutions would be voted on at either the present or the succeeding meeting.

10. What he had said applied also to the other draft resolutions, in particular the one contained in document A/C.3/L.1872, which he supported and which was to some extent related to draft resolution A/C.3/L.1874.

11. Mr. JONSSON (Iceland) said that the action proposed in draft resolution A/C.3/L.1872 was closest to the kind his Government advocated. His delegation was waiting for an indication of the extent of the Icelandic Government's support of that text.

12. Mr. PAPADEMAS (Cyprus) said that his delegation welcomed document A/C.3/L.1871, since it offered a draft

of a convention which had for long been only an idea. At the present stage he would make only preliminary comments. In article I, the idea of *apartheid* should be more clearly defined from the legal standpoint. Article II clearly defined the different acts to which the term *apartheid* applied and article III defined those responsible for the crime of *apartheid*, but neither article could be very effective in the absence of any international jurisdiction to deal with that crime. Articles IV and V were not sufficiently binding on States parties to the proposed convention.

13. He supported draft resolution A/C.3/L.1875, under which the draft convention would be transmitted to the Commission on Human Rights, but suggested that, since the text of the convention itself was only a preliminary draft, a provision should be incorporated in draft resolution A/C.3/L.1875 to the effect that account should be taken of the work of other competent bodies such as the Special Committee on *Apartheid*, the Special Political Committee and the International Law Commission.

14. He supported draft resolution A/C.3/L.1873, although it might have been stronger. With regard to the suggestion made at the previous meeting that a member of the Committee on the Elimination of Racial Discrimination should be present during the General Assembly's discussion of that Committee's report, he could not understand what the purpose would be. Since that Committee was composed of experts, not representatives of States, a member would not be empowered to answer questions or to offer comments or explanations.

15. Draft resolution A/C.3/L.1874 was on the whole a good resolution and more or less expressed the feelings of all members of the Committee, despite certain reservations on drafting. He felt, however, that the words "an international jurisdiction" in section II, paragraph 4, were not sufficiently clear. If the sponsors had in mind an international body with jurisdiction over crimes against humanity, it should be made clear, since the paragraph was linked with article V of the draft convention (A/C.3/L.1871) which it was proposed should be studied by the Commission on Human Rights.

16. With regard to criticisms of draft resolution A/C.3/L.1872, of which his delegation was a sponsor, he did not agree that it was weaker than draft resolution A/C.3/L.1874 or that it contained the same ideas: the two draft resolutions complemented one another. Draft resolution A/C.3/L.1872 expressed the almost unanimous feelings of the Committee and he expected that it would be adopted.

17. Mr. EL-FATTAL (Syrian Arab Republic) said that the Finnish draft resolution (A/C.3/L.1873) was clearly worded and well-founded and provided great encouragement to the Committee on the Elimination of Racial Discrimination to continue its work in the light of the experience it had acquired. He did not wish to submit an amendment to the draft, but agreed with the suggestion of several delegations that some kind of liaison should be established between that Committee and the General Assembly: perhaps channels could be established to enable a member of the Committee to attend meetings at which its report was being discussed.

18. His country was a sponsor of draft resolutions A/C.3/L.1874 and A/C.3/L.1875. With regard to the latter, which was, of course, concerned with the deferment of consideration of the draft convention, he thought that it should refer also to the deliberate imposition of mass exile from a country and the right of peoples to return to their own country and should include some formula which would cover the fact that the displacement of ethnic groups actually constituted *apartheid*.

19. Mrs. IDER (Mongolia) said she agreed with speakers who had argued that certain points reflected in draft resolution A/C.3/L.1872 were not in keeping with the tenor of draft resolution A/C.3/L.1874. In particular, operative paragraph 7 of the former draft was weak in comparison with the provisions of the latter, which called for increased moral and material support to all peoples struggling for their liberation and sought to mobilize world opinion in combating racism and racial discrimination. The programme envisaged in operative paragraph 7 of draft resolution A/C.3/L.1872 would be insufficient for the elimination of racial discrimination. Indeed, it was not always easy to ensure that public opinion was respected: for instance, although public opinion in the United Kingdom in general was against racial discrimination, the Government of that country continued to give support to the Smith régime in Southern Rhodesia.

20. In reply to a question by Mrs. DAES (Greece), Mr. MOHAMMED (Nigeria) said he thought that the vote on the resolution she had co-sponsored (A/C.3/L.1872) would probably take place immediately after the vote on draft resolution A/C.3/L.1874. He also drew attention to the fact that the latter document was dated 3 November 1971 and the former 4 November.

21. Mr. LÜTEM (Secretary of the Committee) said that the symbol A/C.3/L.1872 had been assigned to the draft which had been submitted to him on 27 October, but that the sponsors had wished to introduce a number of changes in the light of the debate. The final draft had been submitted within the time-limit set by the Chairman, namely, 3 November, but had not been processed until 4 November.

22. Mrs. DAES (Greece) added that copies of the draft which her delegation had co-sponsored had been circulated to the delegations of all the countries constituting the third world on 27 October. Nevertheless, if for reasons of prestige the sponsors of draft resolution A/C.3/L.1874 wished to have their text voted on before draft resolution A/C.3/L.1872, the sponsors of the latter text would have no objection.

23. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) agreed with the Cypriot and Syrian representatives that the draft convention (A/C.3/L.1871) could be improved and made even more effective as an instrument in the struggle against *apartheid*. He could support the draft resolution (A/C.3/L.1875) proposing the transmission of the draft convention to the Commission on Human Rights for further study. However, he did not think that the Committee could vote at the current meeting.

24. Mr. PENCHEV (Bulgaria), speaking as a sponsor of draft resolution A/C.3/L.1875, said that the Commission on Human Rights could of course address itself to other United Nations bodies and to non-governmental organizations for advice and help in its work on the draft convention, as it had done in other cases, such as that of

the preliminary draft international convention on the protection of journalists engaged in dangerous missions.

25. The CHAIRMAN observed that it appeared to be the consensus of the Committee that no votes should be taken at the current meeting.

The meeting rose at 4.45 p.m.