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THIRD COMMITTEE
9th meeting
held on
Tuesday, 6 October 1981
at 3 p.m.
New York

SUMMARY RECORD OF THE 9th MEETING

Chairman: Mr. O'DONOVAN (Ireland)

later: Mrs. MASMOUDI (Tunisia)

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TRIBUTE TO THE MEMORY OF HIS EXCELLENCY MR. ANWAR EL SADAT, PRESIDENT OF THE ARAB REPUBLIC OF EGYPT

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The meeting was called to order at 3.10 p.m.

AGENDA ITEM 74: IMPLEMENTATION OF THE PROGRAMME FOR THE DECADE FOR ACTION TO COMBAT RACISM AND RACIAL DISCRIMINATION (continued) (A/36/75, A/36/116 and Corr.1, A/36/515; A/C.3/36/L.3)

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AGENDA ITEM 82: ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (continued) (A/36/116 and Corr.1, A/36/138, A/36/421, A/36/566)

- (a) REPORT OF THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (A/36/18)
- (b) STATUS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION: REPORT OF THE SECRETARY-GENERAL (A/36/453)
- (c) STATUS OF THE INTERNATIONAL CONVENTION ON THE SUPPRESSION AND PUNISHMENT OF THE CRIME OF APARTHEID: REPORT OF THE SECRETARY-GENERAL (A/36/454 and Add.1)

1. MR. WALKATE (Netherlands) said that his delegation had taken note with great interest of the report of the Committee on the Elimination of Racial Discrimination (CERD) (A/36/18), which was before the Third Committee under agenda item 82. The Netherlands Government had been required to report in 1981 on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and it had had the honour to be invited to be represented at the twenty-fourth session of CERD. The Netherlands had not concealed in its fifth periodic report the fact that, while Netherlands society as a whole was relatively tolerant, there was some discrimination against ethnic minority groups. Although most of those cases of discrimination could be dealt with in the courts, prevention was of course better than cure and the Netherlands Government, which had done a considerable amount of research on the subject, therefore felt strongly that the results of the research would enable it to pursue an active policy to combat racial discrimination and that criminal law was not the only means available to it for eradicating that evil.

2. His delegation was grateful for the attention given by members of CERD, at the twenty-fourth session, to a specific question posed by the Netherlands representative as to whether the Convention required racial discrimination to be incorporated in the Civil Code as a separate and independent ground for the dissolution of a legal person. His Government found the views expressed on that subject to be clear and helpful and it was currently considering the possibility of making racial discrimination a specific ground for the dissolution of legal

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persons. Moreover, it wished to propose that CERD consider drawing the attention of States parties to the possibility of requesting an "advisory opinion," as the Netherlands itself had done twice.

3. An excellent proposal had been made to the effect that each member of CERD be designated as a rapporteur to examine a country report; the members of that Committee would then be better able to follow any progress made in the implementation of the Convention.

4. Following the example of the Human Rights Committee, which had recently adopted "general comments," CERD might consider whether it would be advisable and feasible to adopt, firstly, general recommendations on implementation of the Convention and reporting by States and, secondly, suggestions relating to measures which specific States parties could take in order to eliminate racial discrimination. Such action could be based on article 9, paragraph 2, of the Convention, which stated that CERD could "make suggestions and general recommendations based on the examination of the reports and information received from the States parties." It would seem that a period of 12 years, over which 40 States parties had submitted six periodic reports, was a sufficiently long period of time for forming an opinion as to progress made in the implementation of the Convention. Any general recommendation which CERD would be able to adopt on that subject might provide guidance to other States which had not been parties for such a long time.

5. Since the thirty-fifth session of the General Assembly, the Netherlands Government had been engaged in persuading other States parties to make the declaration under article 14 and thus recognize the competence of CERD to receive and consider communications from individuals or groups of individuals within its jurisdiction. He was very happy to note that since the previous year Iceland had made that declaration, bringing to eight the number of States bound by declarations made in accordance with the provisions of article 14. However, CERD would not be competent to perform the functions specified in article 14 until 10 States had made the declaration. The Netherlands Government therefore appealed again to all States parties to the Convention to make the declaration and become parties to the Optional Protocol to the Covenant on Civil and Political Rights. In view of the encouraging responses to its bilateral contacts in that connection, it was convinced that it would be possible for article 14 to enter into force before too long. He therefore considered that it would be wise for CERD to devote some time at its next session to the drafting of a new chapter of its rules of procedure concerning communications from individuals or groups of individuals within its jurisdiction.

6. Lastly, he wished to stress the need to continue the fight against the most pernicious discriminatory system in existence - the apartheid system in South Africa. It was to be hoped that one day there would be a different South Africa, which would be able to become a party to the International Convention on the Elimination of All Forms of Racial Discrimination.

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7. Miss SLATTERY (Ireland) said that her country was strongly committed to the realization of the objectives of the Decade for Action to Combat Racism and Racial Discrimination. Self-determination and racism were issues which were central to every nation's concerns, because they affected a nation's concept of itself and of its relations with the rest of the world. Since 1960, more than 50 countries including, most recently, Vanuatu and Belize, had acceded to independence and taken their place among the States Members of the United Nations, but others had still to achieve the goal of self-determination. The latter included Namibia, whose fate had most preoccupied the United Nations. At the end of 1980, South Africa had seemed ready to remove the obstacles which it had placed in the way of the Territory's independence and the path had appeared open for execution of the plan approved by the Security Council in its resolution 435 (1978). However, at the preliminary discussion held at Geneva in January 1981, South Africa had declared that it would be premature to proceed with the implementation of the plan, and recent developments could only give rise to apprehension as to the South African Government's ultimate objectives. Nevertheless, the joint statement of 24 September 1981 by the Foreign Ministers of the Contact Group of five Western States gave hope for a resumption of the negotiations.

8. With regard to South Africa itself, Ireland utterly rejected the attempts of the apartheid regime to justify an organization of society based on the separation of races. While racism persisted in many parts of the world, nowhere else was it developed into such a highly-organized political system as in South Africa. That system brought only suffering to the majority of the population, since it could be implemented only through repression, it required rigid application of the pass laws, imposition of banning orders and the pursuit of Bantustanization. Although the South African Government continued to suppress all efforts to secure a democratic society in South Africa, apartheid was doomed to failure and it was the duty of the international community to increase pressure on the regime in order to oblige it to change its policy.

9. Turning to the question of Palestine, she said that the right to self-determination was being called into question in the Middle East, and reiterated her country's belief that any solution to the Palestinian problem must be based on two fundamental principles: the right to existence and the right to security of all States in the region, including Israel, and the requirement of justice for all, including respect for the Palestinians' right to self-determination within the framework of a peace settlement negotiated by all parties concerned, including PLO.

10. The Irish Government had many times declared its view that settlement of the problem of Kampuchea required the withdrawal of foreign troops, the restoration of friendly relations with the other countries of the region and the granting of international assistance for reconstruction. It endorsed the declaration of the International Conference on Kampuchea held in July in New York, and hoped that the countries whose cooperation was essential to a solution would examine the declaration again and agree to join with the other members of the international community in advancing towards a peaceful solution of the question.

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(Miss Slattery, Ireland)

11. The Afghan people was also subjected to foreign occupation and denied its legitimate right to self-determination. Traditionally neutral and non-aligned, Afghanistan should be afforded the opportunity to pursue the course which it had adopted. The Irish Minister for Foreign Affairs had already expressed support for the initiative of the European Economic Community in that regard.

12. Mr. RAKOTOMALALA (Madagascar) recalled that under the Programme for the Decade for Action to Combat Racism and Racial Discrimination, measures had been taken at the international and national levels to prevent the appearance of all forms of racial discrimination and to combat them where they already existed. As stated in the reports of the Ad Hoc Working Group of Experts on Violation of Human Rights in southern Africa to the Commission on Human Rights, there were no signs of favorable developments in South Africa or Namibia. Indeed, the Pretoria authorities seemed determined to perpetuate their policy of apartheid in those Territories. Strengthened by the political, diplomatic, military and economic support given to it by certain Powers, the Pretoria regime was not content merely to pursue its policy, but was posing as the champion of Western interests in that part of the world and intensifying its repression of the African majority while conducting a propaganda campaign aimed at equating liberation movements with terrorist groups. Such activities could only strengthen the determination of the freedom fighters, whom progressive Governments and peoples supported by granting them political, material and other assistance. The Security Council should adopt comprehensive, mandatory sanctions against South Africa, in accordance with Chapter VII of the Charter.

13. His delegation fully supported draft resolution A/C.3/36/L.3, since implementation of the objectives of the Programme for the Decade was a priority for the international community. Having voted in favor of the convening of a Second World Conference to Combat Racism and Racial Discrimination, his delegation was prepared to assist in the adoption of specific measures aimed at ensuring full, universal implementation of the relevant decisions and resolutions of the United Nations.

14. Twenty-one years after the adoption of the Declaration on the Granting of Independents to Colonial Countries and Peoples, there still exists peoples under colonial domination struggling for national liberation. The exercise of the right of peoples to self-determination was a prerequisite for the exercise of other rights and it was legitimate for peoples under colonial and foreign domination to struggle by all means at their disposal, including armed struggle, to recover their independence.

15. As witness the admission of new Members to the Organization, decolonization was an irreversible phenomenon. It was to be expected that the Saharan, Namibian and Palestinian peoples would soon join the concert of free and independent peoples. In Western Sahara, the decision taken by the OAU Implementation Committee on Western Sahara, established by that organization at its latest session, to organize a referendum on self-determination was a positive development, and it was to be hoped that the Saharan people would be able freely to express their will and determine their future.

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(Mr. Rakotomalala, Madagascar)

16. The United Nations was responsible for achieving Namibian independence, which should be granted to the Namibian people under the aegis of SWAPO, its authentic representative. In the Middle East the Palestinian peoples' right of return, its right to self-determination and its right to form an independent, sovereign State in Palestine were supported by an increasingly broad consensus within the international community. The acts of aggression perpetrated by the Tel Aviv authorities against the Palestinian refugees merely demonstrated the legitimacy of the struggle which the Palestinian people was waging for the exercise of its inalienable rights. With the political, moral and material support of countries attached to peace, justice and freedom, all struggling peoples would come to enjoy sovereignty and independence.

17. Education was of great importance in eliminating the scourge of racism and racial discrimination. Given the enormity of the task, any initiative which could be taken to promote human rights in that field was welcome.

18. Miss SHARPE (Jamaica) said that the report on education activities and activities of the mass media in the fight against racism and racial discrimination (A/36/75) was most informative. Her delegation supported the recommendations by UNESCO contained in that document. Jamaica also supported the recommendations made by the Economic and Social Council in document A/C.3/36/L.3, relating to the preparations for the Second World Conference to Combat Racism and Racial Discrimination. It was regrettable that the results of the 1978 World Conference had not led to a general consensus and that a major part of the Programme of Action had thus not been implemented. In view of the number of its nationals working abroad, Jamaica attached great importance to implementation of the Programme of Action and trusted that the Second World Conference would not meet the same fate as the first.

19. Her delegation was pleased to note that the number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination was increasing, and trusted that the same would be true of the International Convention on the Suppression and Punishment of the Crime of Apartheid. Sanctions should be adopted against the South African regime to isolate and eliminate that iniquitous system.

20. Welcoming the delegation of Vanuatu and Belize, her delegation regretted that the right of self-determination was still denied to the people of Namibia because of the occupation of that Territory by South Africa. Only strict observance of the principles contained in United Nations resolutions, and particularly Security Council resolution 435 (1978), would allow a peaceful transition to independence in the Territory.

21. Mrs. Masmoudi (Tunisia) took the Chair.

22. Mr. ELNUR GAWISH (Sudan) said that, despite all the resolutions in which the United Nations had denounced racism as a crime against humanity, and since the adoption by the General Assembly of resolution 103 (I) of 19 November 1946, according to which it was in the higher interests of humanity to put an end to persecution and discrimination, South Africa was continuing its racist policy against the black majority. The United Nations was not responsible for

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(Mr. Elnur Gawish, Sudan)

that state of affairs; the responsibility lay with those countries which, although able to act, continued to collaborate with the Pretoria regime. The support given by certain States, and their reluctance to implement the decisions of the international community calling for a boycott of South Africa, allowed the Government of that country to ignore the appeals made to it.

23. As an African country, the Sudan understood better than others the sufferings the blacks in South Africa. Aware of the seriousness of the danger which that racist policy represented for international peace and security, it had participated in all the congresses and conferences on the elimination of racial discrimination and apartheid, including the International Conferences on Sanctions against South Africa, held in May in Paris. His delegation wished to draw everyone's attention to the growing collusion between Pretoria and Tel Aviv which, all the available evidence indicated, was effected in cooperation in every field, particularly the nuclear field. The international community should put pressure on those two regimes and isolate them, since they threatened peace not only in Africa and the Middle East, but throughout the world.

24. His delegation denounced and rejected the policy of bantustanization, which South Africa termed "gradual change" in an effort to convince the international community that it was taking measures to improve the lives of the black majority, but which was, as everyone knew, merely a new form of discrimination. The Sudan refused to be deceived by South Africa's attempts to appease the world's conscience, and denounced the silence of certain Western states about the policy of deporting the black majority to bantustans. The international community should declare such measures null and void at the current session, and ensure that comprehensive, mandatory sanctions were adopted against South Africa in accordance with Chapter VII of the Charter.

25. The Sudan, which was convinced that the right to self-determination was a natural right of peoples, welcomed the heroic struggle of the black majority in South Africa, as well as that of all peoples striving to obtain respect for their right to self-determination. He appealed to the international community to support all liberation movements in Africa and the Arab world.

26. Mr. O'Donovan (Ireland) resumed the Chair.

27. Mrs. ITGEL (Mongolia) said that the Mongolian People's Republic pursued a policy of systematic support for peoples struggling for liberation and against racism; it was for that reason that the Mongolian Government was striving to assist in the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination. Mongolia was among the first States to become parties to the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity and the International Human Rights Covenants. The Committee on the Elimination of Racial Discrimination, had, moreover, declared itself completely

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(Mrs. Itgel, Mongolia)

satisfied with the periodic reports of the Mongolian People's Republic. Her country implemented all the United Nations resolutions on the struggle against racism and scrupulously respected the Security Council decisions aimed at isolating racist and colonial regimes.

28. It had to be noted that, in spite of the many resolutions and decisions adopted on the subject, the help accorded by certain Western States and by a considerable number of transnational companies to the South African racist regime was enabling it to perpetuate the system of apartheid and its illegal occupation of Namibia. She recalled, in that connexion, the declaration adopted by participants in the seminar held in London in April 1981 to the effect that any State which gave direct or indirect aid to South Africa in the nuclear and military field shared responsibility with that country for the crime of apartheid, the occupation of Namibia and the Attacks on the front-line States. The International Conference on Sanctions against South Africa, held in Paris in May 1981, had likewise condemned States which were contributing to the continuance of the racist regime's policy of aggression by giving it their support. What then was to be thought of the warm words addressed by President Reagan to South Africa in April and August 1981? It was thanks to its ties of friendship with the Regan administration that South Africa had been able to intervene in Angola and occupy a part of that country's territory. The transnational companies were contributing to the growth of the regime's military strength and to the perfecting of its nuclear weaponry; were they also contributing therefore, even if indirectly, to its systematic acts of terrorism and its attacks against other sovereign States. Consequently, it was important that all States should undertake to implement the relevant United Nations resolutions, isolate the racist regime completely, impose an embargo on arms destined for South Africa and institute comprehensive economic sanctions against the South African regime.

29. All States should likewise ratify the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid; it was surprising that a number of State which boasted about their enlightened laws had still not done so: the United States of America had not ratified the International Convention on the Elimination of All Forms of Racial Discrimination and certain other Western countries had not ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid. The Mongolian People's Republic, for its part, unreservedly supported the draft resolution on the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination (A/C.3/36/L.3).

30. The Exercise of the peoples' right to self-determination and independence was a prerequisite for the exercise of all other human rights; that was a recognized principle of international law. Nevertheless, 20 years after the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, there still remained peoples, notably in South Africa, Namibia and Palestine, who could not exercise that inalienable right. The Mongolian People's Republic unconditionally supported the struggle waged by the Namibian

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(Mrs. Itgel, Mongolia)

people for self-determination under the leadership of SWAPO, its only genuine representative, and was in favor of adopting comprehensive sanctions against the South African regime. Mongolia likewise supported the just struggle of the Palestinian people and considered that there could be no lasting peace in the Middle East until the Palestinian people was given the opportunity to exercising its inalienable right to self-determination and the right to create its own State, and until Israel abandoned its policy of aggression and withdrew its troops from the occupied Arab Territories. Mongolia also asked that the small Trust Territories should be given the chance without delay to exercise their right of self-determination in accordance with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

31. Mrs. SOW (Guinea), speaking on agenda items 74, 81 and 82, welcomed the presence at the United Nations of delegations from Vanuatu and Belize, which were taking part for the first time in the deliberations of the General Assembly as independent and sovereign States.

32. The international community could rejoice in the tangible results achieved in the struggle against racism thanks to the awakening and general mobilization of international public opinion, but it should nevertheless be recognized that the implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination still called for sustained efforts. In that respect, the international community should be reminded of the need to ensure complete implementation of the Declaration of the World Conference to Combat Racism and Racial Discrimination, which the General Assembly had endorsed in its resolution 33/100 of 16 December 1978.

33. The Guinean Government had always been and still remained heedful of the legitimate desire for freedom and independence of colonial countries and peoples struggling against foreign domination and gave them its unconditional support.

34. In pursuance of United Nations resolutions and in the framework of African solidarity, Guinea's universities were open to South African and Namibian students and cadres. Similarly, Guinea's information services were helping to alert national and international public opinion to the struggle being waged by the liberation movements and to the crimes of the hateful system of apartheid.

35. While recognizing the valuable contribution which the United Nations was making to decolonization, the Guinean Government considered that the effective guarantee and observance of the Guinean people's human rights were inseparable from the exercise of its inalienable right to a national existence, to the affirmation of its national personality, and to dignity and development. She observed, moreover, that the adoption by the African States of an "African Charter on Human and Peoples' Rights" under the aegis of the Organization of African Unity, showed the African States' political will to work together to affirm their collective personality and to rehabilitate and enhance the creative genius of the continent.

(Mrs. Sow, Guinea)

36. In Guinean society, human rights were the fruit of a desperate struggle against foreign domination and they expressed the common ideal of all social strata. The Guinean Democratic Party ensured the responsible participation of all citizens in the process of national development and offered everyone the same possibilities of advancement without any discrimination. The Guinean Government also offered foreigners legal guarantees which allowed them to exercise their fundamental rights and freedoms. Guinea's accession to the various international legal instruments prohibiting racism and racial discrimination was therefore clearly in line with the Guinean Government's national policy.

37. Despite the noble ideal expressed in those legal instruments, there were those who were trying to impede their full implementation at the international level. Although the United Nations had solemnly condemned apartheid, that crime against humanity, certain Western Powers, which had adopted a policy of rapprochement with the South African regime and thus displayed their disdain for African freedoms and dignity, were cynically placing the national liberation struggle on a par with Pretoria's state terrorism and deliberately encouraging South Africa's aggression against neighboring States. It was deplorable that it should be those very Powers upon which the Charter had conferred a special responsibility for safeguarding international peace and security that were flouting the realization of the goals of the United Nations. The international community's immediate responsibility was to redouble its efforts to radicalize the struggle it was waging against the racist regime of South Africa, which was obstinately defying the United Nations.

38. Mr. TE SUN HOA (Democratic Kampuchea), speaking in exercise of the right of reply, said that at the Committee's eighth meeting, earlier in the day the representative of Viet Nam had arrogated to herself the right to speak for the Kampuchean people, justifying that action by what she had termed the "historic ties" between the peoples of Kampuchea, Laos and Viet Nam. He therefore felt bound to point out that it was to the Hanoi authorities' armed aggression against Kampuchea on 25 December 1978 that the deaths of over 2.5 million Kampucheans were to be attributed. The presence of the Vietnamese army was still depriving the Kampuchean people of its inalienable right to self-determination and threatening the nation's very existence.

39. Through its strategy of "Indo-Chinese federation," the Vietnamese Government, which had an army of 60,000 in Laos, was likewise preventing the Lao people from exercising its inalienable right to self-determination. Since July 1977, the Vietiane regime had been merely a puppet of the Hanoi authorities.

40. In Viet Nam itself, the Vietnamese Government was pursuing a policy of oppressing minority populations. In South Viet Nam 4 million Kampucheans had been subjected to a merciless policy of Vietnamization since being annexed by Viet Nam. In Central Viet Nam the Cham was being persecuted and driven from their lands, and the same fate was meted out to other highland minorities.

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(Mr. Te Sun Hoa, Democratic Kampuchea)

41. Viet Nam's aggression against his country had however been a failure in practice. As matters stood, the morale of the Vietnamese soldiers was lower than ever before, and within the Vietnamese army dissensions, mutinies and desertions were innumerable. Universally condemned and totally isolated, the Government of the Socialist Republic of Viet Nam was therefore trying to obtain at the international level what it had failed to gain in the field.

42. At the previous two sessions of the General Assembly, the international community had adopted, by an overwhelming majority, resolutions 34/22 and 35/6, in which it had condemned Viet Nam's aggression against Kampuchea. In its resolutions 29 (XXXVI) and 11 (XXXVII), the Commission on Human Rights had denounced the Hanoi authorities for having deprived the Kampuchean people of its inalienable right to self-determination. The Economic and Social Council had also taken decisions on the same lines. It was not with justice alone that concerned those bodies were the fact was that Viet Nam's criminal aggression was clearly contrary to the fundamental principles of the United Nations and to international law and morality, and was a grave threat to world peace and security.

43. If, as they claimed, the Hanoi authorities truly wanted what was good for the Kampuchean people, they should heed the appeal of the international community to apply the relevant General Assembly resolutions and withdraw all their troops from Kampuchea. Only thus could the peace and stability necessary for the enjoyment by all the peoples of the region, including the Vietnamese people, of the right to real self-determination, be restored.

TRIBUTE TO THE MEMORY OF HIS EXCELLENCY MR. ANWAR EL SADAT, PRESIDENT OF THE ARAB REPUBLIC OF EGYPT.

44. The CHAIRMAN, speaking on behalf of the members of the Committee, announced that the death of His Excellency Mr. Anwar El Sadat had been confirmed officially and requested the representative of Egypt to convey his condolences to the Egyptian Government and people and to the family of the deceased.

45. At the Chairman's invitation, members of the Committee observed a minute of silence in tribute to the memory of His Excellency Mr. Anwar El Sadat, President of the Arab Republic of Egypt.

46. Miss NAGA (Egypt) said that her delegation had been deeply grieved to learn of the death of President Sadat, who had been assassinated on the very day when the declaration of war of October 1973 was being commemorated. President Sadat, who had been universally admired, had dedicated his life to the realization of the noble aims in which he had believed and had tried to bring about peace, justice and peaceful coexistence in a region of the world where tension and political instability had prevailed for 30 years, threatening international peace and security. The death of a leader of such stature was a cruel loss for the Egyptian people and for all peace-loving peoples.

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(Miss Naga, Egypt)

47. She thanked the Chairman and officers of the Third Committee and all the delegations which had expressed their condolences to her delegation.

48. Mr. ELNUR GAWISH (Sudan) expressed his delegation's condolences to the Egyptian delegation and asked it to convey them to the family of the deceased and to the Egyptian people.

The meeting rose at 4.50 p.m.