



SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. GARVALOV (Bulgaria)

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 67: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (A/35/371; A/C.3/35/L.3)

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AGENDA ITEM 75: 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 (A/35/146, A/35/65, A/35/419)

1. The CHAIRMAN invited Mrs. Santander-Downing, appearing on behalf of Mr. Van Boven, Director of the Division of Human Rights, who had been unable to attend the meeting, to introduce agenda items 66, 67, 74 and 75.
2. Mrs. SANTANDER-DOWNING (Secretary of the Committee) recalled in connexion with agenda item 66 that the General Assembly, after considering the question at its thirty-third session, had adopted resolution 33/23, in which it had reaffirmed the inalienable right of the oppressed peoples of southern Africa to self-determination and independence and the enjoyment of the natural resources of their territories. The General Assembly, after considering the report prepared by the Special Rapporteur, Mr. A. Khalifa, decided to consider the item at its thirty-fifth session as a matter of high priority. At its thirty-sixth session, the Commission on Human Rights, after considering the revised report of Mr. Khalifa containing a provisional list of banks, transnational corporations and other organizations assisting the colonial and racist régimes in southern Africa (E/CN.4/Sub.2/425 and Corr.1-3 and Add.1-7), had adopted resolution 11 (XXXVI), in which it requested all States which had not yet done so to take effective measures to end the supply of funds and other forms of assistance, including military and nuclear supplies and equipment, to the racist régimes and to put a stop to the trading, manufacturing and investing activities carried out by banks, transnational corporations and other organizations named in the list in the territories of the racist and colonial régimes of southern Africa.

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(Mrs. Santander-Downing)

3. In connexion with agenda item 67, she recalled that the General Assembly had proclaimed, in resolution 34/24, that the attainment of the objectives of the Programme for the Decade for Action to Combat Racism and Racial Discrimination and of the Programme of Action adopted by the World Conference in 1978 were matters of high priority. In that same resolution, therefore, the General Assembly had adopted a programme of activities to be undertaken during the second half of the Decade, providing, inter alia, for the organization of regional seminars on an annual basis and the preparation of studies on various subjects, such as the links between the struggle against racism and the struggle for self-determination in southern Africa, the situation of women and children living under the racist minority régimes in southern Africa, and the links between racial discrimination and inequalities in the fields of education, nutrition, health, housing and cultural development. The General Assembly had also suggested that a round-table of editors of newspapers concerned in informing public opinion about the evils of racism and racial discrimination should be convened.

4. Two regional seminars (one for the countries of the Economic Commission for Europe and another for those of the Economic Commission for Africa) and a round-table of university professors and directors of race-relations institutions had already been held.

5. The regional seminar held at Geneva in July 1979 to study the recourse procedures available to victims of racial discrimination had recommended, inter alia, that all groups and all persons, both citizens and non-citizens, should have access to recourse procedures, that the rules relating to the initiation of complaints should be simple and flexible in order to assist victims who were not familiar with the institutions and legal procedures of the country concerned, and that the victims of racial discrimination should receive legal aid.

6. The seminar held at Nairobi, Kenya, in May 1980, on political, economic, cultural and other factors underlying situations leading to racism, had recommended, inter alia, that all States should make the declaration provided for in article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination and recognize the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals claiming to be victims of racial discrimination; it had also recommended undertaking a study of the historical and current dimensions of tribalism in Africa.

7. The participants in the round-table of university professors and directors of race-relations institutions, held at Geneva in November 1979, on the subject of the teaching of problems of racial discrimination, had proposed that human-rights documents should be disseminated among minority groups in their own languages and that a specialized international centre should be established to provide co-ordination for the collection and dissemination of studies and teaching materials on the subject.

8. In connexion with agenda item 74, she recalled that the Committee on the Elimination of Racial Discrimination had formulated and adopted revised general guidelines concerning the form and content of reports by States Parties to the

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(Mrs. Santander-Downing)

International Convention on the Elimination of All Forms of Racial Discrimination and that the Commission on Human Rights, at its thirty-sixth session, had renewed its appeal to countries which had not yet done so to accede to the International Convention on the Suppression and Punishment of the Crime of Apartheid without delay. The Commission had also requested the Secretary-General to renew his invitation to the States Parties to the Convention which had not yet done so to suggest ways and means for the establishment of the international penal tribunal referred to in article V of the Convention and to transmit such suggestions to the Ad Hoc Working Group of Experts responsible for investigating violations of human rights in southern Africa in order that it might undertake a study on the establishment of the tribunal, in accordance with the mandate entrusted to it under resolution 12 (XXXVI) of the Commission on Human Rights. The Commission had requested the Ad Hoc Working Group of Experts to continue its compilation of the list of individuals, organizations, institutions and representatives of States deemed responsible for crimes enumerated in article II of the Convention or against whom or which legal proceedings had been undertaken.

9. Referring to item 75, she recalled that the principle of equal rights and self-determination was at the very heart of the United Nations Charter and that article 1 of each of the two international Covenants on human rights also embodied that principle, as had been emphasized by the Director of the Division of Human Rights in introducing the item before the Committee in 1979. The Director had added that self-determination and respect for human rights were devoid of meaning unless the right to development was also recognized; it was thus essential to establish a new international economic order.

10. General Assembly resolution 1514 (XV), resolutions 2, 3, 4 and 5 adopted by the Commission on Human Rights at its thirty-sixth session, and the fundamental studies prepared by Mr. Cristescu and Mr. Gros Espiell all bore witness to the fact that since 1968 self-determination had been a central concern of the Third Committee, the Economic and Social Council and the Commission on Human Rights. If a reminder were needed, Zimbabwe's independence could serve to indicate the importance of the support which the international community had given to peoples striving to exercise their inalienable right to self-determination in all its forms: political, economic, social, cultural, legal and, above all, human.

11. Ms. RICHTER (Argentina) said that, like the international community as a whole, her delegation found it extremely disturbing that the International Convention on the Elimination of All Forms of Racial Discrimination had not yet been ratified by all the States Members of the United Nations.

12. Referring to the situation in southern Africa, in particular to the acts of violence still occasioned by the illegal occupation of Namibia and to the continuing armed attacks in the region, she said that her delegation felt particular concern at the delays encountered by the United Nations missions entrusted with implementing the Security Council's resolutions on Namibia aimed at bringing about a cease-fire and putting an end to the illegal administration of the Territory by South Africa.

13. Nevertheless, a distinction should be drawn between military aid to South Africa and other kinds of relations with it, some of which were essential if the

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(Ms. Richter, Argentina)

various political systems involved were to begin a dialogue that could lead to the establishment of peace and the strengthening of international security, in accordance with the provisions of the Charter of the United Nations. One of the effects of diplomatic relations was precisely that of lessening the gulf between those on opposing sides of international disputes. It must be borne in mind that diplomatic exchanges could facilitate the elimination of apartheid and the realization of the right to self-determination in Namibia, as they had in Zimbabwe. Nor should it be forgotten that the process of decolonization successfully accomplished within the United Nations had in many cases taken place peacefully because there had been a dialogue with the colonial Powers; the severing of diplomatic relations would make such a dialogue impossible.

14. As for the right of peoples to communicate with one another, certain principles had to be borne in mind when considering relations between certain countries or societies and the colonialist and racist régimes of southern Africa. The very existence of a country, whatever its Government and its official policies, implied the maintenance of relations with the press and other information media. Argentina believed that telegraphic, air and postal links should also be maintained. The international community, which had recognized the validity of that principle with regard to land transport in the case of countries which would be partially or totally cut off from the rest of the world if they implemented a policy of isolating South Africa, should adopt a similar position towards those countries which would be hard pressed to maintain their international air links without routes passing through South Africa.

15. The elimination of racism, to which the international community accorded high priority, was all the more urgent because the maintenance of a fragile world peace depended on it. It should therefore be one of the main priorities of the United Nations, in accordance with Economic and Social Council resolution 1980/7. The programme of activities which the Committee on the Elimination of Racial Discrimination was to undertake during the second half of the Decade for Action to Combat Racism and Racial Discrimination, in implementation of the provisions of General Assembly resolution 34/24, required that the available resources should be redistributed and that the secretariats involved should prepare, by the deadlines established, those studies and seminars which had been approved. Her delegation would like to know what stage had been reached in the consultations with the Governments of Latin American countries to determine the subject-matter, place and date of the regional seminar for Latin America and to begin preparations for it. It believed, furthermore, that the Committee on the Elimination of Racial Discrimination could and should collaborate in the preparations for the conference, which was scheduled for the end of the Decade.

16. The published documents on the work of that Committee were certainly useful, but it was through attendance at its meetings that representatives of Member States would become fully aware of the efforts it was making to ensure implementation of the Convention, the obstacles encountered in the course of that implementation, and the need for constant vigilance to eliminate and prevent racism.

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(Ms. Richter, Argentina)

17. The work of the Committee on the Elimination of Racial Discrimination was of particular importance in the case of colonial Territories, concerning which it had requested further information. The request, contained in that Committee's report on the work of its twenty-second session, related in particular to Atlantic and Pacific islands under the trusteeship of certain Powers. The Committee on the Elimination of Racial Discrimination could discharge its duties only if it received the necessary information, which often did not reach it, even when States parties submitted the information; specific action should be taken to resolve the difficulties it encountered in that regard.

18. Mr. VOLLERS (Federal Republic of Germany), speaking on item 75, said that the granting of independence to Zimbabwe was one of the major successes recently achieved in the realization of the right of peoples to self-determination. However, military strikes and violations of the right to self-determination and independence had not ceased. A number of problems still awaited a solution. The international community must therefore continue to see to it that the right to self-determination was respected by all States. The Federal Republic of Germany was willing to assist other States in securing and protecting their right to self-determination.

19. A newly independent country must be genuinely able to determine its own political, economic and cultural development. It was incumbent upon the international community to ensure that traditional colonialism was not replaced by colonialism based on ideology and a new policy of domination.

20. The Federal Republic of Germany attached the greatest importance to partnership on equal terms, especially with the young States of the world, and to dialogue between industrialized and developing countries. New States could ensure their right to self-determination only if they enjoyed sound economic development.

21. According to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, the right to self-determination basically meant that peoples freely determined their political status and freely pursued their economic, social and cultural development. A nation must therefore be afforded the opportunity to express its will in free elections. The right to self-determination could be fully exercised only if the individual enjoyed his basic rights and fundamental freedoms, including freedom of speech, information, assembly and association.

22. The Federal Republic of Germany, which supported legitimate struggles for the realization of the right to self-determination in all parts of the world, demanded that right for the German people, divided against its will. It was the avowed goal of its policy to work for a state of peace in Europe in which the German nation would recover its unity in self-determination.

23. The CHAIRMAN said that he intended to close the list of speakers on items 67, 74, 66 and 75 on Tuesday, 30 September, and urged representatives to place their names on the list without delay.

The meeting rose at noon.